

PLANNING APPLICATIONS COMMITTEE

Tuesday, 15th February, 2011

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 15th February, 2011, 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***

Membership (18)

Conservative (16): Mr R E King (Chairman), Mr J F London (Vice-Chairman),
Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr J A Davies,
Mr T Gates, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby,
Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr C P Smith,
Mr K Smith and Mr A T Willicombe

Liberal Democrat (1): Mr M B Robertson

Independent (1): Mr R J Lees

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 - 20 January 2011 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/10/3056 - Renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces at Blaise Composting Facility, Kings Hill, West Malling; New Earth Solutions (Kent) Ltd and William Riddle (Pages 7 - 32)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal CA/10/1790 - State of the art educational building together with outdoor sports pitches, a new three court multi-use games area, new parking provision, drop-off zones, new circulatory access and landscaping and ancillary works for Spires Academy at Land at Bredlands Lane, Westbere, Canterbury; KVV Children, Families and Education (Pages 33 - 62)

2. Proposal DO/10/507 - Removal of a mobile classroom unit and construction of a single storey building at Goodnestone CEP School, The Street, Goodnestone, Canterbury; Governors of Goodnestone CEP School (Pages 63 - 78)
3. Proposal SE/10/1416 - Multispan green house and roof garage at The Milestone School, Ash Road, New Ash Green; Governors of The Milestone School (Pages 79 - 88)
4. Proposal TW/10/3477 - Mew Maths, English and Languages building on The Mascalls School site providing 24 new classrooms, 2 media suites, hall and dining area, kitchen, servery, staff area and toilet provision. Demolition of existing A Block at Phase 2 of the development at The Mascalls School, Paddock Wood; Governors of The Mascalls School (Pages 89 - 114)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Environmental Impact Assessment Regulations 1999
5. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)

Monday, 7 February 2011

KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 20 January 2011.

PRESENT: Mr R E King (Chairman), Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith, Mr K Smith and Mr A T Willicombe

ALSO PRESENT:

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Team Leader - County Council Development), Mr R White (Transport and Development Business Manager), Mrs L McCutcheon (Senior Solicitor) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**1. Minutes - 7 December 2010**

(Item 4)

(1) In respect of Minute 61, the Head of Planning Applications Group reported the detailed grounds for refusal of Application MA/10/167 (Straw Mill Hill, Tovil). The Committee agreed to record these grounds in the Minutes of this meeting.

(2) RESOLVED that:-

- (a) the Minutes of the meeting held on 7 December 2010 are correctly recorded and that they be signed by the Chairman; and
- (b) the detailed grounds for refusal of Application MA/10/167 be noted as set out below:-
 - (i) The development would undermine the character and distinctiveness of the local area and fails to deliver a high quality built environment contrary to the objectives of sustainable development and urban renaissance. It is therefore contrary to the objectives of Planning Policy Statement 1: Planning for Sustainable Development 2005 (PPS1), Planning Policy Statement 10: Planning for Sustainable Waste Management, July 2005 (PPS10) and policies CC1, CC6 and BE1 *I and v) of the South East Plan, May 2009.
 - (ii) No case of need for the development at this particular site has been demonstrated sufficient to override and justify the material harm being caused to the character and amenity of the area. The proposal is therefore contrary to Policy W6 of the Kent Waste Local Plan, 1998.

2. Site Meetings and Other Meetings

(Item A4)

(1) The Committee agreed to visit the site of the proposed cremation unit for fallen agricultural livestock T Pett Farm, Charing on Tuesday, 15 March 2011; and that its next training session would be held on Tuesday, 12 April 2011.

3. Revised and updated Validation Requirements for Planning Applications

(Item B1)

RESOLVED that:-

- (a) the responses received and the proposed revisions be noted together with the updates to the County Council Development and Waste Planning Applications Validation Documents;
- (b) the Head of Planning Applications Group be authorised to publish the revised and updated Validation Documents on the County Council's website; and
- (c) delegated authority be given to the Head of Planning Applications Group to undertake the more regular updating of the references to current policy documents and the technical and policy guidance cited in the Validation Documents, to ensure that they remain technically up to date in between further formal reviews of the contents.

4. Recorded Voting at Planning Application Committee meetings

(Item B2)

(1) The Committee agreed in the light of comments made at the meeting that the Chairman of Selection and Member Services Committee would be requested to agree to the withdrawal of this item from that Committee's agenda. This would enable further consideration to take place on this and a number of related issues, resulting in a report being brought to a future meeting of the Committee.

(2) RESOLVED that:-

- (a) Selection and Member Services Committee be requested to not consider this matter at its next meeting;
- (b) a further report be made to a future meeting of the Committee giving more detailed consideration of this and related issues.

5. Proposal SH/09/534 - New 0.5 FE Primary School for Seabrook CEP School with associated playing field, parking and turning facilities, access road and new level games pitch at land off Eversley Road, Seabrook, Hythe; KCC Children, Families and Education

(Item D1)

(1) Mr R A Pascoe informed the Committee that he had already considered and voted on this application as a member of Shepway DC. He therefore took no part in the decision making process for this item.

(2) The Head of Planning Applications Group informed the Committee of the views of the Local Member, Mr C J Capon in support of the application.

(3) In agreeing the Head of Planning Applications Group's recommendations, the Committee agreed to the inclusion of Conditions clarifying hours of use within the Community Use Scheme; and to dog bones (white access markings) being considered for the neighbouring properties.

(4) RESOLVED that the proposal be referred to the Secretary of State and that subject to him giving no direction to the contrary permission be granted subject to conditions, including conditions covering a 5 year time limit; the development being carried out in accordance with the permitted details; details of external materials being submitted; details of external lighting being submitted; the sports pitch being constructed in accordance with the levels provided; detailed proposals for installing acoustic fencing for the sports pitch and implementation if wanted by the immediately adjacent property occupiers; submission of a Community Use Scheme for the level games pitch (including clarification of hours of use); details of a Sustainable Urban Drainage System being submitted; a scheme of landscaping, its implementation and maintenance (including evergreen planting to the southern boundary) being submitted; a Habitat Management Plan being submitted; the development being undertaken in accordance with the recommendations made in the submitted ecological surveys; the submission of provisions for the protection of nesting birds; the provision of 'School Keep Clear' road markings; the provision and retention of car parking, cycle parking and turning area as indicated; the preparation, implementation and ongoing review of a Revised School Travel Plan; restrictions on the hours of working during construction; details of a Construction Management Strategy being submitted; details of parking for site construction personnel being submitted; and the possible provision of dog bones (white access marking) for the neighbouring properties.

6. Proposal AS/10/512 - 2 FE primary School and Day Nursery provided as part of the overall development of the former Rowcroft and Templar Barracks site, Repton Avenue, Ashford; KCC Children, Families and Education
(Item D2)

(1) The Head of Planning Applications Group reported that although Ashford BC had not formally considered the amended application, informal discussions between its Officers and Planning Committee Members strongly indicated that there were no outstanding objections to the proposal.

(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; the submission for

approval of details of all external materials; clear glazing being provided and maintained to the street elevations unless otherwise approved by the County Planning Authority; provision of all the communal spaces which form the central hub, including the small hall as part of Phase 1 of the building as shown on the phasing drawing; the development meeting the BREEAM rating of 'Very Good'; the submission for approval of details of the electricity substation and enclosure; the submission for approval of details of finished floor and site levels; the submission for approval of details, implementation and subsequent maintenance of landscaping proposals, including gates, fencing and boundary treatment; the submission for approval of details of the 'square' including paving, street furniture and planting proposals; submission for approval of details of external lighting; the submission for approval of details of surface water drainage, including details of sustainable drainage systems (SUDS) to demonstrate how the required minimum discharge rate of 10 litres per second to the public storm water sewer would be achieved; ground contamination; implementation of the recommendations for biodiversity mitigation and enhancement set out in the Protected Species Report; implementation of an archaeological watching brief; the submission for approval of details of a school crossing facility, signage, and 'school keep clear' and 'zig zag' markings; the submission for approval of details of a school travel plan its implementation and ongoing review; the provision and retention of parking for cars and cycles; and the submission for approval of details of a Construction Management Strategy; and

- (b) the applicant be advised by Informative that:-
- (i) account should be taken of the Environment Agency's advice relating to surface water drainage and sustainability; and
 - (ii) account should be taken of the Divisional Transportation Manager's advice that a licence must be obtained from Kent Highway Services for the required vehicular crossovers and any other works within the highway.

7. Proposal SW/10/1377 - Single storey extension to provide replacement classroom accommodation for existing mobile buildings, a small activity hall, ITC room, library and associated facilities at Richmond Primary School, Nursery Close, Sheerness; KCC Property Group
(Item D3)

RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions covering (amongst other matters) the submission of a scheme of flood resilience measures; the submission of a scheme for the disposal of surface waters; the submission of details of external materials; the submission of a landscaping scheme and measures to ensure the scheme is successfully implemented; the submission of details of contractor's compound, parking and associated facilities during

construction; precautions to prevent the deposit of mud on the highway; hours of operation during construction work; provision of the cycle parking shown in the application; and removal of the mobile buildings within 1 month of first occupation of the extension; and

- (b) the applicant be informed by Informative of the Committee's view that the school should ensure that the flood evacuation plan for the site is adapted to include the extension; and that the School Travel Plan should be subject to ongoing monitoring and review.

8. 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 (None);
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

This page is intentionally left blank

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 proposal dossier for each case and also as might be additionally indicated.

Item C1

Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall with additional car parking spaces. Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

A report by Head of Planning Applications Group to Planning Applications Committee on 15 February 2011.

Application by New Earth Solutions (Kent) Limited for the installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces. Blaise Composting Facility, Kings Hill, West Malling (TM/10/3056)

Recommendation: Planning permission be granted subject to conditions.

Local Members: Mrs. S. Hohler, Mrs. T. Dean and Mr. R. Long

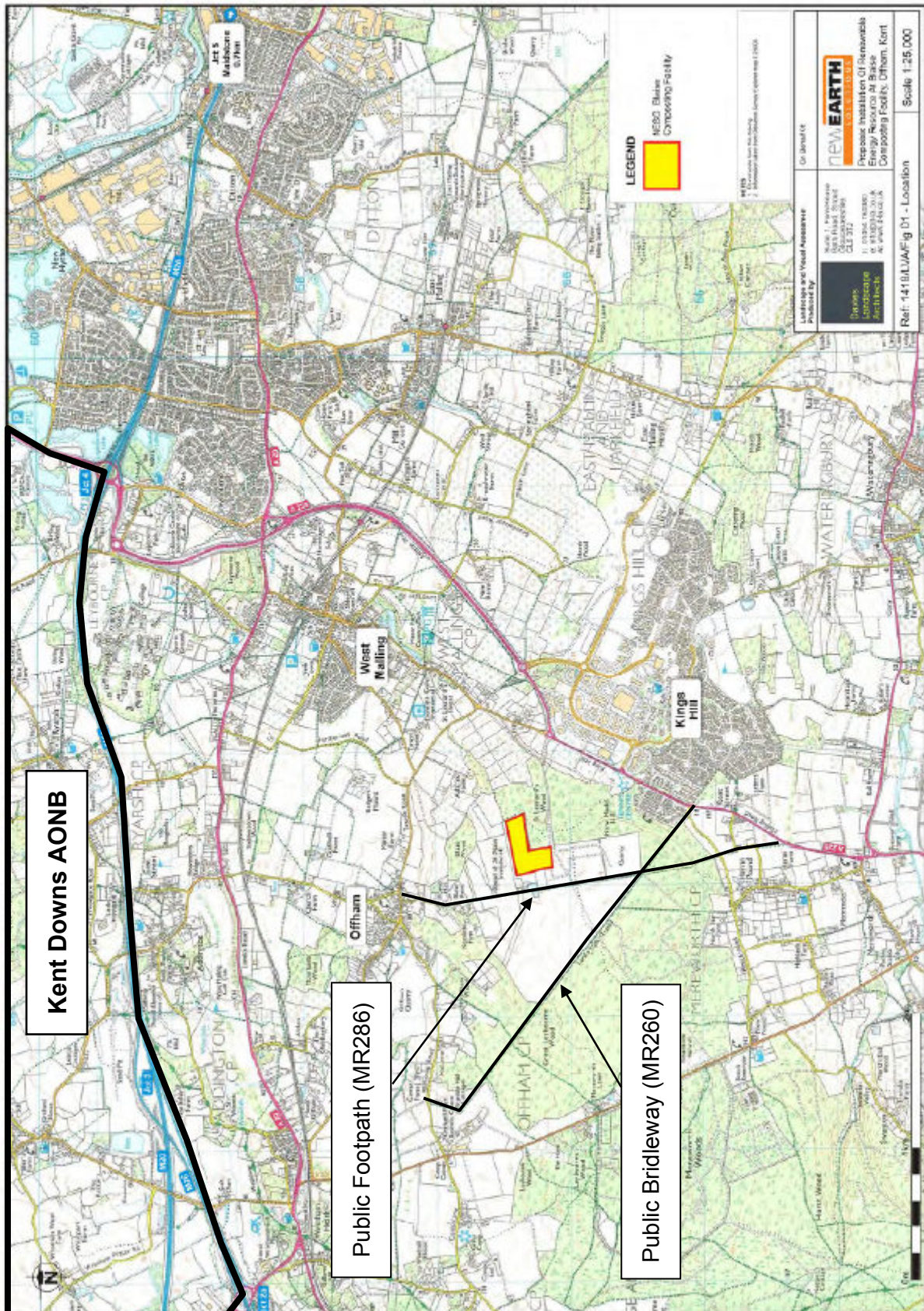
Classification: Unrestricted

Site

1. Blaise Farm Quarry comprises of a 116 hectare site which benefits from planning permission granted in January 1994 (consent TM/88/1002) for the winning and working of some 57 million tonnes of ragstone over a 62 year period in a series of four phases. Blaise Composting Facility occupies an 'L' shaped previously worked area within the quarry void. The composting facility and wider quarry site lies to the south of the village of Offham, to the south west of West Malling and to the north west of the A228 and the residential area of Kings Hill. The Quarry and Composting Facility are served by a purpose built hard surfaced access road onto the A228 West Malling roundabout located near Kings Hill. The Quarry and Composting Facility is located within the Metropolitan Green Belt as identified in the Tonbridge and Malling Local Development Framework.
2. The area surrounding Blaise Composting Facility comprises of mixed agricultural fields and woodland. Mature woodland is located along the east, south and western perimeters of the quarry, comprising St. Leonards Wood, Great Leybourne Wood and Offham Wood respectively, and are designated as Local Wildlife Sites. The nearest residential property, Blaise Farm House, is located some 590 metres to the north west of the application site. The remains of the Chapel of St. Blaise (a Scheduled Ancient Monument) lie approximately 100 metres to the north of the application site. A Public Right of Way (Footpath MR286) lies approximately 130 metres to the west of the application site but would be unaffected by the proposals. This Public Right of Way is due to be diverted around the western boundary of the quarry site as part of the ongoing future mineral operation. *A site location plan is attached on page C4.2.*

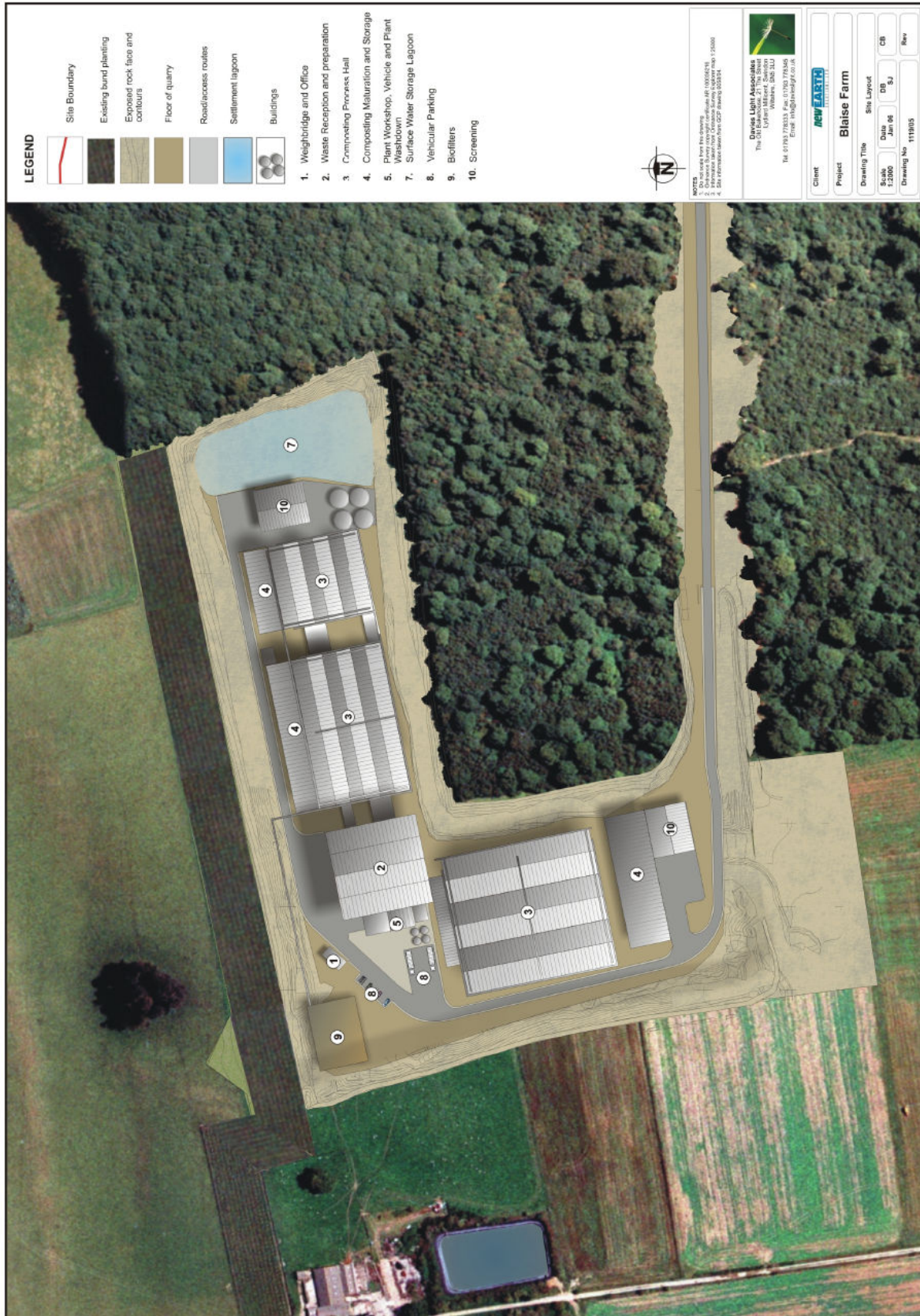
Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Site Location Plan



Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Composting Facility (as consented showing Phase 2 Southern Composting Hall)



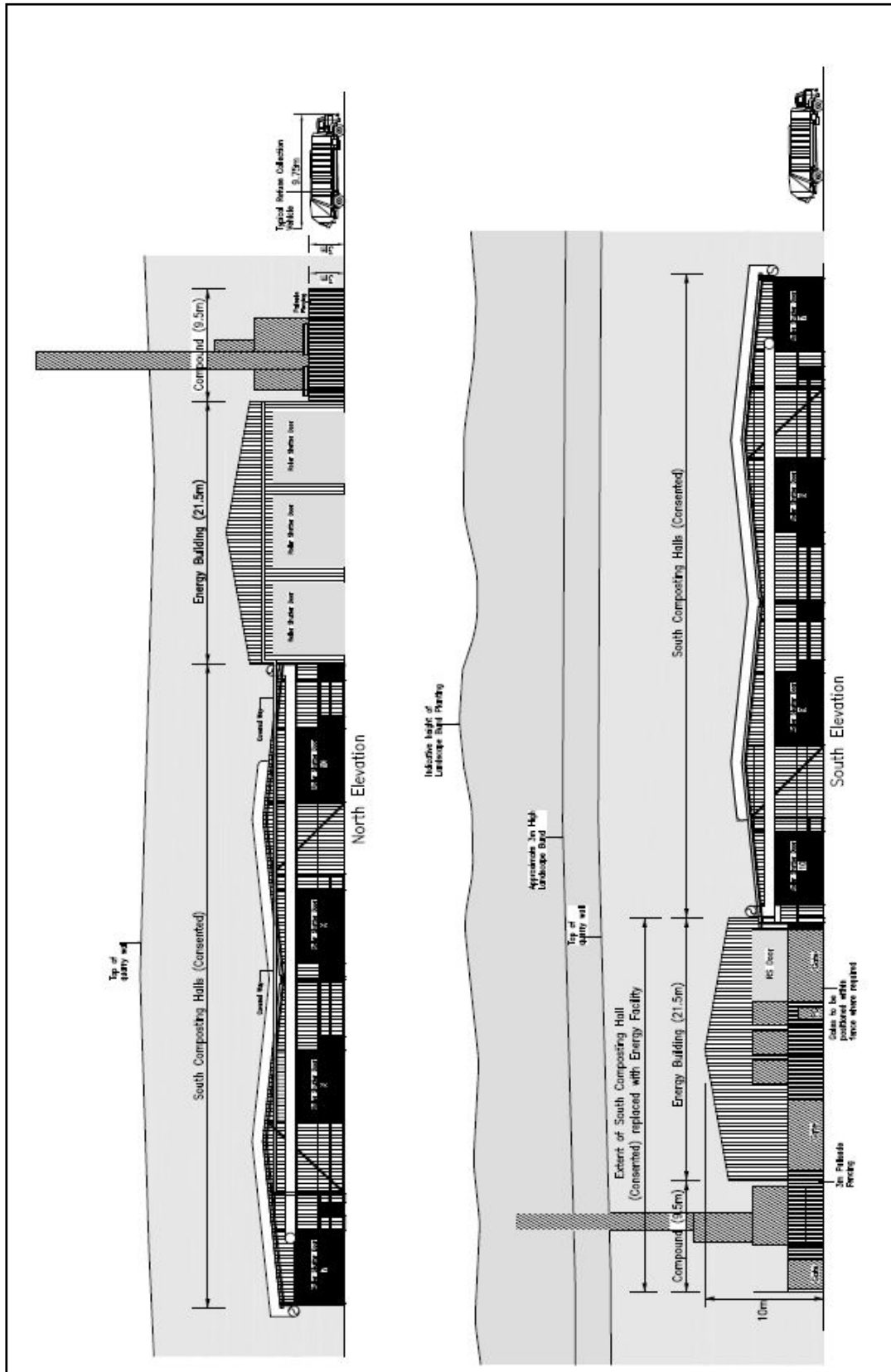
Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Proposed Energy Building and Composting Facility



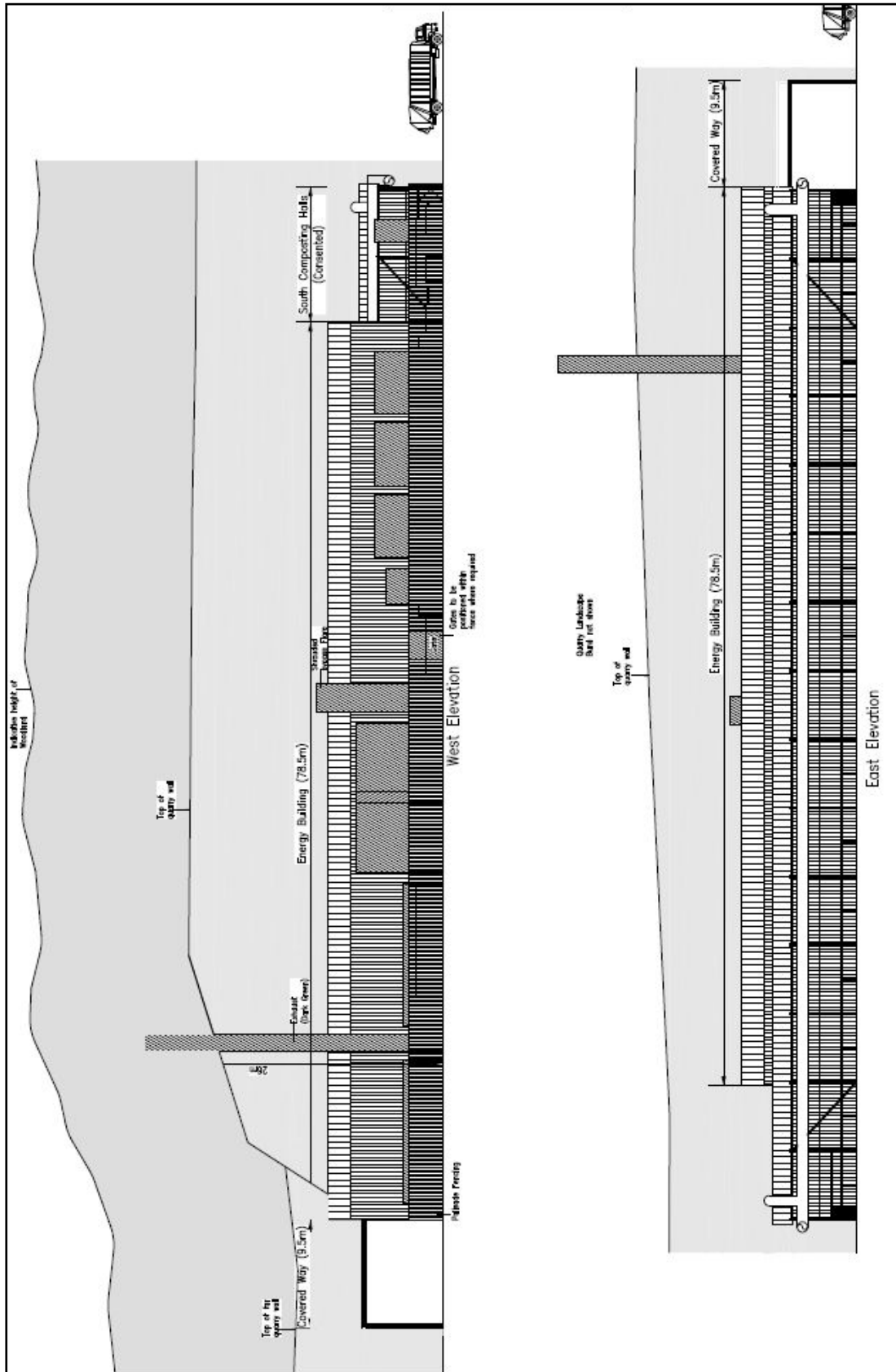
Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Proposed Elevations (Sheet 1 of 2)



Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Proposed Elevations (Sheet 2 of 2)



Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Background

3. The existing Blaise Composting Facility, operated by New Earth Solutions, treats source segregated waste collected from both municipal and commercial waste contracts. The existing composting facility manages green/garden, food, vegetable and cardboard (GFVC) waste streams, utilising a fully enclosed composting process to produce compost. The Blaise Composting Facility currently comprises a series of composting buildings including waste reception, composting and maturation halls, together with a site office, weighbridge, biofilter, water storage tanks and a surface water balancing pond. This facility was granted planning permission on the basis of a 50,000tpa composting facility in September 2006, under permission reference number TM/06/762 and first became operational in September 2008. The terms of the existing planning permission time-limit the facility to a period of 20 years from the commencement of commercial composting operations (i.e. until 2028) after which the site shall be restored for forestry, ecological and amenity afteruses, consistent with the wider restoration required pursuant to the Blaise Farm Quarry mineral planning permission (TM/88/1002).
4. Planning permission was subsequently granted to increase waste imports at the facility from 50,000 to 100,000tpa in March 2008, under permission reference number TM/07/4435. The current facility is operating with an annual throughput of around 50,000tpa of source segregated green/garden, food, vegetable and cardboard waste streams. In order for the applicant to increase their waste throughput at the site to the consented 100,000tpa, the applicant would need to implement additional composting buildings as part of Phase 2 of the original Composting Facility permission (TM/06/672).
5. A number of recent planning permission have been granted for alterations to the operation of the existing Composting Facility, the most significant being permission TM/09/3321 granted on appeal which extended waste catchment to now include Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove (for the life of the permission), from within the London Borough's of Bromley and Bexley (until 31 December 2015) and from Essex (until 31 March 2014 and limited to no more than 10,000tpa). Planning permission TM/09/3321 is now the key planning permission for which the current Blaise Composting Facility operates under.
6. It should be noted that a number of complaints have been received about odour emanating from the New Earth Composting Facility at Blaise Farm Quarry since the beginning of 2010. Odours have been experienced in parts of Offham, Kings Hill and West Malling. These concerns were discussed with New Earth Solutions Ltd (which initiated a review of its operations) and with representatives of Tonbridge and Malling Borough Council, the local Parish Councils and the Environment Agency at the Blaise Farm Liaison Committee meetings and independently. The review examined all areas of the composting facility and its operation and led to a number of apparent deficiencies being identified. These included problems with the operation of the ventilation system (e.g. fans, ductwork, trip switches and dampers) designed to extract air from within the buildings and remove odours, management practices (e.g. leaving doors open, particularly during turning operations, as a result of poor visibility and an unpleasant environment as a result of inadequate ventilation) and the leachate tank having no lid and being open to the atmosphere. The operator prepared an odour reduction plan designed to rectify these and other problems. Some equipment has already been improved or replaced and other measures are planned to be implemented by the end of March 2011. Whilst the problems have not yet been fully

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

rectified and it would appear that the local community remains to be convinced that the site can be operated without giving rise to odour nuisance, I am satisfied that the measures that have either been taken or are planned should serve to significantly reduce odour emissions. I also remain satisfied that the facility is capable of operating without giving rise to unacceptable odour, although ongoing monitoring (particularly by the Environment Agency which is primarily responsible for odour control under the Environmental Permit) will clearly be required to ensure that the proposed improvements do rectify the problems, that no new issues arise and that the facility operates satisfactorily without causing further problems for its neighbours.

Proposal

7. This application is made by New Earth Solutions (Kent) Limited and seeks planning permission for the installation of renewable electricity generating equipment with associated alterations to the design of part of the consented southern composting hall building with additional car parking spaces. The application arises as a result of the applicant examining incoming waste streams over the past two years of operation at Blaise, in particularly identifying one specific element of the waste stream that require disproportionate amounts of time and energy to treat. This material is defined as 'oversize' biomass, and comprises thick woody and fibrous material from green/garden waste collections as well as compressed and dense cardboard. Oversized material is currently processed a number of times through the composting process, requiring high levels of energy use and taking up valuable space in the composting halls, which could arguably be more effectively used for more readily compostable material. In the applicant's experience the oversized material does not fully break down in the composting process and has to be screened out to maintain the quality of the compost produced. The applicant therefore presents the argument that the re-circulation of 'oversized' material within their existing facility not only requires a considerable amount of energy to be expended in shredding and processing such materials, but that it also reduces the efficiency of the overall composting facility. Based on current operations, the applicant has identified that this 'oversized' material typically accounts for between 20% - 25% of the incoming GFVC waste stream managed at the facility, dependant on the type of source segregated waste received.
8. To address this operational concern, the applicant proposes the installation of pyrolysis technology within the Blaise Composting Facility. This technology is a modern method of generating renewable energy from biomass material through the thermal degradation of a substance in the absence of any external oxidising agent (other than that contained in the biomass itself) within non-pressurised kilns. The end products of the pyrolysis process are a high calorific (energy rich) fuel gas containing hydrogen, carbon monoxide, methane and solid char. The energy rich gas collected from the process would be fed to engines on site which would, in turn, be used on-site to power the wider composting operations. The application details that char can be utilised in a variety of ways, including being blended with compost as a soil enhancer (subject to appropriate regulatory controls), as a fuel in conventional power generation and in biomass co-firing.
9. An overview of the pyrolysis process is provided for Members information as follows: Oversized material would be prepared within the existing reception and screening halls. Oversized material would then be transferred to the electricity generating installation via a tractor and sheeted trailer. The oversized biomass material would enter the building via a covered way and roller shutter doors which would be closed prior to the material being off-loaded. A loading shovel would then load the biomass

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

into a purpose built bunker within the new building, where a mechanised rake system would feed the biomass through the plant. The bunker system would store sufficient quantities of oversized material to enable the installation to generate electricity during times when oversized is not delivered (i.e. during the night, on Sundays and on restricted Bank or Public Holidays). Prior to the biomass entering the pyrolysis units it would be dried using heat gained from the electricity generating process itself. A thermal rotating drum dryer would be installed within the energy building and would pass heat from the engine exhaust stack over the waste, drying it to the optimum moisture level for the pyrolysis process. The oversized material would then be fed into the pyrolysis units which would heat the biomass to between 850 and 950 degrees Celsius without the presence of oxygen in non-pressurised kilns. When heated in the absence of oxygen, the biomass material would undertake physical and chemical changes, breaking down into smaller constituent compounds – including methane, carbon monoxide, carbon dioxide and hydrogen, as well as water vapour and other trace elements. These gas compounds would provide the constituent components of the fuel gas, which would be used to generate electricity. Prior to utilisation of the fuel gas, the gas would be purified to increase the life and efficiency of the gas engines. The purification process incorporates particulate removal and dewatering plant and an oil quench to remove a small quantity of liquid tars produced. Periodically the small quantities of tars produced would be removed from the site for authorised disposal. Fuel gas would be stored in storage buffer tanks located in the compound prior to use in the engines. Three engines would be located within the compound, each individually contained within an acoustically shielded container. The gas engines would share a multi-core exhaust stack, which would be 26 metres high from the floor level of the quarry void (as discussed further in paragraph 11 below).

10. The supporting information sets out that the pyrolysis equipment proposed would generate 2.25MW net electricity. The majority (up to 2MW) of electricity would be used on-site at Blaise to power the composting operation, with any surplus electricity being supplied locally into the electricity network. The application details that the generation of renewable electricity on site at Blaise for use within their composting operation would offset the release of fossil fuel greenhouse gasses produced from the combustion of fossil fuels in a conventional power station, which would otherwise be required to supply electricity to the facility. The application details that as an example, the generation of 2.25MW of renewable energy on site would offset 7,200 tonnes of carbon dioxide per annum, the same level of carbon dioxide that is emitted by over 2,600 average cars per annum.
11. The proposed pyrolysis facility comprises 1,688 sq. metres of building floorspace, 1,322 sq. metres of external compound and covered way, a 100 sq. metres sub-station compound and 9 additional parking bays, all located within the permitted footprint of the Blaise Composting Facility. The site of the proposed building and external compound would occupy the original footprint of approximately one third of the consented, but not yet constructed, southern composting hall. The proposed energy building and compound area, at 31 metres wide in total, would be slightly wider than the consented bay of the not yet constructed southern composting hall building, which would be 27 metres wide. The proposed energy building and compound would be the same length as the southern composting hall building, being 90 metres in length. The proposed building would measure 21.5 metres wide, 78.5 metres in length and 10 metres high to the roof ridge, the same height as the existing waste reception building at the site. The new building would be constructed in materials to match those used in the existing composting facility, those being grey coated profiled steel sheeting to both the roof and walls, with green roller shutter doors. The proposed external compound along the western and southern elevations of the energy building would be

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

divided into three zones, accommodating (amongst other elements) the following key plant: a series of generator sets; heat recovery units; gas purifiers; coolers; oil, gas and water storage tanks; filter presses; and char, nitrogen and caustic storage containers. In addition, a 26 metre high and 0.7 metre diameter multi-core exhaust stack would be located within the energy compound. This would be finished in a dark 'brown-green' colour, and would protrude approximately 10 metres above the existing Blaise Farm Quarry void. An 11 metre high and 2.4 metre diameter shrouded bypass flare is also proposed, although this would not protrude above the quarry void. The application details that the flare is required for any process generating flammable gas and would be operated on a very limited 'emergency' basis in the event of multiple engine failure. The energy compound is proposed to be surrounded by a 3 metre galvanised steel fence with access gates.

12. A sub station compound is proposed, measuring some 20 metres by 5 metres, and would be enclosed by 3 metre high galvanised security fence. This compound would accommodate the electricity sub-station, switchgear equipment and transformers. An underground electricity cable would be laid from this sub station along the northern edge of the quarry access road to connect with a sub station at Kings Hill.
13. Nine additional car parking spaces would be provided to serve staff and visitor needs for both the existing and consented composting operation and the proposed electricity generating installation.
14. The application details that the proposed electricity generating installation would not alter the primary purpose of Blaise Composting Facility, in essence to produce compost from collected waste. At full 'built as consented' operating capacity (100,000 tonnes process per annum) the installation is intended to produce renewable energy from between 20,000 and 25,000 tonnes of biomass oversize. In order to achieve this capacity, permission is being sought for the installation of three modular pyrolysis units and associated plant within a fully enclosed building and external compound (as outlined above). Each pyrolysis unit would be capable of processing around 7,000 to 8,000 tonnes of oversize per annum. Based on the anticipated operating capacity of the pyrolysis plant (up to 25,000tpa) approximately 3,150 tonnes of char would be produced per annum. The char would be stored in enclosed bunkers within the compound area and due to its value as a carbon rich resource would be transported off site, for such uses as outlined in paragraph (8) above. Process water would also be produced from the drying of the oversized material prior to it being pyrolysed, together with a limited amount of water being produced during the gas purification stage. In total, approximately 7,500 tonnes of water would be produced per annum, some of which would be re-used on site in the composting process, as irrigation water, whilst the remaining surplus would be tankered off site for authorised discharge.
15. The application details that the electricity generating installation would operate as an ancillary operation to the principle composting operation at Blaise. Therefore the application confirms that the applicant is not seeking to vary any of the existing planning controls covering the consented Blaise Composting Facility. The following general operating controls covered by planning condition would therefore apply:
 - The total maximum amount of waste able to enter the Blaise Composting Facility would remain at 100,000 tonnes per annum (*i.e. the current consented level, but not the current operating level*);
 - Waste would continue to only be sourced from the current geographic catchment - Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove (for the life of the permission), from within the London Borough's of Bromley and Bexley (until 31

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

- December 2015) and from Essex (until 31 March 2014 and limited to no more than 10,000tpa);
- The total number of HGVs that can enter and leave the Facility would be limited to 41 loads (82 movements) per day Monday to Friday and 21 loads (42 movements) on Saturday;
 - HGV deliveries and exports would be limited to between 07:00 to 18:00 Monday to Friday with limited movements on Saturdays and Public Bank Holidays;
 - HGV routing would not change from that detailed in the existing S106 Agreement. This requires HGVs to avoid surrounding villages unless collecting waste or delivering compost in those villages;
 - Environmental controls, including those relating to the emission of noise, light and odour would remain in place (and more detailed controls within the Environmental Permit); and
 - The restoration and aftercare of the entire site at the end of the planning permission.
16. The application proposes the continuous 24 hour operation of electricity generation. This would require a limited number of site personnel to be on-site during the night. Movement of oversize biomass from the Composting Facility to the proposed electricity generating installation, and the delivery of ancillary supplies and any collections of discharge water and solid char would be confined to the following times:
- 07:00 to 18:00 Monday to Friday;
 - 07:00 to 13:00 Saturdays;
 - No movements on Sundays;
 - 07:00 to 17:30 on Bank and Public Holidays; and
 - No movements on 25 and 26 December and 1 January.
17. The application is accompanied by various supplementary reports, including an air quality assessment, a noise impact assessment and a landscape and visual impact assessment. Considerations relating to odour, dust, drainage and flood risk, external lighting, ecology, transport and utilities have all been taken into account by the applicant within this application. The key findings of those considerations are summarised below.
18. The submitted air quality assessment report identified that the most appropriate exhaust stack for the facility would be 26 metres, which would be around 10 metres higher than the existing quarry rim. The installation would be operated and monitored under regulatory controls, through an Environmental Permit, which would provide specific limits on discharges to air. Air quality monitoring undertaken demonstrates that with the operation of the proposed electricity generating installation and the continued operation of two diesel engines, the predicted change in annual contribution of nitrogen dioxide (used as a proxy for other emissions), would be 'small' at the closest sensitive receptor, and 'very small' at the nine other receptors. The significance of this change is considered 'minor' at the closest sensitive receptor and 'neutral' at all other receptors. However, as the installation of the electricity generating installation is intended to provide all on-site electricity, a scenario where the diesel generators are not operated was assessed. The assessment of this scenario demonstrates that the predicted annual change of nitrogen dioxide would be 'very small' at all sensitive receptors, with a significance of 'neutral'. To control the potential release of dust, biomass material would be transported from the existing reception and screening halls to the energy building using a sheeted trailer. Within the energy building dust suppression would be controlled through the processing of the feedstock material within an enclosed and negatively aerated building. Solid char (one of the process outputs) would be removed from the pyrolysis units via enclosed conveyors

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

and stored in fully enclosed bunkers until removed from the site via HGVs. Furthermore, to accord with the requirements of an Environmental Permit and to monitor the production of renewable energy, a Continuous Emission Monitoring System would be installed within the energy building to monitor the emission levels at the installation.

19. The application details that the potential for emissions of odour from the proposed energy generating facility would be limited. The temporary storage and drying of the biomass would take place within an enclosed building, which would provide a barrier to the movement of any odour. Once the biomass material has been dried, the metabolism of microbes that produce odour would be substantially curtailed. The application proposes that extracted air from the bunker storage and drying area would be used as the ventilation air for the electricity generators, in turn creating the negative pressure ventilation and achieving further odour control. The char produced from the pyrolysis process would be organically stable as it would have been heated to over 850 degrees Celsius and therefore there would be no risk of the release of odour from this output.
20. An assessment of the environmental noise impacts of the proposed installation has been undertaken by the applicant. This assessment has identified that at each of the closest noise sensitive receptors, the addition of the noise arising from the proposed installation would not exceed the background noise levels, either during day or night time periods. It has assessed the impact of the proposed energy centre combined with the partial implementation of Phase 2 of the Southern Composting Hall.
21. An assessment of drainage and flood risk has been submitted within the application. This details that no significant changes are proposed by this development than were previously considered at the time of the main Composting Facility development. Rain water from the buildings would be collected and diverted via drains to the existing balancing pond on site, after which the water naturally percolates into the permeable Hythe Beds. Surface water from the Composting Facility passes through petrol and oil interceptors before draining into the existing on site balancing pond. The energy building and compound areas would be constructed with a double protection system to ensure that there would be no discharge of liquids to the ground. To control water run-off in the event of a fire, the energy building would be constructed with a 150mm concrete upstand, capable of containing about 250,000 litres of fire water, far in excess of the amount required in such event. All fuels, oils and lubricants associated with the proposed development would be stored in appropriately bunded tanks.
22. A landscape and visual impact assessment was submitted with the application. This assessed the impact of the proposed development upon the landscape, Green Belt and neighbouring Public Right of Way. The assessment identifies that views of the proposed installation from public viewpoints would be limited to the proposed exhaust stack only, as the building would be located below the natural landform within the quarry void, screened by existing woodland and landscape bunds. Protruding no more than 10.8 metres above the quarry rim, views of the proposed exhaust stack would be limited to two sections of public footpath MR286. From these viewpoints the visual effect from these views has been considered to be 'minor adverse'. From all other local viewpoints, the assessment concludes that no aspect of the proposed development would be visible and therefore the landscape and visual effect would be 'none'. Distant views from parts of the North Downs AONB and Trosley Park have been considered to be 'neutral' due to the long distance, where it is considered that the proposed exhaust stack would be difficult, if not impossible, to identify within the

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

landscape. Overall, the assessment found that the proposal is deemed to have a minimal minor adverse impact upon the local character and visual amenity.

23. The energy building and compound is proposed to operate 24 hours a day, requiring external lighting to allow the safe operation of employees working on the site. This lighting has been designed to minimise light spill through the use of modern flat glass down-lighting. External lighting would be controlled by Passive Infra Red sensors to ensure that when not required, external lighting is extinguished.

Planning Policy

24. 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 PPS1 (Delivering Sustainable Development) and its Supplement (Planning and Climate Change), PPG2 (Green Belts), PPS5 (Planning for the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning for Sustainable Waste Management), PPG13 (Transport), PPS22 (Renewable Energy), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise).

- (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 CC1 The principle objective of the Plan is to achieve and to maintain sustainable development in the region. Sustainable development priorities for the South East are identified as (amongst others) reducing greenhouse gas emissions and ensuring sustainable levels of resource use.

Policy CC2 Climate change mitigation measures will be supported, including encouraging the use of renewable energy and reducing the amount of biodegradable waste landfilled.

Policy CC3 Supports the adaptation of existing development to reduce its use of energy

Policy CC4 Supports proposals which include a proportion of the energy supply of new development from decentralised and renewable or low-carbon sources.

Policy C4 Outside nationally designated landscapes local planning authorities should recognise and aim to protect and enhance the diversity and local distinctiveness of the region's landscape.

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

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 NRM9 Planning proposals should contribute to sustaining the current downward trend in air pollution in the region.

Policy NRM10 Promotes measures to address and reduce noise pollution.

Policy NRM13 Target set by 2016 to ensure that 8% of electricity within the region is generated from renewable energy sources. Recognises that renewable energy resources with the greatest potential for electricity generation include, amongst others, biomass.

Policy NRM14 Development proposals should seek to contribute towards the achievement of 154MW of renewable energy within Kent by 2016.

Policy NRM15 Renewable energy development, particularly wind and biomass, should be located and designed to minimise adverse impacts on the landscape, wildlife, heritage assets and amenity.

Policy NRM16 Local authorities should in principle support the development of renewable energy.

Policy W6 Seeks to increase the amount of all waste recycled and composted.

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

Policy W12 Seeks to promote and encourage the development and demonstration of anaerobic digestion and advanced recovery technologies that will be expected to make a growing contribution towards the delivery of the regional targets for recovery, diversion from landfill, and renewable energy generation over the period of the Plan.

Policy W14 Encourages high quality restoration and aftercare to help deliver wider environmental and social objectives of this Plan.

Important note regarding the South East Plan:

As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. The 10th November 2010 Quartermain Letter is now being challenged in the High Court and must in my view carry little weight until such time as the Court decision is known. This is currently awaited. Department of Communities and Local Government advice on this matter reads:

'Local planning authorities and planning inspectors should be aware that the Secretary of State has received a judicial review challenge to his statement of 10 November 2010, the letter of the Chief Planner of the same date and to the Secretary of State's letter of 27 May 2010 on the ground that the Government's intended revocation of Regional Strategies by the promotion of legislation for that purpose in the forthcoming Localism Bill is legally immaterial to the determination of planning applications and appeals prior to the revocation of Regional Strategies.

The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner'.

(iii) **The adopted 1998 Kent Waste Local Plan (Saved Policies):**

Policy W3 Waste processing and transfer facilities outside those locations identified on the proposals map will not be permitted unless they can avoid the need for road access and are located within (or adjacent to) and existing waste management operation.

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

Policy W10 Seeks to ensure that proposals do not cause significant harm to residential amenity due to noise, dust, odour or visual impact; that the site is accessible to the primary route network; that the proposal would not be unduly obtrusive in the landscape; and that the impact on the natural environment would be minimised.

Policy W17 Seeks to ensure that airborne emissions will not adversely affect neighbouring land uses and amenity.

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

- Policy W18** Seeks to ensure that noise, dust, odours and other emissions will not adversely affect neighbouring land uses and amenity.
- Policy W19** Before granting planning permission for a waste management facility the planning authority will be required to be satisfied that surface and ground water resource interests will be protected.
- Policy W20** Before granting planning permission for a waste management facility, the planning authority will be required to be satisfied that proposals have taken account of land settlement, land stability, the safeguarding of land drainage and flood control and minimisation of rainwater infiltration.
- Policy W21** Seeks to ensure earth science and ecological interest of the site and its surroundings have been established and protected.
- Policy W22** Seeks to ensure that new waste management facilities are adequately served by the highway network.
- Policy W25** Seeks to encourage good design principles for new built waste management facilities.
- Policy W27** Seeks to safeguard existing Public Rights of Way.
- Policy W31** Seeks to ensure adequate landscape proposals are incorporated as an integral part of the development.
- Policy W32** Seeks to ensure that an adequate restoration and aftercare scheme is proposed as an integral part of the proposal.
- (iv) The adopted 2007 **Tonbridge and Malling Borough Council Local Development Framework Core Strategy:**
- Policy CP3** Reaffirms national Green Belt planning policy.
- Policy CP14** Seeks to restrict inappropriate development within the countryside.
- Policy CP24** Seeks to encourage well designed built development.
- (v) The adopted 2010 **Tonbridge and Malling Borough Council Local Development Framework – Managing Development and the Environment Development Plan Document.** The most relevant Policies include Policy NE1
- Policy NE1** Seeks to conserve Local Wildlife Sites.
- Policy NE3** Seeks to preserve and enhance biodiversity
- Policy SQ1** Landscape and Townscape protection and enhancement
- Policy SQ6** Mitigating the impacts of noise

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

25. Other material planning considerations relevant to the determination of this planning application (but not forming part of the Development Plan) include the following: Climate Change Act (2008), Carbon Budgets Order (2009), Renewable Energy Directive (2009/28/EC), UK Renewable Energy Strategy (2009), UK Biomass Strategy (2007) and the Tonbridge and Malling Climate Change Strategy (2008-2011).

Consultations

26. **Tonbridge and Malling Borough Council:** Object to the proposal unless the following criteria can be met:
- no discernable odour beyond that permitted;
 - adequate monitoring and enforcement;
 - no increase in noise levels
 - restriction on HGV movements for the existing composting facility/consented scheme are exerted over the proposal;
 - implementation of either this scheme, or the western bay of the already consented Southern Composting Hall be constructed (not both);
 - control of the timing of on-site movement of material, deliveries and removals; and
 - submission of, and adherence to, details of a suitable surface water drainage scheme.
27. **Offham Parish Council:** Object to this planning application on the grounds that it could add further to the existing odour problems emanating from the site. Also concerned about the potential for noise problems resulting from a 24 hour 365 day operating plant. Consider that the existing problems with the Composting Facility should be eliminated before considering any additional facilities on site.
28. **West Malling Parish Council:** Supports the aspirations of this proposal which it considered extremely commendable. However, expressed concerns about the problem of odours emanating from the site and states that there are currently significant concerns about odours discernable in some parts of West Malling. It also expressed concerns that if water were tankered out from the site then this would generate additional lorry movements.
29. **Mereworth Parish Council:** No objections to the proposal.
30. **Kings Hill Parish Council:** No response expressed to date. Any views received prior to the Committee meeting will be reported to member's verbally.
31. **Divisional Transportation Manager:** No objection to the proposal on the basis that the application does not increase the number of HGV movements to/from the site. Supports the additional parking provision on site and recommends that appropriate controls be employed on site as necessary to guard against the deposit of mud and debris on the public highway.
32. **Environment Agency:** No objection in principle to the application. It reminds the applicant that any new development at the site and/or change in operational procedures as a result, must be in accordance with the Environmental Permit.
33. **Health Protection Agency:** No objections.

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

34. **County Council's Landscape Consultant:** Considers the advice contained in the applicant's Landscape & Visual Impact Assessment report to be based on the latest guidance and agrees that the proposals would not cause any significant landscape or visual impacts.
35. **County Council's Noise and Air Quality Consultant:** Accepts the findings of the applicant's noise reports that noise would not be an issue on the basis that the nearest houses are some considerable distance from the application site. Also considers that ground level pollutant concentrations and the deposition of contaminants are well below the objectives, therefore having no significant impact upon the nearby residential properties or any adjacent sensitive ecosystems.
36. **County Council's Public Rights of Way Officer:** No comments to make on the proposed development.
37. **County Council's Biodiversity Officer:** No objections.

Local Members

38. The local County Members, Mr. S. Hohler, Mrs. T. Dean and Mr. R. Long were notified of the application on 5 November 2010. No comments have been received.

Publicity

39. The application was publicised by the posting of several site notices (at the site entrance and the adjoining Public Right of Way) and a newspaper advertisement in the Kent Messenger Maidstone Extra. There were no residential properties within 250 metres of the application site to notify in this instance.

Representations

40. No representations have been received.

Discussion

Introduction

41. The application is being reported to the Planning Applications Committee as a result of the objections received from Tonbridge and Malling Borough Council (as detailed in paragraph 26) and Offham Parish Council (as detailed in paragraph 27). In considering this proposal, regard must be had to the most relevant Government Guidance, adopted Development Plan Policies outlined in paragraph (24) and any other key material planning considerations relevant to take into consideration in the decision making process as 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.
42. The key planning considerations in this particular case can be categorised under the following headings:

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

- 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 wider landscape, and key public viewpoints;
- the impact of the proposals on local amenity in terms of the potential for adverse odour, noise, light, dust and air quality issues;
- the impact of the proposals on the local highway network;
- the future restoration and aftercare of the site; and
- any other issues.

Metropolitan Green Belt

43. 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.
44. The development proposed does not fall within one of the categories of new buildings which are considered to comprise appropriate development within the Metropolitan Green Belt. Therefore, the development will, by *definition*, be harmful to the openness of the Green Belt. However, it is important to note that the site has the benefit from a partially implemented consent for the construction of the remainder of the development (i.e. the Southern Composting Hall and other associated works). In terms of the impact on the visual openness of the Green Belt of the proposed development to those elements of the already consented Composting Facility which would be replaced by the proposal, it is considered that the proposal would have a marginally greater impact. The proposed building and compound area would be slightly wider but the same length as the consented composting hall, although the addition of proposed plant within the energy compound would add additional height and bulk elements over and above the existing building already consented at the site.
45. It is therefore necessary to consider whether ‘very special circumstance’ exist which clearly outweigh the harm caused to the openness of the Green Belt by reason of inappropriateness or actual harm. The need for an assessment for proposals for renewable energy provision within Green Belt sites is acknowledged at Paragraph 13 of Planning Policy Statement 22 (Renewable Energy). The applicant has put forward a case of very special circumstances which include, *inter alia*: contributing towards meeting relevant renewable energy targets, the potential to improve local air-quality through a reduced need to use on-site diesel generators to power the existing Composting Facility and also the creation of two full time jobs.
46. I consider that given the limited amount of harm caused to the openness of the Green Belt, over and above that which would be caused as a result of the not yet fully implemented consented scheme, together with the clear benefits of co-location with the existing facilities and the better dealing with oversize element of the existing waste

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

stream therefore are sufficient ‘*very special circumstances*’ to clearly outweigh any harm caused. For these reasons I consider that the proposals accord with National Green Belt Policy, together with Development Plan Policies covering Green Belt land, notably South East Plan Policy SE5 and Tonbridge and Malling Core Strategy Policy CP3.

Visual impact of proposals on wider landscape and key public viewpoints

47. The building proposed would be similar in scale and general visual appearance to existing buildings which have been constructed on site, with the exception of the provision of the 26 metre high proposed exhaust stack. A thorough landscape and visual impact assessment was submitted with the application, which assessed the impact of the proposed development upon the wider landscape, Metropolitan Green Belt and neighbouring Public Right of Way. The assessment identified that views of the proposed installation from public viewpoints would be limited to the proposed exhaust stack only, as the building would be located below the natural landform within the quarry void, screened by existing woodland and landscape bunds associated with Blaise Farm Quarry.
48. Protruding no more than 10.8 metres above the quarry rim, views of the proposed exhaust stack would be limited to two sections of public footpath MR286. At these viewpoints the visual affect of the proposed exhaust stack on the wider landscape has been considered to be ‘minor adverse’. From all other local viewpoints, the assessment concludes that no aspect of the proposed development would be visible and therefore the landscape and visual effect would be ‘none’. Distant views from parts of the North Downs AONB and Trosley Park have been considered to be ‘neutral’ due to the long distance and slim nature of the proposed exhaust stack. Having carried out a site visit around the application site and taken account of public views obtained from Public Right of Way (MR286) I concur with the findings of the landscape and visual impact assessment submitted with the application.
49. The proposed exhaust stack would be finished in a dark ‘brown-green’ colour (RAL 6008) which I consider would sit well within the wider landscape, against previous quarry workings and woodland planting surrounding parts of the Blaise Farm Quarry site. I note that the County Council’s Landscape Consultant (see paragraph 34) has considered that the proposals would not cause any significant landscape or visual impact. I am therefore satisfied that the proposal would not cause a detrimental impact on the wider landscape or when viewed from the nearest public viewpoint (Public Right of Way MR286).
50. Members will note that the life of the existing Composting Facility is tied by planning condition to a 20 year period from the commencement of commercial composting operations (which first started at the site in September 2008) under planning consent TM/06/762. This proposal, which is intended to operate as an ancillary operation to the main Composting Facility, does not seek to vary this operational time period should planning permission be granted. I therefore propose that a condition be attached to any planning consent requiring the development to be removed at the same time as the existing Compost Facility and both areas be restored in accordance with the details approved pursuant to that planning permission (i.e. planning permission TM/09/3231). Such restoration would accord with National Green Belt policies, wider landscape policies which seek to preserve and enhance the countryside and those restoration and aftercare policies contained in the South East Plan (Policy W14) and Kent Waste Local Plan (Policy W32).

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

51. For the reasons set out above, I consider that the proposals are in general conformity to South East Plan Policy C3, Core Strategy Policy CP14 and Waste Local Plan Policies W25, W27, W31 and W32.

Local amenity considerations

52. The application is supported by a noise report which has assessed the implications of noise production associated with the proposed 24 hour electricity generation operation, together with the operation of the Composting Facility. As the application proposes the continuous 24 hour operation of electricity generation there would need to be a limited number of site personnel on-site during night time periods. Movement of oversize biomass from the Composting Facility to the proposed electricity generating installation, and the delivery of ancillary supplies and any collections of discharge water and solid char would be confined to the following times in order to avoid night-time noise nuisance:
- 07:00 to 18:00 Monday to Friday;
 - 07:00 to 13:00 Saturdays;
 - No movements on Sundays;
 - 07:00 to 17:30 on Bank and Public Holidays; and
 - No movements on 25 and 26 December, and 1 January
53. The noise report concluded that the noise from the facility would not adversely affect the closest noise sensitive receptors, either during the day or night time periods. Notwithstanding the concerns expressed by Offham Parish Council regarding the potential for adverse noise impacts 24 hours per day, 365 days per year, the County Council's Noise Consultant (see paragraph 35) has accepted the findings of the applicant's noise report and considers that noise would not be an issue given the considerable distance (approximately 590 metres) to the nearest noise sensitive residential properties.
54. Members will note that there have been a number of recent complaints since the beginning of 2010 about odour emanating from the New Earth Composting Facility. These concerns are currently the focus of a review by the operator, who has put in place a number of operational changes together with physical building measures to limit the escape of odour particles from their existing Composting Facility. An odour reduction plan has been produced by the operator and discussed with the local community and representatives of the Environment Agency, the Borough Council and Waste Planning Authority. Whilst the existing problems have not been fully resolved, I consider that New Solutions Ltd have taken, and are in the process of further implementing measures to serve to significantly reduce odour emissions from the site.
55. This application details that the potential for emissions of odour from the proposed energy generating facility would be limited, with the only potential for odours being within the initial sorting and drying of the oversized biomass which would take place within the proposed building. The applicant proposes the building would include a negative pressure ventilation system. Whilst I can appreciate the concerns expressed by Offham Parish Council on the basis of on-going complaints, I am satisfied that the addition of additional plant and equipment at the site would not add to any existing operational odour problems. The addition of the proposed installation does not seek to import additional waste to the site, nor does it seek to alter the existing consented incoming GFVC waste streams. Furthermore, in planning terms it would not be reasonable or justified to hold the applicant to ransom with their proposed energy development until such time as all existing operational concerns regarding odour are

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

fully resolved. Moreover, Members should note that the appropriate regulatory body directly responsible for the control of odour at the site rests with the Environment Agency under their Environmental Permit. It should also be noted that the Environment Agency have not raised objection to the proposed development.

56. The application is supported by an air quality assessment report which has identified that the most appropriate exhaust stack for the facility would be 26 metres from the quarry void, rising to around 10 metres higher than the existing quarry rim. The air quality assessment assessed the proposal in terms of two scenarios: if the installation were to operate together with two diesel generators (currently used for electricity generation on site); and if the facility was to provide all on-site electricity and accordingly none of the diesel generators were to operate. The conclusions of this assessment demonstrate that there would be 'neutral' to 'minor' impact on air quality of the installation were to operate together with the existing diesel generators, and a 'neutral' or improvement in air quality of the plant were to operate but the generators be decommissioned from the site. The assessment report also assessed the predicted concentrations of nitrous oxides, sulphur dioxides and ammonia and depositions of nitrogen and acid at relevant sites of ecological importance. These were found to be less than 1% of the relevant critical load, and therefore accordingly, the ecological impacts considered to be insignificant.
57. Members will note that the County Council's Air Quality Consultant (see paragraph 35) is satisfied with the findings of the accompanying report. He notes that ground level pollutant concentrations and the deposition of contaminants are well below the objectives, therefore having no significant impact upon the nearby residential properties or any adjacent sensitive ecosystems. Furthermore, members should be advised that emissions to air are dealt with by the Environment Agency under the Environmental Permitting Regulations.
58. For the reasons discussed above I am satisfied that the proposed energy generation installation at Blaise Composting Facility would not have any significant detrimental impact on local amenity through noise, odour or air quality issues. Furthermore I consider the proposals to be in general conformity to South East Plan Policies NRM10 and NRM15 and Waste Local Plan Policy W10.

Highway issues

59. The information submitted in support of the planning application details that the generation of new HGV movements serving the electricity installation only (i.e. those involved in the delivery of process materials or the removal of char) would be offset by the reduction in the removal of compost from the site (as the oversize material would be used for the generation of electricity) and the reduction of tankers delivering diesel fuel to the Facility.
60. The applicants therefore detail that vehicle movements associated with the electricity generation installation would not result in any increase in the existing HGV movements permitted by existing planning consents. No alterations to the consent access arrangements for the site are proposed, nor required as a result of the installation of the renewable energy generating equipment.
61. HGV routing for the existing Composting Facility would not change from that detailed under the terms of the existing S106 Agreement, such that no new Agreement is necessary. These require HGVs to avoid surrounding local villages, unless specifically collecting waste or delivering compost within their area. I therefore consider that the

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

proposal is acceptable in highway terms and conforms to Waste Local Plan Policy W22. I recommend that the combined number of HGVs at the composting and pyrolysis facilities be restricted to those currently permitted.

Other Issues

62. National planning policy regarding renewable energy as set out in PPS22 details that renewable energy development should be capable of being accommodated in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. South East Plan Policies NRM13, NRM14, NRM15 and NRM16 actively support the principle of renewable energy development, introducing targets to ensure that 8% of electricity within the region is generated from renewable energy sources by 2016. Similarly, there is support from other material considerations (as outlined in paragraph 25) such as the Climate Change Act (2008), the UK Renewable Energy Strategy (2009), the UK Biomass Strategy (2007) and the Tonbridge and Malling Climate Change Strategy (2008-2011). I consider that the principle of generating renewable electricity from an otherwise inefficient element of the existing incoming GFVC waste stream (i.e. oversized biomass) is a positive step in addressing wider climate change targets. I therefore fully support the principle that the applicant is seeking to achieve in this instance.
63. The application site is not located in an area at risk of flooding. The application provides detail as to the manner in which surface water drainage would be dealt with, which is primarily based on the overall system agreed as part of the initial Composting Facility consent. This system includes the use of oil and petrol interceptors which surface waters would pass through before draining into the existing on site balancing pond, thereafter percolating into the permeably Hythe Beds. The proposed facility has been designed to retain run-off water in the event of a fire at the facility. I note that the Environment Agency has raised no objection to the proposals, and therefore I am satisfied by this element of the proposal, subject to the later agreement of adequate surface water drainage details.
64. The Borough Council has requested that a condition be placed on any planning permission to control that this scheme, or the western bay of the Southern Composting Hall be constructed, but not both elements. Should the applicant choose to implement any subsequent planning permission granted for the energy installation then they would effectively forego the western bay of the already consented Southern Composting Hall on the basis that the footprint of this development directly overlays the existing consented but not yet implemented extension. Whilst it would not be possible to fully implement Phase 2 of the Compost Facility planning permission (TM/06/762) if this proposal were to be implemented, these matters can be satisfactorily addressed under the terms of the existing planning permission.
65. The site area of the proposed energy building and its associated compound facilities would be restored in accordance with wider restoration objectives of the Blaise Farm Quarry. The life of the existing Composting Facility is tied to a 20 year period which commenced from 2008. I propose that in order to secure a satisfactory restoration of this parcel of the wider Composting Facility, consistent with South East Plan Policy W14 and Waste Local Plan Policy W32, that a condition be placed on any consent requiring the restoration of this part of the site in accordance with the details to be agreed under the main Composting Facility planning permission (TM/09/3231).

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

66. The application does not seek to vary incoming waste streams of GFVC waste to the current Composting Facility, nor does it propose a new waste stream to feed the pyrolysis plant. Instead it seeks to utilise an otherwise inefficient element of the existing waste stream (i.e. oversized biomass) to generate renewable electricity to power the wider Composting Facility. I therefore propose that in order to control the feedstock of the pyrolysis plant exclusively to biomass material brought onto the site under the existing operational planning requirements set out in planning permission TM/09/3231, that a condition be placed on any decision dictating that the proposed facility can only operate using waste imported under the terms of the main Composting Facility planning permission.

Conclusion

67. The proposal seeks planning permission for the installation of renewable electricity generating 'pyrolysis' equipment with associated alterations to the design of part of the consented southern composting hall at Blaise Composting Facility. The application site sits within the Metropolitan Green Belt. For the reasons discussed above I consider the proposals to accord with National Green Belt policy given the limited harm caused to the openness of the Green Belt, over and above the already consented but not yet implemented Southern Composting Hall, together with clearly demonstratable benefits of the co-location of the energy facility and existing Composting Facility. These very special circumstances put forward by the applicant are, in my opinion, in this instance sufficient to set aside the presumption against inappropriate development within the Green Belt.
68. I consider the proposal to be acceptable in wider landscape and visual terms and based on the technical and professional advice obtained relating to noise and air quality do not consider these proposals to give rise to any overriding unacceptable harm to local amenity. Notwithstanding the concerns received from Offham Parish Council relating to existing and on-going odour problems at the site I do not consider that the proposed development would increase in the potential for odour in the locality. I therefore see no reason in planning terms to presume against the grant of planning permission for this facility. Furthermore, I note that the existing odour concerns are being actively monitored and measures have been, and continue to be put in place to take the necessary steps to reduce any concerns as far as possible. I would point out that this matter relates to the existing Composting Facility and therefore is not directly relevant to the consideration of the new energy generation installation. I am therefore satisfied that the matters identified by the Borough Council and Offham Parish Council have been satisfactorily addressed in this instance.
69. As discussed throughout the report, the proposals do not give rise to any significant alterations over and above the existing Composting Facility at Blaise Farm. The proposed installation would operate as an ancillary function to the main purpose of the Facility to compost GFVC waste streams collected from municipal and commercial waste contracts. It is considered that the proposal represents a satisfactory location for such a renewable energy development given its proximity to the fuel source, its relative remoteness from residential properties and limited visual impact. Furthermore I note that there is considerable Development Plan Policy support and primary legislation which advocates the use of renewable technologies in suitable locations. For the reasons set out above I therefore recommend accordingly.

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Recommendation

70. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions to cover (amongst other matters) the following:
- 5 year implementation period;
 - the development to be carried out in accordance with the permitted details;
 - movement of oversize biomass from the Composting Facility to the proposed electricity generating installation, the delivery of ancillary supplies and collections of process outputs shall be confined to between the following hours only: 07:00 to 18:00 Monday to Friday, 07:00 to 13:00 Saturdays, no movements on Sundays, 07:00 to 17:30 on Bank and Public Holidays and no movements on 25 and 26 December and 1 January;
 - external colour treatment of exhaust stack to be 'brown-green' (RAL 6008) and new energy building to match existing;
 - details of surface water drainage to be agreed prior to commencement;
 - operation be time-limited to the life of the site as stipulated in main Composting Facility (i.e. 20 years from first commercial composting operations in 2008);
 - site restored as part of the details approved on main Composting Facility permission (TM/09/3231);
 - pyrolysis plant to operate with only the waste imported to the site pursuant to the existing Composting Facility (as covered by planning permission TM/09/3231);
 - combined numbers of site HGV movements restricted to those detailed in main Composting Facility permission (TM/09/3231); and
 - appropriate measures to guard against mud and debris being tracked to the public highway.

Case officer – Julian Moat 01622 696978
--

Background documents - See section heading
--

This page is intentionally left blank

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury– CA/10/1790

A report by Head of Planning Applications Group to Planning Applications Committee on 15 February 2011.

Application by Kent Council Children, Families and Education for the erection of a new state-of-the-art educational building, together with outdoor sports pitches, a new 3 court MUGA, new parking provision, drop off zones, new circulatory access and pedestrian access, landscaping and ancillary works at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790.

Recommendation: permission be granted subject to conditions.

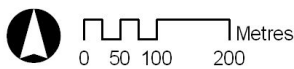
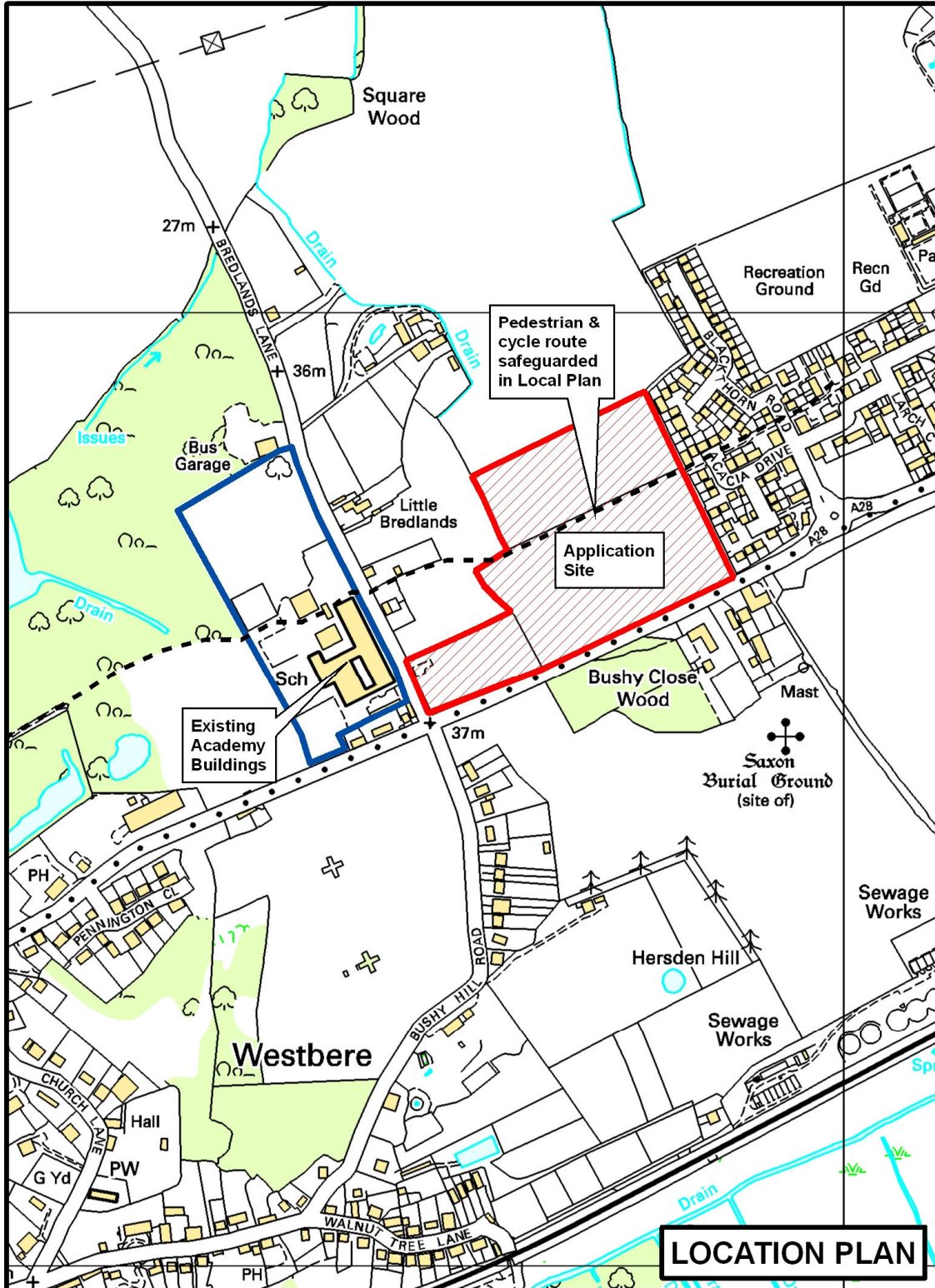
Local Member: Mr A Marsh

Classification: Unrestricted

Site

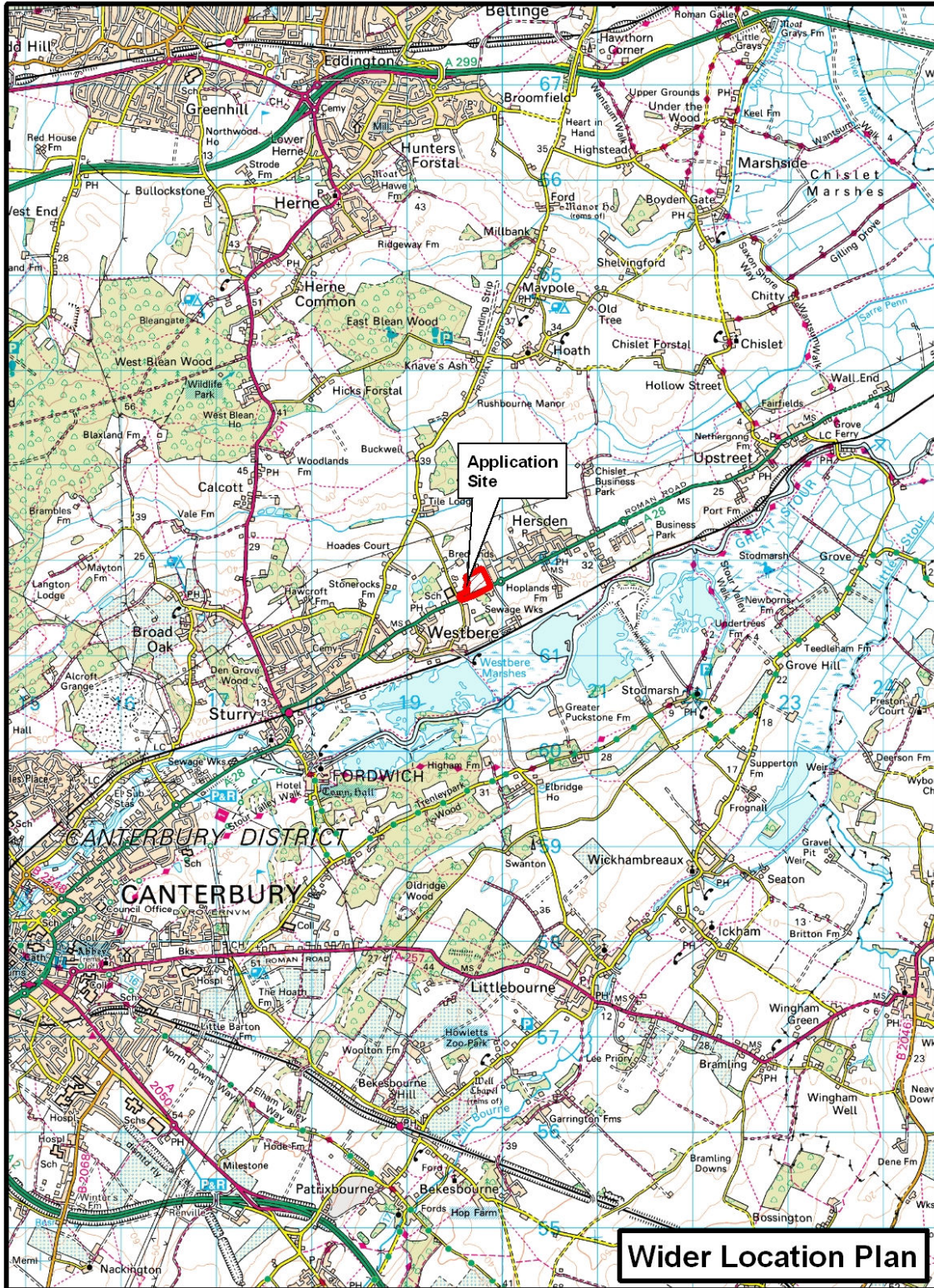
1. Spires Academy is located between the villages of Sturry and Hersden, approximately 5km east-north-east of Canterbury. The existing Academy, formally named Montgomery School, is located just off the A28 Island Road, which runs between Canterbury and Margate. The existing Academy site is located to the north of Island Road, around the junction with Bredlands Lane. The existing academy buildings are located on the west side of Bredlands Lane, with the playing fields located to the east side. The application site is the existing academy playing fields, along with a small area of agricultural land to the north which has recently been acquired by Spires Academy. The 5.45 hectare site is bound to the south by the A28 and a substantial hedgerow, to the east by the back gardens of a number of residential properties, to the north by agricultural land, and to the west by Bredlands Lane. A small number of properties are located on Bredlands Lane, but do not directly adjoin the application site boundaries.
2. The new academy buildings are proposed towards the centre of the site. The existing vehicular access off of Bredlands Lane would be retained, and the western portion of the site is proposed to accommodate car parking and vehicle circulation routes. The eastern side of the site would remain as sports pitches, as would the area of agricultural land to the north.
3. Policy C3 of the Canterbury District Local Plan (adopted 2006) identifies land running through the site as a proposed pedestrian and cycle route, land for which must be safeguarded. *A site location plan is attached.*

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790



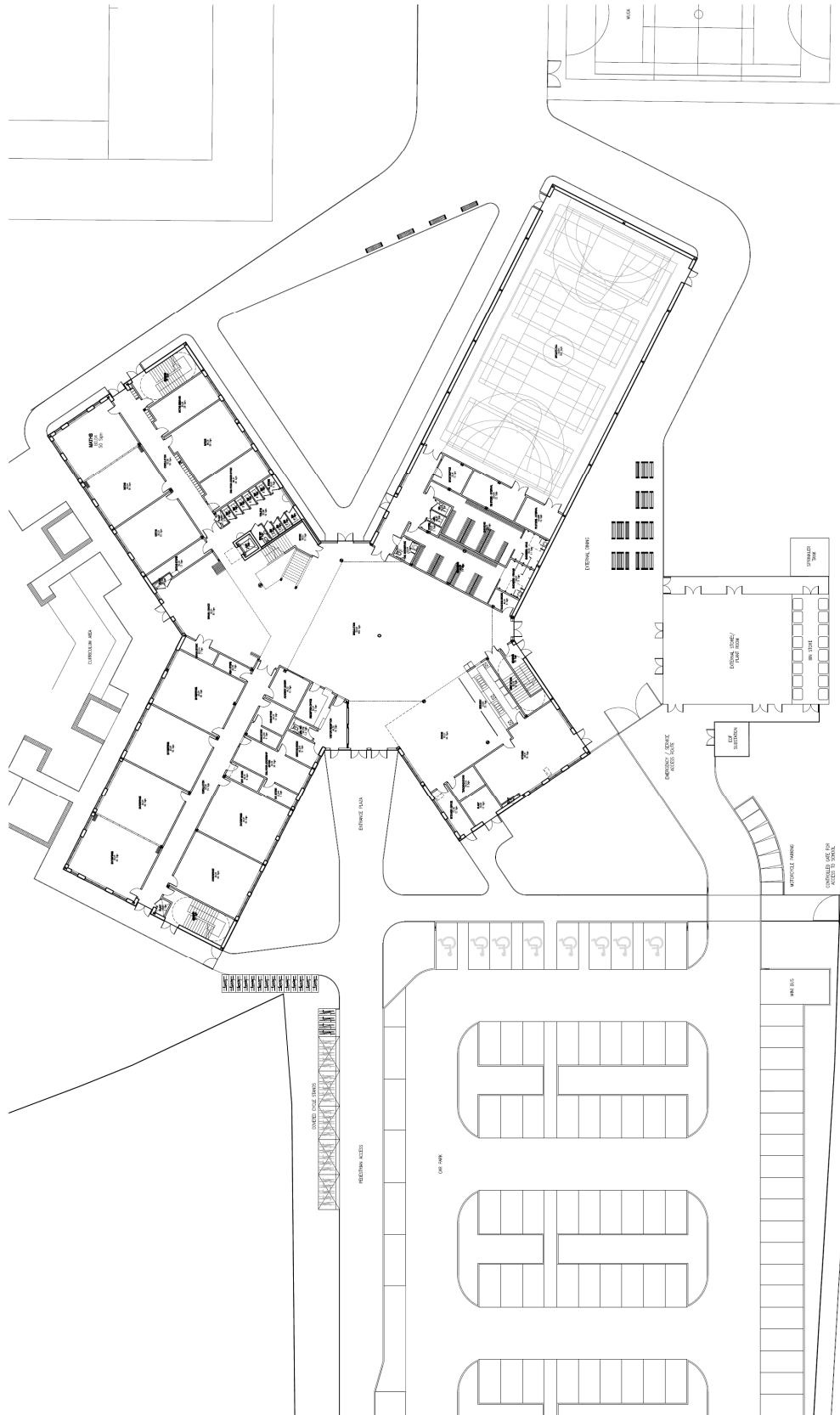
This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790



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

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790



jestico + whiles
 100 Bredlands Lane, Sturry, Canterbury, Kent, CT11 1JH
 01227 850000 | www.jesticoandwhiles.co.uk

DATE: 2024
 DRAWING NO: 2328-JW-100
 PROJECT: Spires Academy
 CLIENT: Spires Academy

SCALE: 1:100
 DRAWN BY: J. WHILES
 CHECKED BY: J. WHILES
 APPROVED BY: J. WHILES

GROUND FLOOR PLAN
 PRELIMINARY

DATE: 2024
 DRAWING NO: 2328-JW-100
 PROJECT: Spires Academy
 CLIENT: Spires Academy

1:100

GROUND FLOOR PLAN

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790



jestico + whites
 ARCHITECTS
 100 BROADWAY, 10TH FLOOR
 NEW YORK, NY 10038

PROJECT: Spires Academy
 DRAWING NO: 2.228-1W-101
 DATE: 10/17/10

CLIENT: Spires Academy
 ARCHITECT: jestico + whites

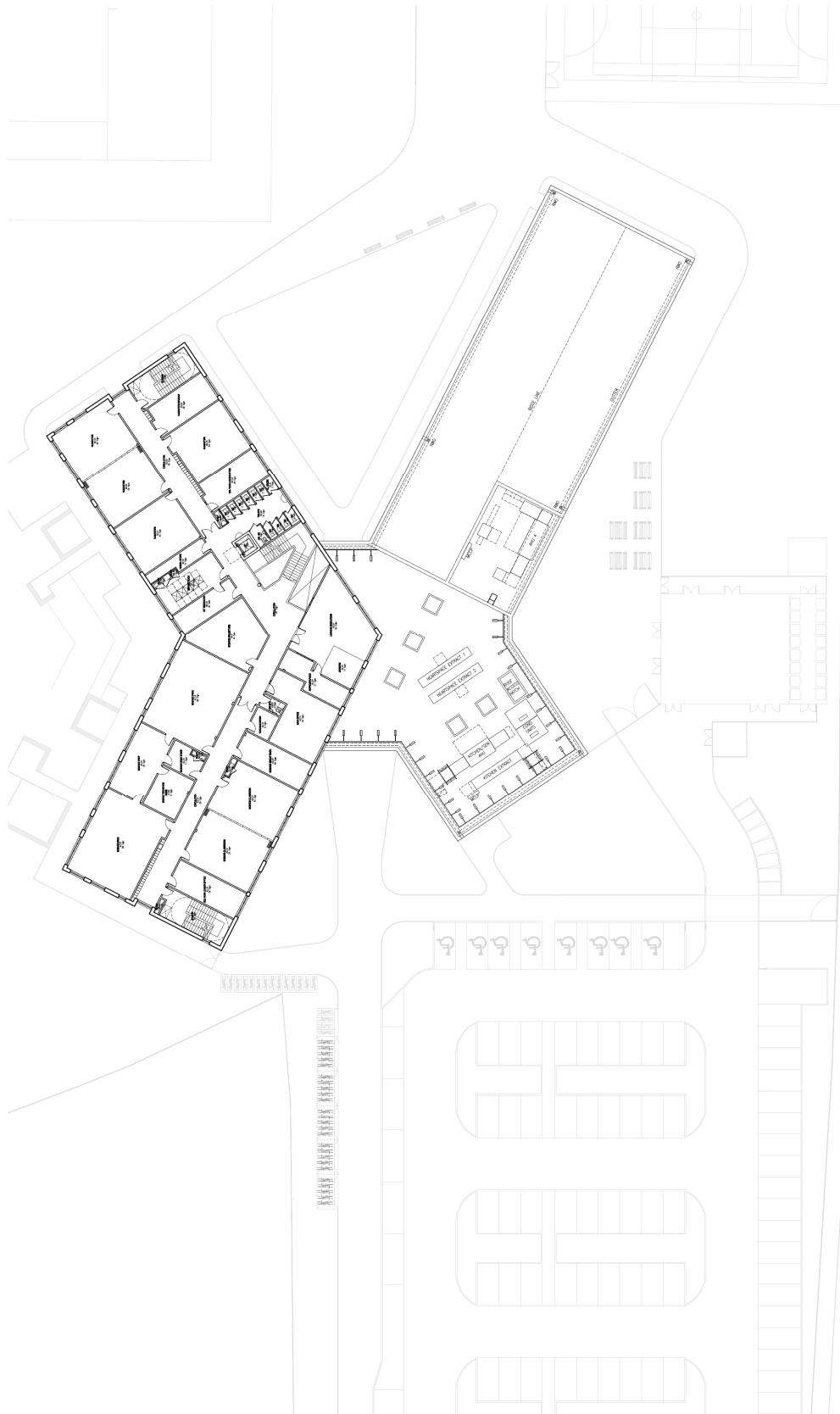
DESIGNER: jestico + whites
 DRAWN BY: [Name]
 CHECKED BY: [Name]

DATE: 10/17/10
 SCALE: 1/8" = 1'-0"

PROJECT NO: 2.228-1W-101
 SHEET NO: P01

01 - FIRST FLOOR PLAN
 CA PLANS
 FIRST FLOOR
 PRELIMINARY

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790



jestico + whites
 100 Bredlands Lane, Sturry, Canterbury, Kent, CT11 1JH
 01227 834000
 www.jesticoandwhites.co.uk

DATE: 12/08/2024
 PROJECT: CA/10/1790
 DRAWING NO: 2326-JW-102

PROJECT NO: 2326-JW-102
 DRAWING NO: P01
 CLIENT: Spires Academy
 PROJECT NAME: Spires Academy
 PROJECT TYPE: Preliminary
 PROJECT ADDRESS: Bredlands Lane, Sturry, Canterbury, Kent, CT11 1JH

NOTES:

1. THIS DRAWING IS A PRELIMINARY DRAWING AND IS NOT TO BE USED FOR CONSTRUCTION.

2. ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT.

3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT.

LEGEND:

— WALL

— DOOR

— WINDOW

— FURNITURE

— STRUCTURE

SCALE:

1:100

INDEX:

1. SECOND FLOOR PLAN

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790



Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

Background

4. Spires Academy has been operating as an Academy since September 2007 in the buildings of the former Montgomery School. The School was one of the worst performing schools in the Country and was facing closure prior to achieving academy status. However, last year over 80% of students gained 5 A-C GCSE grades, and the academy is now achieving well and increasing in popularity. However, we are advised that its achievements are hampered by life-expired facilities on the existing site, and the applicant has advised that the current buildings are cramped and have a number of issues including:
- no purpose built performing arts facilities (one of the Academy specialisms);
 - inadequate indoor sports facilities;
 - internal configuration of individual teaching rooms with no flexibility for working with larger and smaller teaching groups;
 - lack of space to bring people together for examinations, assemblies, and other communal activities.

The Academy believes that they have reached the point where inadequate accommodation is holding back educational development. In addition, currently the academy can offer little to enhance activities in the wider community. Refurbishment of the existing buildings is not considered to be cost effective or desirable and, therefore, a new purpose built facility is proposed.

Proposal

5. Kent County Council Children, Families and Education is seeking planning permission to construct a new facility for Spires Academy to the east of Bredlands Lane. The existing buildings and the site to the west of Bredlands Lane would then be vacated upon completion of the development (anticipated to be September 2012), and the site released to be redeveloped subject to separate proposals. The new Spires Academy would cater for 600 students aged 11-16 (4FE) with Business and Enterprise, and Visual, Creative and Performing Arts as specialisms. It is intended that the proposed new building would be constructed towards the centre of the 'L' shaped site, with surrounding areas maintained as playing fields, and used for access and car parking.
6. The application proposes the following:
- a new school building of 5,876m², including a new four-court indoor sports hall;
 - a new external three-court Multi Use Games Area (MUGA);
 - existing pitch areas and agricultural land to the north redefined and marked out to provide senior, medium and junior grass playing pitch provision and meet DfES and Sport England standards, including community use;
 - hard and soft play and social areas;
 - 132 car parking spaces, circulatory access, 86 cycle spaces and pedestrian access;
 - landscaping; &
 - extended cycle path.
7. The development of the site masterplan has been directed by the requirement to provide the proposed academy, and all associated facilities, within the one site, and to minimise the loss of playing fields. The other principal driving components of the masterplan were the requirements to provide sufficient car parking, pick-up/drop-off

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

facilities and cycle parking, whilst retaining the existing site access from Bredlands Lane. Kent Highway Services advised the applicant that no new entrance to the site, either pedestrian or vehicular, could be formed from the A28 Island Road due to concern over school traffic impeding the flow of traffic on the main road between Canterbury and Thanet. Accordingly, the pedestrian and vehicular entrance is maintained in approximately the same position as the current access to the playing fields on the northern end of the Bredlands Lane site frontage.

8. The architectural proposals place the academy building at the centre of the site where the building location would divide the external areas between the front of the academy, which includes a welcome plaza, cycle parking and car parking, and the rear of the site which would house informal social areas, sports facilities and external learning spaces. This would allow the building to form part of the secure boundary between public facilities at the site frontage and the private academy facilities to the west of the building. The structure of the building would further define external areas with the 'wings' marking out open courtyards on the four sides of the structure. A fenced MUGA is proposed to the south-eastern side of the site, adjacent to the sports hall, pitches and changing facilities. The sports pitches to the east of the site are proposed to be extended to the north, with alterations to the pitch orientations and markings to provide the required level of playing field provision.
9. The proposed academy building would be two and three storeys in height, and has been designed around a central double height heart space, from which radiate four 'wings'. The central heart would function as the assembly hall and café/dining area, performance, exhibition and circulation space, and would link the school's entrance with the four learning 'wings'. It is proposed that the learning areas would be set out as follows:
 - 'Wing 1' – enterprise (ground floor), art and music (first floor) & science (second floor).
 - 'Wing 2' - maths (ground floor), English (first floor) & humanities (second floor).
 - 'Wing 3' – sports (ground floor) & performing arts (first floor).
 - 'Wing 4' – support and guidance (ground and first floor).The proposals allow for increased use of the indoor spaces and outdoor sports facilities by the wider community, and the building has been designed to enable community facilities to operate out of normal school hours without compromising the security of dedicated teaching areas.
10. The applicant advises that the building form and massing has resulted from the response to the site and the relationship of the internal space with the external environment. The three storey element of the building would be located to the north of the academy, further from the site's frontage with the A28, with the two storey elements providing sports facilities and a welcoming entrance to the school. The building would have a flat roof to reduce the height, with the three storey elements reaching 12.5 metres at the highest point, and most of the building being below 9 metres in height. The building is proposed to be finished the grey and green tones, with a simple external appearance and palette of materials. The building has been designed to meet the BREEAM rating of 'very good'.
11. The development proposals would result in the removal of two hedgerows which currently divide the site. Boundary planting, including the substantial hedgerow to the south of the site, adjacent to the A28, would however be retained and enhanced. The applicant has submitted detailed arboricultural reports, landscape proposals and ecological reports in support of the application which address the removal of the hedgerows in detail. The boundary of the site would be secured with a 2.4 metre high fence and gated access.

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

12. The applicant advises that the majority of students arrive at the existing academy by private vehicles and coaches and, due to the fairly isolated nature of the site, it is not expected that this situation would change. Therefore, the following vehicle parking is proposed:
- i. 132 car parking spaces (including 8 disabled spaces);
 - ii. 4 coach parking spaces;
 - iii. 4 spaces for parental/taxi drop-off/pick-up;
 - iv. 86 cycle parking spaces;
 - v. 7 motorcycle parking spaces; &
 - vi. 1 mini bus parking space.

The new internal access road is proposed to enter from one location off Bredlands Lane with potential to be defined as either a one way or two way system of circulation. An external entrance plaza would direct students and visitors to the main entrance of the academy building.

13. A footpath and cycle way is proposed to run along the eastern and southern boundaries of the site, linking housing in the east to Bredlands Lane. The route would be secured from the school grounds by fencing, and would be privately owned by the academy who would allow public access. The footway/cycleway would be built to adoptable standards, but without lighting, and maybe adopted by Kent Highway Services in the future. A pedestrian and cycle entrance to the academy site would be provided from this route, located approximately half way along the site frontage with the A28 Island Road. However, this route would be protected and screened from the A28 by the existing barrier hedging, thus minimising the risk of parental drop off along this busy road. The provision of the footway/cycleway is necessary to accord with Policy C3 of the Canterbury District Local Plan, which requires land through the site to be safeguarded as part of the strategic footway/cycleway network.

The application is accompanied by a Design and Access Statement, Phase 1 Habitat Survey, Geotechnical Investigation, Contaminated Land Investigation, Energy Strategy, Statement of Community Involvement, Transport Statement and Travel Plan, Arboricultural Survey, Archaeology Statement, Sports Strategy Assessment, Drainage Assessment, Flood Risk Assessment, Acoustic Report, External Lighting Statement, BREEAM Pre-Assessment, Un-exploded Ordnance Survey, Secured by Design Meeting Notes, and a Landscape Maintenance Strategy.

Planning Policy

14. The following Guidance/Statements Development Plan Policies summarised below are relevant to the consideration of the application:

(i) Planning Policy Guidance and Statements:

PPS1	Delivering Sustainable Development
PPS4	Planning and Sustainable Economic Growth
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG13	Transport

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

PPG17 Planning for Open Space, Sport and Recreation

PPS23 Planning and Pollution Control

PPG24 Planning and Noise

PPS25 Development and Flood Risk

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

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

Policy CC4 The design and construction of all new development will be expected to adopt and incorporate sustainable construction standards and techniques.

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

Policy CC7 States that the scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of new development. Where this cannot be demonstrated the scale and the pace of the development will be dependent on additional capacity being released or the provision of new infrastructure.

Policy T4 Sets out the approach to parking standards to be taken in Local Development Documents including restraint-based maximum levels of parking provision for non-residential development in line with PPG 13 and provision of adequate secure cycle parking.

Policy NRM2 Water quality will be maintained and enhanced through avoiding adverse effects of development on the water environment.

Policy NRM4 Confirms that the sequential approach to development in flood risk areas set out in PPS25 will be followed.

Policy NRM5 Requires Local Planning Authorities and other bodies to avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

Policy BE1 Local Authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment.

Policy S1 Supports measures for developing and shaping healthy sustainable communities, including: community access to amenities such as open spaces and physical recreation activity; and healthier forms of transport.

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

- Policy S3** States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities.
- Policy S5** Promotes increased and sustainable participation in sport, recreation and cultural activity.
- Policy S6** Encourages the mixed use of community facilities, and requires community facilities to be located and designed appropriately.
- Policy W2** Requires development design, construction and demolition which minimises waste production and associated impacts.

Important note regarding the South East Plan:

As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. The 10th November 2010 Quartermain Letter is now being challenged in the High Court and must in my view carry little weight until such time as the Court decision is known. This is currently expected.

Department of Communities and Local Government advice on this matter reads:

'Local planning authorities and planning inspectors should be aware that the Secretary of State has received a judicial review challenge to his statement of 10 November 2010, the letter of the Chief Planner of the same date and to the Secretary of State's letter of 27 May 2010 on the ground that the Government's intended revocation of Regional Strategies by the promotion of legislation for that purpose in the forthcoming Localism Bill is legally immaterial to the determination of planning applications and appeals prior to the revocation of Regional Strategies.

The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner'.

(iii) The adopted (2006) Canterbury District Local Plan First Review:

- Policy BE1 -** The City Council will expect proposals of high quality design which respond to the objectives of sustainable development.
- Policy BE3 -** Design statements and/or Development Briefs shall be submitted with planning applications setting out the principles used in the scheme to relate the development within and to its context. This will

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

apply to all planning applications, where the development is visually significant or is significant to its neighbours.

- Policy NE1** - Where development proposals are being considered for a site known, or likely to have, protected species, or species identified in national or Kent Biodiversity Action Plans, developers will be expected to carry out a survey and present proposals for mitigation.
- Policy NE5** - Development should be designed to retain trees, hedgerows, woodland or other landscape features that make an important contribution to the amenity of the site and the surrounding area, and which are important to wild flora and fauna.
- Policy C1** - In considering the location or control of new development, or the relocation of existing activities, the Council will always take into account the principles of the adopted 2004 Canterbury District Transport Action Plan.
- Policy C3** - Land will be safeguarded for the proposed pedestrian and cycle routes shown on the proposals map.
- Policy C4** - Development proposals considered to have significant transport implications are to be supported by a Transport Assessment and a Travel Plan.
- Policy C9** - The City Council will apply Kent County Council's adopted Vehicle Parking Standards to development proposals.
- Policy C11** - Proposals for new buildings or uses for local communities to provide social infrastructure will be encouraged and granted planning permission on the basis that any new building is appropriately designed and located, and highway safety would not be prejudiced.
- Policy C27** - Proposals for development, which would result in the loss, in whole or in part, of playing fields, will only be permitted if a number of criteria are met including provision of alternative open space of an equivalent standard, an overriding need for the development outweighs the loss of playing field, and that development of a small part of the site would lead to the retention and enhancement of the remainder of the sports facilities.
- Policy C40** - When granting planning permission for development which could potentially result in pollution, the City Council will impose conditions or seek agreements to ensure subsequent mitigation measures are undertaken.

Consultations

15. **Canterbury City Council** objects to the application. The City Council objects to the proposed relocation of the buildings on to a greenfield site as building on a greenfield site is intrinsically objectionable when it is not necessary; the school could and should be redeveloped on its existing site. In addition, development of this open land would

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

intrude into the open countryside between Hersden and Sturry, and result in the unnecessary loss of agricultural land. The City Council also expresses concern over the extent of car parking proposed to serve the site as this increases the developed area of land and undermines the objective of securing a 'Green Travel Plan'.

In any redevelopment of the school, the City Council asks that the following points be fully considered and implemented:

- i) the development should be carried out to the BREEAM 'very good' standard;
- ii) a School Travel Plan should be adopted, retained and be subject to ongoing monitoring and review. The Travel Plan should cover both daily pupil and staff travel and also address any evening adult education and school led extra curriculum functions, and ensure that there is not an over provision of car parking on the site;
- iii) the development should provide the connecting cycleway/footpath link, both through the proposed school site (in accordance with the submitted plans), and through the existing school site to link back up with the route identified in the Canterbury District Local Plan.

Sturry Parish Council no comments received to date. Consulted on the 13 October 2011.

Westbere Parish Council no comments received to date. Consulted on the 13 October 2011.

The Divisional Transportation Manager comments as follows:

"Further to my previous consultation response, and continued discussion regarding the proposed cycleway / footway to the south of the application site, I can confirm that I am satisfied that the revised plans are acceptable in highway terms, however it is regrettable that on site constraints, and hedge retention issues precluded an immediately adoptable solution. Providing public access is maintained, and an informal agreement is realised which facilitates the adoption of this route at a later date, I am confident that the future viability of a strategic cycle/walking route between Hersden and Sturry, (as identified within the Canterbury City Council, Walking and Cycling Strategy) will not be compromised by this development.

With regards to parking provision, in view of the justification provided by the applicant, I am happy to accept the level of parking provided. The parking arrangements for the new proposals, are a significant improvement over those currently available within the existing academy."

The Divisional Transportation Manager raises no objection to the application subject to the following being covered by planning condition:-

- measures to address the deposit of mud and similar substances on the public highway;
- disposal of surface water so as to prevent its discharge onto the highway;
- parking on site for site personell/operatives and visitors, and space for construction vehicles to unload, load and turn on site;
- provision and retention of vehicle parking and cycle parking;
- provision of a properly consolidated surfaced access;

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

- provision of visibility splays in accordance with the submitted plans, prior to commencement;
- pedestrian visibility splays to be provided (2m x 2m);
- the cycleway/footway to be completed and maintained, and thereafter be available for public access;

Environment Agency has no objection to the application subject to the imposition of a condition requiring the submission of a detailed surface water drainage scheme prior to the commencement of any development. In addition, advice is provided with regard to flood risk, land contamination, drainage, and the storage of fuel, oil and chemicals.

Sport England raises no objection to the application subject to the imposition of conditions regarding ground conditions and playing field quality, retention of the existing playing field on land to the north of the existing school buildings, submission of a report setting out expected community use of the indoor and outdoor sports facilities, sports hall to be designed and laid out in accordance with Sport England guidance, and the MUGA to be constructed in accordance with Sport England Technical Design Guidance Notes.

It should be noted that if the County Council does not attach the conditions specified by Sport England, a statutory objection would be raised. This would necessitate referral of the application to the Secretary of State for consideration.

The County Council's Biodiversity Officer has no objection to the application subject to the imposition of conditions to ensure that the recommendations set out within the submitted Protected Species Reports/Surveys are implemented and adhered to, the protection of nesting birds, and the submission of a reptile mitigation and compensation strategy.

Public Rights of Way Officer has no comments to make as there are no recorded Public Rights of Way in the area.

The County Council's Landscape Advisor has expressed concern that the development could be out of scale with neighbouring residential development along Bredlands Lane and at Hersden to the east, and would perhaps lessen the distinction between Westbere and Hersden, and further urbanise this section of the A28. Views from adjacent housing within Hersden to the east (along Acacia Drive and Blackthorn Road in particular) and views from nearby properties along Bredlands Lane could be adversely affected. It is also considered by the landscape advisor that the green colour finish is clarified prior to any planning permission being granted.

The County Council's Noise Advisor has no objection to the application and does not consider that noise from the proposed development, including the sports pitches and MUGA, would be an issue at the closest residential properties.

The County Archaeologist raises no objection subject to a condition requiring archaeological field evaluation works and subsequent safeguarding measures to preserve/record archaeological remains.

EDF (seaboard) has no objection to the proposed development.

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

Local Member

16. The local County Member, Mr A Marsh, was notified of the application on the 13 October 2010.

Publicity

17. The application was publicised by an advertisement in a local newspaper, the posting of 4 site notices and the individual notification of 51 neighbouring residential properties.

Representations

18. To date, I have received 8 individual letters of representation from local residents. A summary of the main issues raised/points made is set out below:

Landscape

- The development would change the ambience of Bredlands Lane and the surrounding area entirely;
- The proposed building would not enhance the countryside and is out of character with the surrounding area;
- The outlook from local properties would be completely changed, for the worse;
- The loss of green open space is regrettable.

Residential amenity

- Local residents regularly use the site for dog walking and amenity space;
- The development would exacerbate noise and other issues associated with the current weekend use of the school playing field, by introducing use during evenings and intensification of use during the school day;
- Light pollution would affect local residents, and wildlife;
- Floodlighting of the pitches/MUGA should not be allowed;
- The development could have security implications for local properties which back onto the site.

Highway/traffic implications

- Concern is expressed over an increase in traffic movements due to the expansion of the school roll and additional use in evenings and weekends;
- Bredlands Lane is not suitable for increased traffic, as it is virtually a single lane with passing places, and has very limited parking. The junction with the A28 is also dangerous;
- The proposed entrance to the school is closer to the Island Road junction than the existing school entrance. Congestion could filter back towards Island Road, causing danger and nuisance;
- Local residents have applied for planning permission for various developments, including the construction of two properties, which have been refused. Increased traffic and lack of parking was cited as a reason for refusal.

General matters

- Alternative sites for the school's redevelopment should be considered, including development of the existing site or land to the rear of the school;
- Support for the redevelopment and improvement of the school is expressed, but the development proposed is not considered suitable;

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

- Concern is expressed over responsibility for Oak Trees located on the boundary of the existing school site and adjacent agricultural land;
- The selling off of the existing school site, presumably for housing, would further change the character of the area, have an urbanising effect and increasing traffic;
- The proposed development should not be considered in isolation, but in conjunction with future use of the existing school site;
- Construction would cause inconvenience and disruption, including parking difficulties, noise and dirt/dust;
- The development would decrease the value of local properties;
- The development goes against the political agenda of the current government.

In addition, I have also received a letter of representation from Protect Kent, whose concerns can be summarised as follows:

- There is no explanation of the rationale for the proposed development, nor is there any reference to the Council's proposals for future use of the existing site;
- There seems no good reason why any further provision of educational facilities should not take place on the existing site;
- Although part of the site is used for the current school's sports activity, the remainder is a greenfield/agricultural site, and the development would effectively remove another part of the open countryside around Canterbury;
- The site is part of or adjoining areas of High Landscape Value and Conservation. It cannot be said that the development would in any way enhance these areas;
- The application would increase traffic in the area;
- The size of the development could overpower the surrounding land and buildings, and the level of lighting could further worsen the existing "night blight" in the area;
- Sustainable features should be included in the design;
- It is considered that construction of buildings and hard surfacing will take away the valuable absorption character of the land and increase flooding risks within Sturry.

The following points were also raised by Protect Kent;

- Agricultural land should not be developed at a time when the nation is reliant for much of its food on imported produce, and rising food prices;
- Will there be a continuing need for a school of this size in the future? In addition, it is questioned whether such vast public expenditure should be considered until the Governments education policies become clearer.

Discussion

Introduction

19. This application seeks full planning permission for the erection of a new building to accommodate the existing Spires Academy, together with outdoor sports pitches, a new 3 court MUGA, parking provision, drop off zones, circulatory access, pedestrian access, landscaping and ancillary works. In considering this proposal regard must be had to the Development Plan Policies referred to in paragraph (14) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include the principle of building the school on the east side of Bredlands Lane, landscape and visual impacts, community use and playing field provision, access and highway concerns, and general amenity matters.

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

The principle of building the school to the east of Bredlands Lane

20. Canterbury City Council objects to the proposed relocation of the buildings onto a greenfield site as the City Council considers that building on a greenfield site is intrinsically objectionable when it is not necessary. The City Council concludes that the school could, and should, be redeveloped on its existing site. Local residents, Protect Kent, and the County Council's Landscape Advisor have also raised concern over the principle of developing to the east of Bredlands Lane, although support is expressed in some instances for the redevelopment of the academy buildings. As outlined in paragraph 4 of this report, the existing buildings are no longer fit for purpose and are considered to be holding back students academic development. I consider that the principle of the redevelopment of the academy is a matter for the Education Authority, and has been accepted. It this does not, therefore, need to be discussed in within this report. However, the reasons for proposing a complete new build, and the decision to locate the building to the east of Bredland's Lane, and not on the existing site to the west, need to be considered and addressed. The following paragraphs will therefore consider if a complete new build is the only viable option and, if yes, whether building to the east of Bredlands Lane is necessary, and acceptable in principle.
21. It is important to note that the proposed site is existing school playing field, and has not been nationally or locally designated as an area of important landscape (e.g. Area of Outstanding Natural Beauty or a Special Landscape Area). In addition, the site is not allocated as a Green Gap within the Local Plan. The application site is, therefore, not afforded any national, regional or local landscape protection.
22. The applicant advises that various options were considered for the redevelopment of the overall site, but the overriding objective was to provide a new building due to the deficient standard of the existing accommodation. The applicant considers that a new build provides significantly better value for money than refurbishing the existing building because it:
- eliminates the need for decanting pupils, equipment and facilities into temporary accommodation with costly phasing of replacement development;
 - avoids complex and unsuccessful refurbishment of buildings which are hard to adapt and unsuitable for a modern educational use;
 - allows for greater flexibility is designing interior and exterior spaces to successfully deliver the educational vision of Spires Academy Trust.
 - allows for a much faster construction period, lower cost and, therefore, better value;
- In light of the information given above, and considering the information outlined in paragraph 4 of this report, I do not consider that refurbishment of the existing buildings is appropriate in this instance. The buildings are in a state of disrepair and provide insufficient and inadequate accommodation, with a poor internal configuration of space for modern teaching practices. Refurbishment of these buildings would not fulfil the requirements of the Academy or fulfil the brief provided by the Education Authority. I therefore conclude that a complete new build is the only appropriate option in this instance.
23. Having accepted a new build in principle, the option of redevelopment of the existing school site to the west of Bredlands Lane should be considered and discussed in detail. Should this be achievable, the site to the east of Bredlands Lane could remain as playing field. A complete new build on the footprint of the existing school buildings was discounted by the applicant as it would have required moving the whole school into temporary accommodation and would prolong the construction period. Both of these matters would have a negative impact on the education of students, and would add

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

considerable costs to the project. I therefore conclude that rebuilding upon the existing footprint would not be a viable option in this instance.

24. To the north of the existing school buildings, on the west of Bredlands Lane, is an area of playing field which could be developed. A new build here would be spatially possible, and could be constructed whilst the existing buildings remain operational, with demolition upon completion. However, the limited space available would necessitate the construction works being undertaken in unacceptably close proximity to the existing school buildings. Whilst this is often done on school sites, and has, to varying degrees been the case on other academies across Kent, the space constraints on the Spires Academy site would render this option unsuitable. The construction site would be unacceptably close to educational buildings, causing disruption, and posing a Health & Safety Risk. In addition, access for construction vehicles would be via a narrower section of Bredlands Lane, and there would be little or no space for on site construction compounds and car parking for site workers/personnel.
25. In addition, a building in this section of the site would be no less visually prominent, and would impact upon facing residential properties in Bredlands Lane. The applicant also advises that a new building in this section of the site could, upon completion of the demolition of the existing buildings, have left the new building with an odd relationship with the surroundings, including playing fields and access. Lastly, the Academy would still have a split site, with playing fields to the east of Bredlands Lane, something which is not desirable in terms of management or safety of pupils. The site layout as proposed would enable a site security strategy where the building would function as the 'gate' to the site, keeping students within the building or out in the landscaped areas and pitches to the east, whilst car parking would remain accessible to the front of the site, with visitors able to walk to the front entrance, allowing the academy to be accessible to the community. This would not be possible with a split site.
26. In light of the above, I must conclude that a new build on the east side of Bredlands Lane is the only viable option for the successful redevelopment of the Spires Academy. This would also have the advantage of consolidating all the School's accommodation and sports facilities on one site. I therefore consider the development of the 'greenfield' site to be necessary in this instance, and conclude that development to the east of Bredlands Lane is acceptable in principle.

Landscape Policy and Visual Impacts

27. Having concluded that building on the east of Bredlands Lane is acceptable and necessary in this case, the landscape and visual impacts of the development as proposed must be considered and addressed. The City Council consider that development of this open land would intrude into the open countryside between Hersden and Sturry, and would result in the unnecessary loss of agricultural land. These points of objection are supported by Protect Kent, local residents and the County Council's Landscape Advisor, and will be discussed in detail below.
28. As outlined in paragraph 1 of this report, the application site includes a small area (1.8ha) of agricultural land to the north, which has recently been acquired by the Academy. It is proposed to 'convert' this land to playing fields, something which Protect Kent consider to be contrary to Development Plan Policy, namely Policy R2 of the Canterbury Local Plan. However, Policy R2 of the Canterbury Local Plan refers to new agricultural development/development of agricultural buildings and is, therefore, not relevant to this application. The applicant further advises that, in respect of development of agricultural land, PPS7, paragraph 28, states that where significant development of

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

agricultural land is unavoidable, Planning Authorities should seek to use areas of poorer quality land (grades 3b, 4 & 5) in preference to that of higher quality land, except where this would be inconsistent with other sustainability considerations. First, I do not consider the area of agricultural land to be developed to be 'substantial', and secondly the land is graded as 3 or below. PPS7 goes on to state that 'little weight in agricultural terms should be given to the loss of agricultural land in grades 3b, 4 & 5, except where particular agricultural practices may themselves contribute in some special way to the quality and character of the environment or local economy'. Given the limited amount of agricultural land that would be lost, and the grade of the land, I do not consider that this element of the proposal would be contrary to the principles of relevant Development Plan Policies.

29. As regards the assertion that development of the site would intrude into the open countryside between Hersden and Sturry, it needs to be borne in mind that the site is existing school playing field, and is not subject to any local, national or international landscape designations. Under the circumstances, the site has not been identified as land of important countryside value, nor as necessary to provide some physical separation between Hersden and Sturry. A 'Green Gap' has been specifically identified for that purpose and it does not include the application site.
30. Although it is the applicant's intention that the academy could be seen from the A28, to emphasise its role as a community facility, the building would be partly screened by existing planting and development. The site is well screened from the A28 by an existing mature hedgerow. Although part of this has been reduced in height recently, the applicant has submitted a report outlining future management of the hedge to encourage its growth. It is expected that the whole hedgerow would be 3.5 metres in height in 4 years time. It is important to note that the proposed building would be located behind an area of the hedge which has not been reduced in height and would, therefore, be subject to substantial screening.
31. It is worth considering that of the 350 metre length of the site frontage with the A28 Island Road, the building would only occupy a quarter of that length (88 metres). The building would also be set back from the site frontage. However, the A28 is not a rural road at this point, but bordered by ribbon development spreading from Canterbury. Commercial properties lie to the south of the site, and residential properties, both new and old, surround the site, albeit at changing densities. I do not consider that the siting of the school on the playing field to the east of Bredlands Lane would amalgamate existing development, bearing in mind the wide areas of open space around the proposed building, have an urbanising effect or significantly alter the character of the local area. I appreciate that local residents are also concerned over future development of the existing school site, and the cumulative impact that this could have, but any future development proposals would be subject to separate planning application(s), to be considered in the future. Plans for the site are unknown and, therefore, cannot be taken into account in the determination of this application. I would point out that any future planning application would be subject to consultation, and would need to be considered with the academy building and its impacts in mind, should permission be granted. Having accepted the principle of developing the site to the east of Bredlands Lane in terms of local landscape impact, the impact of the proposed development on the wider landscape, and the siting, massing and scale of the building need to be considered, and will be discussed below.
32. The applicant has undertaken and submitted a Site View Analysis Study, which concludes that from limited distant points the roofs of adjacent residential development could be seen. However, the proposed Academy building would be directly opposite the

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

close screening of 'Bushy Close Wood' on the opposite side of the A28, which, whilst not of particular landscape merit in itself, would screen the development from wider landscape views from the south. The applicant advises that the site presents a similar overall frontage to the north, albeit with a staggered edge. From this direction there are also significant obstructions to potential views of the building by trees. To the north by north west there is Square Wood and a line of trees running down to the upper reaches of Sarre Penn, and to the north by north east there is Ash Plantation before the ground rises towards East Blean Woods. Views from these and other points in the wider landscape have been considered within the Site View Analysis Document. Taking into account the information contained within that document, and the proposed mass and location of the Academy building within the site, I do not consider that the building would actually be visible from many vantage points due to the significant tree screening in the surrounding landscape, and gently undulating contours in the immediate vicinity of the site. Should a view be glimpsed, this would be against a back drop of adjacent woodland, the trees of which far exceed the height of the proposed building. I therefore consider that the proposed development would not have a significantly detrimental impact on the wider landscape, and would not significantly alter the character and appearance of the immediate locality.

33. It should be noted that the proposed building has been located in the centre of the site, away from the site boundaries, to reduce its visual impact. Although amenity concerns will be addressed in detail later in this report, it is appropriate to mention that the siting of the building would not result in overlooking/loss of privacy, loss of light, or be overbearing in nature. The proposed building would be approximately 150 metres away from properties in Bredlands Lane and those to the east of the site, and approximately 88 metres from buildings to the south of the A28 Island Road. I consider these distances to be more than satisfactory. Local residents and the County Council's Landscape Advisor have also expressed concern and objection regarding a loss of view from private properties adjoining the site. As Members are aware, this is not a material consideration in the determination of planning applications. However, given the distances specified above, and the open nature of the site, I consider that wider views beyond the academy building would still be afforded.
34. Local residents and consultees have also suggested that the scale and massing of the building is not appropriate and is out of keeping with surrounding development. However, housing to the east of the site, in and around Acacia Drive, is three storeys in height, with steeply pitched roofs. The applicant considers that these properties are approximately 11 metres high. The proposed Academy building would be 12.5 metres in height at the highest point, with most of the footprint being lower than 9 metres. The building footprint also represents only 10% of the site area, with the remaining 90% forming car parking, hard and soft play areas, sports pitches and landscaped areas. Therefore, the site has the potential to feel rural and open in nature, and I consider the scale and massing to be fit for purpose and appropriate for the site. I do not consider that the siting, scale or massing of the development would have an adverse impact on the character of the area, or have a significantly urbanising effect. I therefore see no overriding justification to refuse the application on these grounds.

External Materials

35. Notwithstanding the above considerations, the colour finish of the proposed academy should be compatible with the local landscape and surrounding development. The applicant is proposing a grey and green colour finish and has submitted indicative samples and photomontages to show this. However, the green initially proposed was very bright, almost fluorescent, and met with objection from the County Council's

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

Landscape Advisor. I also did not consider it to be appropriate for the development and, although final details would be required pursuant to planning condition, did not want to approve the colour in principle. Therefore, I requested that the applicant submit an alternative shade of green for consideration prior to the determination of the application. This has now been submitted and is more muted in tone. I consider that this shade of green is acceptable in principle, although final details of all materials to be used externally should be submitted pursuant to condition should permission be granted. Subject to the imposition of that condition, I consider that the external appearance of the building can be controlled to ensure the materials palette is appropriate for the site and its context.

Landscaping and fencing details

36. The development proposals would result in the removal of two hedgerows which currently divide the site internally. Boundary planting, including the substantial hedgerow to the south of the site, adjacent to the A28 would, however, be retained and enhanced. The applicant has submitted detailed arboricultural reports, landscape proposals and ecological reports in support of the application which address the removal of the hedgerows in detail. I have not received any objection to the landscape proposals, but consider it appropriate to require details of exact tree removal, proposed planting, and both hard and soft landscaping, pursuant to condition should permission be granted. I also consider it necessary to impose a condition of consent to ensure the protection of trees to be retained, in accordance with BS5837: Trees in Relation to Construction. The applicant advises that the boundary of the site would be secured with a 2.4 metre high fence and gated access, but no further details are provided. To ensure a satisfactory appearance to the development, I consider that details of the fencing colour and specification, and details of all gates and means of enclosure, should be submitted for approval prior to the commencement of development. Should Members be minded to permit, the above matters would all be covered by appropriate planning conditions. Subject to these conditions, I consider that the external appearance of the site can be controlled to ensure a satisfactory finish appropriate for the surrounding landscape.

Ecology

37. An Ecological Scoping Survey, Protected Species Surveys and a Tree Survey have been submitted in support of this application. The Ecology Surveys conclude that no further survey work is required, but make a number of recommendations which should be followed prior to and during construction works, such as the protection of nesting birds. In addition, a reptile mitigation and compensation strategy should be submitted for approval prior to the commencement of development. Subject to the imposition of conditions requiring that the recommendations detailed within the Protected Species Surveys be followed, and a mitigation strategy for reptiles be submitted, I do not consider that the development would have an adverse impact upon protected species.

Community use and sport/playing field provision

38. As it is proposed to construct the Academy buildings upon playing fields, Sport England has been consulted on this application. Sport England raises no objection subject to the imposition of conditions regarding ground conditions and playing field quality, retention of the playing field land to the north of the existing school buildings to the west of Bredlands Lane, submission of a report setting out expected community use of the indoor and outdoor sports facilities, sports hall to be designed and laid out in

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

accordance with Sport England guidance, and the MUGA to be constructed in accordance with Sport England Technical Design Guidance Notes.

39. The applicant has agreed to and accepted the imposition of all of these conditions apart from one. The requirement that the sports hall be designed and laid out in accordance with Sport England guidance would necessitate the inclusion of additional storage, which the Academy considers to be in excess of their requirements. The applicant is currently proposing to provide a total of 68 square metres of sports storage, 40 internally and 28 in external stores. The applicant advises that the brief for the scheme requested an area of 20 square metres, based on the Academy's existing needs and requirements. 68 square metres is far in excess of that. Whilst the internal layout could be adjusted to increase storage capacity, this would be at the expense of important teaching and learning space, or changing facilities. The applicant has confirmed that the remainder of the Sports Hall would be designed and laid out in accordance with Sport England guidance and requirements, the only issues of contention is storage space. Sport England is currently in receipt of additional information submitted by the applicant to justify the level of storage proposed, in conjunction with a list of the Academy's sports equipment and space requirements, and a plan showing the location of external storage facilities. I am expecting that Sport England will accept the case provided and agree to reword the condition so that a lower level of storage can be provided. Members will be updated on this matter verbally at the Planning Application Committee meeting.
40. It is proposed that there would be community use of the academy buildings and the associated sports facilities, a principle which is supported by Development Plan Policies and wider Government aspirations for extended school use and community activities. However, at this stage there are few details against which to access the potential impact of community use. Local residents have expressed concern over hours of use, and increased disturbance from community use of the facilities, particularly use of the external sports facilities in the evening and at weekends. However, Sport England requires a report to be submitted which should set out the details of community use. These details would need to include proposed hours of use for indoor and external facilities, the types of uses proposed and the frequency of use, as well as detailing how use of the facilities by the local community would be managed. The submitted details would be sent to consultation with relevant consultees to ensure that the proposed community use would not have a detrimental impact on the amenities of the locality. Once considered acceptable and approved, the community use of the facilities must strictly adhere to the hours of use and details given. As discussed above, the applicant has accepted the imposition of this condition, and I also consider it necessary in order to protect the amenities of nearby residential properties. Subject to the imposition of such a condition, I consider that community use of the development would not have a significantly detrimental impact upon the amenities of the locality.

Access and Highway matters, including the cycle route

41. Objection is raised to this application by local residents on the grounds of increased traffic movements, unsuitability of Bredlands Lane for access and proximity and danger of the junction with the A28 Island Road. The City Council and Protect Kent also express concern over the extent of car parking proposed to serve the site, which is above the maximum specified by Kent Vehicle Parking Standards. However, with regard to the amount of car parking, the applicant has provided additional information with regard to staff numbers and, in conjunction with the fairly remote location of the school, Kent Highway Services have accepted the level of parking proposed. A reduction in the amount of spaces could lead to parking on the local highway which would be unacceptable. I therefore am satisfied with the amount of car parking proposed, and the

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

internal layout of the site which includes circulatory access, pick-up and drop-off facilities and cycle parking. Conditions of consent would ensure that these facilities were provided and fully operational prior to the first occupation of the academy, and thereafter maintained.

42. Bredlands Lane provides access to the existing school and, as this application is not proposing an increase in pupil numbers above the maximum capacity of the existing buildings, I see no reason to object to the principle of an access in Bredlands Lane. In addition, access via the A28 Island Road would meet with objection from Kent Highway Services due to congestion and highway safety concerns. The application was accompanied by a Transport Assessment and Travel Plan, and Kent Highway Services have assessed the information provided and have concluded that the access is acceptable, and that the existing junctions have the capacity to accommodate any increase in traffic that could be generated by the development. Subject to the imposition of a condition to require the submission and approval of an updated Travel Plan, to be subject to ongoing monitoring and review, and conditions requiring car parking to be made available outside school hours to accommodate evening and weekend use of the facility, and the provision of pedestrian and vehicular visibility splays, I see no reason to refuse the application on the ground of impact on the local highway network.
43. Lastly, as outlined in paragraphs 3 & 12 of this report, the development site forms part of the intended 'Cycle Route K', as shown in the Canterbury District Local Plan, the land for which is safeguarded by Policy C3 of the Local Plan. Kent Highway Services advise that the route is intended to link Sturry and Hersden, via the Academy, avoiding the busy A28. This application proposes a footpath and cycle way to run along the eastern and southern boundaries of the site, linking housing in the east to Bredlands Lane. The route would be secured from the school grounds by fencing, and would be privately owned by the Academy, who would allow public access. It is intended that the footway/cycleway would be built to adoptable standards, but without lighting, and maybe adopted by Kent Highway Services in the future. A pedestrian and cycle entrance to the Academy site would be provided from this route, located approximately half way along the site frontage with the A28 Island Road. However, this route would be protected and screened from the A28 by the existing barrier hedging, thus minimising the risk of parental drop off along this major road. Following discussion with Kent Highway Services, the proposed footpath and cycle way has been amended slightly following the submission of this application. The route has been widened, the corners curved, and the western end of the route, located on Bredlands Lane, has been moved further north, away from the junction with the A28, and closer to the academy access point. By moving this entrance/exit to the north, the footway/cycleway would also be closer to the remainder of the route as identified in the Local Plan, removing the need for the City Council's requirement for a connecting link. Although the route proposed within this application deviates from the route outlined in the Local Plan, it is considered to be acceptable by both the Academy and Kent Highway Services. Should the route within the Local Plan have been followed it would have crossed playing fields and created security issues for the Academy, and would also exit onto Bredlands Lane in close proximity to residential properties. I therefore consider the route within the application to be acceptable and, should permission be granted, I consider it appropriate to condition that the route be provided and operational prior to first use of the academy buildings, and thereafter be maintained and kept available for public use.

General amenity concerns

44. Local residents have expressed concern over the development with regard to the impact it could have upon their amenity. Issues of overlooking, loss of privacy, loss of

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

views, siting/scale of the development, implications of community use and highway matters have been addressed above. However, concerns over light and noise pollution, and loss of open space need to be considered.

External lighting

45. Limited details have been provided with regard to external/security lighting for the development. Local residents and consultees have expressed concern that lighting could have adverse effects on residential amenity and on wider landscape views. If permission is granted, it would therefore be appropriate to reserve details by condition so that the type and position of any external lighting can be controlled to ensure any potential nuisance from light pollution can be minimised. In addition, for the avoidance of doubt, it would be conditioned that no floodlighting shall be installed on site without the submission and determination of a full planning application. Subject to the imposition of these conditions, I do not consider that external lighting at the site would have a significantly detrimental impact on the wider landscape and/or residential amenity and, therefore, see no reason to refuse the application on these grounds.

Noise

46. Local residents have objected to the application on the grounds of potential noise pollution/disturbance. Although this in part could relate to evening and weekend use, details of which would be required pursuant to condition, as discussed above, it is important to note that the existing playing fields are currently used in the evenings and at weekends. However, the acoustic survey submitted in support of this application established the ambient noise levels along the boundary with local residential properties, and concluded that, due to road noise from the A28 Island Road, it is unlikely that residential properties would be affected by noise generated from the building and/or continued use of the playing fields. The County Council's Noise Advisor supports this view, and has raised no objection to the application. It is not considered that noise from the proposed development, including the sports pitches and MUGA, would be an issue at the closest residential properties, and I therefore see no reason to refuse the application on this ground.

Loss of Open/Amenity Space

47. Local residents state that the site is regularly used by local residents for dog walking and general amenity space, and object to its loss on this basis. However, the site is owned by the Academy and is private land, currently used by the Academy for playing fields. The agricultural land to the north, recently acquired by the Academy, is also in private ownership. There is no Public Right of Way across the land. The applicant advises that the Academy has previously tried to secure the boundary to safeguard students against public access and dog fouling, with little success. However, the Academy proposals do include the provision of the combined footway/cycleway, as discussed above. This would connect housing to the east of the site with Bredlands Lane to the west, allowing pedestrians and cyclists to safely access Bredlands Lane, and land beyond, without using Island Road. As the site is private land, objections on the ground of loss of open/amenity space cannot be considered in the determination of the application.

Archaeology

48. The County Archaeologist has concluded that in order to secure the appropriate level of evaluation and mitigation of archaeological potential at the site, a condition of consent

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

be imposed. It is requested that no development takes place until the applicant has secured and implemented archaeological field evaluation works and subsequent safeguarding measures to preserve/record archaeological remains. The field evaluation works shall be in accordance with a written specification which must be approved by the County Planning Authority prior to the commencement of development. Therefore, subject to the imposition of the required condition, I do not consider that this proposal would have a detrimental impact on archaeological remains.

Sustainable construction

49. The applicant advises that the project would achieve a minimum 'Very Good' rating under BREEAM for schools. The building would include a number of sustainable features and I consider that the applicant has given sufficient information within the planning application to demonstrate how the rating of 'Very Good' would be achieved. I therefore consider it sufficient and acceptable to condition that the development achieve at least a 'Very Good' rating.

Drainage and Land Contamination

50. The Environment Agency raises no objection to this application subject to the imposition of a condition regarding surface water drainage. In addition, advice is provided with regard to flood risk, land contamination, drainage, and the storage of fuel, oil and chemicals, and I consider it appropriate to draw the applicant's attention to this advice, should permission be granted. Therefore, I consider that subject to the imposition of a condition requiring the submission of a detailed surface water drainage scheme prior to the commencement of the development, and an informative drawing the applicant's attention to the advice provided, the development could be controlled to ensure that it would not result in unacceptable pollution levels, in accordance with the principles of Development Plan Policy.

Construction

51. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction for the academy project in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.
52. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. The strategy should include details of the methods and hours of working, location of site compounds and operative/visitors parking, details of site security and safety measures and details of any construction accesses. The provision of such a strategy would also address the conditions required by Kent Highway Services with regards to construction activities. Should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.
53. In addition to the above, should permission be granted, conditions of consent would ensure that dust, mud on the local highway network, and other matters associated with

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Conclusion

54. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies, including those that seek to protect important countryside and landscape. I consider that, subject to the imposition of appropriate planning conditions, this proposal would not have a significantly detrimental effect on residential or local amenity, the character of the area, the local or wider landscape, or the local highway network. There are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

Recommendation

55. Subject to further views from Sport England, I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the submission of details of all materials to be used externally;
- details of all external lighting;
- a scheme of landscaping, including hard surfacing, its implementation and maintenance;
- measures to protect trees to be retained;
- details of fencing, gates and means of enclosure, including colour finishes;
- no tree removal during the bird breeding season;
- development to accord with the recommendations of the ecological surveys;
- the submission of a reptile mitigation strategy;
- archaeological field evaluation works and subsequent safeguarding measures;
- a BREEAM rating of 'Very Good' to be achieved;
- submission of a detailed surface water drainage scheme;
- submission of details regarding ground conditions and playing field quality;
- retention of playing field land to the north of the existing buildings on the west of Bredlands Lane;
- sports hall to be designed and laid out in accordance with Sport England guidance;
- MUGA to be constructed in accordance with Sport England Technical Design Guidance Notes;
- submission of a report setting out expected community use of the indoor and outdoor facilities, including hours of use;
- the provision of pedestrian and vehicular visibility splay;
- provision of access, car parking, pick-up/drop-off, circulatory space, and cycle parking prior to first occupation, and subsequent retention;
- car parking on site to be available out of school hours to accommodate evening and weekend use;
- combined footway and cycle route to be provided prior to first occupation, and subsequent retention, and to be kept available for public use;
- submission of a revised School Travel Plan, its implementation and ongoing review;
- no flood lighting shall be erected on the multi-use games area, or elsewhere on the site, without the written permission of the County Planning Authority;

Item D1

Proposed new buildings for Spires Academy at land off Bredlands Lane, Sturry, Canterbury – CA/10/1790

- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- construction management plan, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations;
- measures to prevent mud and debris being taken onto the public highway.

56. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

- Account should be taken of Environment Agency's advice relating to flood risk, land contamination, drainage, and the storage of fuel, oil and chemicals.
- The applicant is advised that planning permission does not convey any approval for the required vehicular crossing or any other works within the highway for which a licence must be obtained.

Case officer – Mary Green	01622 221066
---------------------------	--------------

Background documents - See section heading
--

Item D2**Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507**

A report by Head of Planning Applications Group to Planning Applications Committee on 15 February 2011

Application by Goodnestone CE Primary School for the removal of a mobile classroom unit and construction of a single storey classroom building at Goodnestone CE Primary School, The Street, Goodnestone, Canterbury – DO/10/507.

Recommendation: Permission be granted subject to conditions.

Local Member: Mr. L.Ridings

Classification: Unrestricted

Site

1. Goodnestone CE Primary School is located in the centre of the small village of Goodnestone, near Aylesham. The school site comprises an 'L' shaped plot of land, with access from the main road through the village, The Street, and via School Lane, a narrow access road that is a designated Public Right of Way. The proposed development site is located adjacent to School Lane, and currently is occupied by a mobile classroom building. There are established mature trees to the north west boundary, a recent school extension to the north east, and a residential garage and house to the south east.
2. The school site lies wholly within the Goodnestone Conservation Area. There are a number of listed buildings near to the development site: Avenue Lodge 18m to the west; Weavers Cottage 23m south east; Church Cottages 50m south east; The Fitzwalter Arms 60m south and the Grade 1 Listed village church 70m to the south. The application site is visible from School Lane and the immediate area, but is not visible from the main street. There is a small grassy footpath leading from School Lane, behind the Church Cottages and to the side of the Church; however this is not the main entrance to the Church and is not a designated Public Right of Way.

Background

3. Goodnestone Primary School is a late-Victorian brick building, although it has had a number of conversions and extensions over time. The school caters for children aged 4 to 11 and has a current roll of 81 pupils. There is a large mobile classroom building which provides teaching accommodation and the application proposes to remove this temporary building. There has been a mobile building on this site since 1992, which has had permission renewed on number of occasions.
4. Recent planning history includes the construction of a new reception/administration and toilet block adjacent to the application site, which was granted permission in 2005. This extension is brick-built, and although the main building is not a listed building it incorporates features and is designed to mirror and complement the locality. As part of this project, the original mobile building was removed and a refurbished unit put on site, as the first phase of longer term school improvements subject to funding. In 2006, the

Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507

School applied to replace the mobile unit with a larger 3-bay temporary building. This application was subsequently withdrawn under the advice of the Planning Applications Group due to the objections received, and the potential impact on the Conservation Area.

5. The mobile classroom has been on site for over ten years and has had planning permission renewed on a number of occasions. The most recent application for a two year temporary permission was granted approval at the Planning Applications Committee Meeting in 2007, with the condition that a permanent solution was explored as a matter of urgency due to the number of renewals of temporary permission.

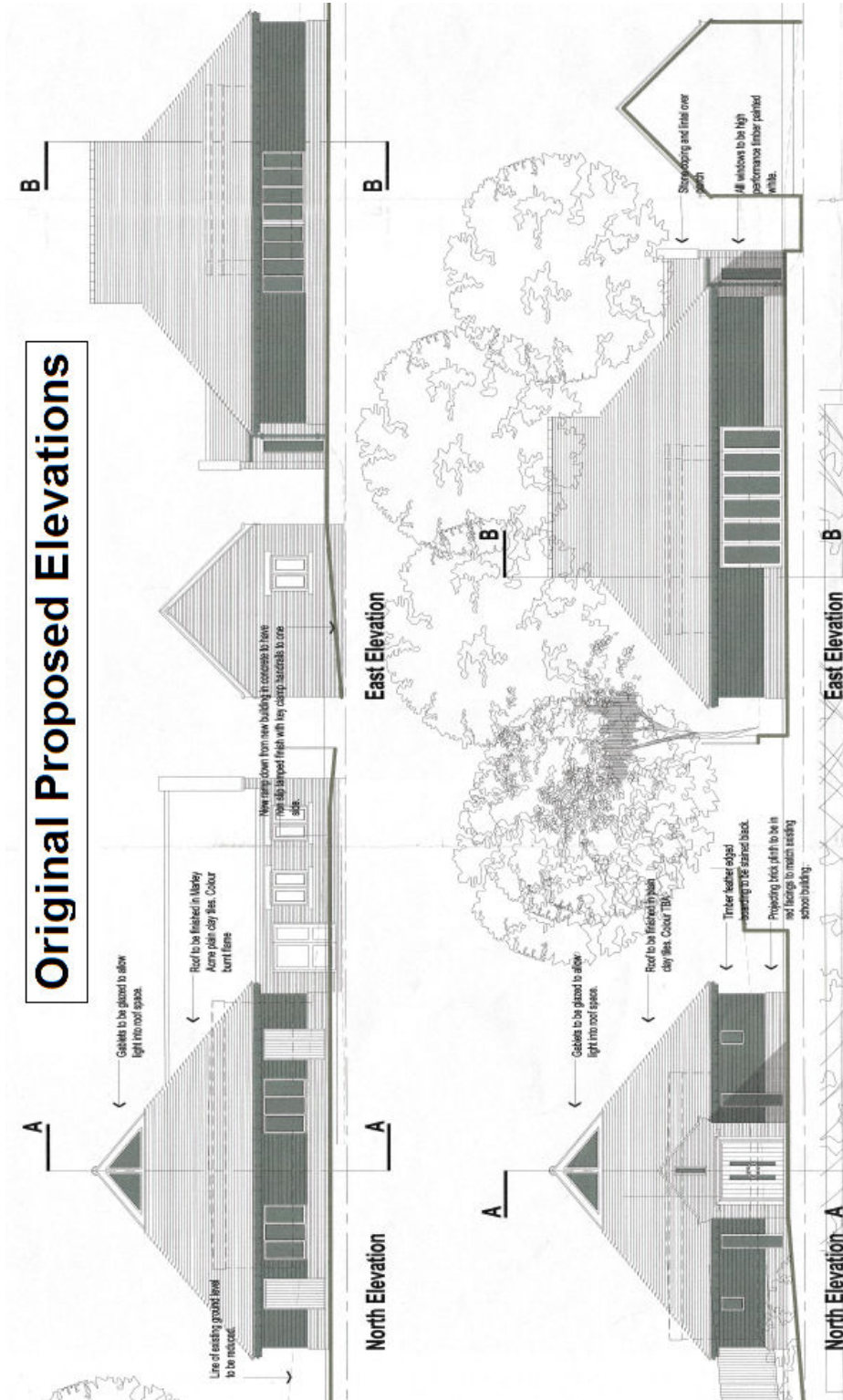
Proposal

6. This application proposes the removal of the existing mobile classroom building, and the construction of a single story building in its place, to provide two modern classrooms capable of accommodating 20 to 25 pupils in each. Pre-application discussions between the agents and ourselves recommended that the design attempts to create a complementary building to the existing school, and have a subservient appearance by adopting the appearance of a barn/outbuilding, thereby not mimicking the existing building, but incorporating some of its architectural features.
7. The submission as originally made proposed a 150sq.m building with black timber boarding to the elevations (built on a brick plinth), and a large clay tile roof with a maximum height of 7.7m. The architect stated the design proposed intended to create an outbuilding/barn appearance, within the budget available. The original submission attracted objections from the District Council, conservation architects and a near neighbour due to the design, materials, bulk and height of the proposed building, and the impact this would have on the Conservation Area and the setting of neighbouring Listed Buildings.
8. In response to the objections, a site meeting was held with the architects, school Headteacher, Dover DC and the KCC Conservation Architect in order to discuss the issues and visualise solutions. The architect redesigned the footprint and roof and put forward 8 different basic forms for the building for discussion amongst consultees. The preferred option was then used to redesign the proposal.
9. The updated submission proposes an identical floor space, but amends the form of the roof to reduce the height to a maximum of 6.08m, by incorporating a dual pitched-roof design (see plans). The overall height of the building is proposed to be reduced in visual bulk by lowering the ground level by an average of 900mm. The roof materials were also amended from machine-made Marley clay tiles, to natural Welsh blue black slate. The building is still proposed to be finished with black timber boarding, and to be on a red brick plinth. The amended design and materials were sent out for consultation, and subsequently the District Council and conservation architects removed their objections, although a near neighbour to the development site maintains and reiterates their objections to the scheme based upon its inappropriate design and impact on the Conservation Area and adjacent Listed Buildings.

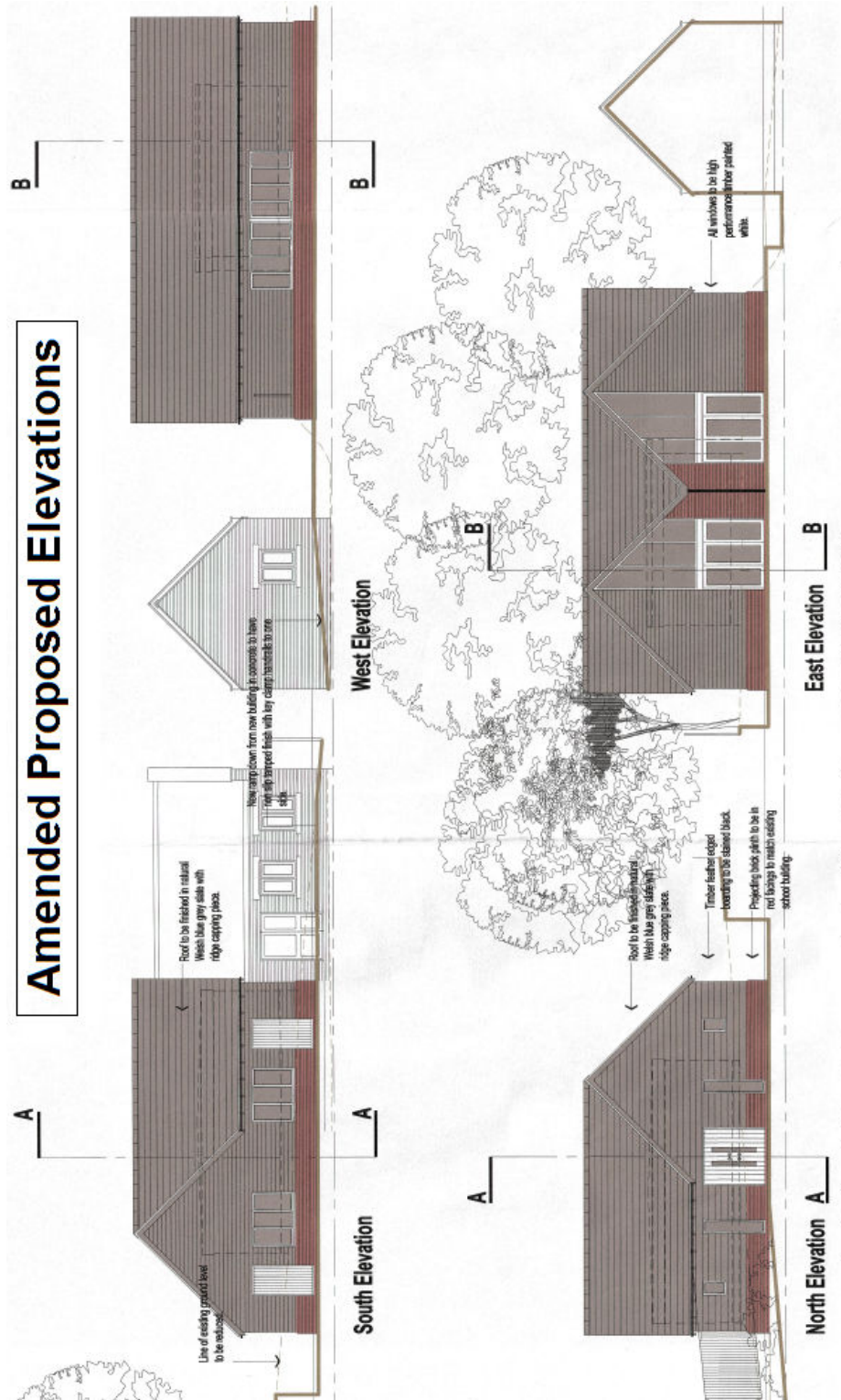
Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507



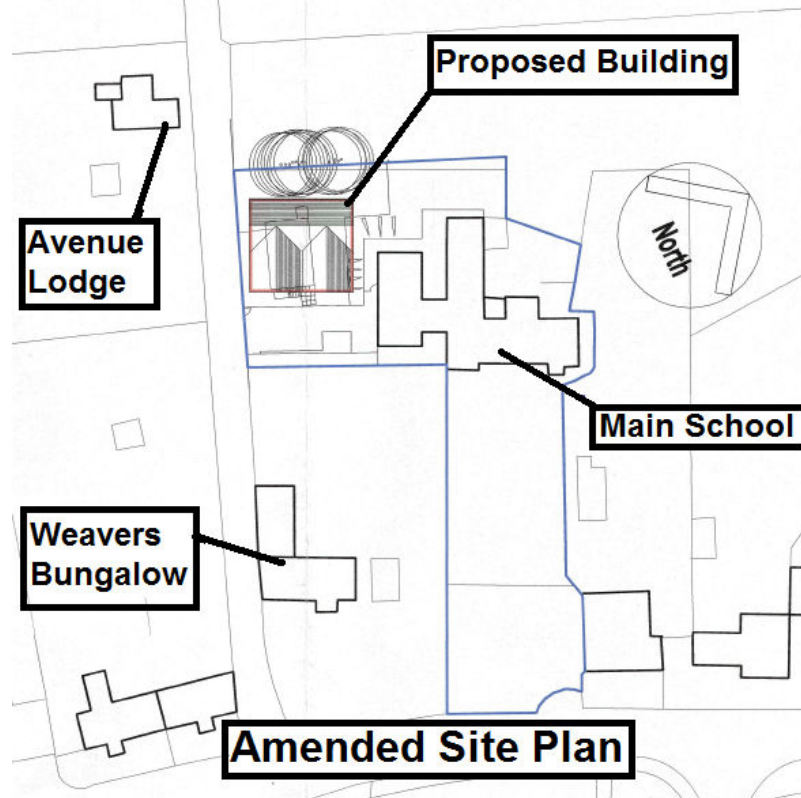
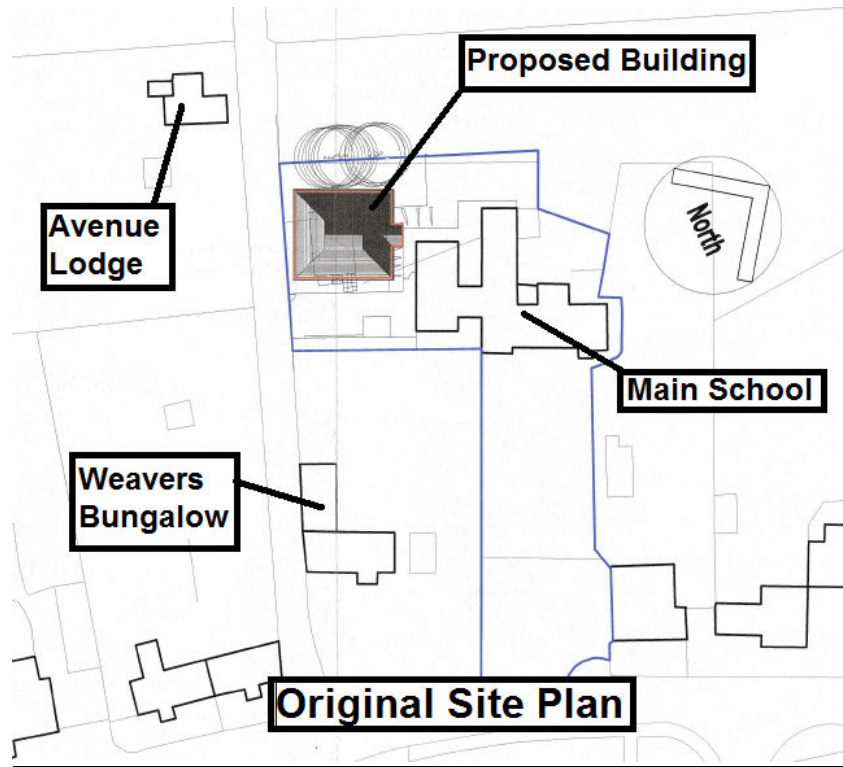
Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507



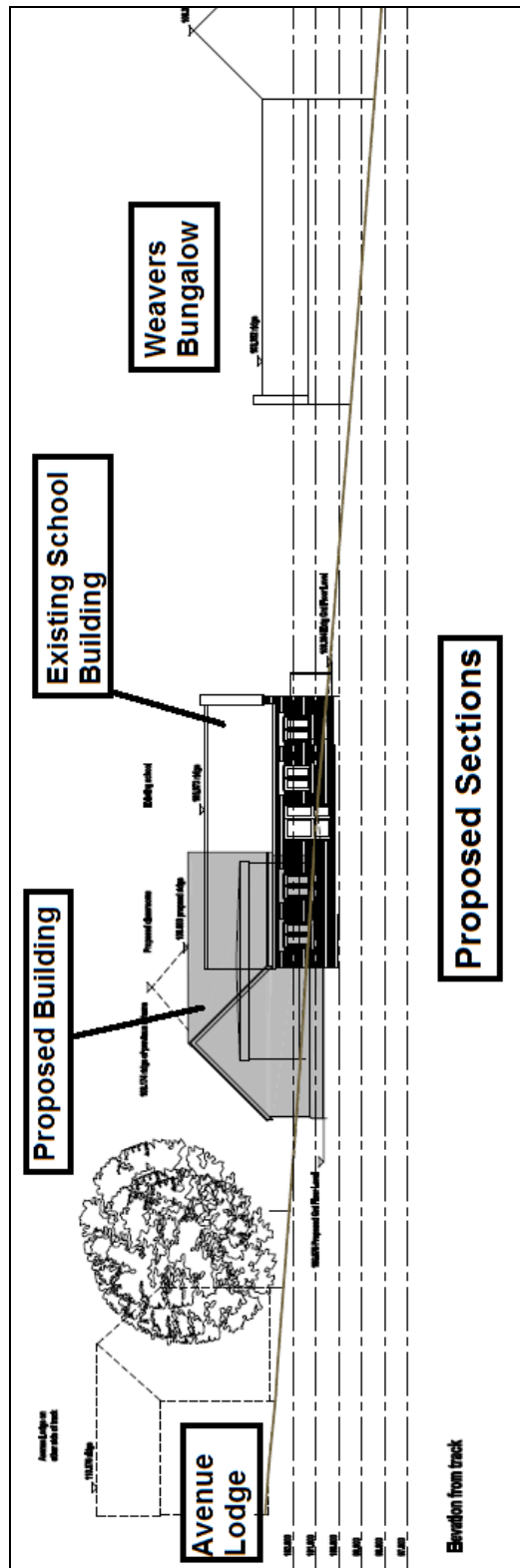
Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507



Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507



Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507



Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507

Planning Policy

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

- (i) **Planning Policy Statement 1: Sustainable Development**
- (ii) **Planning Policy Statement 5: Planning for the Historic Environment**
- (iii) The adopted **South East Plan**

Important note regarding the South East Plan:

As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. The 10th November 2010 Quartermain Letter is now being challenged in the High Court and must in my view carry little weight until such time as the Court decision is known. This is currently awaited. Department of Communities and Local Government advice on this matter reads:

'Local planning authorities and planning inspectors should be aware that the Secretary of State has received a judicial review challenge to his statement of 10 November 2010, the letter of the Chief Planner of the same date and to the Secretary of State's letter of 27 May 2010 on the ground that the Government's intended revocation of Regional Strategies by the promotion of legislation for that purpose in the forthcoming Localism Bill is legally immaterial to the determination of planning applications and appeals prior to the revocation of Regional Strategies.

The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner'.

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

Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507

- Policy CC4** Expects that all 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, taking into account demographic projections, should work with partners to ensure adequate provision of pre-school, school and community learning facilities.
- Policy BE4** To protect, conserve and enhance the historic built environment.
- Policy BE6** Gives support to proposals which protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place.

Consultations

Dover District Council - objected to the original proposals on the grounds that the proposed building by reason of its size, height, scale and design would be likely to appear incongruous and obtrusive in appearance, detrimental to the character and appearance of the Conservation Area within which it is located, and the setting of adjacent Listed Buildings contrary to PPS1 and PPS5. However, a less obtrusive building of a design that would be more in keeping with the character of the Conservation Area and setting of the adjacent Listed Buildings, and which would be more sympathetic to the character and appearance of the school building, would be more likely to receive this Council's support.

Following the submission of amended plans, the District Council submitted the following comments:

No objections are raised. It is considered that the height is still rather disproportionate to the existing school; however the overall design is a great improvement over the existing mobile classrooms it would replace in terms of impact on the character and appearance of the Conservation Area and setting of the adjacent Listed Buildings.

Goodnestone Parish Council – were consulted on this application.

Divisional Transport Manager – no objections, provided wheel-washing facilities are provided during construction to prevent mud being deposited on the local roads.

KCC Conservation Architect - recommends that for the building to work in this setting, the roof must take on the profile of a barn, which the (original) proposal does not. The barn design would result in a large tiled roof, but it would be appropriate to the setting and location. It is also important that the tiles are of an appropriate quality because of the sensitive setting – these should be a Keymer tile or similar, not a machine made tile as proposed.

Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507

Following the submission of amended plans and in response to the objections received on the basis of design and conservation, the Conservation Architect submitted the following comments:

“The approach of designing the building to appear like a barn is appropriate in this location and setting. Such building forms are often associated with rural churches where they were used to hold the tithe collection from local agriculture. The use of timber weather boarding on a barn like structure in proximity to the Church is not out of keeping with similar building forms in other semi-rural locations to be found in historic villages around Kent. As such, there is no conflict with the setting and appropriateness of form with adjacent listed buildings”.

English Heritage - recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of [our] specialist conservation advice.

Local Member(s)

11. The local County Member for Sandwich, Mr L.Ridings, was notified of the application on the 3 June 2010.

Publicity

12. The application was advertised in the KM Extra Canterbury on 11 June 2010, by the posting of a site notice, and by the notification of 19 neighbours.

Representations

13. I have received one letter of objection from a near neighbour to the site. The main points can be summarised as follows:
 - The Design and Access Statement states that the ‘proposed building will not mimic the Victorian school architecture but have a greater resemblance to an outbuilding or barn, and be clad in black timber boarding’. How does the choice of materials and design preserve or enhance the special character of the Conservation Area? The previous extension to the main building is in the same design as the original Victorian School.
 - The proposed building has been designed to ‘complement the existing school building, not by repeating the Victorian elevations but by a contrasting appearance’. How is this apparent contradiction in terms explained?
 - The scale of the proposed development dwarfs our house and several other listed buildings. At almost 8m in height it would not be possible to soften the impact with landscaping and planting.
 - How can the proposal be described as single storey at 8m in height? The impact of the scale on the surrounding area cannot be justified, and it would be visible

Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507

from the Grade 1 listed Holy Cross Church.

- Do not understand how this proposal can be acceptable considering the scrutiny and strict criteria applied our own recent planning applications. We would be interested in hearing any justification in applying different standards to a much more significant development.
- Do not agree with the conclusion that the building would be 'aesthetically remaining in keeping with the existing buildings and locality in general' and that this statement is not supported by evidence.
- We are supportive of the school and hope that a sympathetic design solution of appropriate scale using construction materials in keeping with surrounding listed buildings.

Following the submission of amended plans, the neighbours submitted additional comments:

- The benefit of the new building over the mobile classroom is not relevant, as the mobile has a temporary permission and is due to be removed as this has expired.
- The conservation issues have not been fully addressed and planning policy has not been consistently applied and therefore objections are maintained.
- The most recent extension was a brick built office, completed in a Victorian style similar to the main school. Why has a similar design solution not been proposed for this application? Cost containment is not an appropriate explanation.
- Given the level of scrutiny we have had with our own applications, we would not get permission to build a large black timber barn in the garden of a listed grade II building.
- The height of the amended proposed building is still disproportionate to the existing school; this could easily be reduced.
- We continue to hope that a sympathetic design solution appropriate to the Conservation Area is found.

Discussion

14. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) above. 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, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

15. This application has been brought for determination by the Planning Applications Committee due to the material planning objections of a near neighbour to the planning application site. The objections are outlined above and are based upon the opinion that the proposed building, by virtue of its size, design, scale and materials, would adversely impact the Conservation Area, and the settings of nearby listed buildings.

Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507

Design negotiations

16. The agent, acting on behalf of Goodnestone CE Primary School, had engaged in pre-application discussion with the KCC Conservation Officer and myself. The recommendations made during these discussions were, due to the size of the building required, to design a development that had the appearance of a barn. The rationale for this that it is not uncommon in small rural villages to have a Tithe barn in close proximity to a village church. Therefore, for a large new building on the school site to be sensitive to the Conservation Area and character of the locality, a barn-like structure would not be inappropriate.
17. The original planning application proposed a large building of 150sq.m with a square footprint in order to provide sufficient space for the number of pupils at the school. Due to the size and shape of this footprint, the design solution proposed by the architect for the roof raised the height of the apex of the building to 7.7m. The materials proposed were black stained timber weather boarding to the external walls sat on a red brick plinth, machine made Marley clay tiles, and white painted timber windows and doors. This was communicated as the best solution under the available budget. However, the design as proposed did not replicate the advice given during pre-application discussions and the shape and features of the roof did not give the appearance of a barn. The proposal attracted objections from the District Council, KCC Conservation and a near neighbour.
18. Last June I met with the objecting neighbours on site, in order to discuss their concerns regarding the application, and to assess the potential impact of the proposal on the setting of their Grade II listed house, and the nearby Grade I listed church. Following this discussion, there was a meeting between the Architects, the School Headteacher, Dover DC, the KCC Conservation Architect and myself on site to discuss concerns with the proposal, and table any potential solutions. The discussions were productive and the architect went away to revise the scheme and use group emails to discuss amendments. The amended proposal is the product of these discussions, and subsequently satisfied the objections of the District Council and the KCC Conservation Officer.

Height and Scale

19. The agent and applicant have stated that the size of the proposed building is dictated by the current needs of the School for modernised and sufficient accommodation, as well as by a need to provide appropriate space for the future. The existing mobile classroom (providing 48sq.m) was last renewed when the school roll was 63 pupils, and it has since risen to 81. The current space limitations necessitate mixed-year teaching, and the use of the village hall. Therefore, the applicant has proposed a 150sq.m building to provide two classrooms of 55sq.m each, as well as toilets and a cloakroom under the same roof. Due to this size, the original design proposed a square footprint and a large roof. The current design proposes a dual-roof, in order to reduce the impact of the height.
20. The objections to the amended proposal state that the building is overbearing on the

Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507

existing school building and is out of scale. In my opinion, due to the size of the required footprint, the height of the building is at its most acceptable potential level. The agent has proposed a limited amount of digging in to lower the ground level into the sloping topography. However, it would not be possible to reduce the ground level enough to enable the proposed building to be level with the existing school, as the development site is elevated above the ground level of the recent school extension.

21. The Council Conservation Architect's advice stated that a large new building would best take on the appearance of a barn, so as to be acceptable in the context of the Church and the Conservation Area. The amended design is more akin to this intended aim, as the roof appearance from the southern exposed elevation is similar to the large pitched roof of a barn. The original design proposed a roof that would have had a 'pyramid' appearance when viewed from the south, and an incongruous 'fin-like' appearance from the east and west. The amended plan has also reduced the maximum height of the roof from 7.7m to 6.07m, as well as proposing a greater amount of 'digging-in' to the slope of the construction area.
22. I am therefore of the opinion that the height of the proposed building is at the lowest height possible for the area of the footprint required. The 'barn' design makes the height of the building and size of the roof more acceptable within the Conservation Area, as if evidenced by the comments of the Conservation Architect. The height and bulk is also mitigated by the existing vegetation around the development site. The section drawing submitted by the agents, shows the proposed building in relation to the existing school, Avenue Lodge and Weavers Bungalow. It can be seen from this drawing that the building would be higher than the existing school, but would not appear dominant within the surrounding topography and buildings. Due to the enclosed nature of the site, the height would not be visible from the streetscene or other surrounding buildings. Therefore, I am of the opinion that the height and size of the building would not be overbearing and dominant on the surrounding area.

Design

23. The changes to the proposed design have been explained and discussed above. I am of the opinion that the amended plans are a considerable improvement upon the original proposal. I am also in agreement with the Conservation Architect's opinion that, for a large new building to work in the Conservation Area, it would need to take on the appearance of a barn.
24. The original design of the roof created a 'pyramid' style appearance from School Lane, and an alien fin-like feature when viewed from the east. The amended plans re-designed the roof to adopt a more traditional form when viewed from School Lane, with a dual-pitched roof similar in scale and shape to that of the nearby Weavers Bungalow and of the main school. In order to create this design on the footprint area required, and on the land available, the architect designed a double gable-ended roof form. The advantage to this design is that the roof is lower, and also the northern most roof gable is concealed behind the other, when viewed walking from the Church, or from Avenue Lodge. The appearance, when walking along the footpath from the Church, would be of a single barn-like building.

Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507

Materials

25. The objectors commented that they consider that the proposed building should be constructed from similar materials as the existing school buildings, and mimic its Victorian architecture in order to be sensitive to the Conservation Area. The proposed barn design incorporates black timber weather boarding, in contrast to the brick construction of the main school. This contrast is important in order to give the appearance of a barn, and to contribute to the subservient nature of the 'barn' to the main school building. There are other examples of black timber boarded outbuildings within the village, including adjacent to the nearby listed The Fitzwalter Public House, thereby demonstrating that these materials are appropriate within the locality.
26. The original submission proposed machine made Marley clay tiles. The agent indicated that reclaimed or handmade tiles were considerably more expensive and were therefore not viable within the constraints of the project. Whilst cost is not a consideration for planning requirements, I am of the opinion that the natural Welsh slate now proposed more appropriate material for the roof, as the Listed Buildings within the village contain a mixture of clay tiles and slate.
27. I am of the opinion that the materials proposed are of a sufficient standard for the Conservation Area, and the Conservation Architect agrees with the proposed changes and the move away from machine-made tiles. The quality of the materials can be ensured by the use of conditions including requiring the submission of samples.

Impact on the Conservation Area and Setting of Listed Buildings

28. The objections to the proposal are based on the opinion that the building is detrimental to the character of the Conservation Area, and the settings of nearby Listed Buildings. Concern is also raised about the perceived difference in assessment for other planning applications in this area, I would emphasise that this application has also undergone the same rigorous process of negotiation and discussion and assessment against development plan considerations. However, the proposed classroom building is not within the curtilage of a listed building, so needs to be assessed against considerations that seek to preserve and enhance the character of the Conservation Area and not unduly harm the setting of such buildings.
29. In this case, I am of the opinion that the original design would have adversely affected the setting of the Listed Building and the Goodnestone Conservation Area, by virtue of the inappropriate design and height of the roof. The amended roof design, and materials, is now more akin to a barn, and is considered to be appropriate as it is similar to other buildings in semi-rural locations around Kent, and as such, does not conflict with the setting and appropriateness of form with adjacent listed buildings, nor the Conservation Area.
30. The new building would provide an essential facility in place of a temporary building which has existed on site for a number of years. Dover District Council states that the removal of this building and the replacement with the proposed permanent development

Removal of a mobile classroom unit and construction of a single storey classroom building – DO/10/507

would benefit the Conservation Area, and therefore help to enhance its character and the setting of the nearby Listed Buildings. Whilst I am in agreement with the neighbours that the removal of the mobile building should not be a planning consideration, as it has a temporary permission which requires its removal, I am of the opinion that the requirement for replacement accommodation, and the conditions on the temporary permission for the School to implement a permanent solution, are material considerations for this application. The current pupil roll at the school would necessitate alternative accommodation, and either a replacement mobile building or an extension of temporary permission would in my opinion be exploited. Therefore, it is prudent to consider longer term and wider impacts of the need to provide appropriate classroom space as a material consideration, and the positive contribution of the current proposal to improving these impacts in relation to the Conservation Area.

Conclusion

31. On balance, the proposed replacement building would enhance the Conservation Area by providing a solution for an ongoing problem for an important community facility, and improving the physical impact of the situation on the locality. The design to resemble a barn is appropriate within the village context and gives the building an appearance as being ancillary to the main school building. The selected materials are acceptable within the Conservation Area, and their quality can be ensured by the appropriate condition. Black timber weather boarding is a common material used in semi-rural Kent, and is evident on other outbuildings/garages/barns within the locality. Whilst the building is 6.07m in height, it is an improvement on the original design and bulk, and relative in size to other buildings within the locality. The building would not be visible from the streetscene and would largely be screened from the nearby Avenue Lodge by established hedgerows and mature trees. I therefore recommend accordingly.

Recommendation

I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The standard time limit condition;
- The development to be completed in accordance with the approved plans;
- External materials to be submitted and approved prior to commencement;
- Adequate facilities to be provided during construction to prevent the deposit of mud on the highway;
- No border trees, hedgerows or shrubs to removed without written approval;

Case Officer: Jeff Dummett

Tel. no: 01622 221058

Background Documents:

Item D3**Poly-tunnel greenhouse and a double-garage – SE/10/1416**

A report by Head of Planning Applications Group to Planning Applications Committee on 15 February 2011

Application by Milestone School for the installation of a vertical multispans poly-tunnel greenhouse and a double garage at Milestone School, Ash Road, New Ash Green – SE/10/1416.

Recommendation: Permission be granted subject to conditions.

Local Member: Mr. D.Brazier

Classification: Unrestricted

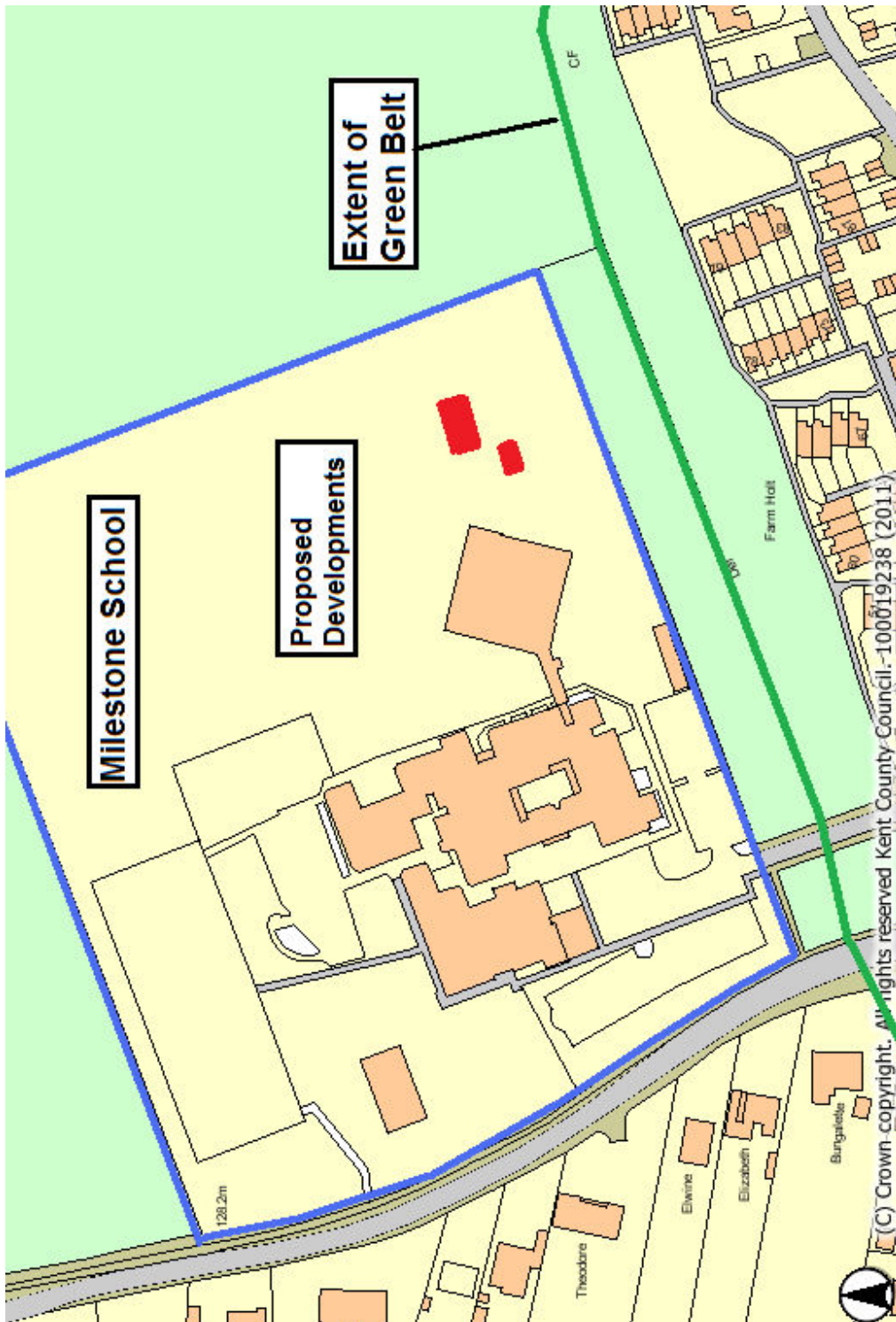
Site

1. Milestone School is located on the northern edge of New Ash Green, although the entire site lies within the parish of Hartley. The school site is bordered by agricultural fields to the north and east, and an area of trees separating the school from residential development to the south. New Ash Road forms the Western boundary and has residential buildings along the opposite side to the school. The entire school site is surrounded by mature hedgerows and trees that largely screen the buildings and playing fields from external view. The school site lies wholly within the Metropolitan Green Belt. The southern boundary marks the extent of the designated green belt, and the New Ash Green development boundary.

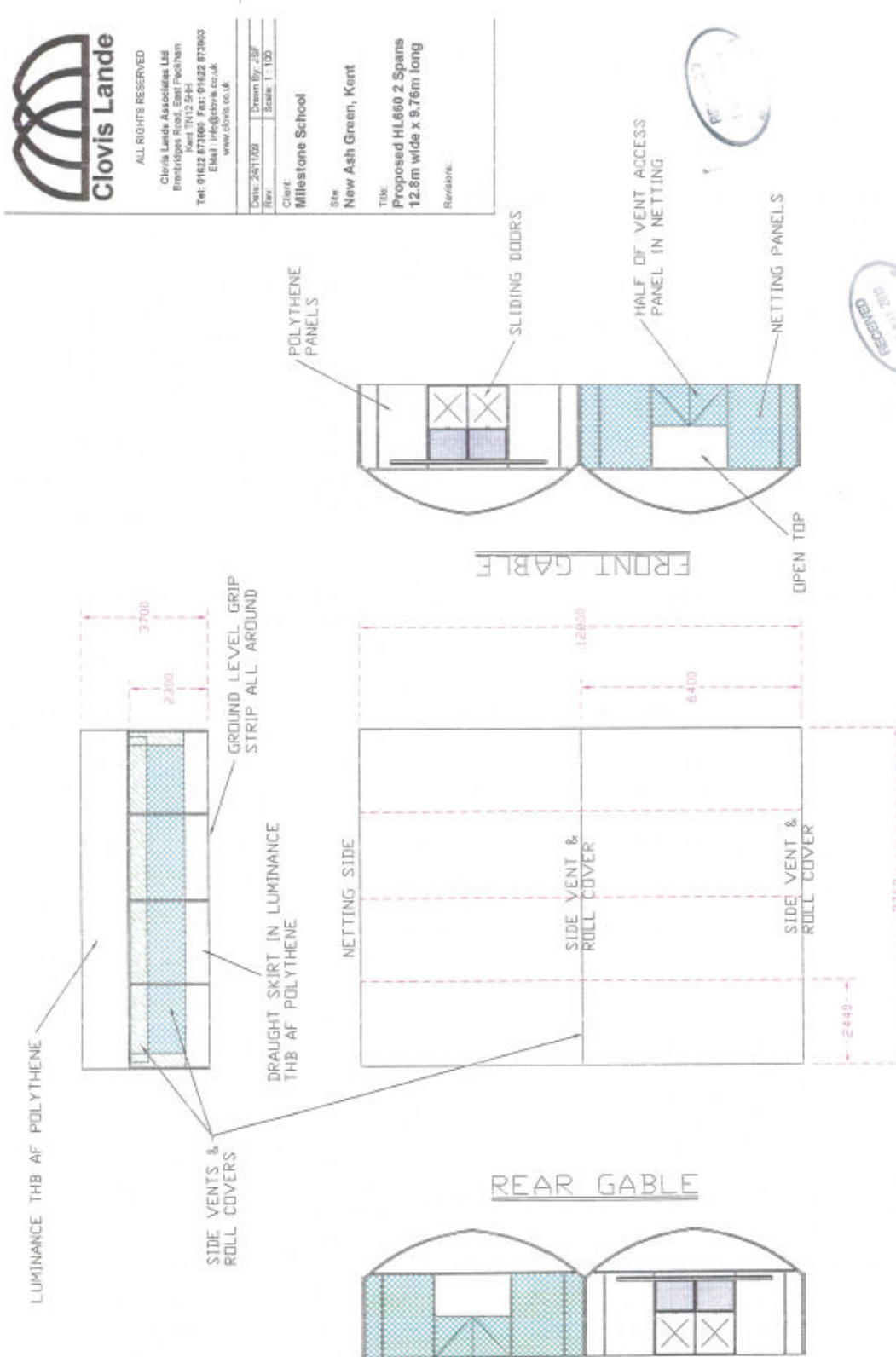
Background

2. Milestone School is designated for children with Special Educational Needs, and includes those with Profound and Multiple Learning Difficulties. The children range in age from 2 to 19 years old and the school is divided into Key Stage 1 and 2, Key Stage 3 and 4, and Further Education departments. In total, Milestone School provides 223 full-time school places.
3. Recent developments on site include a large extension to the school buildings to provide additional Key Stage 1 and 2 accommodation, an extension to the car park and the provision of a new play area. In 2008, two mobile classrooms were granted temporary planning permission to be sited on the school playing fields, for use during extension works at the school. However, these buildings were not installed on site and the permission has since expired. There are two large temporary modular buildings to the north and east of the site which provide accommodation for the post-16 year old pupils.

Poly-tunnel greenhouse and a double-garage – SE/10/1416



Poly-tunnel greenhouse and a double-garage – SE/10/1416



Poly-tunnel greenhouse and a double-garage – SE/10/1416

Proposal

4. This application proposes the installation of a 12.8m by 9.76m twin greenhouse. The structure will be vertical sided, with a double-arched polythene roof, and sliding doors and vents. The greenhouse walls are proposed to be 2.3m from ground to eaves, with a maximum roof height of 3.7m at the peak of the 'tunnel'. The proposed garage would measure 2.29m in height, covering a floor space of 37sq.m, with a pebble-dashed finish and steel roll shutter doors.
5. The proposed buildings are to be located in the south east corner of the school site, adjacent to an existing vegetable garden and outdoor education area, with raised vegetable plots, a chicken run and planting. The area lies adjacent to an existing car park, with the playing fields to the north, and a hedgerow boundary to farmland to the east. The nearest residential properties are 70m to the south, with woodland in between.
6. Following objections from the District Council relating to the Metropolitan Green Belt, the applicant submitted a statement arguing the necessary very special circumstances. The statement makes the following points:
 - The school is located wholly within the Green Belt; therefore to locate the proposal outside of the Green Belt is not a practical option.
 - The school site is a safe area, which caters for the special needs of the pupils who have profound, severe and complex needs.
 - The outdoor vegetable area provides an educational challenge to the mentally and physically disabled pupils, who learn within the 'P' levels below national curriculum and some attaining the first level.
 - The pupils require adult support and a class is made up on average of 10 students with three teaching assistants and a teacher.
 - The poly tunnel will be located next to the raised vegetable beds to allow indoor and outdoor education, and will include wheel-chair paths and level work benches for access.
 - From Sept 2010 the School will be delivering Environment and Land Based Studies Diploma which is a vocational qualification for the students, and the proposed buildings are necessary for the delivery of this course.

Planning Policy

7. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) **Planning Policy Guidance 2 – Green Belt**

There is a general presumption against inappropriate development within the Green Belt, which is by definition harmful and should not be permitted unless it can be justified by very special circumstances. The construction of new buildings within the Green Belt is inappropriate unless it is for the following purposes:

 - agriculture or forestry

Poly-tunnel greenhouse and a double-garage – SE/10/1416

- essential facilities for outdoor sport and outdoor recreations, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purpose of including land in it.
- limited extension, alteration or replacement of existing dwellings.
- limited infilling in existing villages and limited affordable housing for community needs
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans.

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

Important note regarding the South East Plan:

As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. The 10th November 2010 Quartermain Letter is now being challenged in the High Court and must in my view carry little weight until such time as the Court decision is known. This is currently awaited. Department of Communities and Local Government advice on this matter reads:

'Local planning authorities and planning inspectors should be aware that the Secretary of State has received a judicial review challenge to his statement of 10 November 2010, the letter of the Chief Planner of the same date and to the Secretary of State's letter of 27 May 2010 on the ground that the Government's intended revocation of Regional Strategies by the promotion of legislation for that purpose in the forthcoming Localism Bill is legally immaterial to the determination of planning applications and appeals prior to the revocation of Regional Strategies.

The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner'.

Policy SP5 Supports the existing designation of Green Belt land in the South East.

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

Poly-tunnel greenhouse and a double-garage – SE/10/1416

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

(iii) The adopted **Sevenoaks District Local Plan 2000**

Policy EN1 General Principles of development; all forms of development must comply with development plan policies, unless there are overriding material considerations. Development should: be compatible to the site in design, scale and density; respect the topography and retain important features; not affect the amenities of the locality; provides appropriate facilities for those with disabilities.

Policy GB1 Extent of land included within the Green Belt. The permanence of the land within the Green Belt must be maintained. The extent of the Green Belt must only be altered in exceptional circumstances.

Sevenoaks District Council objects to the proposal on the grounds that the land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. No very special circumstances have been put forward which would outweigh the potential harm and over ride Planning Policy Guidance 2 and SP5 of the South East Plan.

Following the submission of the Green Belt Statement, the District Council submitted the following comments:

The proposed buildings are inappropriate development within the Green Belt. The very special circumstances that have been put forward are not considered to clearly outweigh the potential harm to the openness of the Green Belt and therefore the proposal is not in accordance with Planning Policy Guidance Note 2.

Hartley Parish Council raises no objections.

Local Member(s)

8. The local County Member for Sevenoaks North East, Mr D.Brazier, was notified of the application on the 16 May 2009 and of the additional information on 25 May 2009.

Publicity

9. The application was advertised by the posting of a site notice.

Representations

10. There were no letters of representation at the time of reporting.

Discussion

11. In considering this proposal regard must be had to Development Plan Policies outlined

Poly-tunnel greenhouse and a double-garage – SE/10/1416

in paragraph (4) above. 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, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

12. This application has been brought for determination by the Planning Applications Committee due to an objection from the District Council. The initial objection was submitted on the grounds that the development was within the Green Belt and therefore constituted inappropriate development which would harm the openness of the Green Belt and conflict with national Planning Policy Guidance 2 (PPG2). The applicant submitted a statement from the headmaster which argued very special circumstances for the proposal. However, following this the District Council reaffirmed its objection that the proposed building would constitute inappropriate development within the Metropolitan Green Belt, and no 'very special circumstances' have been put forward which clearly outweigh the potential harm to the openness of the Green Belt from the development.

Green Belt

13. Planning Policy Guidance 2 states that that inappropriate development is by definition harmful to the openness of the Green Belt, and it is for the applicant to show why permission should be granted by proving very special circumstances, which prove that the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The strict interpretation of PPG2 would allow limited extension to dwellings but this exception would not extend to this development as it is for a school, and if strictly complied with, no extension or modest expansion of any existing school premises would ever be acceptable under PPG2 criteria. Clearly the purpose of the Green Belt is not prevent organic expansion and improvements of existing and necessary community facilities that happen to operate in an area that has been covered by a blanket Green Belt designation. Whilst it may possible to interpret the other PPG2 exception "other uses of land which preserve the openness of the Green Belt and which do not conflict with the purpose of including land in it" as extending to this situation, if the strict approach is to be adopted, then this proposal would constitute inappropriate development and it would be necessary to demonstrate 'very special circumstances'.

Inappropriate Development

15. PPG2 seeks to maintain tight planning controls over development within the Green Belt designation, the aim being:
 - to check the unrestricted sprawl of large built-up areas
 - to prevent neighbouring towns from merging into one another
 - to assist in safeguarding the countryside from encroachment
 - to preserve the setting and special character of historic towns
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Poly-tunnel greenhouse and a double-garage – SE/10/1416

16. The School has made the argument that the proposed buildings would be located within the confines of an existing school site, which is fenced off and bordered by established hedgerows, and therefore the spatial encroachment would only be obvious from within the site, and therefore would not encroach on the wider Green Belt. The building themselves would be minor in their impact. The greenhouse building would be closely connected to – and an intrinsic part of – the raised vegetable beds and the existing outdoor agricultural educational facilities. The building would be constructed of translucent and transparent materials similar to a domestic greenhouse – these would be easily constructed and removed, without the need for extensive and permanent foundations - therefore the building, by its reversibility and connection to agriculture, would not contribute to urban encroachment, which Green Belt policy seeks to contain.
17. The proposed garage building is a minor building covering 37sq.m and approximately 2.29 metres high. If it were not included within this application, as part of the wider project to provide agricultural and horticultural education, the garage would be able to be erected without planning permission under permitted development rights. It is of a modular construction and a temporary nature, and therefore would also be easily removed. The school has stated that the garage is necessary to provide secure and safe storage of equipment associated with, and essential to, the vegetable area and greenhouse.
18. The District Council has communicated that their opinion on this case is that building within the Green Belt, even when not visible from the wider landscape, would still constitute inappropriate development as it would encroach spatially by introducing an additional amount of built form. Whilst I accept this point, given the small scale of what is proposed, its location in close proximity to existing built development and that the site is enclosed by established hedgerows, I do not consider that it would significantly impact on the openness of the Green Belt. However it is still necessary to consider whether or not there are very special circumstances that would outweigh the harm from it being inappropriate development.

Very Special Circumstances

19. In response to the District Council's objection the School has submitted a case of very special circumstances which it considers would outweigh the potential harm to the Green Belt. It states that the pupils of Milestone School have profound and serious physical and mental disabilities. The raised vegetable beds and greenhouse activity areas would provide an opportunity to challenge and develop the children in an outdoor environment, and in a way that cannot be met within the existing facilities. The facilities would also help to deliver a course and qualification to these children, they might not otherwise have opportunity to obtain.
20. The objections from the District Council highlighted that whilst the facilities would be associated with outdoor recreation activities, this would not be acceptable under PPG2 as the facilities are private, for the use of the school only. I would argue that the specialist facilities are not a private recreation development, as it is a public school providing specialist services to severely disabled children. The limitations for use are based solely on the circumstance of the children attending the school. In my opinion it

Poly-tunnel greenhouse and a double-garage – SE/10/1416

would be inequitable to not attach weight to the needs of the pupils and the ongoing aims of the School as a whole to provide an appropriate range of facilities for this school. Moreover, the purpose of the Green Belt is to contain existing areas of urban development within their existing built up confines by maintaining largely open land between them – in this case between the built up area of Greater London and the built-up areas of the established surrounding towns and villages. Whilst Green Belt policy aims to preserve the openness of these largely undeveloped ‘in between areas’, the intention is clearly not to prevent the continued operation and success of those community services that already operate within the Green Belt.

Conclusion

21. In my opinion, the arguments advanced by the School do amount to very special circumstances which outweighs the material harm to the Green Belt. The application proposes minor development, which is low impact and reversible, and is closely related to the delivery of an important educational course which is specific to the special needs of the children who attend this School. Furthermore, due to the minor scale of the proposal, the location, design and materials used, the development would not significantly impact on the openness of the Green Belt. I therefore recommend that planning permission be granted subject to conditions.

Recommendation

I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The standard time condition;
- The development to be completed in accordance with the approved plans;

Case Officer: Jeff Dummett

Tel. no: 01622 221058

Background Documents:

This page is intentionally left blank

Item D4**New Maths, English and Languages building at Mascalls School, Maidstone Road, Paddock Wood – TW/10/3477**

A report by Head of Planning Applications Group to Planning Applications Committee on 15 March 2011.

Application by Mascalls School for a new maths, English and languages building providing 24 new classrooms, 2 media suites, hall and dining area, kitchen, servery, staff areas and toilet provision. Existing A block to be demolished at phase 2 of the development. Mascalls School, Maidstone Road, Paddock Wood, Tonbridge (TW/10/3477)

Recommendation: Planning permission be granted subject to conditions.

Local Members: Mr. A. King

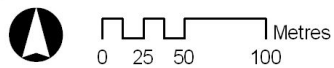
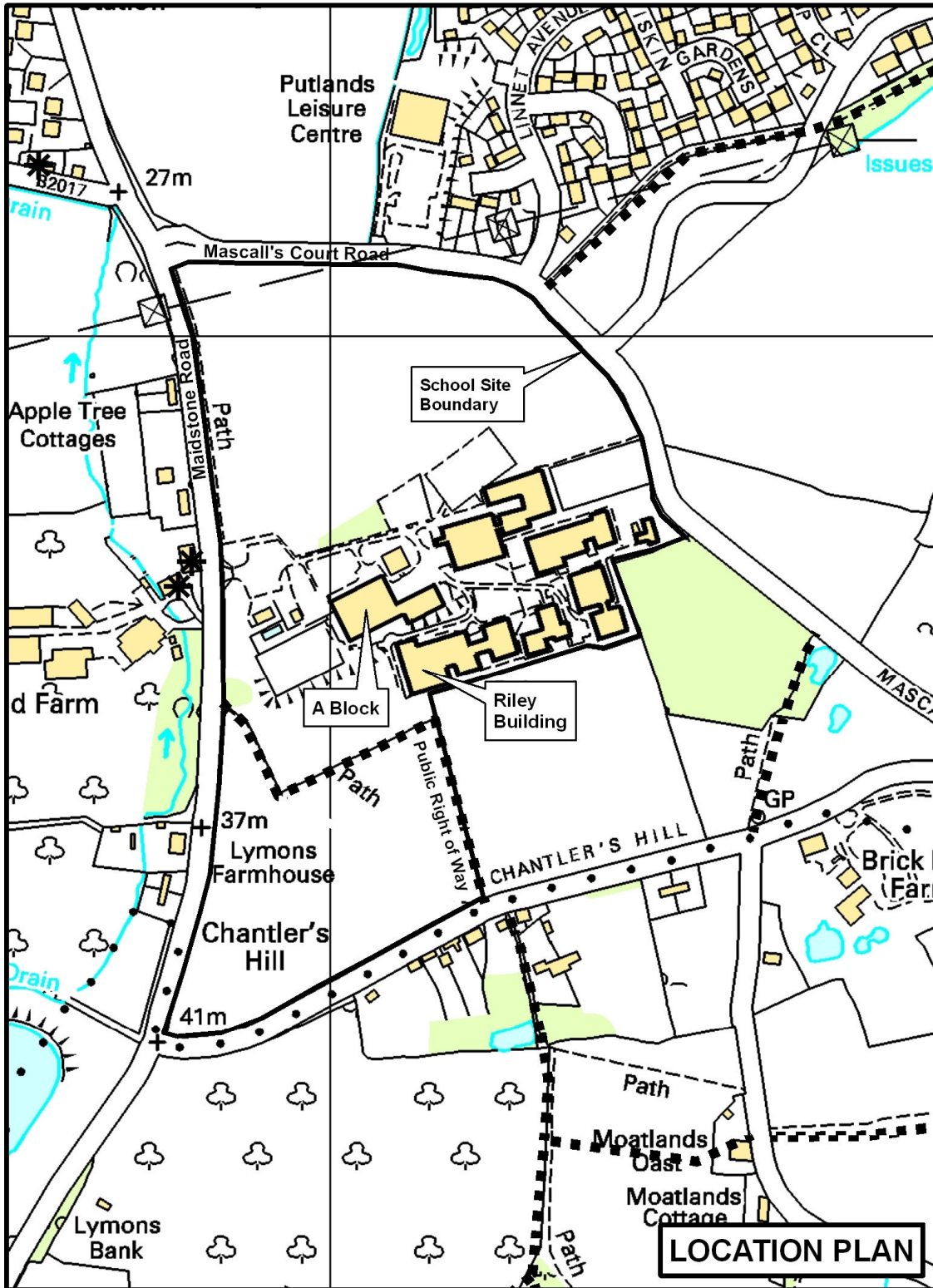
Classification: Unrestricted

Site

1. Mascalls School is located just off Maidstone Road, immediately to the south of the built limits of Paddock Wood. The application site is situated in the centre of the school grounds, on part of the footprint of an existing classroom block (referred to as the 'A' block), on part of an area of existing hard play surface and adjoining a caretaker's house and workshop. The new maths, English and languages building would be located adjacent to the latest building addition to the site (referred to as the 'Riley' building) which was constructed in 2005 and comprises a modern brick and glass three storey teaching block. The current school building stock is of a varied character and largely consists of buildings completed over the last fifty years and varies between one, two and three storeys in height. A variety of building constructions are apparent including system-built framed blocks with curtain glazing and spandrel panels through to load-bearing masonry buildings.
2. Vehicular access to the Mascalls School site is obtained via a dedicated route from Maidstone Road, from which several car parking areas are located. The nearest two residential properties are located approximately 90 metres to the north west of the application site on the opposite side of Maidstone Road. These two properties are both Grade II Listed Buildings (*Oast House* and *Mascalls Pound*) and lie directly opposite the existing school vehicular entrance. To the south of the application site a number of residential properties overlook the school site from Chantlers Hill. Chantlers Hill lies on sloping topography and enjoys far reaching views down across the school site, further to the distance of the main urban confines of Paddock Wood. The nearest residential properties to the south of the school site fronting Chantlers Hill are located some 220 metres from the application site. The land immediately to the south of the school grounds forms part of an agricultural holding and is relatively open, allowing uninterrupted views of the site from the south. As noted, the school grounds including the application site are located on the flanks of Chantlers Hill, where the land slopes in a gentle gradient from the south to the north. As a general indication of the sloping landform, the height at Chantlers hill is approximately 45m AOD, at the school entrance with Maidstone Road is 30m AOD and further north within Paddock Wood it is 20m AOD. *A site location plan is attached on page D4.2.*
3. An existing Public Right of Way (WT269) follows the school site boundary leading from Chantlers Hill down to Maidstone Road. This route currently allows publically accessible views of both the Riley Building and to a lesser extent the two storey existing 'A' block building which would be demolished at the end of the proposed buildings construction phase. The school site sits outside of the Local Plan's Limits of

New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477

Site Location Plan

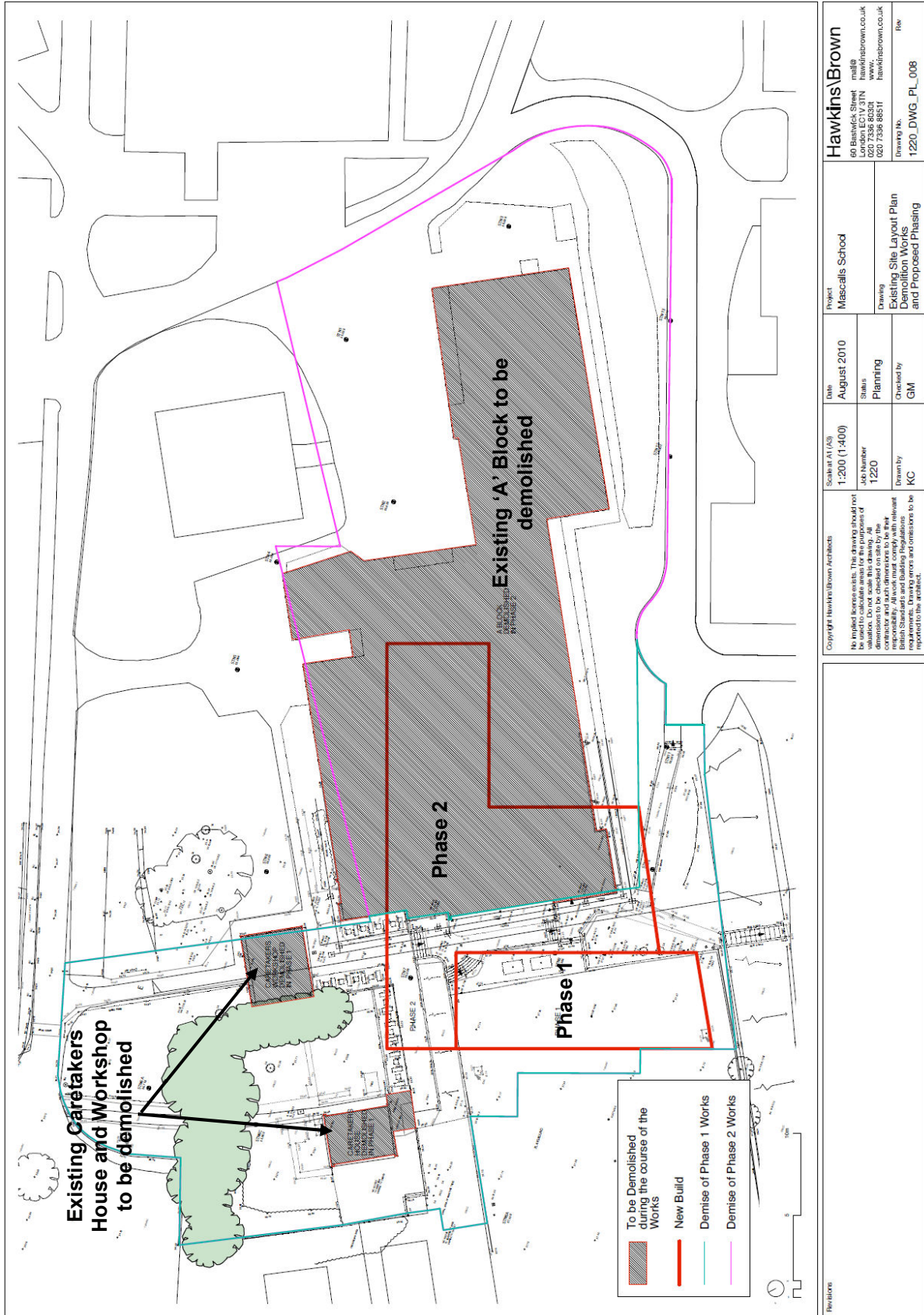


* Listed Buildings

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

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

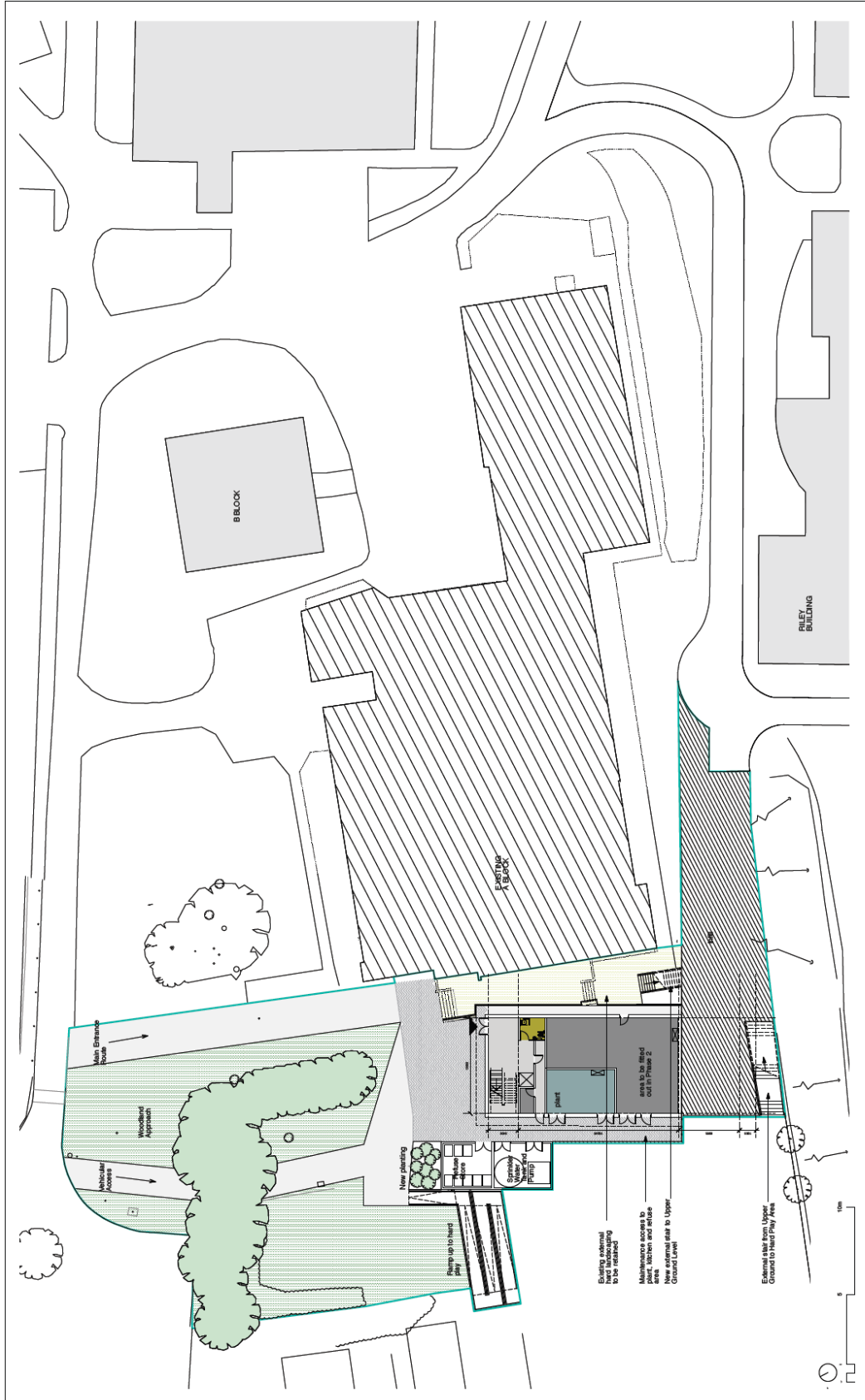
Proposed Phasing and Demolition Works



Copyright Hawkins Brown Architects No implied license exists. This drawing should not be used for any other project without the written consent of Hawkins Brown Architects. Do not scale this drawing. All dimensions to be checked on site by the contractor. All work must comply with relevant British Standards and Building Regulations. Hawkins Brown Architects reserves the right to approve and/or amend any information to be incorporated into the contract.	Scale (A1 / A3)	1:200 (1:400)	Date	August 2010	Project	Mascalls School	Hawkins Brown 60 Blaswick Street Maidstone Kent TN11 7JN 020 7336 8531 www.hawkinsbrown.co.uk 020 7336 8851 hawkinsbrown.co.uk	
	Arch No	1220	Status	Planning	Drawing	Existing Site Layout Plan Demolition Works and Proposed Phasing		Drawn by
	Drawn by	KC	Checked by	GM			Drawn No.	1220_DWG_PL_008
								R/W

New maths, English and languages building at Mascalls School, Maidstone Road, Paddock Wood – TW/10/3477

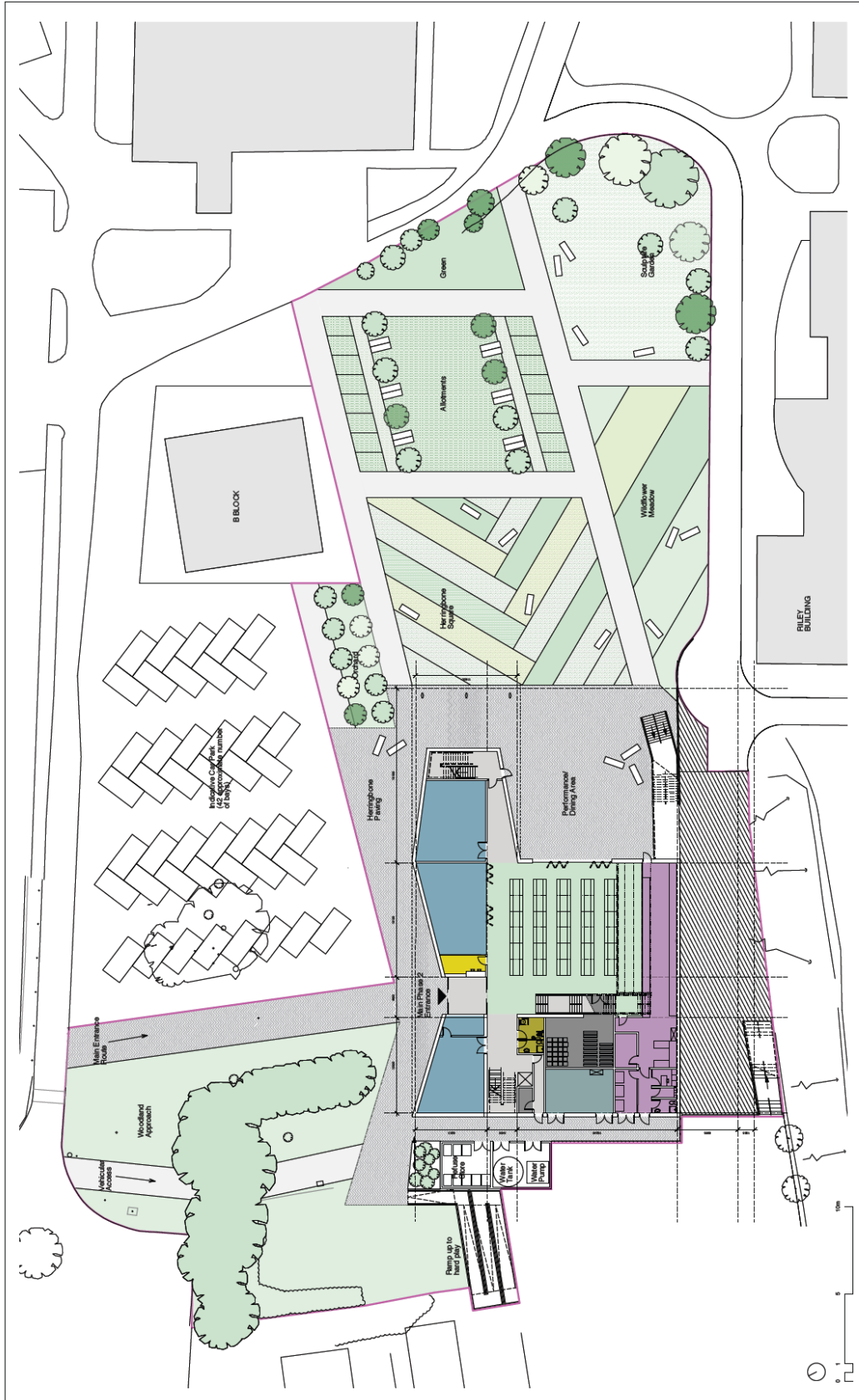
Proposed Lower Ground Floor Phase 1 Site Plan



Copyright: Hawkins Brown Architects No implied license exists. This drawing should not be used for any other purpose or for any other valuation. Do not scale this drawing. All dimensions to be checked on site by the contractor. All work must comply with relevant British Standards and Building Regulations. Responsibility for any errors and omissions to be reported to the architect.	Scale 1:1 (A3) 1:200 (1:400)	Date August 2010	Project Mascalls School	Hawkins Brown 60 Blatwick Street Maidstone TN 020 7338 8838 020 7338 8851 hawkinsbrown.co.uk hawkinsbrown.co.uk
	Job Number 1220 Drawn by KC	Status Planning Checked by GMI	Drawing Proposed Lower Ground Floor Phase 1 Site Plan	Drawing No. 1220_DWG_PL_110 Rev

New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477

Proposed Lower Ground Floor Phase 2 Site Plan



Copyright: Hawkins Brown Architects No implied license exists. This drawing should not be used for any other project without the express written permission of Hawkins Brown Architects. Do not scale this drawing. All dimensions to be checked on site by the contractor. All work must comply with relevant British Standards and building regulations. All materials and construction to be specified to the architect.	Scale at A1 (A3) 1:200 (1:400)	Date August 2010	Project Mascalls School	Hawkins Brown 60 Baswick Street Maidstone Kent ME16 5JN Tel: 020 7338 8530 Fax: 020 7338 8851 www.hawkinsbrown.co.uk
	Drawn by KC	Checked by GM	Status Planning	Drawing Proposed Lower Ground Floor Phase 2 Site Plan
Drawing No. 1220_DWG_PL_113				Rev

New maths, English and languages building at Mascalls School, Maidstone Road, Paddock Wood – TW/10/3477

Proposed South Elevation (Phase 2)

Copyright Hawkins\Brown Architects

No implied license exists. This drawing should not be used for any other project without the consent of the architect. Do not scale this drawing. All dimensions to be checked on site by the contractor. The contractor is responsible for the accuracy of the drawing. All work must comply with relevant building regulations. Drawing is for information only and is not to be used for construction. All dimensions to be reported to the architect.

Revisions

Phase 1 Elevation

Hawkins\Brown
 60 Bathwick Street
 London EC1V 3TN
 020 7338 8881
 hawkinsbrown.co.uk

Project: Mascalls School

Drawing: South Elevation

Scale: A1 (A3)	Date
1:100 (1:200)	Aug 2010
Drawn by	Checked by
TNH	GM
Job Number	Status
1220	Planning
Drawing No.	Rev
1220_DWG_PL_132	

Materials Index

1. Brickwork, grey/black formed in vertical herringbone pattern
2. Precast concrete cladding to face of structural grid
3. Parallel projection windows set within glazing system
4. Full height aluminium framed glazing system with low level opaque infill. System to be in three standardised panels
5. Full height aluminium framed glazing system with low level opaque infill. System to be in three standardised panels
6. Full height perforated aluminium panel system with colour stripe graphic. System to be in three standardised panels
7. Full height solid aluminium panel system with colour stripe graphic. System to be in three standardised panels
8. Full height aluminium framed glazing system
9. Full height aluminium framed glazing system
10. External glass timber floor assembly. Colour to match grey/black of surrounding brickwork
11. Columns to match specific colour from within colour stripe graphic
12. Perforated aluminium roof screen

Shallow clerches recessed openings within structural grid

Full height aluminium framed glazed doors to access roof terrace above double height dining space

Photovoltaic panels to all on roof of double height dining space

New balustrade to run along raised level

Line denotes stair from level 1 to ground level

Phase 2 main entrance at ground level consisting of full height aluminium framed glazed door panels

Stair to run along angled edge of new building to hard play area below

Balustrade to line edge from ground level

0 1 5 10m

New maths, English and languages building at Mascalls School, Maidstone Road, Paddock Wood – TW/10/3477

Proposed West Elevation (Phase 2)

Materials Index

1. Brickwork, grey/black, formed in vertical herringbone pattern
2. Precast concrete cladding to face of structural grid
3. Parallel projection windows set within glazing system
4. Roof access to double height dining, balustrade with colour stripe finish system to be in three standardised panels
5. Full height perforated aluminium panel system with colour stripe graphic. System to be in three standardised panels
6. Full height solid aluminium panel system with colour stripe graphic. System to be in three standardised panels
7. Full height aluminium framed glazing system
8. Refuse store and pump room finished with colour stripe graphic
9. Columns to match specific colour to match grey/black of surrounding brickwork
10. Columns to match specific colour to match grey/black of surrounding brickwork
11. Perforated aluminium roof screen
12. Perforated aluminium roof screen

Copyright Hawkins\Brown Architects

No implied license exists. This drawing should not be used to calculate areas or the purposes of dimensions to be checked on site by the contractor. The contractor is responsible for ensuring that the drawing is in accordance with the relevant British Standards and Building Regulations. All work must comply with relevant building codes and regulations. All errors and omissions to be reported to the architect.

Revisions

Hawkins\Brown

60 Bathwick Street
London EC1V 3TN
Tel: 7358 8050
Fax: 7358 8311
www.hawkinsbrown.co.uk
hawkinsbrown.co.uk

Project: Mascalls School

Drawing: West Elevation

Scale sheet (A3)	Date
1:100 (1:200)	Aug 2010
Drawn by	Checked by
TNH	GM
Job Number	Status
1220	Planning
Drawing No.	Rev
1220_DWG_PL_133	

New maths, English and languages building at Mascalls School, Maidstone Road, Paddock Wood – TW/10/3477

Proposed East Elevation (Phase 2)

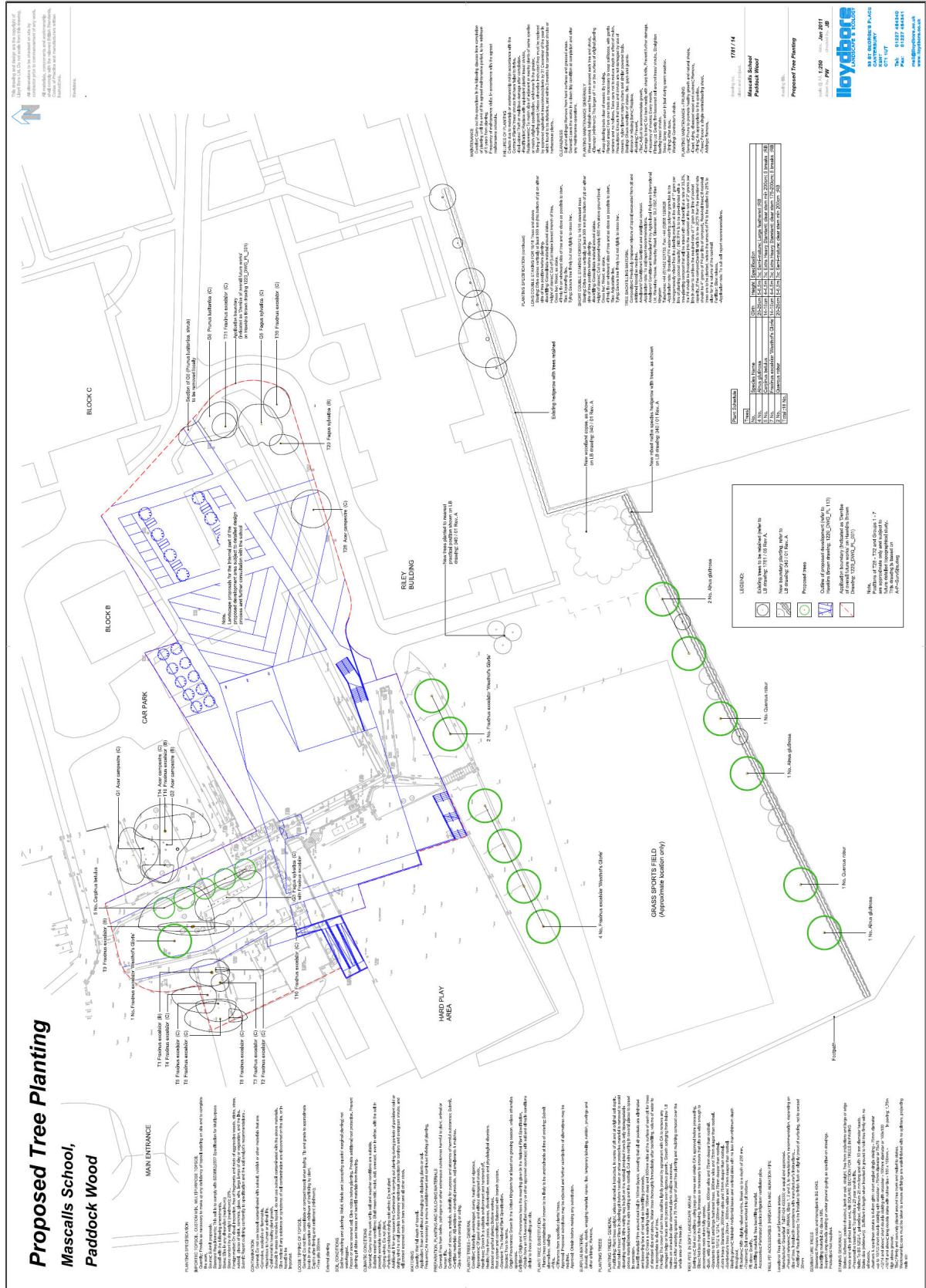
<p>Copyright Hawkins\Brown Architects</p> <p>No implied license exists. This drawing should not be used for any other project without the written consent of the architect. Do not scale the drawing. All dimensions to be checked on site by the contractor. The contractor is responsible for ensuring that the work complies with relevant British Standards and Building Regulations. The architect is not responsible for any errors and omissions to be reported to the architect.</p> <p>Revisions</p>	<p>Hawkins\Brown architects 60 Beaulieu Street London EC2Y 3TN 020 7338 8392/1 020 7338 8851/1 hawkinsbrown.co.uk www.hawkinsbrown.co.uk</p>	<p>Project Mascalls School</p> <p>Drawing East Elevation PHASE 1</p> <table border="1"> <tr> <td>Scale as A1 (A3)</td> <td>Date</td> </tr> <tr> <td>1:100 (1:200)</td> <td>Aug 2010</td> </tr> <tr> <td>Drawn by</td> <td>Checked by</td> </tr> <tr> <td>TNH</td> <td>GM</td> </tr> <tr> <td>Job Number</td> <td>Status</td> </tr> <tr> <td>1220</td> <td>Planning</td> </tr> <tr> <td>Drawing No.</td> <td>Rev</td> </tr> <tr> <td>1220_DWG_PL_134</td> <td></td> </tr> </table>	Scale as A1 (A3)	Date	1:100 (1:200)	Aug 2010	Drawn by	Checked by	TNH	GM	Job Number	Status	1220	Planning	Drawing No.	Rev	1220_DWG_PL_134	
Scale as A1 (A3)	Date																	
1:100 (1:200)	Aug 2010																	
Drawn by	Checked by																	
TNH	GM																	
Job Number	Status																	
1220	Planning																	
Drawing No.	Rev																	
1220_DWG_PL_134																		

- Materials Index**
1. Brickwork, grey/black formed in vertical herringbone pattern
 2. Precast concrete cladding to face of structural grid
 3. Parallel projection windows set within glazing system
 4. Floor access to double height dining, butastrade with colour stripe finish
 5. Full height perforated aluminium panel system with colour stripe graphic. System to be in three standardised panels
 6. Full height perforated aluminium panel system with colour stripe graphic. System to be in three standardised panels
 7. Full height solid aluminium panel system with colour stripe graphic. System to be in three standardised panels
 8. Full height aluminium framed glazing system
 9. Reuse store and pump room finished with colour stripe graphic
 10. Columns to match specific colour from within colour stripe graphic
 11. Columns to match specific colour from within colour stripe graphic
 12. Perforated aluminium roof screen



New maths, English and languages building at Mascalls School, Maidstone Road, Paddock Wood – TW/10/3477

Proposed Tree Planting



New maths, English and languages building at Mascalls School, Maidstone Road, Paddock Wood – TW/10/3477

Built Development of Paddock Wood. Local Plan Policies LBD1 and EN25 therefore apply to the school site as a whole, and seek to set specific criteria on any development outside of the urban areas.

Background and Site History

4. Mascalls School is an 11-18 age fully comprehensive day school in the heart of rural Kent with a large Sixth Form. It has a minimum annual intake of 240 boys and girls and is over-subscribed. It is normally the nearest appropriate school for pupils of all abilities living in Brenchley, Matfield, Capel, Five Oak Green, East Peckham, Horsmonden, Lamberhurst, Yalding and Paddock Wood.
5. There have been a number of planning permissions granted for new development at the site, the key applications include the following:
 - 2.5kW wind turbine in September 2008 (under application reference TW/08/2323);
 - Demolition of 'E' block and the construction of a multi-purpose hall with associated changing accommodation and first floor classrooms; alterations to existing car park and creation of a bus turning area (under application reference TW/06/365);
 - New gallery space and associated reception at the site for Mascalls Gallery (under application reference TW/05/2617);
 - New synthetic floodlit football pitch with associated fencing (under application reference TW/04/2926); and
 - New music, drama and dance facilities, offices, library extension, art & textiles classrooms, graphics & multi material classrooms [The Riley Building] (under application reference TW/04/1935);
6. The School has agreed funding to proceed on a project to construct a new Maths, English and Languages building. This project forms part of an ongoing vision within the school to develop modern and exemplary school buildings throughout the site. Since developing this vision an amount of funds have been earmarked which would allow an initial phase of these works to proceed. This initial phase (now referred to as Phase 1) would be limited to potentially 9 of the 24 total classrooms intended to be constructed, together with associated building facilities. The remainder of the classrooms, the hall and kitchen would be constructed as a subsequent phase (now referred to as Phase 2) following completion of Phase 1 and subject to funding being secured for Phase 2.
7. The key objectives of this building project at the school are to address the following key issues. At present the school has 'no front' and 'no identity' and therefore a new entrance to the front of the site is a good idea. The proposed building would also help to secure the long term viability of the school, to promote the School's sustainability agenda through the construction and use of the building, to provide flexible teaching spaces that can enhance cross curricular teaching and to integrate indoor and outdoor spaces to enhance the curriculum.

Proposal

8. The application is made by Mascalls School and seeks planning permission for the construction of a new maths, English and languages building providing 24 new classrooms, 2 media suites, hall and dining area, kitchen, servery, staff areas and toilet provision. As detailed in paragraph (6) above, the proposal would be constructed in two phases. Phase 1 would involve the construction of 9 out of the 24 classrooms

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

together with associated building facilities, whilst Phase 2 would involve the construction of the remainder of the proposed development. A phased development has been chosen on the basis of a proportion of funds being available to the School at present, and their longer term ambition to develop further once additional funding can be secured. The application proposes the demolition of existing 'A' block and the Caretaker's House and Workshop at the end of Phase 2.

9. The proposed development is situated such that it would allow the creation of a more meaningful 'entrance' to the school that would offer a 'front of house' experience for visitors and promote cohesion and enhanced day to day operation of the school. The application details that the new building has been designed: to minimise intrusion on existing hard play surface; to ensure that the new development would not block views out from other school buildings (such as the Riley building); to ensure that the new building would not overshadow other school buildings, whilst allowing good sunlight and daylight aspects for its own orientation; to allow a coherent landscaped area to be created at the centre of the school site through the demolition of 'A' block; and to promote connections and potential proximities with other school buildings (such as the existing 'B' block which may be reclad in the future).
10. The new classroom block is intended to stand out visually from the main access road as a natural 'entrance building'. A dedicated pedestrian route from lower ground floor level adjacent to the existing school's vehicular and pedestrian entrance route would allow users to access the new reception and holding area before proceeding through the main hall space, and up a gently rising staircase to the upper level southern courtyard of the building and up to the level access pathway of the Riley building. It should be noted that as a result of the sloping nature of the site the new classroom block consists of a three storey building plus a lower ground floor cut into the sloping nature of the site. A network of new landscaped pathways to the east of the proposed building would allow pedestrian connections with the rest of the school buildings through an enhanced green landscape. Through the use of sliding folding glazed units, the hall/dining room has the ability to be opened up along its eastern elevation leading to a new adjacent hard landscaped courtyard. This area of courtyard is intended to form an outdoor performance space and could also be used for external teaching, dining and informal play. The proposed building (at Phase 2) consists of two arms at 90 degrees to each other. The flexible hall space would be situated within the corner of the two arms. The hall roof would be covered with a green sedum roof, interspersed by rectangular rooflights providing natural daylight into the hall below together with rectangular photovoltaic panels arranged using a herringbone pattern.
11. At the lower ground floor level a brickwork plinth is proposed as a means of reconciling the changing levels at the base of the building. The main façade of the building would then sit cleanly above this brickwork base and consist of a continuous façade system, set within an expressed frame clad in precast concrete. This system would consist of: full height glazed panels with parallel push windows set within; a series of perforated aluminium panels with a herringbone pattern perforations with a varied colour stripe finish; and solid insulated aluminium panels featuring the same colour stripe panelling as the perforated panels. All three of the principal façade components would be distributed in three standard sizes, arranged across the façade as required by the space planning of the internal spaces. Exact colour finishes would be reserved for later consideration, although the application drawings detail the aluminium panel system in pastel shades of blue, red, yellow and green, with brickwork at the lower ground level in grey/black in a herringbone pattern.

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

12. As an indication of scale heights of the proposed classroom block against existing built development at the site, it is noted that the existing two storey 'A' block (proposed to be demolished at the end of Phase 2 works) has a maximum roof height of 45.08 metres AOD. In contrast the existing three storey Riley building has a maximum roof height of 52.08 metres AOD. The proposed new classroom block, at three storeys plus a lower ground floor level cut into the existing sloping topography, would have a maximum finished roof height of 50.20 metres AOD. A further roof screen to hide necessary building plant and equipment would extend to 51.30 metres AOD on the roof of the western arm of the proposed new building.
13. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) Report which recognises that the site does not fall within any designated landscape areas, although until recently the boundary of the former High and Low Weald Special Landscape Area was located to south and west of the site (along the southern boundary of Chantlers Hill and the western boundary of Maidstone Road). The LVIA concluded that the completed scheme (Phase 1 & 2) would result in an '*insignificant*' impact on the landscape character, both at regional and local level. It recognised that nearby Grade II Listed Buildings are set within mature woodland which combines with vegetation in the western part of the school to protect their setting and corresponding views to/from these buildings. The assessment identified potential '*minor-adverse*' impacts on views gained from Chantlers Hill, it recognised that there was scope for additional landscape planting along the southern school boundary to assist with the screening of the proposed new building (Note that the LVIA report was prepared prior to additional landscape planting being proposed as outlined in paragraph 15 below).
14. At the end of Phase 1 of the proposed development, the application proposes that intermediate landscape proposals would support the use of the building in its initial configuration, including the provision of new external works to create improved pedestrian and service vehicle access to the building and including new sections of both hard and soft landscaping works. A new 1 in 20 ramp would be constructed at Phase 1 to allow level access to the hard play area to the west of the proposed building. As a result of the consultation and neighbour notification process undertaken by the County Planning Authority in connection with this application, a number of concerns have been raised regarding a shortcoming in the overall landscaping of the site, notably in affording an element of landscape screening of the proposed building from the south (i.e. views from Chantlers Hill and Maidstone Road). These concerns have been raised by both the Borough Council and neighbouring residents (as identified in paragraphs 21 and 33 respectively below). Further concerns have been highlighted by local residents that the landscaping scheme approved pursuant to the Riley building planning permission (TW/04/1935) was not fully implemented by the School.
15. To address the concerns received during the planning application process, the applicant subsequently submitted a landscaping scheme including new tree planting consisting of 18 semi-mature and extra heavy standard native trees (planted heights ranging between 4 – 5.5 metres). These trees are proposed to be planted in three groups: along the southern boundary of the existing grass sports pitch adjacent to the site boundary; close to the southern boundary of the new classroom building; and to the front of the new classroom building to its northern edge. The tree planting would consist of a mix of oak, ash, hornbeam and alder and is proposed to be implemented within the first planting season following the completion of Phase 1 of the proposed development. The applicants have also confirmed their intention to revisit landscaping proposals agreed pursuant to the Riley building planning permission and implement

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

any shortcomings at the same timescales as that proposed for the new tree planting at the site (i.e. during the first planting season following completion of Phase 1 development).

16. At the completion of Phase 2 of the proposed development, the applicant proposes further internal site landscaping, consisting of school allotments, an orchard, a sculpture garden and a wildflower meadow. New hard landscape measures proposed at the completion of Phase 2 include a replacement area of car parking and a further external performance area. These hard and soft landscape areas would be located broadly on the footprint of the 'A' block building to be demolished at the end of Phase 2, and would form an interesting route for users of the school from the new building to other facilities/buildings on site. Full details of the hard and soft landscaping measures proposed at the end of Phase 2 works would be secured by condition for later consideration.
17. An existing tree survey report submitted in support of the application details that 18 trees and two groups to be removed under or within the extent of the development footprint. The majority of these trees intended to be removed have been classified as grade C trees (low quality and value), with the exception of one grade B (moderate quality and value) group of ash and three grade R (trees which otherwise are likely to be lost within 10 years and should be removed for sound arboricultural management reasons). Other trees in proximity, but not considered to be adversely affected by the development proposals, would be protected during construction activities by secure protection fencing, in accordance with the relevant British Standard (BS5837:2005 Trees in Relation to Construction).
18. An ecological scoping survey submitted in support of the application details the following mitigation measures be carried out:
 - all works to trees and shrubs on site times to avoid the bird breeding season (late March – early August), or inspected by a suitable qualified ecologist prior to commencement and supervision during tree/shrub works thereafter;
 - potential for bats to roost within the existing buildings to be demolished at Phase 2 of the works (existing 'A' block, Caretaker's House and Workshop). Two evening surveys must be carried out prior to demolition works and may lead to the requirement for a European Protected Species Mitigation Licence if a bat roost is found;
 - security lighting should illuminate the ground floor areas only and should not leak upwards, in order to maintain dark and secure flight corridors for bats;
 - measures to prevent badgers being trapped overnight in construction excavations;
 - works to scrub and trees be undertaken with care and any hedgehogs discovered are relocated to safe area; and
 - biodiversity enhancement measures, including new bird and bat boxes, new meadow area and additional tree and shrub planting.The applicant proposes that that these mitigation measures would be implemented as part of the proposed development.
19. The application does not propose any increase in the current school roll as a result of these proposals and the applicant has confirmed that the Published Admission Number would remain at 240. Instead the proposals seek to address existing building quality and space issues which the school currently experiences. Similarly, there would not be any additional staff employed at the site as a result of the proposed development. The application does not propose any additional car or cycle parking

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

provision on-site as a result of the maintained status-quo in terms of pupil and staff numbers.

Planning Policy

20. 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 PPS1 (Delivering Sustainable Development) and its Supplement (Planning and Climate Change), PPS5 (Planning for the Historic Environment), PPS7 (Sustainable Development in Rural Areas), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPS22 (Renewable Energy), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise) and PPS25 (Development and Flood Risk).

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

Policy CC1 The principal objective of the Plan is to achieve and to maintain sustainable development in the region. Sustainable development priorities for the South East are identified as (amongst others) reducing greenhouse gas emissions and ensuring sustainable levels of resource use.

Policy CC2 Climate change mitigation measures will be supported, including encouraging the use of renewable energy and reducing the amount of biodegradable waste landfilled.

Policy CC3 Supports the adaptation of existing development to reduce its use of energy

Policy CC4 Supports proposals which include a proportion of the energy supply of new development from decentralised and renewable or low-carbon sources.

Policy C4 Outside nationally designated landscapes local planning authorities should recognise and aim to protect and enhance the diversity and local distinctiveness of the region's landscape.

Policy BE1 Seeks new development to help improve the built environment with design solutions relevant to local character, distinctiveness and sense of place.

Policy BE6 Seeks to protect, conserve and enhance the historic environment.

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.

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

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 Supports greater use of decentralised and renewable energy in new development

Policy W2 Refers to sustainable design and construction.

Important note regarding the South East Plan:

As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. The 10th November 2010 Quartermain Letter is now being challenged in the High Court and must in my view carry little weight until such time as the Court decision is known. This is currently awaited. Department of Communities and Local Government advice on this matter reads:

'Local planning authorities and planning inspectors should be aware that the Secretary of State has received a judicial review challenge to his statement of 10 November 2010, the letter of the Chief Planner of the same date and to the Secretary of State's letter of 27 May 2010 on the ground that the Government's intended revocation of Regional Strategies by the promotion of legislation for that purpose in the forthcoming Localism Bill is legally immaterial to the determination of planning applications and appeals prior to the revocation of Regional Strategies.

The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner'.

(iii) **The adopted 2006 Tunbridge Wells Local Plan (Saved Policies):**

Policy LBD1 Outside Limits to Built Development, development will only be permitted where it would be in accordance with all policies contained in the Local Plan.

New maths, English and languages building at Mascalls School, Maidstone Road, Paddock Wood – TW/10/3477

Policy EN1 General development control policy requiring proposals to take account of and be compatible with neighbouring uses, not cause significant harm to residential amenities, that the building respects the context of the site (in terms of scale, height, orientation, materials and landscaping), preserve and enhance nature conservation interests and avoid the loss of important landscape features.

Policy EN25 Outside the Limited of Built Development the following criteria must be satisfied:

- minimal impact on the landscape character of the locality;
- no detrimental impact on the landscape setting of settlements;
- not result in an unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation or historic importance;
- no existing buildings on site which could be utilised for conversion as opposed to new build; and
- respect local building styles and materials.

(iv) The adopted 2010 **Tunbridge Wells Borough Local Development Framework Core Strategy Development Plan Document:**

Core Policy 4 The Borough's built and natural environments will be conserved and enhanced, through (amongst other matters) avoiding a net loss of biodiversity and providing opportunities for its enhancement and the conservation and enhancement of the setting of Listed Buildings.

Core Policy 5 Seeks to encourage sustainable design and construction principles in order to combat avoidable causes of climate change.

Core Policy 8 New community facilities will be supported where they are deficient, particularly where this will provide a range of facilities on a single site.

Consultations

21. **Tunbridge Wells Borough Council:** Raises no objection to the proposed development, but makes the following comments:

“Due to the existence of the Riley Building and the relationship the proposed building would have with it, and the rest of the school complex, the Borough Council raises ‘no objection’ to the proposal. However, the absence of any landscaping on the southern side of the school is a serious concern. It is felt that a comprehensive and effective landscaping scheme (including semi-mature trees) is required to mitigate the impact of the proposed building in long-distance views from the south and south-west (from Chantlers Hill, Maidstone Road/Gedges Hill and the nearby footpath WT269). In assessing the relevant detailed aspects of this scheme, it is felt that the implications of the building’s encroachment onto an existing hard-surfaced play are should be given particular consideration”

New maths, English and languages building at Mascalls School, Maidstone Road, Paddock Wood – TW/10/3477

Further views of Tunbridge Wells Borough Council are awaited regarding the proposed tree planting scheme for the south of the site and any views will be reported verbally to Members at the Committee Meeting.

22. **Paddock Wood Town Council:** No objection to the proposed development.
23. **Divisional Transportation Manager:** No objection to the proposed development subject to the imposition of conditions to cover the control of mud and debris on the public highway during construction activities and the submission and approval of details of construction traffic and contractor's parking arrangements prior to commencement of works.
24. **Environment Agency:** No objection to the proposed development.
25. **County Fire Officer:** No objection as the means of access considered to be satisfactory.
26. **Southern Gas Networks:** No objection to the proposed development but advises the applicant of Low/Medium/Intermediate Pressure gas main in the proximity of the development site.
27. **County Council's Landscape Consultant:** Notes that whilst the proposed building footprint would be smaller than that of the existing 'A' block (due to be demolished at the end of Phase 2 works), the proposed building would be 4 storeys high (including a lower ground floor), as opposed to the existing block which is only 2 storeys high. Notes that the finished roof level of the proposed building would sit at 50.2m AOD which is slightly lower than the finished roof level of the existing Riley building at 52.08m AOD. Notes that the Riley building would, in part, provide some screening to the proposed new classroom block in views from Chantlers Hill.

Notes that the proposed block would be built to a contemporary design specification with a combination of grey/black brickwork, grey precast concrete, glass and aluminium coloured panels. Notes that photovoltaic panels are proposed to form part of the roof terrace above the proposed dining hall, in combination with a sedum roof. Since this roof is only proposed for the lower part of the building, considers that the solar panels would not have a significant effect upon views within the surrounding landscape.

Pleased to note there are extensive landscape proposals for internal areas within the site (largely on the footprint of the 'A' block building due to be demolished at the end of Phase 2 works), including orchard, wildflower meadow, allotments and a sculpture garden, with the majority of species being native and indigenous to the Paddock Wood area. Recommend that a detailed planting plan for these areas be secured by condition for later consideration.

Considers that the proposed tree planting specification is in accordance with best practice, that the proposed number of trees would sufficiently mitigate tree loss and that the new tree planting would partially screen and soften views from the south (i.e. from Chantlers Hill and Maidstone Road). Recommend that all excavation and construction works are carried out in accordance with the relevant British Standard covering the protection of trees.

28. **County Council's Public Rights of Way Officer:** No comments expressed to date.

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

29. **County Council's Biodiversity Officer:** No objections to the proposed development subject to the ecological mitigation proposed as part of the application (as outlined in paragraph 18 above).
30. **County Council's Archaeological Advisor:** No objections to the proposed development and on the basis of the likely previous disturbance at the site advises that no archaeological fieldwork measures will be necessary in this case.

Local Members

31. The local County Member, Mr. A. King was notified of the application on the 21 October 2010.

Publicity

32. The application was publicised by the posting of several site notices around the school site, a newspaper advertisement in the Kent Messenger Malling Edition and the individual notification of 26 nearby residential properties. The site notice and press advert indicated that the proposed development may affect the setting of two nearby Grade II Listed Buildings, together with a nearby Public Right of Way.

Representations

33. To date I have received 8 letters of objection to the planning application. The main points of objection are summarised below:
- No apparent attempt to deal with the road safety aspect of pupils, cars and coaches entering and exiting the school premises. There is an issue with traffic approaching Paddock Wood from Matfield at speeds substantially in excess of 30mph. There appears to have been no consideration given to using a second entrance to the school in Mascalls Court Road. There is an on-going problem of Sixth Form pupils continuing to park their cars on the verges of Geddes Hill, thus narrowing the road, reducing the vision splay and frequently opening car doors into the flow of traffic. Full consideration of these conflicts must be given, together with clear and enforceable undertaken that these problems will be satisfactorily address prior to any approval of this planning application;
 - Concerns regarding a lack of parking for staff and students on-site currently, and this would be worsened during construction activities;
 - Concerns regarding disruption from construction for local residents;
 - Lack of regard to the former Special Landscape Area [now replaced by Core Strategy Policy 4] within the planning application;
 - Considers that the required additional landscaping proposals associated with the Riley building (planning permission TW/04/1935) were never fully implemented. This application cannot be considered whilst there is still outstanding issues in respect of the previous application;
 - Witnessed the school expand (from Chantlers Hill) with the majority of all new buildings being in-keeping and of a reasonable height. Unfortunately the last addition to the school (the Riley building) was a towering monstrosity extending several metres above the building line of the existing school. Fears that the Riley building has set a new height precedent at the site, and that the proposed building which is much taller than the 'A' block which is seeks to replace, would make an even larger blot on the landscape;

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

- Consider the proposed building design to be totally out of keeping for a semi-rural area on the outskirts of Paddock Wood. The design is more akin to contemporary office blocks found in cities today;
 - Proposed development necessitates the removal of existing mature trees on site. Even though replacements are being proposed, they will not be 'mature' for many years;
 - Request that substantial trees be planted along the proposed building's southern boundary to assist with the screening and softening of the new block;
 - Increase in litter in the local area.
34. The above representations were received by the County Planning Authority prior to the applicant proposing a new tree planting scheme of semi-mature trees (as outlined in paragraph 15 above). Residents who previously wrote in connection with this application have been recently sent notification of the changes made by the applicant in respect of additional landscape planting. Any further views received prior to the Committee Meeting will be reported to Members verbally

DiscussionIntroduction

35. The application seeks planning permission for the construction of a new maths, English and languages building providing 24 new classrooms, 2 media suites, hall and dining area, kitchen, servery, staff areas and toilet provision. The proposal would be constructed in two phases and involves the demolition of existing 'A' block and the Caretakers House and Workshop at the end of Phase 2 of the development. The application is being reported to the Planning Applications Committee as a result of the objections received from local residents (as detailed in paragraph 33) relating primarily to visual impact of the proposed new building and local traffic concerns. In considering this proposal, regard must be had to the most relevant Government Guidance, adopted Development Plan Policies outlined in paragraph (20) and any other key material planning considerations relevant to take into consideration in the decision making process. 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.
36. The key planning considerations in this particular case can be categorised under the following headings:
- the visual impact of the proposed development on the wider landscape and from key public viewpoints;
 - the impact of the proposed development on the setting of nearby Grade II Listed Buildings;
 - the impact of the proposed development on the local highway network; and
 - any other issues.

Impact on wider landscape and from key public viewpoints

37. Members will note from the site description that the school sits within the slopes of Chantlers Hill, where the land drops in a gentle gradient from south to north, falling from approximately 45m AOD at Chantlers Hill to around 30m AOD at the school entrance and down to around 20m AOD at the start of the built confines of Paddock Wood. It is noted that views of the existing Riley building and to a lesser extent the 'A'

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

block are prominent from public viewpoints along Chantlers Hill and from Public Right of Way (WT269) which leads from Chantlers Hill down to Maidstone Road. Views of the roof of the existing Riley building are also prominent along a section of the Maidstone Road to the south west of the school site when driving from the Matfield direction towards Paddock Wood.

38. It is worth noting that the majority of the residential objections received to the proposed development relate to the wider visual impact of the proposed new building upon the landscape and have been received from those properties facing the school site located along Chantlers Hill. It is also worth noting that the classroom block proposed has been designed by the applicant's architect to 'stand out' visually from the existing buildings on site, to create a unique entrance building for the school. It has been designed around a contemporary theme, using limited brickwork, grey/black precast concrete, glass and a variety of aluminium panels in three key sizes which would be finished in varying colours. The exact details of the external materials specification would be agreed by condition with the Planning Authority at a later date. The intention by the School and therefore their architects' design brief has not been to follow a traditional building design form, but to create a unique building fit for the School's modern educational needs.
39. The submitted Landscape and Visual Impact Assessment (LVIA) Report undertaken by the applicant has concluded that the completed scheme (Phase 2) would result in a '*insignificant*' impact on the wider landscape character both at regional and local level, together with a '*minor-adverse*' impact on views gained from Chantlers Hill. The LVIA Report recognises the potential for additional landscape planting along the southern edge of the proposed new classroom building. Subsequent to the publication of this report and in light of the concerns received during the application consultation period the applicant has now offered a new tree planting scheme. The proposed tree planting put forward by the applicant would, in my opinion, assist in screening the proposed building from views to the south and would help to soften it within the wider landscape more generally. I note that the County Council's Landscape Consultant considers that the proposed tree planting specification (which includes the planting of 18 semi-mature trees ranging between 4-5.5 metres in height and consisting of a native mix of oak, ash, hornbeam and alder) is in accordance with best practice guidelines and that the number of trees and locations proposed is satisfactory in this instance. I propose that this planting scheme be secured by condition and the applicant be required to implement the scheme fully within the first planting season following completion of Phase 1 of the development.
40. As part of the works to facilitate the proposed development, the application includes the removal of 18 trees and two groups of trees under or close to the development footprint. These trees have generally been classified as having low-moderate quality and value, with several requiring removal in any case for sound arboricultural reasons. I consider that the overall benefit of new landscape planting, predominantly along the southern boundary of the new building and the site, would far outweigh the loss of existing vegetation from around the existing 'A' block. Subject to tree removal works being timed to avoid the bird breeding season, as indicated in the application and outlined in paragraph (18) above, I would accept their loss as part of the proposed development. Furthermore, I do not consider the trees proposed to be removed to facilitate the development have a significant wider landscape/visual benefit when viewing the site from public viewpoints. In order to safeguard those trees in relative close proximity to the new building which are due to be retained as part of the development, I propose that a condition be placed on any decision requiring the applicant to erect and maintain suitable tree protection fencing around all trees/groups

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

of trees to be retained in accordance with British Standard 5837:2005 'Trees in Relation to Construction' for the duration of construction activities.

41. The proposed classroom building, intended to extend to a maximum roof height of 50.2m AOD (plus a further limited roof screen intended to cover necessary roof plant and equipment which would extend to a maximum height of 51.3m AOD) would sit just over 5 metres above that of the existing roof height of the 'A' block (currently 45.08m AOD). It should be noted however that the proposed building would have a lower finished roof height than the adjacent Riley building (52.08m AOD) and would appear visually less prominent in views from the south when compared to the Riley building as it would sit approximately 40 metres further north within the site confines that the southern most elevation of the Riley building. It would also be located on a lower ground level to that of the adjacent Riley building, hence the ability of the proposed new building to make use of a three storey building above a 'cut-in' lower ground floor entrance area.
42. Members will note that concern has been expressed from local residents regarding the potential establishment of the principle of tall buildings on the site, and the subsequent justification of new buildings on the basis of existing buildings already having been allowed on site (i.e. the existing Riley building). Whilst I acknowledge the concern expressed in this instance, I would stress that each application has to be determined on its own merits against key Development Plan Policy and other material planning considerations. Taking account of the proposed tree mitigation planting put forward by the applicant which would be implemented in full at the end of Phase 1 of the development, I do not consider the scale or location of the proposed building to be unacceptable in wider landscape and visual terms. Whilst I note that there would inevitably be a change to wider views across the site, particularly those from the south from Chantlers Hill and to the south west from a section of Maidstone Road, I do not consider this change in view to be of overriding detriment sufficient to warrant refusal of planning permission for this development. In particular, general views across the site would be altered only marginally and not completely interrupted. Members will also be aware that the importance of privately obtainable views is not a material planning consideration. On balance I therefore consider these proposals to be in general conformity to South East Plan Policy C4 which seeks to protect the region's landscape outside nationally designated landscapes and Local Plan Policy EN1 which seeks to ensure that proposals take account of the context of the existing site in terms of scale, height, orientation, materials and landscaping.
43. In assessing the proposed development against Local Plan Policy EN25 which covers development proposals outside of the limits of built development, I accept the applicant's argument that the existing building stock on site (notably the 'A' block) is not suitable to facilitate modern educational requirements and consider that the expense required to extensively refurbish this building to modern standards would not be justifiable over and above its demolition and replacement by a new purpose built building. Whilst I accept that the proposed new building would not respect local building styles and materials, which typically consist of brick and render finishes in the locality, I consider the proposals to be acceptable when assessed against the applicant's intention to create a unique and inviting building to act as a focal reception point for the school. I have already considered that the proposed building would not have an unacceptable visual change on the wider landscape for the reasons stated in paragraph (42 above) and therefore I consider the proposals to be in general conformity to Local Plan Policy EN25 which seeks to control development proposals outside the Limits of Built Development.

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

44. For the same landscape and visual impact reasons as discussed above, I do not consider the proposed development to have an unacceptable impact on the overall landscape such that users' enjoyment of the existing Public Right of Way would be significantly harmed through the proposed development.

Impact of proposed development on the setting of nearby Listed Buildings

45. Members will note that two Grade II Listed Buildings (Oast House and Mascalls Pound) are located approximately 90 metres to the North West of the application site on the opposite side of Maidstone Road to the main school vehicular and pedestrian entrance. These two properties currently enjoy considerable boundary screening from Maidstone Road through a mixture of trees, shrubs and hedgerow which arguably forms an important part of their setting around the curtilage of the Listed Buildings. Within the school site existing trees provide further visual screening to the existing 'A' block and location of the new building. Whilst a number of groups of trees are due to be removed from the north west corner of the proposed new building, the applicant has proposed the planting of a new group of 5 hornbeam trees (extra heavy standard) and 1 ash tree (extra heavy standard) to act as compensatory planting in this location. These trees would supplement existing planting and form part of a green lung into the new building and into the wider school site more generally. Given the considerable separation distance (approximately 90 metres) between the two Listed Buildings and the proposed development, the existing landscape screening around each Listed Building's boundary and within the school site, and the separation by Maidstone Road, I do not consider the proposed development to adversely affect the setting of either Listed Building. Whilst it is important to protect the immediate setting of Listed Buildings the proposed development is too distant to be regarded as within the immediate setting. On this basis I consider the proposal to accord to South East Plan Policy BE6 and Tunbridge Wells Core Strategy Policy 4.

Local highway network considerations

46. As outlined in paragraph (19) above, this application does not propose to increase the current school roll as part of these proposals, but instead seeks to address building quality and space standard issues which the School currently experiences. Similarly, the application does not seek to increase the number of teaching and support staff at the school as a result of the proposed development. On the basis of no increase in either staff or pupil numbers at the site, the application does not propose any additional car parking or cycle parking spaces at the site.
47. Members will note that resident concerns have been expressed regarding the current lack of parking within the site, resulting in Sixth Form students parking vehicles outside of the school premises during school hours. Concerns have also been expressed regarding the safety aspects of speeding cars travelling along Maidstone Road in excess of 30mph. It has been suggested within the objections received (the key points of which are summarised in paragraph 33 above) that full considerations of these existing highway problems must be addressed before any decision can be made in respect of this planning application. Whilst I can sympathise with the views received, on the basis that the school roll and number of staff employed at the site would not change as a result of these proposals, I am unable to insist that the applicant provides additional parking facilities on their site. In any case, I note that it is not standard policy for secondary schools within Kent to provide adequate parking spaces on site for all Sixth Form students who choose to drive to/from school. I consider that this problem is an ongoing school management issue and one which cannot justifiably be solved through the current planning application given that no increase in staff or pupil

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

numbers is being proposed in this instance. Similarly, the issue of cars speeding along Maidstone Road is not a function which the County Planning Authority has jurisdiction over, but instead would be a matter for the Highway Authority to consider separately outside of the current planning application process. Again I do not consider there to be a direct correlation between potential speeding cars using Maidstone Road and the current planning proposals at the school, particularly given that there would be no additional movements of traffic to/from the site on the local highway network as a result of these proposals.

48. Concerns have been expressed regarding the potential for adverse impacts of construction related traffic associated with the proposed development on the local community, both in terms of deliveries to/from the site during construction activities and in terms of conflicts between contractors and existing staff being able to park adequately on the site simultaneously. In order to address construction related impacts I propose that the applicant be required to submit a Construction Management Plan for approval prior to the commencement of any construction activities on site. This Plan will be required to cover all aspects of construction, including the phasing of works, details of construction routes to/from the site and details of the contractors working compound and parking areas.
49. Consistent with the views of the Divisional Transportation Manager, I would also seek to impose a condition on any decision to ensure that mud and debris is not tracked onto the public highway during construction activities, through the use of satisfactory wheel cleaning equipment being installed on site for the duration of construction works. Subject to the prior submission and approval of a Construction Management Plan and that appropriate measures be used on site to control mud and debris during construction activities, notwithstanding the views received from local residents, I would not seek to raise objection to the proposed development in this instance in respect of local highway matters.

Other Issues

50. The applicant proposes ecological mitigation measures, as detailed in paragraph (18) above, which include the timing of tree and shrub clearance works to avoid the bird breeding season, measures to avoid harm to badgers during construction activities, biodiversity enhancement measures at the site and the full survey of all existing buildings to be demolished for the presence of bats prior to the commencement of demolition works. Subject to these measures being carried out, I note that the County Council's Biodiversity Officer does not raise objections to the proposals. I would therefore not seek to raise an objection to the proposed development in relation to ecological matters.
51. Members will note that the Borough Council has expressed some concerns regarding the loss of an area of existing hard play surface under the footprint of the proposed development. Whilst these concerns regarding the proposed building's encroachment onto an existing hard-surfaced play space are noted, the loss of existing space would be compensated for as part of the Phase 2 landscape strategy which is located broadly on the footprint of the existing 'A' block to be demolished. Therefore, the School has considered that the proposals would not result in a detrimental impact on sporting or informal play areas at their site. I therefore would not seek to raise concern in respect of this matter.

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

52. It is noted that concerns have also been expressed from residents that the original landscape planting scheme, as required pursuant to the Riley building planning permission (reference TW/04/1935), were never fully implemented by the applicant. Having examined this matter on site against the approved landscaping scheme details, I note that parts of the proposed tree, scrub and hedgerow planting were not fully carried out as approved and that a number of species have subsequently died and not been replaced. I have been in discussion with the School regarding this matter, and they have undertaken to fully implement the original landscaping planting (as approved under permission TW/04/1935) at the earliest opportunity. I will therefore continue to work with the School to ensure the successful resolution of this matter which, for the reasons discussed above, I consider to be important to the overall softening of the visual appearance of the Riley building into the wider landscape. As this matter is not directly related to the current planning proposals being considered, but is relevant to the aesthetics of the site more generally and falls within the applicant's control, I propose to secure by condition that the applicant fully review and plant the required trees/shrubs/hedgerow required under permission TW/04/1935, at the earliest possible opportunity. At the latest, I propose that the applicant must fully implement the required Riley building landscape planting during the first planting season following completion of Phase 1 of this proposed development, which would then tie in with the new tree planting proposed to visually soften the proposed new building from views to the south.
53. Members will note that concerns have also been raised regarding the potential for litter to increase around the site as a result of the current proposal. Whilst I acknowledge the concerns expressed here, I note that this is actually a school management issue and not a matter which can be controlled by the Planning Authority. In any case, given that the school roll is not intended to be increased as part of these proposals, I consider it would be hard to argue that litter nuisance would increase as a direct result of this application.

Conclusion

54. The proposal seeks planning permission for new accommodation at an existing school site. The application has met with objections from local residents, as outlined in paragraph (33), mainly relating to the visual impact of the proposed building on the wider landscape and a perceived detrimental impact on the local highway network. Having considered the wider visual impact of the proposed new classroom block upon key public viewpoints from outside of the application site, notably those views from Chantlers Hill to the south, I accept that there would be an inevitable visual change to long-distance landscape views of the school. That change however, when considered against the proposed planting of semi mature native trees to the south of the proposed building, is not considered to be unacceptable in wider landscape and visual terms. For the reasons as set out above I would not seek to raise objection to the proposed building on wider landscape and visual impact grounds and consider that the proposals broadly accord with adopted Development Plan Policy.
55. Whilst I acknowledge that concerns have been expressed from residents regarding a perceived unacceptable impact on the local highway network as a result of the proposed development, given that the school pupil roll and staff numbers at the site are not proposed to be increased as part of this planning application, I cannot substantiate a planning objection to these proposals in respect of highway matters. Subject to appropriate controls to mitigate the impacts of construction related mud and debris from entering onto the public highway and the submission and agreement of a

**New maths, English and languages building at Mascalls School,
Maidstone Road, Paddock Wood – TW/10/3477**

Construction Management Plan, I would not raise objection to the proposed development on such grounds. Furthermore, I note that this view is shared by the Divisional Transportation Manager. For the reasons set out above within this report I therefore recommend accordingly.

Recommendation

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

- 5 year implementation period;
- the development to be carried out in accordance with the permitted details;
- full implementation of the tree planting scheme (associated with the proposed development) as proposed within the application within the first planting season following the completion of Phase 1;
- implementation of original Riley building landscaping measures (as originally agreed pursuant to permission TW/04/1935) within first planting season following completion of Phase 1;
- submission for approval the details of internal site landscaping measures, including proposed allotments, orchard, sculpture garden and wildflower meadow and subsequent implementation within first planting season following completion of Phase 2;
- erection and subsequent maintenance of tree protection fencing (in accordance with British Standard) around all trees/groups of trees to be retained during construction activities;
- approval of details of all external materials to be used (Phase 1 and 2) prior to construction;
- appropriate measures installed on site to prevent mud and debris being tracked out of the site to the public highway;
- submission and approval of a Construction Management Plan prior to commencement of construction activities;
- existing Caretaker's House and Caretaker's Workshop to be demolished upon completion of Phase 1;
- existing 'A' Block to be demolished upon completion of Phase 2;
- ecological mitigation measures be undertaken in full as detailed in paragraph (18) above; and
- submission and approval of foul and surface water drainage schemes prior to commencement.

Case officer – Julian Moat 01622 696978
--

Background documents - See section heading
--

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.

- | | |
|----------------|---|
| AS/10/1547 | Change of use from class B1/B8 to dual use as an approved treatment facility for end of life vehicles and B1/B8 use.
Unit 18, Henwood Industrial Estate, Ashford |
| DA/07/1/R3A | Details of replacement office pursuant to condition (3) of planning permission DA/07/1.
Pinden Quarry, Green Street Green Road, Dartford |
| TM/07/2416/R2A | Details of amendment to the plans and specifications pursuant to condition (2) of planning permission ref: TM/07/2416.
Cleansing Services Group Ltd, Mills Road, Aylesford |
| TM/10/1481 | Section 73 application to vary condition S2 of planning permission TM/98/1887/MR94 to allow an extension of time to complete sand extraction and restoration requirements on land south of M20 motorway, Wrotham Quarry, Addington.
Land south of M20 motorway, Wrotham Quarry, Ford Lane, Wrotham Heath |
| TM/10/3110 | Installation of a new walk-in kiosk to provide a weather proof enclosure for instruments and control equipment.
Ham Hill Wastewater Treatment Works, Brook Lane, Snodland |

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.

AS/10/468/R6	Details of fencing materials pursuant to condition (6) of planning permission reference AS/10/468 – Construction of a single storey building for use as a Childrens Centre.
AS/10/731/R4	Furley Park Primary School, Reed Crescent, Park Farm, Ashford Details of external materials pursuant to condition (4) of planning permission AS/10/731. The Towers School, Faversham Road, Kennington, Ashford
AS/10/1571	Extension to school entrance and reception with partial demolition of existing reception wall. Kingsnorth C of E Primary School, Church Hill, Kingsnorth, Ashford
CA/10/100/R3	Details pursuant to condition (3) of planning permission CA/10/100 – Programme of archaeological work. St Stephens Infant School, Hales Drive, Canterbury
CA/10/193/R	Non-material amendment to include minor alteration to location of Children's Centre (previously approved under consent CA/10/193) together with removal of existing portable cabin from site and provision of additional parking bays. Littlebourne Primary School, Church Road, Littlebourne, Canterbury
CA/10/2039	The erection of 2.1 metre high welded mesh panel fencing, finished in powder-coated green around the school boundary, excluding the boundary fronting 'The Street' and the addition of a pedestrian gate. Adisham CEP School, The Street, Canterbury
DA/10/777/R	Non-material amendment to alter gate (originally approved under planning consent DA/10/777) and associated works. Fleetdown Infant School, Lunedale Road, Dartford
DO/10/1018	Timber clad extension to provide small library and storage space. Lydden Primary School, Stonehall Road, Lydden, Dover
DO/10/1126	Renewal of planning consent for 1 no 3-bay mobile classroom. Vale View Community School, Vale View Road, Dover

E3

DO/10/1182	Renewal of planning consent for 1 no 2-bay mobile classroom. St Margarets-At-Cliffe Primary School, Sea Street, St Margarets-At-Cliffe, Dover
MA/10/123/RVAR	Details pursuant to conditions 6, 7, 10, 11 & 12 (access and parking); condition 23 (biodiversity); condition 25 (archaeology) and condition 33 (flooding) of planning permission MA/10/123 – proposed new Archbishop Courtenay C of E Primary School, to include demolition of existing buildings and construction of two storey school building, single storey nursery building, new one way vehicular access from Eccleston Road through to Beaconsfield Road with drop off zone, car parking, separate service access and pedestrian access from Eccleston Road, sports pitches and play area. BT Depot Site, Beaconsfield Road, Maidstone
MA/10/787/R3, R4&R8	Details of all materials to be used externally, external lighting and fencing, gates and means of enclosure. Aylesford Highway Depot, Doubleday House, St Michaels Close, Aylesford
MA/10/2086	Creation of a new footpath from adjacent car park to main entrance of Shepway Youth Centre to provide walkway over grassed area. Shepway Youth Centre, Cumberland Avenue, Maidstone
SE/10/3004	Proposed school reception/office area, library, new toilet facilities, additional storage and rationalisation of the servery and circulation routes. Penshurst Church Of England Primary School, High Street, Penshurst, Tonbridge
SH/09/574/R3	Details of external materials and joinery details pursuant to condition 3 of planning permission reference SH/09/574 – Removal of flat-roofed extension on the front elevation and replacement with a small pitched roof extension and replacement of first floor Edwardian window alterations with two timber windows and installation of a climbing frame and a soft play area in rear playground. St Peters CE Primary School, North Street, Folkestone
SH/10/128/R4&R7	Details pursuant to condition 4 (materials) and condition 7 (landscaping) of planning permission SH/10/128 – Section 73 application to vary condition 2 of planning permission SH/09/781 to permit minor changes to design and re-siting of building away from existing soakaway. Stelling Minnis CE Primary School, Bossingham Road, Stelling Minnis, Canterbury
SH/10/1094	Installation of solar photovoltaic panels onto the roof of the school building, covering an area of approximately 54.42 m ² . Selindge Primary School, Main Road, Sellindge, Ashford
SH/10/1126	Single storey extension to create a library. Bodsham CEP School, School Hill, Bodsham, Ashford

SW/04/1453/R	Revised field access arrangements to land off Ridham Avenue. Chainages RA100 and 270 of the proposed Sittingbourne Northern Relief Road and Milton Creek Crossing, Kemsley, Sittingbourne
SW/10/1150/R	Non-material amendment of eastern elevation windows and access, principle elevation windows, reconfiguration of rooflights and roof plant of planning permission reference SW/10/1150 - Proposed external alterations and refurbishment of former 'Woolworths' store to become new KCC 'Gateway' centre. 38-42 High Street, Sheerness
SW/10/1332	Redevelopment to provide a replacement part two storey and part three storey building for the Sheppey Academy East Site, with improved access arrangements from Minster Road, associated parking for 255 vehicles, 120 cycle spaces and associated landscaping. Isle of Sheppey Academy – East Site, Minster Road, Minster-on-Sea, Sheerness
SW/10/1374	Approval of reserved matters relating to appearance, landscaping, layout and scale, including details to discharge conditions 15 & 16 pursuant to outline planning permission SW/10/64 – redevelopment of site, including demolition of existing buildings and erection of new school buildings and facilities up to 970 pupils, including 2 storey family units and shared facilities building, sports pitches, car parking provision, new cycle storage, new boundary treatment, tree works and landscaping. Isle of Sheppey Academy, West Site, Jefferson Road, Sheerness
TH/08/384/RVAR	Details pursuant to conditions 4 (building recording), 5 (ground conditions), 8 (surface water drainage), 13 (fencing) and 14 (bat survey) of planning permission TH/08/384 for a Children's Centre. Priory Infant School, Cannon Road, Ramsgate
TH/10/1013	Retention of six mobile classrooms. Clarendon House Grammar School, Clarendon Gardens, Ramsgate
TM/05/1328/R8,9&10	Residual details of boundary fencing and gates, cycle parking facility and external lighting. Proposed replacement Platt CE Primary School, Land North of Maidstone Road, St Mary's Platt, Sevenoaks
TM/08/2344/R2&R3	Details of landscaping and external materials. Proposed replacement Platt CE Primary School, Land north of Maidstone Road, St Mary's Platt, Sevenoaks
TM/10/3398	Reconfiguration of disabled access ramps. Roselands Nursery, Woodlands School, Higham School Road, Tonbridge

TW/10/1835/R8

Discharge of condition (8) buggy park details and approval of brick samples of planning permission TW/10/1835 – Construction of a detached single storey building for the use as a Children's Centre including additional pedestrian access gate off Broomhill Park Road.

Southborough Primary School, Broomhill Park Road,
Southborough, Tunbridge Wells

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

Background Documents –

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

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

SW/10/TEMP/0037 - Installation of 1 no. qr5 wind turbine at St George's CEP School, Chequers Road, Minster, Sheerness.

- (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