

PLANNING APPLICATIONS COMMITTEE

Tuesday, 6th December, 2011

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 6th December, 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 J A Davies (Chairman), Mr C P Smith (Vice-Chairman),
Mr R E Brookbank, Mr A R Chell, Mrs V J Dagger, Mr T Gates,
Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby,
Mr J F London, Mr S C Manion, Mr R F Manning, Mr R J Parry,
Mr R A Pascoe 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. Membership
To note the appointment of Mr S C Manion to the Committee in place of Mr R E King.
2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 8 November 2011 (Pages 1 - 4)
5. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application DO/11/339 (KCC/DO/0069/2011) - Temporary change of use of agricultural land to allow drilling of an exploratory borehole at land adjacent to A257 Sandwich Road, north of Woodnesborough; Coastal Oil and Gas Ltd (Pages 5 - 32)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal TM/11/2523 (KCC/TM/0393/2011) - 18 new caravan pitches and redevelopment of 8 pitches at Gypsy and Traveller Site, Coldharbour Lane, Aylesford; KCC Gypsy and Traveller Unit (Pages 33 - 56)
2. Proposal SH/11/911 (KCC/SH/0369/2011) - Variation of opening hours at New Romney Children's Centre, Craythorne Lane, New Romney; KCC Children's Services (Pages 57 - 68)
3. Proposal TW/11/3044 (KCC TW/0421/2011) - Demolition of modern extension and construction of replacement extension to form house master's accommodation at Cranbrook School, Waterloo Road, Cranbrook; Governors of Cranbrook School (Pages 69 - 82)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 83 - 86)
2. Consultations on applications submitted by District Councils or Government Departments (None)
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
(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, 28 November 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 Tuesday, 8 November 2011.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr J F London, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr M B Robertson and Mr A T Willicombe

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Crossley (Team Leader - County Council Development), Mr J Wooldridge (Team Leader - Mineral Developments), Mr R White (Development Planning Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**57. Minutes - 11 October 2011**

(Item A3)

RESOLVED that the Minutes of the meeting held on 11 October 2011 are correctly recorded and that they be signed by the Chairman.

58. Site Meetings and Other Meetings

(Item A4)

The Committee agreed to visit the site of the Dungeness shingle recycling application followed by a public meeting on Tuesday, 17 January 2012.

59. Application TM/11/2143 (KCC/TM/0360/2011) - Development of a Hazardous Waste Transfer Station at Unit 19, Mills Road, Quarry Wood industrial Estate, Aylesford; Cleansing Service Group Ltd

(Item C1)

(1) Mr P M Homewood and Mr C P Smith informed the Committee that they were acquainted with Tracey Crouch, MP and Cllr John Balcombe who had both responded on the application. Mr M B Robertson said that he was also acquainted with Cllr Balcombe. In each case, the acquaintanceship in question was not "a close association." They were therefore all able to approach the application with a fresh mind.

(2) The Head of Planning Applications group reported correspondence from a planning consultant on behalf of a neighbouring development raising further objections to the application.

(3) RESOLVED that permission be granted to the application subject to conditions including the standard time condition for implementation; the development being completed in accordance with the approved plans; a scheme of lighting

being submitted, showing all external lighting to be used; a limitation on vehicle movements; and the hours of operation being limited to those proposed.

60. Application DA/11/1043 (KCC/DA/0350/2011) - Variation of Conditions 5,6 and 16 of Permission DA/07/1 (as amended) to allow modifications to phasing and soil storage arrangements and to increase the depth of excavation and resultant landfill of part of the Northern Extension at Pinden Quarry, Green Street Green Road, Dartford; Pinden Ltd
(Item C2)

(1) The Committee noted that the permitted depth set out in the Head of Planning Applications Group's recommendations in paragraph 101 (a) of the report should read "19 metres AOD" rather than "30".

(2) RESOLVED that permission be granted to the application subject to conditions that:-

- (a) amend the wording of condition 16 of Permission DA/07/1 (as amended) to increase the permitted depth of extraction in phases 5, 6 and 7 of the northern extension area to 19 metres AOD;
- (b) amend the wording of conditions 5 and 6 of Permission DA/07/1 (as amended) to enable future changes to the scheme of working to be approved in writing by the County Planning Authority rather than require a further planning permission to be obtained and reflect approval of the temporary soil stockpiles on phases 2, 3A and 7;
- (c) carry forward those conditions attached to Permission DA/07/1 (as amended), with such modifications as are necessary to reflect more recent permissions and approvals; and
- (d) secure improved or additional landscape planting (particularly along the site frontage with Green Street Green Road).

61. Proposal SH/11/738 (KCC/SH/0330/2011) - New modular classroom, fire access road and car park at Highview School, Moat Farm Road, Folkestone; KCC Property and Infrastructure Support
(Item D1)

(1) In agreeing the recommendation of the Head of Planning Applications Group, the Committee made minor amendments to its wording in order to stress the temporary nature of the permission.

(2) RESOLVED that temporary permission be granted to the proposal requiring the mobile classroom to be removed from the site within five years from the date of the permission and subject to conditions requiring the building to be finished in light grey to match the adjoining building; details of the fencing being submitted for approval; the provision and retention of the 8 additional

car parking spaces; and a revised school travel plan being submitted for approval.

62. Matters dealt with under delegated powers
(Item E1)

- (1) The Committee noted that Application TW/11/2454 reported in agenda item E1 was in respect of Horsmonden Wastewater Treatment Works.
- (2) RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-
 - (a) County matter applications;
 - (b) consultations on applications submitted by District Councils or Government Departments (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).

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SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Temporary change of use of agricultural land to allow drilling of an exploratory borehole at land adjacent to A257 Sandwich Road, North of Woodnesborough – KCC/DO/0069/2011 (DO/11/339)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 December 2011.

KCC/DO/0069/2011 - Application by Coastal Oil and Gas Limited for the temporary change of use of agricultural land (approximately 12 weeks) to allow drilling of an exploratory borehole to test the insitu coals, Lower Limestone Shale and associated strata; including provision of a drill rig and associated site compound at land adjacent to the junction of the A257 and A256, north of Woodnesborough, Kent.

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr L. Ridings

Unrestricted

Site description

1. The application site forms an area of approximately 0.18ha contained within the boundaries of an agricultural holding. Located south west of the roundabout at the junction of the A257 Sandwich Road with the A256 Sandwich Bypass, approximately 1km west of Sandwich and 1.25km to the northeast of the village of Woodnesborough. The field is classified as Grade 4 agricultural land, part of which has been used to grow asparagus crop, the remainder is scrub grassland. The application site forms a level disused area of the field; an open drainage ditch is located immediately to the east. An existing agricultural access off the west bound carriageway of the A257 (approximately 60m from the roundabout) allows entry to the site. This access includes a dedicated pull in and hard standing to the front of a gated entrance.
2. Surrounded by flat low-lying farmland, the proposed site is visible within the landscape, particularly from the A257 to the north. A line of trees within the field breaks up views from the A256 to the east. A farm shop is located to the east on Ash Road. The closest residential properties are located to the south off the A265, west within Each End and to the east on the outskirts of Sandwich, please see attached location plan.
3. The application site is designated within the Dover District Local Plan Proposals Map as open countryside and within a Flood Risk Zone 3. The area also falls within a groundwater protection zone which overlies a principal aquifer.

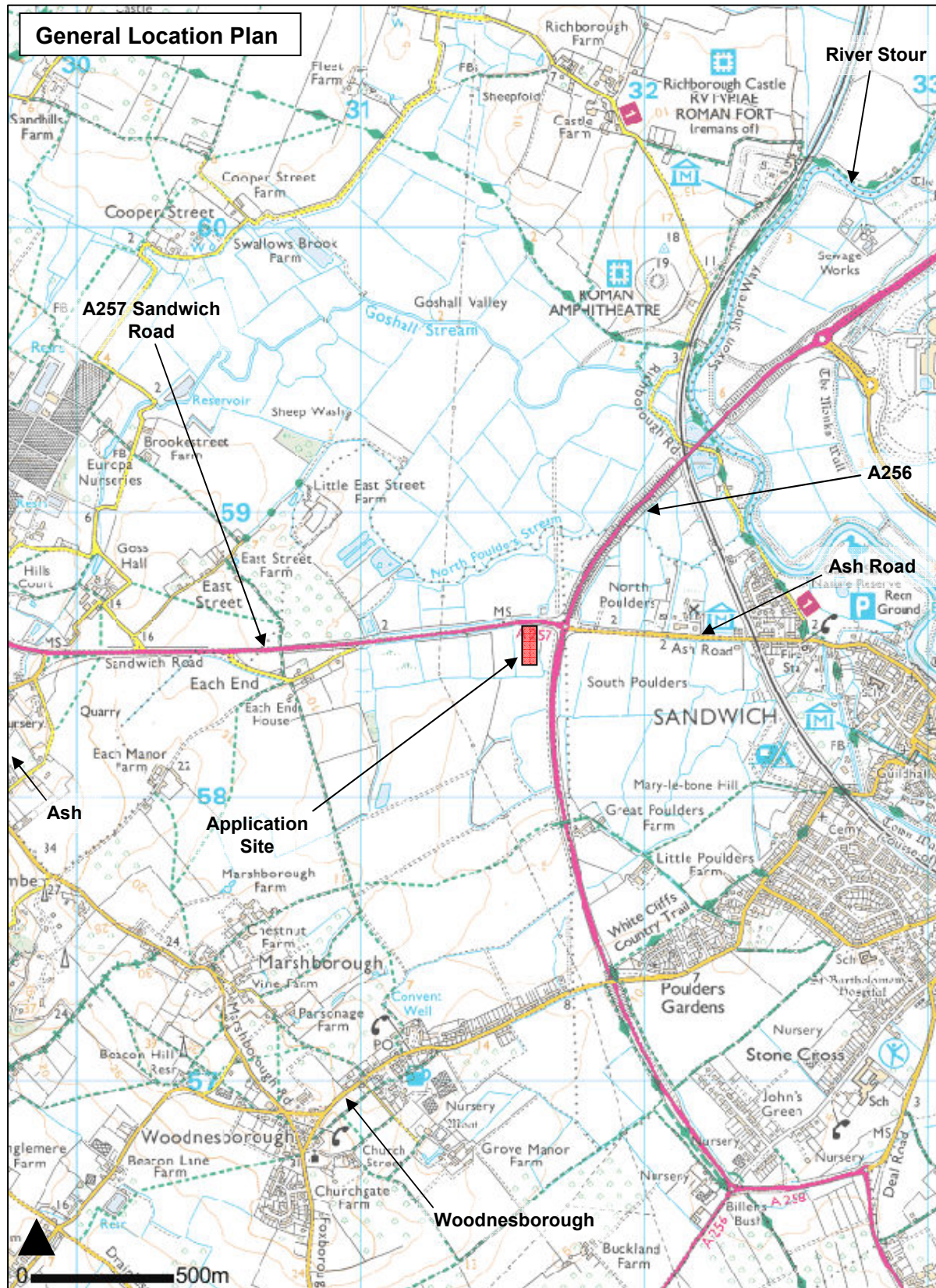
Temporary change of use to allow drilling of an exploratory borehole at land adjacent to A257 Sandwich Road, North of Woodnesborough – KCC/DO/0069/2011 (DO/11/339).

A number of watercourses, including the River Stour (approximately 800m north east) and a network of drainage ditches, are located close to the site. There are no other site specific designations, although more general development plan policies are set out in paragraph (15) below.

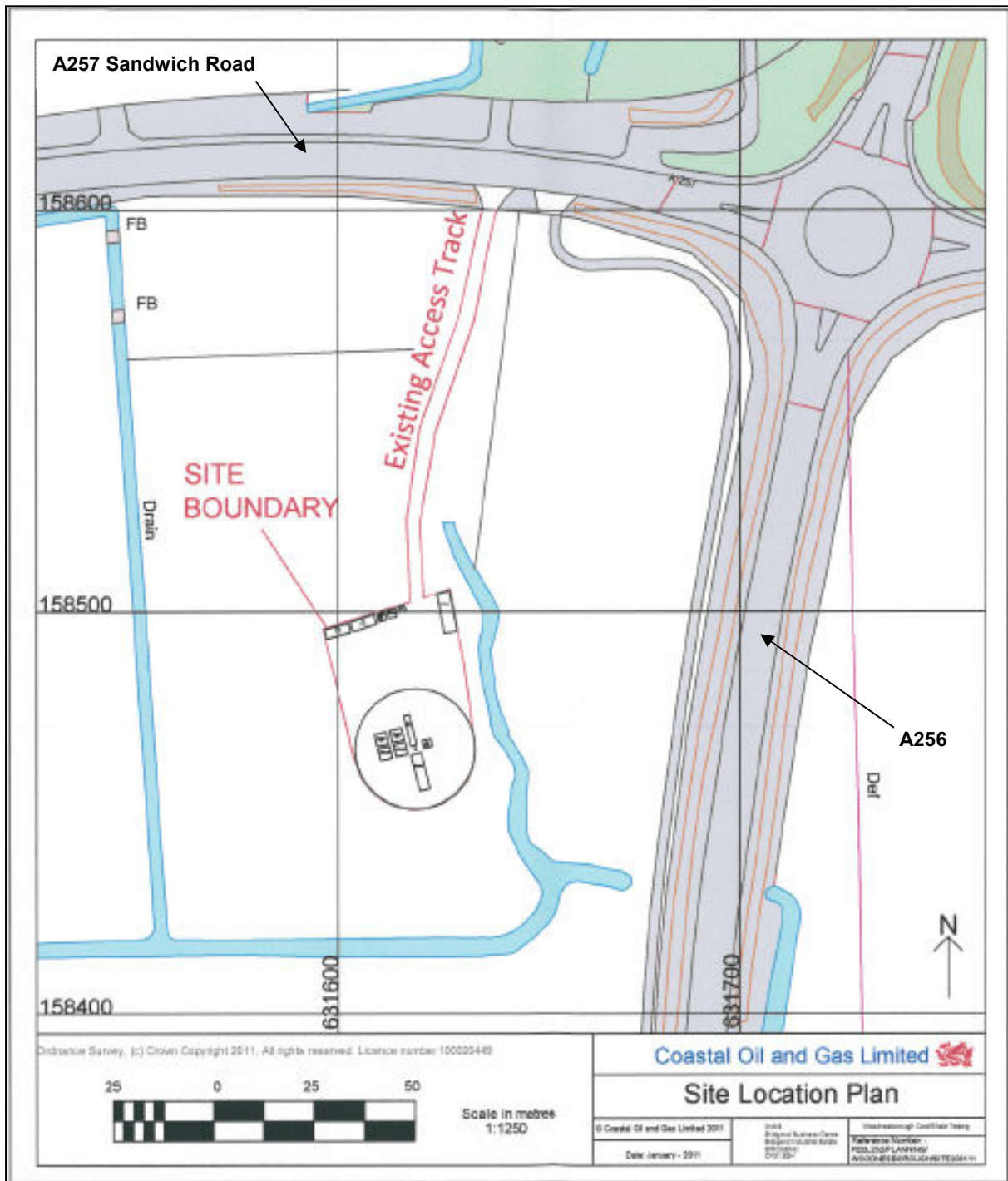
Proposal

4. The application is being made by Coastal Oil and Gas Limited and seeks a temporary change of use of agricultural land to enable the drilling of an exploratory borehole to collect core samples of the underlying rock strata for laboratory testing. The temporary borehole is being proposed to establish whether local mineral resources contain natural gas in the form of Coal Bed Methane or Shale Gas, both of which are classified as petroleum. The core sampling would be aimed primarily at Shale Coals (the lower, un-worked coal seams) and Lower Limestone Shales; however the upper coal seams would also be tested as part of the proposals.
5. Coastal Oil and Gas Limited currently hold a Petroleum Exploration and Development Licence issued by the Department of Energy and Climate Change (DECC) under the Petroleum Regulations to search for onshore oil and gas in the area. Whilst this licence affords the company the option of exploring the mineral resources, it does not grant an exemption from other legal / regulatory requirements, such as the need to gain access rights from landowners, health and safety regulations or planning permission.
6. The proposed temporary operation would involve the clearance and formation of a site compound (approximately 0.15ha in area) for a period of approximately 12 weeks to enable the drilling of the borehole. The compound would include a drill rig, associated equipment and storage tanks, site storage sheds, temporary office buildings, generator, skips, parking area and external lighting. The application indicates that the drill rig could be between 12 and 23 metres in height depending on the contractor employed to complete the work if permitted.
7. The proposed borehole would be drilled to a depth of between 1000m and 1700m to reach the relevant strata and obtain core samples. The first 10% of the hole would be approximately 30cm in diameter reducing at depth. The drilling would take approximately 7 weeks to complete with a further 3 weeks for laboratory testing. During this period the proposed operations on site would take place 24 hours a day, 7 days a week. 24 hour operations are required due to the drilling method which requires continuously drilling in order to reach the target depth. On completion of laboratory testing on the core samples the application indicates that the borehole would be completely back filled and sealed in accordance with Environment Agency guidance, and the site restored to its former condition as part of the agricultural holding.
8. The upper sections of the borehole (to a depth of approximately 300-330m) would be completely sealed with steel casing cemented into place to protect the main aquifer. The drilling would also be carried out using a closed loop system to ensure fluids/sediment resulting from the operation would not enter nearby surface drains and/or groundwater. All water, fluids and sediment captured would be stored in tanks on site and then removed to an appropriate waste disposal facility within the County.
9. The application documents include: an Ecological Scoping Survey; a Noise Impact Assessment; and a Flood Risk Assessment, in support of the proposed development.

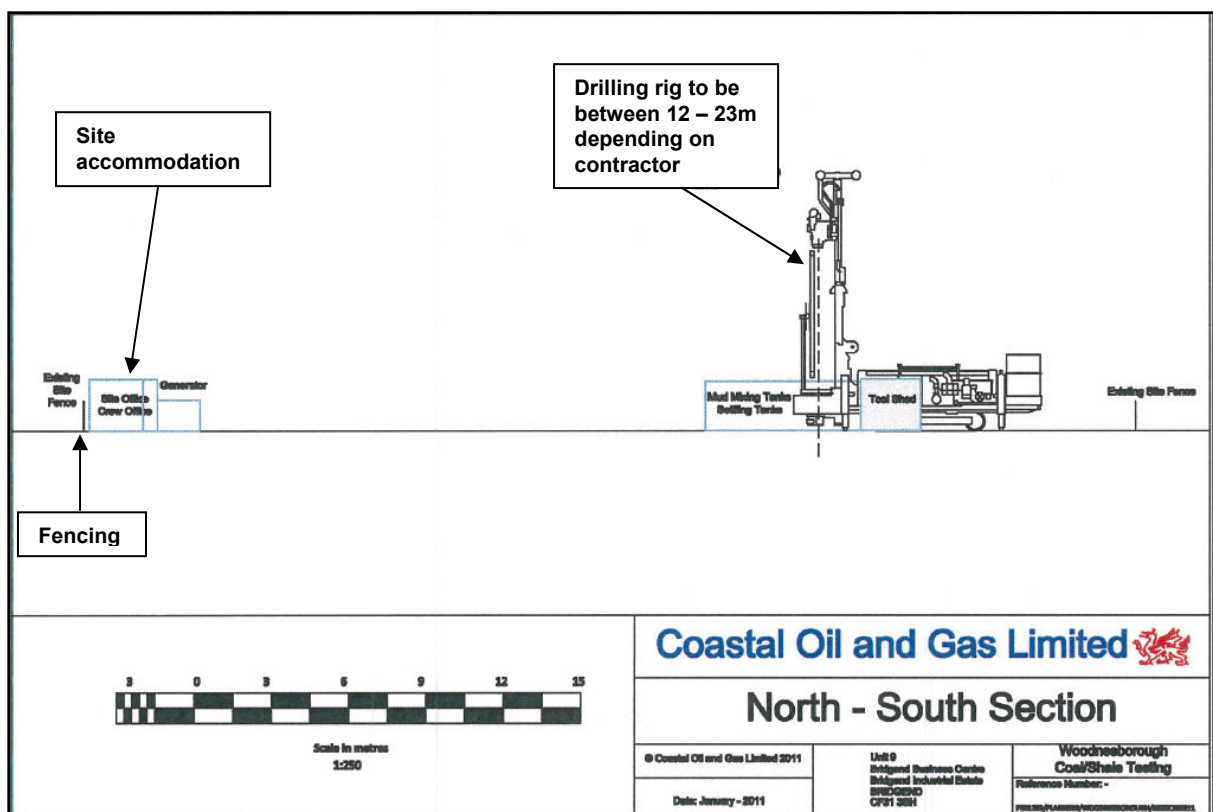
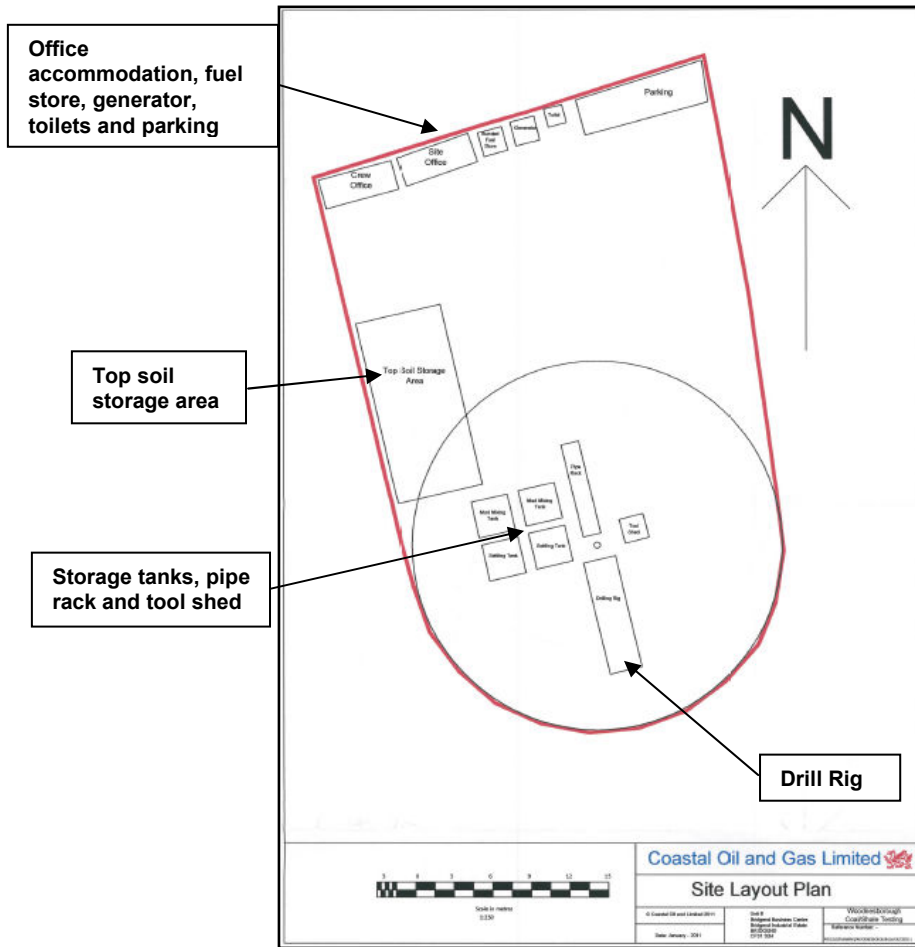
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Technical and Policy Background

10. By way of background it may be helpful for Members to understand in a little more detail how natural gas is extracted and the UK's current stance on the development of production wells.
11. As indicated above, the application proposes the drilling of a temporary borehole to explore the geology in the Sandwich area. The proposed testing would target coal and shale rock strata looking for natural gas resources held within. These resources include Coalbed Methane, a form of natural methane gas extracted from un-worked coal seams, and Shale Gas produced from formations of organic-rich shale; a sedimentary rock formed from deposits of mud, silt, clay, and organic matter. Only shale with adequate total organic carbon content can be used to produce gas, which leads on to the need to explore and test the available resources.
12. UK based gas production has continued for many years by tapping into natural fractures/voids within source rocks using vertical wells. Recent technological advances in production methods have unlocked opportunities to extract natural gas from more impractical source rocks that do not necessarily benefit from natural fractures. Modern methods include horizontal drilling and/or stimulation techniques that create artificial fractures around well bores. This stimulation technique is referred to as Hydraulic Fracturing or 'Fracking', and involves the introduction of fluids (water including chemical additives) into the source rock at pressure to open or expand fractures. The natural gas stored within the rock then flows from the fracture into the well for extraction.
13. Members maybe aware of recent public concerns over potential impacts to the environment from permitted hydraulic fracturing operations both in the UK and abroad. These concerns include the potential risk to surface / groundwater resources and an alleged link to seismic activity resulting from the process. It is noted that a number of foreign governments have recently suspended hydraulic fracturing until further information on the potential environmental impacts has been collected. Current Government advice is that a moratorium in the UK is not justified or necessary at present. The Department of Energy & Climate Change, supported by the Health and Safety Executive and the Environment Agency are closely monitoring the only permitted UK based shale gas project in Lancashire. The development of this industry in the UK is in the early stages; Central Government is advising that they will continue to assess its position. The Energy Minister Charles Hendry said in a statement of 2nd November 2011 that "the potential for unconventional gas is worth exploring because of the additional security of supply and economic benefits it could provide. But it is important to stress it is very early days for shale gas in the UK- the scale of any possible commercial production is still unknown."
14. The technological advances refered to above have prompted exploration of mineral resources previously considered uneconomic to recover. The current application represents an example of this; however it should be noted that the proposed development is for preliminary research (exploration) purposes only and does not constitute an application to develop a gas production well, or employ hydraulic fracturing techniques, which would have to be subject to a separate planning application.

Temporary change of use to allow drilling of an exploratory borehole at land adjacent to A257 Sandwich Road, North of Woodnesborough – KCC/DO/0069/2011 (DO/11/339).

Planning Policy Context

15. The Planning Policies summarised below are relevant to consideration of the application:

- i. **National Planning Policy** – the most relevant National Planning Policies are set out within the following documents:

PPS1 (Sustainable Development), PPS7 (Sustainable Development in Rural Areas), PPS9 (Biodiversity and Geological Conservation), PPS23 (Planning and Pollution Control), PPG24 (Planning and Noise), PPS25 (Development and Flood Risk), MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Mineral Extraction).

MPS1 (Planning and Minerals) sets out the Government current planning policy on the control of land-based exploration, appraisal, development and extraction of oil and gas. The key messages include:

The Government's short to medium-term aims to: *'maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner; encourage the development of clean coal technologies; and encourage the capture of methane from coal mines where environmentally acceptable.'*

The policy states that each application to explore oil and gas reserves should *'be considered on its own merits, in accordance with the present guidance, and in relation to Local Development Documents and any other relevant material considerations. These considerations should not include any hypothetical future proposal for development of the oil or gas resource.'*

Draft National Planning Policy Framework (2011)

The draft NPPF consolidates National Planning Policy into a single document. The framework sets out the Government's proposed economic, environmental and social planning policies. Taken together, these policies articulate the Government's vision of sustainable development.

The chapter on minerals requires local planning authorities to give significant weight to the benefits of mineral extraction, including to the economy; ensure that there are no unacceptable adverse impacts on the natural and historic environment, and human health; ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source; and establish appropriate noise limits in proximity to noise sensitive properties.

Important note concerning the Draft National Planning Policy Framework:

Members will be aware that the NPPF has recently been published as a draft consultation document and will, therefore, be subject to potential amendment. Nevertheless the Planning Inspectorate is advising that 'the framework gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft NPPF is capable of being a material consideration, although the weight to be given to it is a matter for the decision maker's judgment in each particular case.'

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- ii. **South East Plan (2009)** – the most relevant policies include: CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC6 (Sustainable Communities and Character of the Environment), NRM1 (Sustainable Water Resources and Ground Water), NRM2 (Water Environment), NRM4 (Sustainable Flood Risk Management), NRM5 (Conservation and Improvement of Biodiversity), NRM10 (Noise), C4 (Landscape and Countryside Management).

Important note concerning the South East Plan:

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members will note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan.

- iii. **Kent Minerals Local Plan: Chalk and Clay / Oil and Gas (1997)** – the most relevant saved policies include:

Policy OG2 Supports proposals for exploratory drilling subject to use having regard to the geological structure and being sited to minimise impact on environmental and natural resources.

Policy OG3 Supports proposals for appraisal drilling subject to use having regard to the geological structure and being sited to minimise impact on environmental and natural resources.

Policy OG5 Seeks proposals to minimise impact on neighbouring land uses and amenity in terms of noise, vibration, dust and gas.

Policy OG7 Seeks proposals that safeguard land drainage, flood control and land stability.

Policy OG8 Seeks to safeguard ecological interests.

Policy OG9 Seeks to ensure that the external appearance of all plant, hard surfacing, buildings, lighting and fencing is designed to minimise visual, noise and light intrusion.

Policy OG10 With the exception of drilling hours of operation will be permitted between hours 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday. Proposals to work outside these hours will be assessed at the nearest noise sensitive property.

Policy OG15 Proposals for oil and gas exploration should be refused if there would be a material adverse affect on highway safety and/or the local environment including dwellings.

Policy OG16 Seeks to ensure mud, dust and debris is not deposited on the public

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highway.

Policy OG18 Seeks to ensure the restoration of land to an appropriate after use following completion of development.

iv. **Dover District Local Development Framework Core Strategy (2010) Policies:**

Policy DM1 Development outside the urban confines or rural settlements will not be permitted unless justified by other development plan policies, it functionally requires such a location, or is ancillary to an existing use.

Policy DM12 Development involving construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.

Policy DM15 Development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if it is in accordance with the Development Plan Documents, or it cannot be accommodated elsewhere; provided it does not result in the loss of ecological habitats and measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

Policy DM16 Seeks to preserve the character of the landscape.

Consultations

16. **Dover District Council** – no objection, the comments received can be summarised as follows:

The District Council's Environment Health Officer (EHO) has commented on the application, and notes that the background noise survey completed establishes that the minimum average levels as 31dB during the night. The EHO considers that noise ought not to be a barrier to the application, as any issue could be engineered out through mitigation. He recommends a condition ensuring that the cumulative noise level arising from operations, measured or predicted at the nearest noise sensitive property shall not exceed 5dB below the background noise level, and that the mitigation proposed by the applicant be put in place as an initial operation on site rather than waiting to see if there are any noise complaints.

The District Council also recommends conditions including: the measures set out within the Ecological Survey; the drilling to cease no later than seven weeks after commencement; all operations to cease within twelve weeks; and within two weeks of operations ceasing all structures and materials be removed, the borehole sealed and the site restored to its condition before the development took place, including the replacement of any topsoil, any seeding and replanting.

17. **Woodnesborough Parish Council** – no objection to the proposal.

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18. **Sandwich Town Council** – no objection to the proposal, subject to the land being restored to its current condition.
19. **Environment Agency** – no objection to the proposed exploratory drilling work. The Agency requests that the applicant contact it in advance of any permitted operations commencing on site to discuss best practice and pollution prevention guidance. The comments received also request that the applicant contacts the Agency concerning any spillages and leaks of oils or fuels on site with details of appropriate investigation and remediation.

The Agency's response notes that the site overlies an important principle aquifer that supports large abstractions and provides base flow to rivers and surface water systems. On receipt of a drilling methodology supplied by the applicant, the Agency advise that the proposed method of working adequately addresses the sealing and protection of the chalk aquifer from contamination, and from water ingress during these works.

The Agency confirms it has no flood risk concerns associated with this application and recommends that the applicant be advised that waste materials removed from site must be properly consigned and taken to an authorised facility. The comments received draw the applicant's attention to the Agency's pollution prevention guidance.

The Agency notes that Shale may contain naturally occurring radioactive elements which may need to be considered when evaluating handling and disposal options. The Agency's Radioactive Substances Regulation Team has advised the applicant directly that the generation and handling of naturally occurring radioactive material from the drilling of exploratory wells in undisturbed rock strata will not require an Environmental Permit. Should the wells be used in any way for the production of gas or oil then the operation may need a radioactive substances environmental permit. *(The Applicant has confirmed that the proposed well would not be used for anything other than exploration.)*

The Agency also draws attention to the potential for gas migration from the rock strata through the borehole, so that the applicant can consider the risks to human health; however the comments confirm that this falls outside their remit.

Please note: subsequent to the Agency's initial comments on the proposals, in particular the gas migration point, I revisited the consultations previously carried out and sought further comments/views from Southern Water, the Department of Energy & Climate Change, the Health & Safety Executive and the British Geological Survey on the issues raised (please see the details of the responses below). The views received from these consultees were provided to the Environment Agency to enable their final views (summarised above) to take account of the information received.

Further to the Agency's request, Coastal Oil and Gas have formally responded confirming that they would welcome the opportunity to engage in Best Practice discussions with the EA should planning permission be granted.

20. **Southern Water** – no objection, subject to a condition being placed any consent ensuring that the borehole is backfilled and sealed according to Environment Agency guidelines.

Initially Southern Water had sought a full Hydrological Risk Assessment for the

Temporary change of use to allow drilling of an exploratory borehole at land adjacent to A257 Sandwich Road, North of Woodnesborough – KCC/DO/0069/2011 (DO/11/339).

operation on the assumption that, if permitted, the borehole could potentially be used as a future production well (as opposed to investigation only). On confirmation from the applicant that the proposed exploratory borehole would not be used for production purposes and would be backfilled and sealed in accordance with EA guidance, Southern Water withdrew the request raising no objections subject to the above condition.

Following our further consultation, Southern Water also advises that during the lifetime of the coalfield no problems with gas migration were reported. Advising that due to the depth of the coal measures, there would be significant cover between the coal bearing strata and the shallower aquifer and therefore a reduced risk of gas migration. Southern Water consider it imperative that any well is sealed (in accordance with the Environment Agency's requirements) to prevent any cross contamination of the Aquifer from deep ground water or the surface. They also note the importance of disposal of any liquid or solid waste to an appropriate facility off site.

21. **River Stour Internal Drainage Board – no objection** to the application, subject to the applicant ensuring that access is maintained to the nearby South Pounders Main Stream and associated side drains, and the implementation of appropriate pollution prevention control measures agreed by the Environment Agency.
22. **The Department of Energy & Climate Change (DECC) –** confirms that DECC would receive a request for drilling consent should planning permission be granted which will hold the operator to exploratory drilling only. The comments confirm that borehole integrity is a matter for the HSE and should planning permission be granted the well design would be reviewed before any operations could begin on site. If the design is deemed to be inadequate DECC and HSE would take appropriate action.
23. **Health and Safety Executive (HSE) – no objection** to the application, the HSE notes that should planning permission be granted a HSE Well Operations Inspector would assess the well design and construction under the Borehole Sites and Operations Regulations 1995.

At my request the HSE also commented on specific technical issues raised by other consultees. On the potential for gas migration from the proposed well the HSE indicate the risk would be extremely low. *'The proposal is to core and test coal seams and a shale play [resource]. In both cases there would be fluid [mud] in the hole which produces a hydrostatic over balance to any formation pressure. Although there will be gas present in these formations they are contained in what is called a tight formation in the case of shale which generally needs stimulation to produce gas. To produce gas either formation would need to be de-watered by a pumping system'*.

'On completion of the drilling and testing operations the well would be completely filled with cement - There are standards issued by "UK Oil and Gas" for abandonment of wells and the well operator would have to comply with them'.

On concerns about the potential for subsidence the HSE comment as follows. *'The proposed well is a vertical well for testing of coals and a shale section. The well is designed with a number of concentric pipes extending to depth and cemented in place. The top pipes are there for structural stability and are normally cemented deep enough to support any loose unconsolidated formations. It would be unusual for there to be local subsidence if the well is designed and constructed correctly. On completion of*

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operations the well would be filled with cement which would prevent collapse’.

24. **The British Geological Survey** – comments that they ‘*are not aware of any specific factual information on the potential contamination of aquifers due to drilling that is not already in the public domain (e.g. from the Environment Agency). Whilst drilling of exploratory boreholes has inherent risks associated with it, these can be reduced to acceptable levels through effective design, construction, maintenance and eventual abandonment and through appropriate risk assessment and management procedures’.*
25. **The Coal Authority** – no specific comments on the application. The Coal Authority confirm that the application site falls within the defined coalfield area, and that to drill a borehole the applicant will require the following consents in addition to planning permission:
- An interest in the associated Petroleum Licence for the area; *Coastal Oil and Gas Limited is the current holder of PEDL252 Petroleum Licence issued by the Department of Energy and Climate Change; and*
 - A Coal Bed Methane Access Agreement from The Coal Authority; *Coastal Oil and Gas Limited will apply in due course for the Agreement.*
26. **Kent County Council Highways and Transportation** – no objection to the application, subject to conditions including maintenance of sight lines at the access with the A257, provision of vehicle parking, and the provision of wheel washing facilities.

Highways and Transportation recommend that all plant traffic uses the A256 from Thanet or Dover to gain access to the site, rather than moving along A257 via Wingham, and a restriction on deliveries to avoid a conflict in the peak travel time of between 7.30am-9.30am and 3.30-6.30pm.

The comments received are based on a temporary use of the site for 12 weeks; if an application for a permanent operation were to be submitted the highway requirements would potentially be more onerous.

27. **Kent International Airport, Manston** – no objection to the application.
28. **Natural England** – standing advice recommends: proceeding with application, subject to securing mitigation proposals through conditions.
29. **The County Council’s Biodiversity Projects Officer** – no objection subject to the implementation of the recommendations set out within the Ecological Scoping and Phase 1 Habitat Survey received with the application; including the maintenance of a 6m buffer alongside the drainage ditches.

In addition the Biodiversity Officer makes a number of recommendations concerning the clearance of the site to ensure that any animals disperse into the most suitable surrounding habitat, and a recommendation that the access track is cleared to an appropriate width to ensure that no refuge areas that remain are driven over. The recommendations confirm that it is essential that, once cut, the short vegetation on the access track and works compound is maintained for the duration of the works.

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30. **The County Council's Noise Consultant** – no objection to the application. Comments as follows:

'The Noise Impact Assessment predicts a noise level of 27 dB(A) at the closest sensitive premises which is circa 600 metres away from the operation site. This falls below the lowest measured background noise level representative of these sensitive premises. In fact, our own indicative predictions suggest that the drilling noise level will be significantly less than this, in the order of 19 dB. It is therefore anticipated that noise emissions during drilling operations would not result in adverse impact upon the closest sensitive premises.'

In response to Dover District Council's comments the County Council's Noise Consultant comments as follows:

'I do not anticipate that the proposed work will result in adverse impact. However, as a precaution you may wish to apply the following standard condition:

'The rating noise level emanating from the facility at nearby residential premises when assessed in accordance with BS 4142 shall not exceed the existing background noise level.'

It shall be noted that this condition is not as stringent as Dover DC's (by 5 dB); however, the condition is considered to provide protection to local residents without being unduly restrictive on the Applicant.'

31. **The County Council's Dust & Odour Consultant** – no objection to the application. Comments as follows:

'Given a separation distance of circa 600m, there would be no dust or odour issues relating to the Application.'

32. **The County Council's Minerals Technical Adviser** – no objection, comments as follows:

'The drilling of a deep cored borehole for geological exploration is generally a safe operation with little risk unless oil or gas under pressure is encountered which could result in a blow out at the well head. There have been a number of deep boreholes drilled for oil and gas in West Kent with no reports of problems arising at the time. Modern drilling rigs with well head control and fixed blow out protectors ensure that this is normally a safe operation.'

The Applicants have confirmed the use of the above features and they have also elaborated on their means of safely isolating the chalk aquifer. I am therefore satisfied that this operation could be undertaken with little to no risk to the environment.

*I have also checked on the nature of the drilling mud to be used: - a cream powder produced from Xanthan Gum. Xanthan gum is produced by the fermentation of glucose, sucrose, or lactose by the *Xanthomonas campestris* bacterium. It is not harmful to the environment.*

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The concern over the risk of subsidence caused by exploratory drilling is normally unfounded. The Applicants have advised that the hole would be lined to at least the depth of the Chalk. I am also satisfied that the measures proposed to seal the borehole post drilling are satisfactory and would meet the terms of their drilling licence that the drilling company require to undertake this type of development..

I am also pleased that the Applicants are prepared to make available the geological results to this Authority should the borehole be granted planning permission. This information would enable the Authority to assess any future application for exploratory and or development wells that may arise in East Kent from the findings of this borehole. The Applicants are agreeable to a condition to this effect'.

Publicity and Representations

33. The application has been publicised by a site notice and newspaper advertisement. 1 commercial property within a 250m buffer was notified. 42 letters of representation objecting to the application have been received. The following points summarise views received from the Kent Green Party and The Campaign to Protect Rural England (CPRE) Protect Kent:

- The Kent Green Party – objects to the application. The objection is on the grounds that the development, *'could lead to a highly polluting form of industrial activity likely to contaminate groundwater supplies'*, amongst other concerns. The Green Party urges Members *'to consider hydraulic fracturing very carefully, as it is an energy-intensive highly polluting form of mining. The Kent Green Party doubts that hydraulic fracturing could ever be contemplated in Kent, due to its dependence on ground water supplies which are very scarce in East Kent already. Considers there is no point in permitting this application as any subsequent application would arouse immense and fully justifiable public opposition'*.
- The CPRE Protect Kent – raise no objection to this application, *'as it is for a simple and straightforward borehole.'* The CPRE are *'extremely concerned about the consequences should commercially exploitable levels of coal, shale or other fossil fuel gases be found.'* The CPRE note that there are a number of reports in the national and international media about the dangers of Hydraulic Fracturing, the unpredictable damage that can be caused to property and the current lack of effective regulation. CPRE are calling for an embargo against the practice until there is a better understanding of its impact and relevant controls are in place. Notes that should the investigation prove fruitful any further application for exploitation would be vigorously opposed. Drawing Members attention to permitted operations in the Bowland basin near Blackpool, where Cuadrilla Resources have been prevented from drilling over fear that Fracking may have caused an earth tremor.

The following points summarise the key objections and comments raised within all letters received in response to the publicity that specifically relate to the proposed application for temporary exploratory drilling of a borehole to obtain core samples:

- concerns about the proximity of the proposed drilling to residential property;
- concerns about noise generated by proposed drilling 7 days a week, 24 hours a day, along with associated noise generated by other site operations and traffic delivering materials and servicing the site;

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- concerns about the loss of agricultural land;
- concerns about the potential impact on human health;
- considers alternate locations would be more acceptable for this type of operation, like the former Richborough Power Station with its road, water and grid infrastructure;
- raises concern about the close proximity of the River Stour;
- raises concern about the potential impacts on local ecology;
- raises concern about the visual impact of the proposed drill rig in the landscape and the potential industrialisation of the countryside;
- concerns about the impact of the proposed drilling on groundwater;
- concerns that the applicant has declined to complete a full hydrological risk assessment before the proposed test drilling;
- notes that under the Water Resources Act 1991 and the Environmental Protection Act 1990 it is a criminal offence to cause or knowingly permit pollution of controlled waters;
- considers that a legal agreement should be in place to ensure any financial liability of damage caused by the proposed exploratory drilling will fall to the applicant;
- concerns about flood risk and the validity of the assessment completed by the applicant;
- concerns over gas monitoring and the potential risk of gas exploding blowing out the well;
- concerns that the test drilling could trigger seismic activity and effect ground stability, particularly in relation to the adjacent highway network and nearby residential property;
- concerns that the proposal would impact on tourism during the proposed 3 month operation;
- concerns about the increase in traffic that would be generated in terms of noise, vibration and congestion caused by HGV and other vehicle movements;
- concerns about the potential for subsequent applications to drill elsewhere within the local area; and
- concerns that the investigation and development of fossil fuels diverts resources away from renewable energy sources, including wind, wave, tidal and solar power.

Notwithstanding the exploratory nature of the current application, the following points summarise representations received from local residents that draw attention to concerns over the potential impact of Hydraulic Fracturing. These concerns include:

- the potential for contamination of groundwater by means of the chemicals used in the process, including concerns about the potential knock on impact of this on human health;
- concerns over the potential for Hydraulic Fracturing to trigger seismic activity and impact on ground stability (reference to earth quakes allegedly triggered by Hydraulic Fracturing in Lancashire);
- concerns over the environmental impact of release of methane gas to the atmosphere;
- concerns about the potential for increased levels of methane gas entering local water supplies;
- concerns about the volume of water required to facilitate the mining process and the impact this would have on the limited resources available in East Kent;
- considers the practice to be unsustainable;

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- concerns that the practice of Hydraulic Fracturing has been prohibited in France, South Africa and a number of States in the US;
- notes that the US Environmental Protection Agency is currently undertaking an extensive study (*to be concluded in 2012*);
- considers that a moratorium should be placed on onshore and offshore exploration, development and production of coal bed methane, shale oil and shale gas until the publication of a detailed environmental impact assessment into the practice;
- welcomes drilling for research, however raises concern about the potential environmental impacts of any future hydraulic fracturing;
- considers that Kent is too densely populated to allow this type of extraction;
- considers this type of mining would deter investment in East Kent;
- concerns about the potential impact on tourism as a result of this type of mining activity; and
- concerns about whether this type of mining would have any benefit to local economy.

Local Member

34. The Local County Member for Sandwich, Mr L. Ridings, was notified of the application on 21 April 2011.

Discussion

35. The development plan context and determining issues are given in paragraphs 39 and 40 below. Before entering into those, it is important to confirm to Members what is actually before them at this Committee.

36. A number of the representations received for the local community raise strong objections over the potential environmental impact of 'Hydraulic Fracturing', a drilling technique that can be used to extract methane gas from reserves like coal beds or shale rock. It should be emphasised that the current application proposes the exploration and appraisal of any gas reserves as opposed to an application to develop of a facility to extract / produce gas. The application only comprises the drilling of a temporary borehole to obtain core samples for laboratory testing, following which the borehole would be backfilled and the site restored to its former condition and use. On this basis extraction techniques like hydraulic fracturing could not be employed without further planning permission.

37. Any future proposals to develop production wells (i.e. to exploit any gas reserves that may be identified during the testing process) would require the submission of a fresh planning application. Although such an application could potentially be at or near the same location, it is understood that such facilities are more usually established as close as practicable to end users (e.g. industrial facilities) or large electrical sub stations / gas pumping stations which would be able to utilise the gas extracted. Any application for production (as opposed to exploration and appraisal) would require significant additional work and would be likely to need a formal Environmental Impact Assessment. If such an application were ever submitted, it would need to be subject to extensive consultation, be considered and determined in the usual way, and would only be permitted if it were found to be acceptable in terms of its potential environmental and other impacts.

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38. The current application therefore needs to be considered on the basis of the temporary exploratory drilling proposed. Government Policy set out in Minerals Policy Statement 1 – Planning and Minerals (MPS1) states that planning permission for exploration and appraisal does not carry with it any presumption that long-term production from those wells, or that the development of further wells, will be permitted.
39. The application seeks planning permission for the temporary change of use of agricultural land (for approximately 12 weeks) to allow drilling of an exploratory borehole to test the insitu coals, Lower Limestone Shale and associated strata; including provision of a drill-rig and associated site compound. The exploration is proposed to establish the presence, extent and viability of any natural gas reserves. The application is being reported to the Planning Applications Committee as a result of 42 letters of objection, received primarily from residents of East Kent; please see paragraph (33) for details of the concerns raised. It should be noted that subject to appropriate conditions, the various statutory consultees raise no objection to the application (paragraphs 16 – 32).
40. I shall now turn to consider the specific proposals contained within this planning application. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of National Planning Policy, the Development Plan Policies, Government Guidance and other material planning considerations arising during the consideration of the application. In considering this proposal the planning policies outlined in paragraphs (15) above are particularly relevant.
41. In my opinion, the main determining issues relate to the following points:
- policy context;
 - location and landscape considerations;
 - water environment (hydrology / groundwater impacts);
 - local amenity impacts, including noise and dust;
 - highway considerations; and
 - other issues raised.
42. It is worth noting that Part 22 of The Town and Country Planning (General Permitted Development) Order allows for temporary development on land for the drilling of boreholes and carrying out seismic surveys for the purposes of mineral exploration without the need for express planning permission. These permitted development rights do not apply in this instance as the operations proposed would go beyond the conditions set out within the Order, including the targeting of petroleum / hydrocarbons, the depth of the proposed borehole, the length of time on site and the proposed 24hour working.

Policy Context

43. Planning Policy Statement 1 – Delivering Sustainable Development (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. The four aims for sustainable development are:
- social progress which recognises the needs of everyone;
 - effective protection of the environment;

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- the prudent use of natural resources; and
 - the maintenance of high and stable levels of economic growth and employment.
44. According to PPS1 the prudent use of natural resources means enabling more sustainable consumption and production and using non-renewable resources in ways that do not endanger the resource or cause serious damage or pollution. Furthermore, the broad aim should be to ensure that outputs are maximised whilst resource use is minimised, whilst encouraging the use of renewable resources.
45. MPS1 aims to ensure that the adequate and steady supply of minerals needed by society and the economy is provided in accordance with the principles of sustainable development.
46. The introductory paragraph to MPS1 recognises that minerals are essential to the nation's prosperity and quality of life. It goes on to state that *'in order to secure the long-term conservation of minerals it is necessary to make the best use of them'*. It also acknowledges that *'Minerals development is different from other forms of development because minerals can only be worked where they naturally occur. Potential conflict can therefore arise between the benefits to society that minerals bring and impacts arising from their extraction and supply.'*
47. National policies encourage energy efficiency and use of renewable energy, the Government also recognises that fossil fuels will be part of the energy mix for the short to medium term. MPS1 acknowledges that conventional domestic oil and gas production will decline significantly over coming years and the UK is likely to be importing around three quarters of its primary energy needs. National policy identifies the importance of gas supply infrastructure in maintaining the reliability of our energy supplies.
48. The concerns raised by local residents that this application could divert resources away from the development of renewable energy are noted. Government Policy clearly prioritises renewable energy as vital to facilitating the delivery of its commitments on climate change. However, Government's overarching energy policies seek a mix of resources to ensure security of supply. This would come from an increasing contribution from renewable energy supplies (targeting up to 20% by 2020) twinned with prudent use of natural resources, including fossil fuels. The Government's short to medium term aims set out in MPS1 include *'maximising the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner'*. To make best use of available reserves, it is necessary to fully investigate potential resources to ascertain the presence, extent or quality of any mineral deposit.
49. MPS1 clearly states that *'applications for the exploration of oil and gas resources should be considered on their own merits, in accordance with the Development Plan and any other material considerations, and should not take account of any hypothetical future proposal for development of the oil or gas resource.'* The guidance indicates that *'subject to the effects on the environment being appropriately addressed and mitigated, and a satisfactory restoration and aftercare plan prepared, applications for exploration may be favourably considered'*.
50. In line with national policy, the South East Plan 2009 Policy CC1 sets out the sustainable development priorities for the South East as:

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- *achieving sustainable levels of resource use*
- *ensuring the physical and natural environment of the South East is conserved and enhanced*
- *reducing greenhouse gas emissions associated with the region*
- *ensuring that the South East is prepared for the inevitable impacts of climate change*
- *achieving safe, secure and socially inclusive communities across the region....’.*

51. The South East Plan provides regional policies relating to energy efficiency and renewable energy but no specific regional policies regarding natural gas development. The Plan highlights the need for careful use and creation of energy supplies as a key challenge for the region.

52. The Kent Minerals Local Plan: Chalk and Clay / Oil and Gas (1997) includes saved policies that specifically refer to oil and gas development. The Minerals Plan recognises the need to establish the extent of available reserves in the context of growing national need. Policy OG2 supports proposals for exploratory drilling subject to proposals having regard to the geological structure and being sited to minimise impact on environmental and natural resources.

53. To reiterate, Government policy makes it clear that oil and gas remains an important part of the UK's energy supply. The guidance recognises the continuing importance of fossil fuels but aims to manage reliance on them, their potential environmental effects, and the risks associated with security of supply. Exploratory drilling is one step in the process of being able to determine the potential of a likely oil or gas resource. Given that the development is for the exploration of gas reserves only it would not directly conflict Government policy on sustainable development or climate change. Once the proposed testing and evaluation is concluded the site would be cleared and restored to its former use. MPS1 gives considerable weight to the need to maximise the potential of the UK's oil and gas reserves. The Minerals Local Plan adds weight to the need to establish the extent of reserves, supporting exploratory drilling subject to minimising any resulting impact on the environment. I therefore consider that both national planning policy and the development plan establish support and a national need for the exploration of natural gas resources, subject to the proposal being acceptable in terms of its environmental and local amenity impacts. This is considered further under individual issues below.

Location and landscape considerations

54. The application site falls within a rural location, outside the confines of the urban area as defined by the Dover District Local Plan Proposals Map. The site is an open field to the north of Woodnesborough and west of Sandwich, bordered to the north and east by public highways. The field is categorized under the Agricultural Land Classification as Grade 4, part of which is used to grow asparagus; the remainder consists of disused scrub grassland. Any application in the open countryside is subject to a number of Development Plan Policies that seek to protect the character of the countryside for its own sake.

55. The National Plan Policies including: PPS1 (Delivering Sustainable Development); PPS7 (Sustainable Development in Rural Areas); MPS1 (Planning and Minerals); and Development Plan Policies including South East Plan Policies CC1, CC6, C4, and Dover

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District Local Development Framework Policies DM1 and DM16, all seek to protect the countryside from unnecessary development and preserve the character of its landscape, subject to a number of limited circumstances and justifications.

56. Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS7) seeks to ensure that the quality and character of the wider countryside, its natural resources and biodiversity are protected, whilst supporting the rural economy. MPS1 seek to protect and enhance the character of surrounding rural and urban areas by careful planning and design of any proposals for minerals development, including the need to locate sites to minimise visual intrusion. The document goes on to state that *‘Minerals development is different from other forms of development because minerals can only be worked where they naturally occur’*. Local Development Framework Policy DM1 presumes against development in the countryside unless its functionality requires such a location. Minerals Local Plan Policies OG2, OG9 and OG15 specifically require proposals for oil exploration to be sited and designed to minimise any adverse impacts on the local environment.
57. Due to the flat landscape the proposed site is visible from the surrounding countryside. At up to 23 metres in height the drilling-rig would be the main element of the proposal visible from a distance. The site compound, which in addition to the drill-rig would include a number of single storey site cabins, storage tanks, pipe racks, temporary construction fencing and other ancillary facilities, would only be visible at a local level, predominantly from the A257 immediately to the north. Intermittent planting around the boundaries, within the field, and within adjoining fields would help to break up and screen views of the site compound and rig within the wider landscape. The drill-rig’s slender lattice construction would help to minimise its visual impact and would make it more difficult to discern from a distance. It is noted that the maximum height of the drill-rig would be less than the electricity pylons that pass through the landscape.
58. The application includes temporary external lighting for site security reasons and to assist night-time working during operations on site. Impact from artificial lighting on the night sky is an issue in rural areas, although it should be noted that the adjacent stretch of highway is lit. The nearest residential property is over 600 metres away so there would not be a material impact on residential amenity from any lights. However, to ensure the lighting is not excessive and would not extend beyond the area of land that has to be lit, should planning permission be granted I recommend a condition requiring details of the lighting be submitted for prior approval.
59. Government policy set out in PPS7 confirms the importance of protecting natural resources in delivering sustainable development. In relation to agricultural land PPS7 states that little weight in agricultural terms should be given to the loss of agricultural land in grades 3b, 4 and 5. Given that the field is classified as Grade 4 agricultural land, the application site forms part of a disused area of the field and that the application proposes a temporary use for 12 weeks only, I am satisfied that the works would not materially affect the availability of agricultural land in the local area.
60. To ensure that the site is adequately restored following completion of drilling operations, I recommend a condition be placed on any planning permission requiring the prior approval of a scheme to reinstate the site. This scheme should include details of the timing of the restoration, soil handling and placement, and the re-seeding of the ground to ensure the restoration of the land.

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61. The development would take approximately 12 weeks from start to restoration and has to be undertaken in this general location in order to target a particular geological feature. Whilst there would be some landscape impacts, they would be limited and of a relatively short duration. Given the temporary nature and the degree of impact, provided that conditions are imposed regarding the restoration of the site, I do not consider the proposal would have a significant impact on the landscape or open countryside and would be acceptable in terms of its visual impact and related planning policy.

Water environment (hydrology / groundwater impacts)

62. The application site falls within a Flood Risk Zone as defined by the Environment Agency and is identified as being at risk of flooding from both the nearby river, and from the sea. In accordance with the requirements of PPS25 (Development and Flood Risk) a Flood Risk Assessment (FRA) has been prepared for the site. The FRA received indicates that there is a 0.5% (1 in 200) or less chance of flooding each year, which takes account of flood defences that protect the area. The FRA concludes that the application would not increase the potential risk of flooding or decrease flood storage capacity. PPS25 indicates that the proposed temporary development is considered to be less vulnerable to flooding and would therefore be an acceptable use within the flood zone. It is noted that the Environment Agency raise no flood risk concerns associated with this application; I therefore consider the application to be acceptable in terms of any potential flood risk.

63. MPS1 seeks careful consideration of applications for mineral exploration in order to avoid or minimise any resultant adverse impacts on the environment. The Policy states *'particular care should be taken about siting all types of oil and gas wells close to water supply wells or boreholes. If aquifers are to be breached it will be necessary to discuss well-casing details and the composition of drilling muds with the Environment Agency'*. South East Plan Policies NRM1 and NRM2 seek to ensure that water quality and ground water supplies are maintained and enhanced.

64. The application site overlies a principal aquifer that supports large abstractions and provides base flow to rivers and surface water systems in the area. The aquifer is held within the upper chalk formation at an expected depth of approximately 330 metres in this location.

65. To prevent contamination of the water environment and isolate the aquifer the application proposes to completely seal the upper section of the borehole as it passes through the water-bearing stratum. This would be achieved by steel casing concreted into place and pressure tested to prevent ingress of water into the borehole. The application includes details of the drilling muds that would be used (Xanthan Gum), which is not considered to be harmful to the environment. Furthermore, the drilling would take place using a closed loop system that would capture all fluids and sediment from the operation. The water, drilling fluid and sediment captured would be stored in tanks, to be disposed of off site at licensed wastewater treatment works within Kent. On completion of the drilling, at the end of the 12 week period, the application proposes to restore the site to its former condition. This would include the borehole and steel casing being completely backfilled with cement to seal the hole and prevent the vertical migration of groundwater, in accordance with Environment Agency guidelines on 'Decommissioning Redundant Boreholes and Wells'.

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66. During the processing of the application the applicant has provided additional technical information concerning the proposed drilling methodology in response to consultees. The Environment Agency, Southern Water, the Health & Safety Executive and the County's Minerals Technical Adviser were all consulted on the application and subsequent information and have raised no objection. Nearby residents have raised concern that Southern Water had initially requested a full hydrological risk assessment, however Members will note from paragraph (20) above that this request was based on the assumption that the proposed borehole could be subsequently developed for extraction of gas. On confirmation from the applicant that the proposal would not be used for production purposes and would be backfilled and sealed in accordance with EA guidance on completion of the sampling, Southern Water withdrew the request, raising no objections subject to the borehole being completely sealed on completion of any permitted operation.
67. Taking into account the views of the above statutory consultees and the mitigation measures incorporated into the proposed development, it is not considered that the development would pose any significant risk of pollution to the water environment. I therefore consider that the proposal satisfies the requirements of MPS1, PPS25 and the appropriate development plan policies.

Local amenity impacts including noise and dust

68. MPS1 requires careful consideration of environmental factors including '*controlling noise and dust emissions from drilling rigs with particular reference to night-time operations*'. The guidance suggests that 'in most cases it will be appropriate to attach conditions to planning permissions to ensure that any adverse impact of the operation on the environment and local residents is kept to a minimum.' Minerals Planning Policy 2 – Controlling and Mitigating the Environmental Effects of Mineral Extraction in England states 'any adverse effects on local communities, environmental damage or loss of amenity must be kept to an acceptable minimum through the design of the proposals'. This includes considering all reasonable options to minimise noise at source to safeguard noise sensitive properties.
69. The nearest residential properties include a farmstead located to the south off the A256 and residential properties located to the east and west at a distance of approximately 600m. It should be noted that both the roads that border the site are classified A-roads and are likely to carry proportionately higher levels of traffic both during the day and night.
70. The County Council's Dust and Odour consultant has assessed the proposals and advised that given the separation of the site from sensitive properties, there would be no material dust or odour issues relating to the application.
71. The proposed drilling operations would be undertaken 24 hours / 7 days per week over a period of up to 12 weeks, due to the need to drill continuously. A noise assessment submitted with the application defines the lowest night-time background noise level at 31dB. The report predicts that the noise level of the drill-rig at the nearest noise sensitive property would be 27dB(A) L_{Aeq} in line with the existing night-time background noise climate.

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72. Dover District Council's Environmental Health Officer has raised no objections to the application in principle. The EHO considers that noise ought not to be a barrier to the application, as any issue could be engineered out through mitigation. He recommends a condition ensuring that the cumulative noise level arising from operations shall not exceed 5dB below the background noise level at the closest noise sensitive property. In his opinion the mitigation measures proposed by the applicant should be put in place as an initial operation on site rather than waiting to see if there are any noise complaints.
73. The County Council's Noise Consultant notes that the predicted night-time noise level falls below the lowest measured background noise level. His own calculations suggest that the noise level generated by the drilling operation at the closest noise sensitive property could be significantly less than that predicted in the report received from the applicant, in the order of 19dB. On this basis he advises that there would be no adverse impact on the closest noise sensitive properties as result of the development. In response to Dover District Council's comments the County Council's Noise Consultant recommends a condition ensuring noise levels should not exceed the existing background noise level at the closest sensitive property. This would not be as stringent as Dover District Council's recommendations (5dB below background noise levels); however it is considered to provide adequate protection to local amenities without being unduly restrictive on the applicant.
74. In response to the District Council's views, as an additional precautionary measure to ensure that there would be no unacceptable impact on the closest noise sensitive property, the applicant has confirmed that noise reduction panels would be deployed on the site fencing before any drilling is commenced on site. These panels would be maintained for the duration of operations on site.
75. Subject to the above conditions and additional controls, it is considered that all reasonable options to minimise noise at source to safeguard sensitive properties would be deployed. The proposal would accord with MPS1, MPS2 and the aforementioned development plan policies and would be acceptable in terms of the potential impact on residential amenities.

Highway considerations

76. The site would be accessed from A257 Sandwich Road, approximately 60 metres west of the roundabout with the junction with the A256. The field is served by a formal pull in that allows vehicles to access the site without stopping on the public highway. An existing overgrown track would be used within the field to access the proposed site. This would be cleared along with the proposed compound area during the initial site setup. The application states that there would be a limited number of heavy goods vehicles during the set up / decommissioning of the compound (approximately 16 vehicles each time). These movements would deliver the drill-rig, associated equipment and temporary buildings to site. During the on-going temporary operations its is estimated that there would be approximately 4 lorry movements per week to remove foul sewage, skips and deliver supplies, and a further 2/3 cars/vans per 12 hour shift to cover the general operation of the site. The application confirms that suitable on-site vehicle parking would be made available along with appropriate wheel cleaning facilities to prevent mud and debris being tracked on to the highway.
77. Kent Highways and Transportation has raised no objection on the basis that the

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proposal is for a temporary use only, subject to the imposition of conditions including the maintenance of the sight lines at the access with the A257, provision of vehicle parking, a restriction on the timing of deliveries to avoid peak travel times (between 7.30am-9.30am and 3.30-6.30pm), and the provision of wheel washing facilities. Kent Highways and Transportation has recommended that all plant traffic is routed via the A256.

78. The applicant has confirmed that the recommended highways conditions are achievable, and that, during the brief site setup and decommissioning of the temporary operations, large delivery vehicles can be routed via the A265 outside the peak travel times identified. On this basis I am satisfied that conditions can be placed on any planning permission to preserve highway safety, and that an appropriately worded informative would draw the applicants attention to the agreed routing for HGV's during set up / decommissioning of the compound.
79. It is acknowledged that the development would generate an increase in volume of traffic but this would be limited to a relatively small number of movements during a short development, operation and restoration period. The local highway network is considered to be capable of accommodating the increase in vehicle numbers and subject to the conditions and informative recommended above there would be no specific highway safety concerns.

Other Issues

80. The application documents received include an ecological scoping survey that assesses the site in terms of its ecological interest and makes recommendations in light of the proposal to limit the potential impacts. These recommendations include maintenance of a 6 metre buffer zone around the drains within the site to safeguard water vole burrows, along with measures to be undertaken during the clearance and operation of the site to safeguard against risk to reptiles and breeding birds.
81. It is noted that the County Council's Biodiversity Officer raises no objection to the application subject to the implementation of the recommendations set out within the scoping survey; including the maintenance of heras-type fencing around the recommended 6m buffer zone. I am satisfied that, subject to conditions securing the above recommendations, the proposal would not give rise to a significant impact on local ecology and complies with the requirements of PPS9 and the relevant development plan policies.
82. The Environment Agency has commented that Shale rock may contain naturally occurring radioactive elements. However, it considers the expected levels of radioactivity to be low, such that the Agency would not even require an Environmental Permit. It is for the Environment Agency to determine if an Environmental Permit is required under environmental legislation. Guidance set out in PPS23 indicates that *'The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced'*.
83. Representations received from the general public also raise concerns over gas monitoring and the potential risk of any gas exploding blowing out the well head. In response to this point the applicant has provided further details on the monitoring

Temporary change of use to allow drilling of an exploratory borehole at land adjacent to A257 Sandwich Road, North of Woodnesborough – KCC/DO/0069/2011 (DO/11/339).

equipment that would be installed on site as a statutory requirement to ensure safety. Members should note that this is an aspect of the operations that would be controlled under the Health and Safety Regulations and is a separate issue to the consideration of the planning application. The HSE has confirmed that under Borehole Sites and Operations Regulations 1995 a thorough appraisal of the borehole design and construction would be carried out by a Well Operations Inspector. Should there be legitimate concerns over the operations the HSE would take enforcement action.

84. On the issue of potential gas migration raised by the EA and those making representations, I note the HSE indicate that the risk would be extremely low due to nature of the rock strata which holds gas reserves tightly within the formation, and the hydrostatic over balance produced by fluid within the hole preventing gas formation. The HSE advise that the proposed back filling of the entire borehole with cement on completion of the operations would prevent any issues occurring after any borehole was abandoned.
85. The potential for the proposed development to impact on human health has been raised as a concern by local residents. Given the conclusions drawn within the sections on the water environment, local amenity impacts and above, I am satisfied that there would be low health risks as a result of the proposal. I also note that should planning permission be granted the HSE would consider the borehole design in detail as part of the Borehole Regulations.
86. One representation received from a local resident raises concerns about the potential for the drilling operation to impact of ground stability, including the risk of subsidence, and in particular that the operations would undermine the adjacent public highway and nearby residential property. The County Council's Minerals Technical Adviser and the Health & Safety Executive have considered the application in light of these concerns and raise no objections to the proposed operation. The HSE advice received states that *'it would be unusual for there to be local subsidence if the well is designed and constructed correctly and on completion of operations the well is filled with cement which prevents the collapse of the well'*. The application proposes to case the borehole as it is drilled at least to a depth below the chalk strata (approximately 330 metres below ground). As well as isolating the aquifer, the casing would also support any loose unconsolidated formations preventing the surrounding strata from subsiding. On the basis of the technical advice received, I am satisfied that the proposal would be acceptable in terms of ground stability.
87. Representations received from a local resident raises the question of the need for a legal agreement to ensure that financial liability resulting from any damaged caused falls to the applicant. As indicated above, I am satisfied that the HSE would scrutinise the borehole design for safety under a separate regulatory regime that would properly control operational activities in this instance.
88. Concerns over the potential impact of the development on tourism in the Sandwich area have been expressed within correspondence received from the public. It is noted that the application is proposed for a temporary period of 12 weeks and on completion would seek to restore the site to its former condition. I am satisfied that the proposed operation would have no material impact on the tourist industry should the application be permitted.

Temporary change of use to allow drilling of an exploratory borehole at land adjacent to A257 Sandwich Road, North of Woodnesborough – KCC/DO/0069/2011 (DO/11/339).

89. It is worth noting that planning permission is one of a number of other licences, permissions and regulatory agreements that would need to be in place before exploratory drilling from natural gas can be commenced. These include (in sequence): a Petroleum Exploration and Development Licence issued by the Department of Energy and Climate Change (DECC); Planning Permission; Coal Access Agreement; Notification to the British Geological Survey; a Well Operation Notice (permission from DECC to drill a borehole); Notification under the Borehole Sites and Operation Regulations to the Health and Safety Executive (to be assessed by a Well Operations Inspector); a Well Examination Scheme completed by an independent well examiner (covering all aspects of well design through to final abandonment); and utility clearances with water, power, telecoms and sewage companies.

Conclusion

90. The development proposes the drilling of an exploration borehole to assess the potential of local geological formations to contain natural gas reserves. Government policy sets out that it is in the national interest to maximise the recovery of all economic hydrocarbon reserves in an environmentally acceptable way. The development would be of a temporary nature and includes adequate environmental information that demonstrates that there would be no unacceptable impacts from the proposals in terms of the environment or local amenity. The appropriate technical consultants, including the Environment Agency, have accepted that the design of the borehole and restoration measures, which would ensure the protection of ground and surface water. Any impacts relating to noise, traffic, light pollution and visual impact could be controlled to acceptable levels by way of the conditions recommended below.

91. Members will note that if as a result of the proposed exploration viable reserves are found any proposals to exploit the resource would be subject to a requirement for a new planning application which would be likely to include a formal Environmental Impact Assessment. It should be noted that any planning permission granted at the exploration and appraisal stage does not carry with it a presumption that long-term production from those wells, or that the development of further wells, will be permitted

92. On this basis, I consider that the application accords with National and Regional Policy and the relevant policies of the Minerals Local Plan and Local Development Framework referred to above. I therefore recommend that, subject to the imposition of appropriate conditions, planning permission should be granted.

Recommendation

93. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions including (amongst other matters) the following:-

- the development being carried out in accordance with the submitted plans and any approved pursuant to the conditions set out below;
- operations to be commenced within 5 years;
- the applicant to provide written confirmation of the start date on site;
- the temporary use once commenced on site to cease within 12 weeks, unless otherwise agreed in writing by the County Planning Authority;
- use of the borehole be restricted to obtaining core samples only;

Temporary change of use to allow drilling of an exploratory borehole at land adjacent to A257 Sandwich Road, North of Woodnesborough – KCC/DO/0069/2011 (DO/11/339).

- within two weeks of operations ceasing all structures and materials to be removed from site,
- the prior submission and approval of a scheme and timetable for the reinstatement of the site, including the replacement of any topsoil and re-seeding;
- the prior submission and approval of external lighting details;
- the implementation of the recommendations set out within the Ecological Scoping and Phase 1 Habitat Survey
- a control on night-time noise to ensure it does not exceed the background noise levels;
- all liquid and solid waste generated by the proposed operation shall be captured and stored until it can be disposed of within an appropriately licensed waste disposal facility;
- the maintenance of sight lines at access with the A257;
- the provision of vehicle parking on site;
- a restriction on HGV movements to avoid peak travel times;
- provision of measures to ensure mud and debris is not tracked onto the highway;
- the borehole to be drilled in accordance with the principles of the methodology received;
- the borehole to be completely backfilled and sealed in accordance with the principles of the methodology received;
- geological survey information obtained from the core samples, excluding any commercially sensitive data, be made available to the County Planning Authority; and
- copy of decision and approved documents to be available on site.

I FURTHER RECOMMEND that the applicant be advised by way of INFORMATIVES (amongst other matters) the following:

- the applicant be advised of the views of the Environment Agency and the Health and Safety Executive;
- during the setup and decommissioning of the site the applicant is recommended to route large delivery vehicles via the A265 outside the peak travel times identified, as agreed.

Case Officer: James Bickle

Tel. no. 01622 221068

Background Documents: see section heading.
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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site, Aylesford – TM/11/2523 (KCC/TM/0393/2011)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 December 2011.

Application by Kent County Council Gypsy & Traveller Unit for the provision of 18 new caravan pitches arranged around a new road, and redevelopment of 8 existing pitches already accommodating 8 traveller families (26 pitches in total), semi detached utility blocks, a children's play area, erection of a 3 metre high acoustic barrier adjacent to the A20 London Road, amenity lighting, landscaping and resurfacing of existing access road, at Coldharbour Lane Gypsy and Traveller Site, Aylesford, Kent – TM/11/2523 (KCC/TM/0393/2011)

Recommendation: Permission be granted subject to conditions.

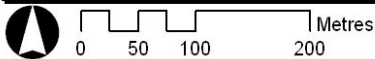
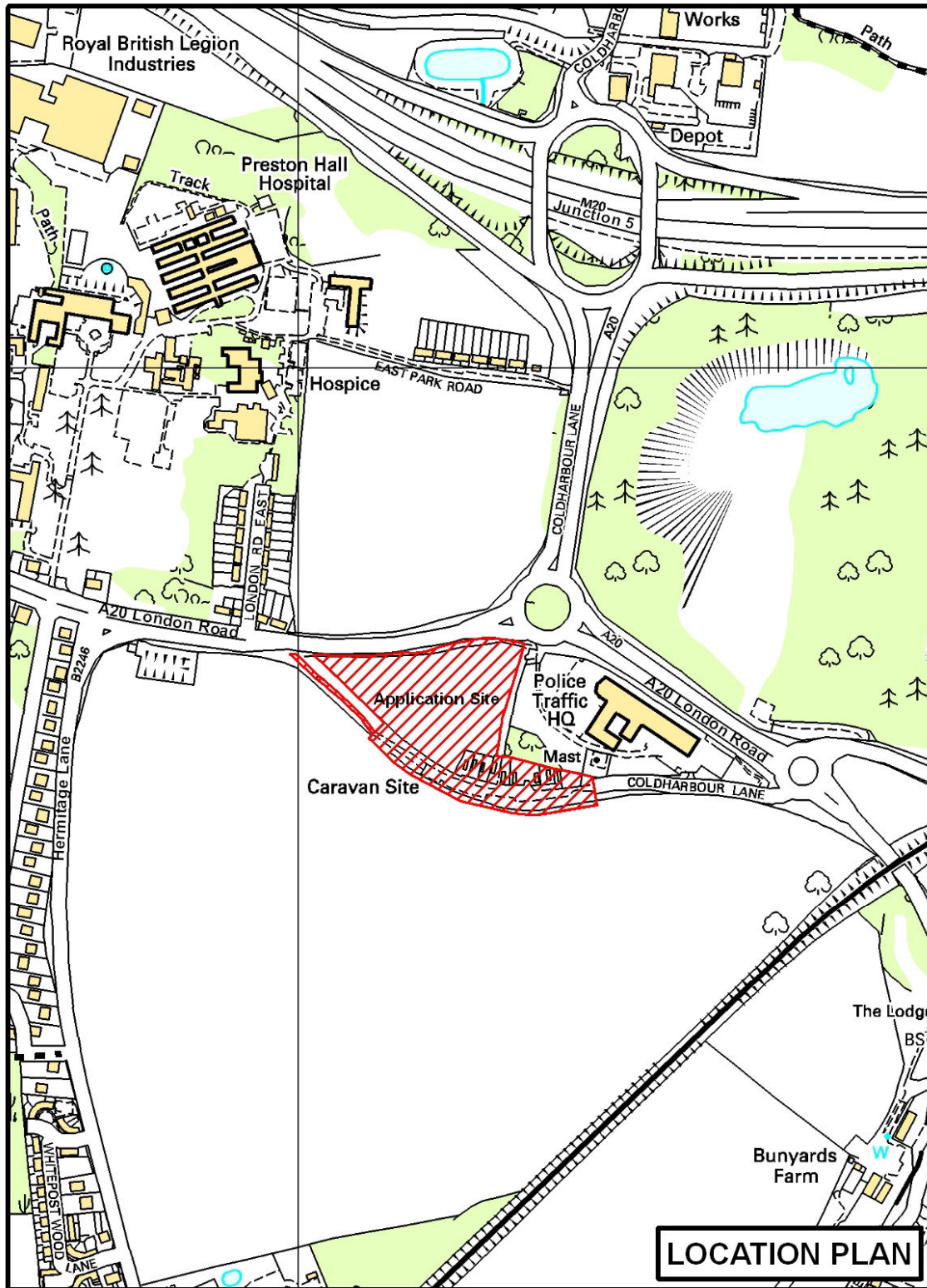
Local Member: Mr P Homewood

Classification: Unrestricted

Site and Background

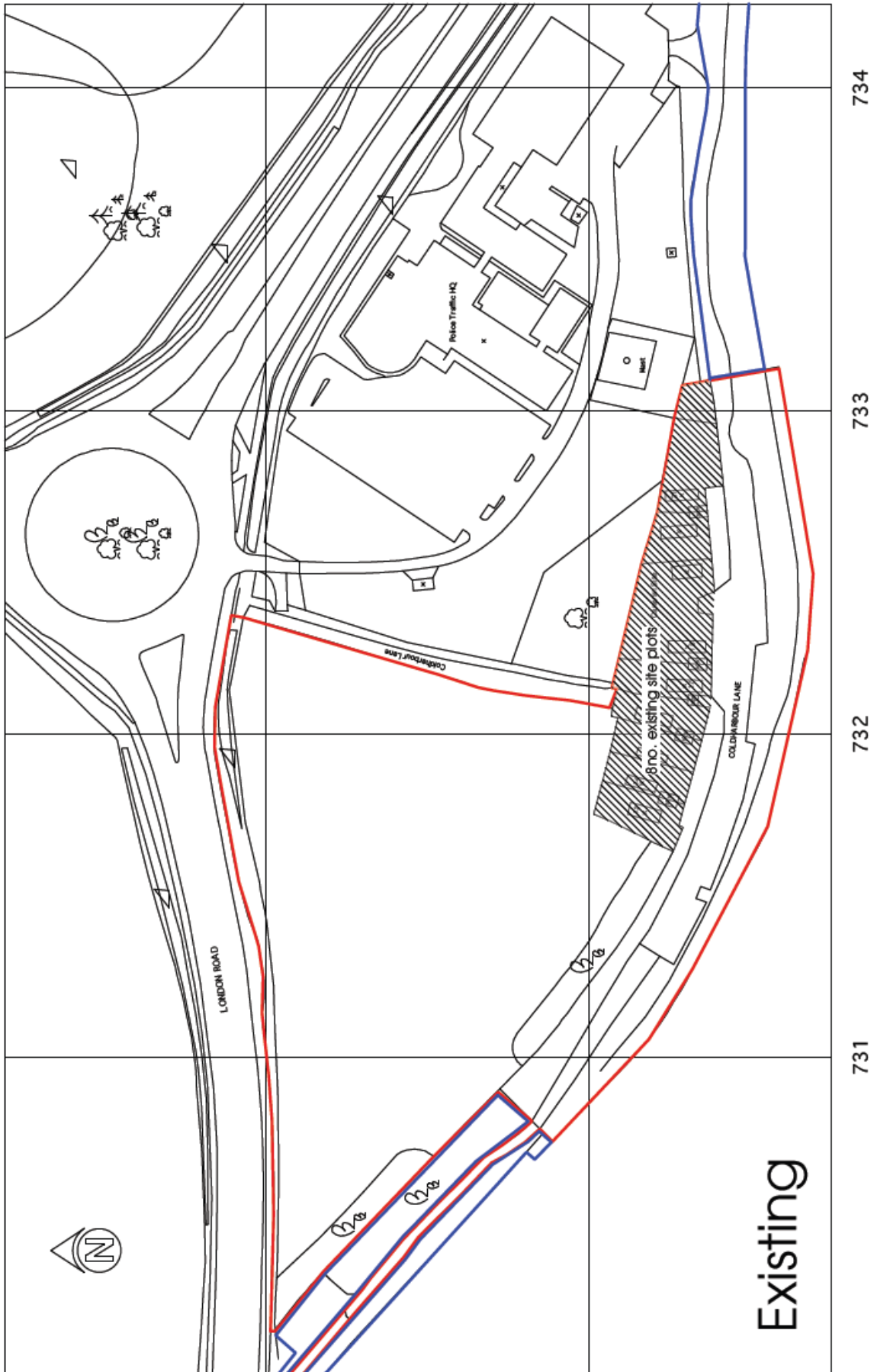
1. The application site lies to the south of Aylesford, and to the north west of Maidstone. The roundabout connecting the A20 to Junction 5 of the M20 is located approximately 250 metres to the north east of the site. The application site is bordered by the A20 to the north, the Police Traffic Headquarters to the east, and grassland/open fields to the south and west. The site boundaries are lined with mature trees and hedgerows. The nearest residential properties are located to the north west of the site, on the far side of London Road. The south eastern section of the application site houses the existing Coldharbour Lane Gypsy and Traveller Site, which is accessed via an existing roundabout, which forms a junction between London Road (A20) and St Laurence Avenue, and also facilitates access to the Police Headquarters.
2. The proposed site is a triangular parcel of scrubland, with an area of approximately 1.64 hectares, which slopes gently, dipping down towards the north east. Site levels are lower than the A20 to the north, and the Police Traffic Headquarters to the east. A public footpath runs through the site, from the roundabout access, along the existing access road, and then along the western boundary of the application site, emerging on London Road, in the north west corner of the site. The application site is outside of the defined extent of any settlement (Policy CP14 of Tonbridge and Malling Borough Core Strategy), and within the Strategic Gap (Policy CP5 of Tonbridge and Malling Borough Core Strategy). The application has, therefore, been advertised as a Departure to Development Plan Policy, although referral to the Secretary of State will not be necessary, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009.
3. The existing Coldharbour site, which accommodates 8 families, has been identified as suitable for an increase in capacity and further development. Kent County Council

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site



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18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site



Item D1

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

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Contractors shall provide their own setting out arrangements to connect by HARTWELL architects ECRs.

All structural works are to be designed, specified and approved by Structural Engineer.

Any discrepancies, errors or omissions to be reported to the architect for further instructions before commencement of works.

Rev. A	30/09/11	Board Approval	By
Rev. B	01/10/11	Final Detail	By



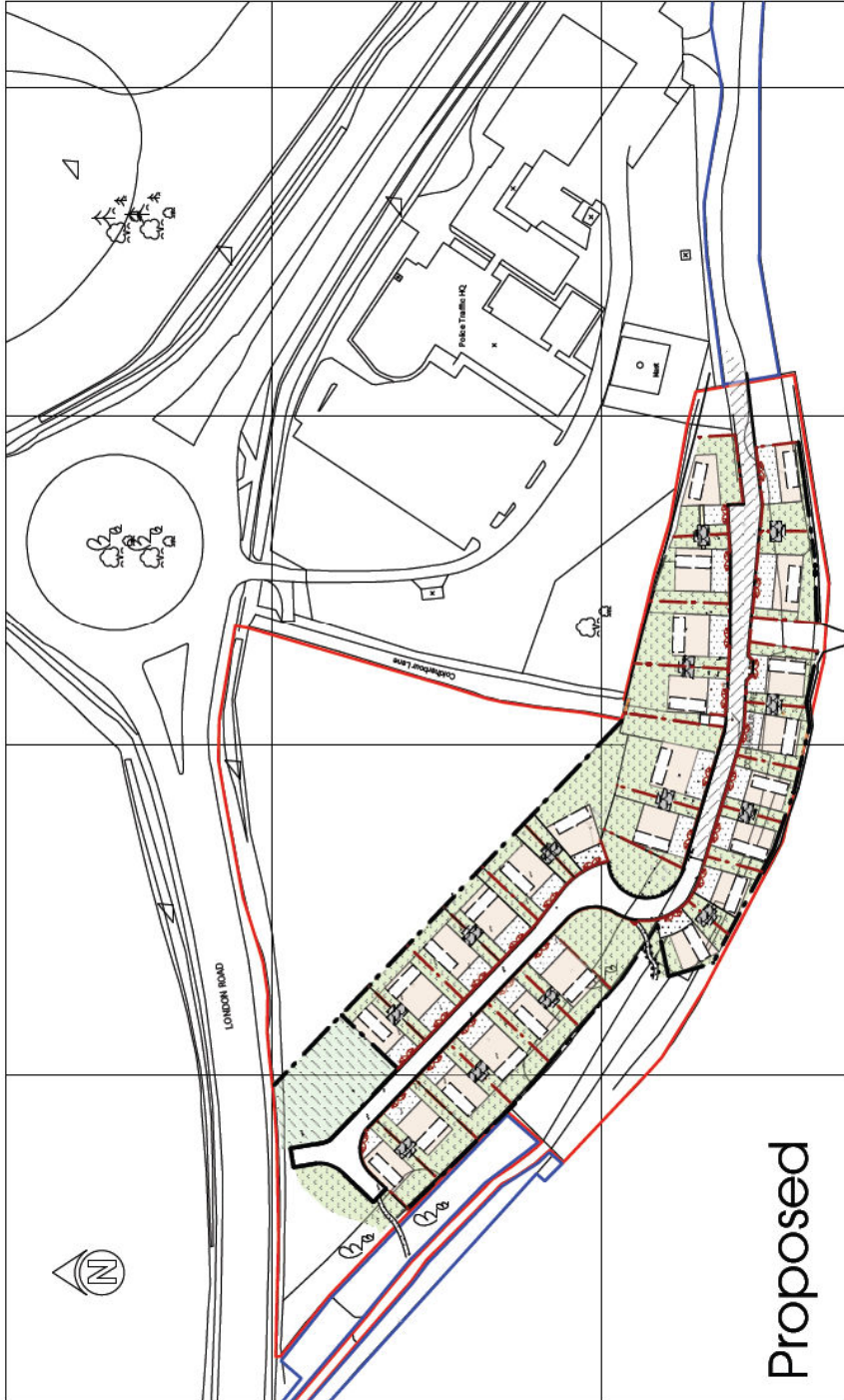
www.hartwell.co.uk

Project: Coldharbour Lane Gypsy and Traveller site

Client: Gypsy & Traveller unit

Title: OS Map Existing & Proposed
 2314-001
 Revision A

Scale: 1:1250 @ A2
 Date: July 2011
 Checked:



731 732 733 734

0 20 40 60 80 100

Metres

Proposed

Ordnance Survey

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18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site



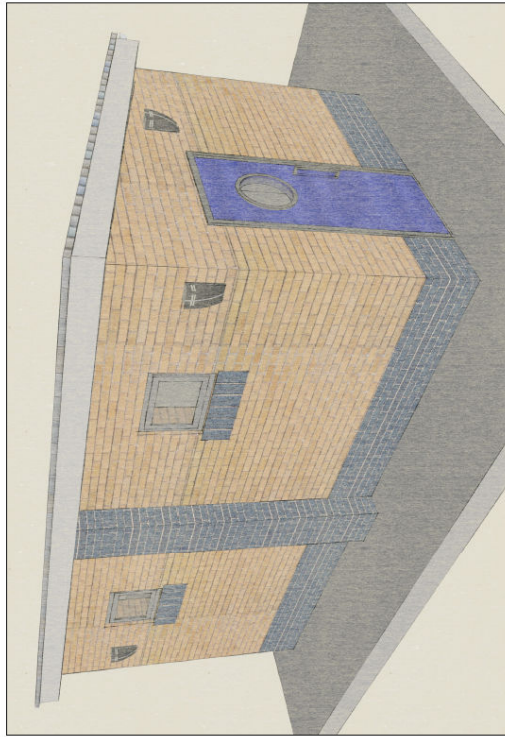
Option 3

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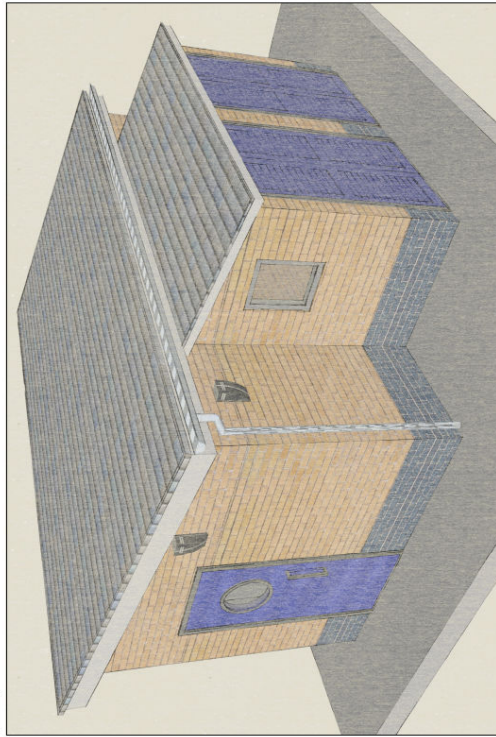
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Project Name	Client	Revision
18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site	Dover TDC	01
Scale	1:500	Down
Drawn by	1:500 & A1	
Checked by	West County Council	
Date	May 2011	Checked
Drawn by	The layout	
Checked by		

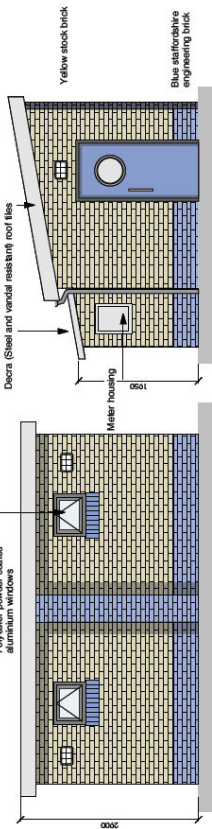
18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site



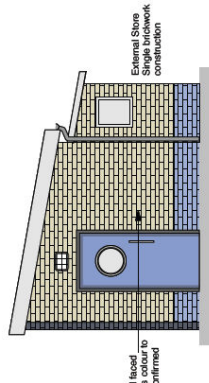
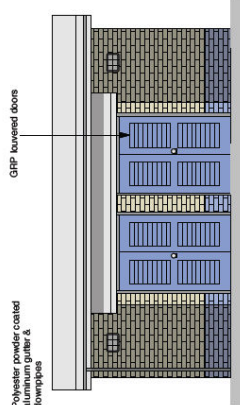
Perspective front view of utility block
Scale: 1:125



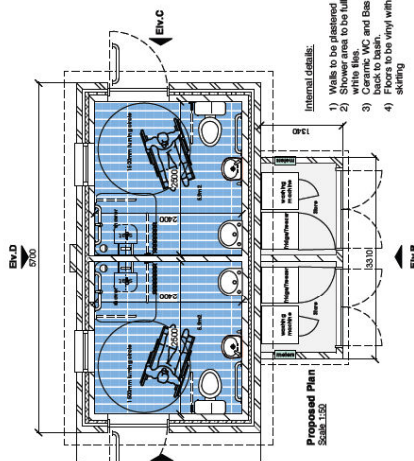
Perspective rear view of utility block
Scale: 1:125



Proposed Elevation C
Scale: 1:50



Proposed Elevation B
Scale: 1:50



Proposed Plan
Scale: 1:50

		Project: Coldharbour Gypsy Site	Drawing: 2317 / 09	Revision: A
9 Chapel Lane Dover, CT16 1NP T: 01304 - 215 336 F: 01304 - 210 770 www.hartwell.co.uk		Client: Kent County Council	Scale: 1:50 @ A2	Drawn: [Name]
No. A.23.00.11 Construction related to store area Mr Alan Taylor		Title: Proposed Elevations Plans Utility blocks	Date: July 2011	Checked: [Name]

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18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

therefore purchased the triangular piece of land to the north west of the existing site with this in mind. A previous planning application was submitted and approved in November 2009, which permitted an increase in size to 18 pitches, arranged around a circular road system which encompassed the whole of the triangular site. However, due to budget constraints, the previously approved scheme is not now achievable. The site plots, which radiated out from a central landscaped roundabout, were very large and the circular route meant that the access road covered a large area, and thus the distribution of services around this road system was very costly. The approved development could not be delivered due to the restricted budget and, therefore, this second application has been submitted to gain approval for the redevelopment of the site with a more cost effective site layout and design, as detailed in the following paragraphs.

4. Minor amendments to this application have been made following submission, including the removal of earth bunds, addition of lighting to the footpath, and a minor alteration to the site boundary. It is the amended proposal which will be outlined and discussed throughout this report.

A site location plan is attached.

Proposal

5. This application has been submitted by Kent County Council Gypsy and Traveller Unit, and proposes the provision of 18 new caravan pitches, arranged around a new linear road, and the renewal/redevelopment of the 8 existing pitches on the site, providing a total of 26 pitches. The application also proposes to provide utility buildings, a children's play area, an acoustic barrier/fencing to the northern boundary, landscaping works and resurfacing of the existing road.
6. The existing Coldharbour Road structure, formally the old A20, forms the basis of a good access road, with some existing services and, therefore, would be retained but resurfaced, and extended to the north west, parallel with the existing public footpath, to provide access to the 18 new pitches. At the end of the new road a turning head is proposed, and a fenced area has been designated for a swale, designed to deal with the surface water collection at the lowest point. The access road would be 5.5 metres wide, suitable for fire appliances, dust cart access and two way traffic. Resident parking would be provided within each plot, with parking on the road discouraged. The existing public footpath runs through the site and emerges in the north west corner, on London Road. Two link paths are proposed to link with the existing footway, for use by members of the public and site residents. Low level bollard lighting is proposed to light the existing footpath, where required.
7. The application site is generally split into two parts, the upper and lower sites, formed by a natural change in site levels. The 'lower site', to the north west, would accommodate 12 new pitches either side of the access road. The 'upper site' to the south, houses the 8 existing pitches which are to be renewed and enlarged, forming 6 pitches, with an additional 8 pitches proposed to the south of these, on the other side of the access road. Existing utility buildings, some of which are 20 years old, are to be replaced with new ones. Each of the 26 plots would vary in size, the smallest being 12 metres by 24 metres, and the largest being 26 metres by 26 metres. A soft play area for resident children is proposed between the 'upper' and 'lower' sites, which would be fenced for security purposes.

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

8. Each pitch would comprise the following:
- a. Hardstanding for caravans, grass/soft landscape margins, and an area for off road parking;
 - b. An amenity unit comprising a WC, wash basin, shower, service meters and a storage area for a washing machine and fridge (approximately 7.8m²);
 - c. Plug in points for electricity and water for caravans and trailers;
 - d. 1.2 metre high timber fence between and to the front of the pitches;
 - e. Wheelie bin storage area;
 - f. Low level amenity lighting, mounted on the utility blocks.
- Each pitch is designed so that a 6 metre separation grassed buffer is retained between caravans, to comply with current Fire Safety recommendations.
9. Although each resident would have a different type of trailer/caravan, the Kent County Council Gypsy and Traveller Unit is proposing to look at providing static mobile type accommodation as part of the pitch rental arrangement. These would typically be a unit of approximately 10.9 metres by 3.6 metres, with 3 bedrooms, kitchen, bathroom and living room, although exact details are to be confirmed. The units would be arranged within the site alternatively lengthways/widthways, to avoid the units being in a straight line, and to prevent adjacent families from directly overlooking each other. The proposed materials to the amenity blocks would comprise brickwork, grey roof tiles, and grey aluminium powder coated doors, windows and rainwater goods.
10. A 3 metre high visual/acoustic fence is proposed to be erected along the northern site boundary, adjacent to London Road, which would be integrated into the existing boundary trees and hedgerows, to reduce noise from the road traffic, and also for privacy. The perimeter of the developed site would be enclosed with 1.8 metre high weldmesh fencing, and additional planting is proposed to supplement the existing.

The application is accompanied by a Design & Access Statement, a Tree Survey, a Flood Risk Assessment, Ecological Risk Appraisal and Bat Survey, and an Air Quality Modelling Report.

Planning Policy

11. The Development Plan Policies and Guidance/Statements 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
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation
PPS23	Planning and Pollution Control

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

PPG24 Planning and Noise

PPS25 Development and Flood Risk

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

Policy SP4 Seeks to achieve regeneration and social inclusion, reducing socio-economic deprivation and health inequalities.

Policy H4 Local authorities should identify the full range of existing and future housing needs required in their areas, including groups with particular housing needs such as Gypsies and travellers.

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

Policy CC4 Refers to sustainable design and construction.

Policy CC6 Refers to sustainable communities and character of the environment.

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

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 NRM9 Strategies, plans, programmes and planning proposals should contribute to sustaining the current downward trend in air pollution in the region.

Policy NRM10 Measures to address and reduce noise will be developed at regional and local levels.

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

Policy C5 Seeks to ensure better management of the rural-urban fringe.

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

Policy S6 Encourages the mixed use of community facilities, and requires community facilities to be located and designed appropriately.

Policy W2 Encourages sustainable design, construction and demolition.

Important note regarding the South East Plan:

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members should also note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan.

(iii) **Tonbridge and Malling Borough Local Plan** relevant saved policies have been superseded by policies within the Core Strategy and the Managing Development and Environment Development Plan Document, as outlined below.

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

Policy CP1 Seeks to secure sustainable forms of development including the protection and enhancement of the natural and built environment, and minimisation of waste, energy consumption water and the need to travel.

Policy CP2 New development should be well located relevant to public transport, cycle and pedestrian routes, and be compatible with the character and capacity of the highway network in terms of volume and nature of traffic generated.

Policy CP5 Unless justified by special circumstances, development will not be proposed in the LDF or otherwise permitted that would harm the function of the mid-Kent Strategic Gap as a physical break maintaining the separation and separate identities of the built up areas of Maidstone, Medway Towns and the Medway Gap.

Policy CP6 Seeks to preserve the separate identity of settlements and the setting of settlements when viewed from the countryside. The policy supersedes previous Green Wedge policy that applied to the site.

Policy CP14 Restricts development within the countryside to a number of specified circumstances, including any development for which a rural location is essential.

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

- Policy CP20** Provision will be made through a specific land allocation Development Plan Document, or permission will be granted for, the number of caravan site plots specified in the South East Plan on sites which meet a number of specific criteria. In identifying sites, first consideration will be given to the limited expansion of one or both of the two existing publically controlled gypsy sites in the Borough.
- Policy CP24** Seeks to achieve a high quality environment through high quality, appropriate design.
- Policy CP25** Requires new development to be adequately served by community infrastructure and transport.
- Policy CP26** Requires the safeguarding of land required for the provision of services to meet existing and future community needs.
- (v) The adopted 2010 **Tonbridge and Malling Borough Council Local Development Framework – Managing Development and the Environment Development Plan Document.**
- Policy CC1** Seeks to ensure new development is sustainable.
- Policy CC3** Seeks to protect groundwater and promote sustainable drainage methods.
- Policy NE3** Seeks to preserve and enhance biodiversity.
- Policy NE4** Seeks to maintain and enhance tree cover and hedgerow networks.
- Policy SQ1** Landscape and Townscape protection and enhancement.
- Policy SQ4** Seeks to ensure that new development does not adversely affect air quality, and that new developments are not subject to poor air quality.
- Policy SQ6** Mitigating the impacts of noise.
- Policy DC7** Sets criteria for the provision of community facilities outside of the built confines of settlements.

Consultations**12. Tonbridge & Malling Borough Council** comments as follows:

“The Borough Council raises no objection to this new proposal for the site and supports the scheme in meeting identified needs within the Borough, but only on the basis that the following issues are resolved and satisfactory conditions attached:

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

- A letting and allocations plan must be secured in order to manage the occupancy of the site, in order that it provides for locally generated need for Gypsy and Traveller accommodation to meet identified requirements in Tonbridge and Malling;
- A comprehensive scheme of fencing and landscaping must be achieved, and must specifically include a 3m acoustic and visual barrier along the northern boundary of the site; this acoustic barrier must be provided before occupation of the proposed development takes place and it must be retained and maintained at all times thereafter;
- Ecological enhancement measures should be submitted and implemented
- Lighting details should be submitted for approval; amongst other considerations, these details should indicate low-level, bollard style lighting along the footpath between the site and the A20, to the west, sufficient to safeguard the security of pedestrian users of the path;
- KCC must ensure that there is adequate school provision in the area to accommodate any educational need created by expanding the Coldharbour site
- KCC should be fully satisfied that all Crime and Disorder issues have been taken into account and that the detailed design reflects good practice.
- KCC is asked to demonstrate that consideration is given to the need and opportunity to enhance and contribute to local community facilities, taking into account this development.”

Maidstone Borough Council raises no objection to the development.

Aylesford Parish Council has no objection to the application as originally submitted, but has a strong objection to the amended proposal which involves the removal of the earth bunds. It is considered by the Parish Council that the bunds must be retained for security purposes, particularly to prevent vehicles being driven or parked off site.

Environment Agency has no objection to the application subject to the imposition of conditions requiring the submission of a surface water drainage scheme and a scheme to deal with the risks associated with contaminated land, including a verification report. Additional advice for the applicant is also provided with regard to drainage and the storage of fuel, oil and chemicals.

Kent County Council Highways & Transportation make a number of comments on the submitted Transport Assessment with regard to local bus services, local train services, the local Park & Ride service, and the submitted traffic counts. However, the Development Planning Manager (Highways and Transportation) accepts the conclusion made within the Transport Assessment, in that the additional traffic generated by the site would be unlikely to have a material impact on the operation of the local highway network.

The County Council's Biodiversity Officer has no objection to the application subject to the imposition of conditions, including that the development be undertaken in strict accordance with the surveys and strategies submitted by the applicant's ecologists, and that the applicant submit and implement a detailed mitigation strategy/method statement, incorporating all necessary avoidance and mitigation measures, timing of works and long-term habitat management measures for the benefit of biodiversity in the

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landscaped areas. It is also recommended that the applicant seeks advice from their ecologist to ensure that the type and positioning of bollard lighting to the Public Right of Way is sensitive to the requirements of roosting, commuting and foraging bats.

Public Rights of Way Unit: no comments received to date.

The County Council's Landscape Advisor has no objection in principle to the application, but requires the submission of a detailed landscaping scheme pursuant to planning condition, which should include the following (amongst other matters);

- the provision of a hedgerow behind plots 7-12, with a species mix and planting specification to match that of the hedgerow to the southern boundary;
- maintenance details for the swale; and
- a period of maintenance of the landscaping/planting for no less than 3 years.

The County Council's Noise Advisor comments as follows:

"There remains the difference of opinions regarding the western barrier return between the applicant's acoustic consultant and ourselves. In particular, concerns remain that the initial report stipulated the need for the western barrier return to ensure adequate noise protection, whereas the latest report deems the return unnecessary.

I would consider the following solutions to this disparity:

Either, we could undertake our own noise model of the site using traffic flows on the A20 during both the day and night time utilising the two differing barrier layouts. This would determine whether the AJA or the Scot Wilson noise levels are accurate and demonstrate the effectiveness of the barrier returns;

Or

A condition could be placed on the site that once constructed, noise monitoring shall be undertaken to demonstrate noise levels at Plot 13 are within the those predicted, i.e. 51 dB $L_{Aeq\ 16\ hr}$ during the day time (NEC A) and 47 dB $L_{Aeq\ 8\ hr}$ at night (lower NEC B boundary noise level). Should these noise levels not be achieved, further mitigation would have to be employed to achieve such noise levels, e.g. the installation of the western barrier return.

In view of the time constraints involved I would recommend applying the condition."

In addition, it is considered that the proposed development would not be affected by poor air quality and, therefore, it is not necessary to extend the Air Quality Management Area along the A20 London Road to include the application site.

Police Architectural Liaison Officer: no comments received to date.

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Local Member

13. The local County Member, Mr P Homewood, was notified of the application on the 9 September 2011. The local County Members for the adjoining ward, Mr D Daley and Mr M Robertson, were also notified of the application on the 9 September 2011.

Publicity

14. The application was publicised by an advertisement in a local newspaper, the posting of 2 site notices and the individual notification of 64 neighbouring residential properties.

Representations

15. One letter of representation has been received to date, which was submitted via Tonbridge and Malling Borough Council's website. No address or contact details are provided, but the objector states that he is an active travelling gypsy who knows people from the existing Coldharbour site, and speaks on their behalf, as well as for other gypsy travellers in Kent. The points raised are summarised below:
- The current tenants of Coldharbour are a close related community who have been on the site for many years and do not wish to have new neighbours on the site as this would cause a lot of tension within the community;
 - Surveys should be undertaken to see what the travelling community require prior to going ahead with this type of development, following the principles of localism;
 - Not all gypsies want a large site with cramped commercial type living conditions. Small sites should be built for private families;
 - Large sites have been built before and have been unsuccessful and a waste of money, with travellers still living in unauthorised sites and council provided site remaining empty;
 - Romany gypsies have a much different culture to Irish travellers so two sites should be provided as, from experience, they do not always mix well on the same site.

Discussion

Introduction

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 11 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include the principle of development in the Strategic Gap, design and site layout, access, noise ecology, and landscaping.

Development in the Strategic Gap

17. As outlined in paragraph 2 of this report, the application site is outside of the defined extent of any settlement (Policy CP14 of the Tonbridge and Malling Borough Core Strategy), and within the Strategic Gap (Policy CP5 of the Tonbridge and Malling

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18. Borough Core Strategy). Details of these policies can be found in section 11 of this report. In light of these policies, the application has been advertised as a Departure to Development Plan Policy, although referral to the Secretary of State will not be necessary, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009.
19. Policy CP20 of the Tonbridge and Malling Core Strategy relates specifically to the provision of sites for the accommodation of Gypsies, Travellers and Travelling Showpeople. The Policy states that provision will be made within the Borough for the number of plots specified in the South East Plan on sites that meet certain criteria, and that in identifying sites, first consideration must be given to the limited extension of one or both of the two existing publically controlled Gypsy sites within the Borough. The existing site at Coldharbour, which is within the application site, is one of the two established sites referred to. South East Plan Policy H7, seeks to secure the provision of sufficient new gypsy caravan sites in the region in the period up to 2016 and, in conjunction with Tonbridge and Malling Council's Gypsy and Traveller Accommodation Assessment, identifies a need for between 10 and 18 additional pitches. This application proposes to provide an additional 18 pitches, reaching the target figure set within Development Plan Policy, and proposes an extension to an existing publically controlled site, in accordance with Core Strategy Policy CP20. In terms of location and purpose, the development as proposed is, in my view, entirely consistent with Policy CP20.
20. As already explained, the site is, however, outside of the defined extent of any settlement and within the Strategic Gap. Although the development proposed would not normally be acceptable in the countryside under the terms of Policy CP14, the fact that Policy CP20 specifically identifies the application site as a 'preferred location' for the provision of additional gypsy accommodation should, I consider, carry more weight in this instance. In addition, Policy CP5 states that development which would harm the function of the mid-Kent Strategic Gap as a physical break in maintaining the separation and separate identities of the built up areas of Maidstone, Medway Towns and the Medway Gap, would not be permitted, unless justified by special circumstances. Given that the application site is adjacent to built development, and that the application proposes the extension of an existing Gypsy and Traveller site, I do not consider that the development would undermine the functioning of the Strategic Gap. In addition, given Development Plan Policy support for the provision of additional plots within the Borough, and the preferred option of extending established facilities, I consider that special circumstances do exist to justify development within the Strategic Gap in this instance. The development would not harm the physical break between the built up areas of Maidstone and Medway, and is in accordance with other relevant Development Plan Policies. I therefore see no reason to refuse the application on these grounds.

Design and site layout

21. Development Plan Policies promote high quality design, sustainable development, and significant improvements to the built environment. Although no objections to the design and general principle of the proposed development have been received, it is important to discuss these matters to ensure that the proposal is in accordance with the general design principles expressed in Development Plan Policies. As explained in paragraph 3 of this report, a planning application for the redevelopment and extension of the Coldharbour site was approved in November 2009, but could not be delivered due to the site layout, which was spread around a circulatory access route. In contrast, the site

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22. layout as proposed offers a logical and well thought through arrangement which, due to the linear nature of the access road, can be delivered within budget, whilst still providing the required level of accommodation and associated facilities. The site would be well screened by existing and proposed planting, and the acoustic barrier proposed to the northern boundary, would also visually screen the site from London Road. The site layout utilises the existing access road, and incorporates the existing Gypsy and Traveller Site. The linear extension minimises land take, whilst fulfilling the applicant's brief. I consider that site layout to be logical and practical, and I see no reason to refuse the application on this ground.
23. The nature of the development means that permanent built development would be limited to hard standing for caravans, fencing, facilities such as the play ground, and the brick built amenity units. As outlined in paragraph 9 of this report, although each resident would have a different type of trailer/caravan, the Kent County Council Gypsy and Traveller Unit is proposing to look at providing static mobile type accommodation as part of the pitch rental arrangement. As this has not been confirmed as yet, very limited details have been provided at this stage. The applicant states that the static units would be approximately 10.9 metres by 3.6 metres, with 3 bedrooms, kitchen, bathroom and living room, arranged within the site alternatively lengthways/widthways, to avoid the units being in a straight line, and to prevent adjacent families from directly overlooking each other. Due to the limited details provided at this stage I consider that, should permission be granted, a condition of consent should be imposed requiring the details of each unit to be submitted for approval, prior to them being installed on site should that aspiration be realised.
24. The proposed materials for the amenity blocks would comprise buff brickwork with a slate blue plinth, grey roof tiles, and grey aluminium powder coated doors, windows and rainwater goods. I consider these materials to be of a high quality, appropriate for the site and its context. Should permission be granted, I would not seek to impose a condition to require the submission of further details of materials for the utility blocks. However, I consider it appropriate to impose a condition requiring that the materials listed within the planning documentation are used, and not varied without the prior written approval of the County Planning Authority.
25. Each plot would be delineated by a 1.2 metre high timber fence, which I consider to be acceptable. The provision of an acoustic barrier to the northern boundary is also proposed, the noise attenuation effects of which will be discussed later in this report. However, in terms of design, the 3 metre high acoustic fence could be imposing when viewed from the A20 London Road, to the north of the site. Although the acoustic fence would screen the site from the road, and vice versa, I consider that where possible the mass of the fencing should be broken down by planting. The applicant does state that the fence would be integrated into the existing boundary trees and hedgerows, but I consider that where possible planting to the northern side of the fence should be specified within a detailed landscaping. Although landscaping will be discussed in detail later in this report, subject to the requirement for planting to soften the appearance of the acoustic barrier, I am satisfied that the barrier would not have a detrimental impact on the street scene or the visual amenity of the locality. 1.8 metre high weldmesh fencing is proposed to secure the remainder of the site, which I consider should be powder coated in either black or dark green, as a galvanised finish would be obtrusive and urban in nature. Should permission be granted, I therefore consider that details of the colour finish to the fencing should be submitted for approval pursuant to planning condition.

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26. In addition to the conditions of consent outlined above, a condition would require the development to be carried out in strict accordance with the approved plans. The site layout is logical and well thought out, and would not, in my opinion, have a significantly detrimental impact on the amenity of the locality. The design of the scheme, subject to the submission of final details of the static units, landscaping and fencing colour finish, is acceptable and fit for purpose. In light of the above, I consider that the proposed development accords with the general principles of relevant Development Plan Policies, and see no reason to refuse the application on the grounds of site layout or design.

Access and parking

27. This application is seeking permission to not only redevelop the existing Coldharbour Gypsy and Traveller site, but to provide an additional 18 pitches, to provide a total of 26. Access to the site would be via the existing access road, which is located off of the roundabout joining the A20 London Road with St Laurence Avenue. This access is shared with the adjacent Police Traffic Headquarters. No objections have been raised to this application on the grounds of access or highway implications, and the Development Planning Manager (Highways & Transportation) considers that any additional traffic generated by the site would be unlikely to have a material impact on the operation of the local highway network. The submitted Transport Assessment also comes to this conclusion, and I therefore see no reason to refuse the application on these grounds.

Public Footpath

28. The footpath, which runs along the southern boundary of the site, would be affected in that two links into the site would be introduced and part of the footpath runs along the site access road. The Public Rights of Way Unit has been consulted on this planning application and has not commented too date. However, I consider that the provision of bollard lighting to light the footpath, where required, and the resurfacing of the access road, would only aid to improve the usability and functioning of the footway. Therefore, I do not consider that the proposal would adversely affect the public footpath.

Landscaping

29. As outlined in paragraphs 1 & 2 of this report, the site is essentially a triangular parcel of land, the boundaries of which are well vegetated with mature trees and hedgerows. Although some small trees within the site would need to be removed to accommodate the development, these are considered to be young and their loss could reasonably be mitigated by replacement planting. Most of the peripheral vegetation would be retained, and supplemented where required. The County Council's Landscape Advisor has no objection in principle to the application, but requests the submission of a detailed landscaping scheme pursuant to planning condition, which should include the following (amongst other matters):
- the provision of a hedgerow behind plots 7-12, with a species mix and planting specification to match that of the hedgerow to the southern boundary;
 - maintenance details for the swale; and
 - a period of maintenance of the landscaping/planting for no less than 3 years.
30. In addition to the above, and as previously discussed, I consider that planting to the northern boundary is required, to soften the appearance of the acoustic barrier as far as this would be practicable, and that details of this should be included within the required

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31. landscaping scheme. Subject to the submission of a detailed landscaping scheme to include, amongst other matters, the specific areas outlined above, I do not consider that the development would have a detrimental impact on the local landscape, nor would lead to a loss of important trees in the area.
32. It should be noted that Aylesford Parish Council has no objection to the application as originally proposed, but raises strong objection to the amended proposal which involves the removal of earth bunding. The amended proposal has been discussed throughout this report, but the application as originally submitted proposed three earth bunds to the rear of plots 7-12, along the north western site boundary. The bunds were to be provided outside of the fenced site boundary, on an adjacent parcel of land which is included within the application site, but not proposed for development. The bunds were proposed to provide visual screening from both within and outside of the site, and were a way of utilising spoil generated from the development. However, as the proposed 3 metre high acoustic barrier extends along the entire northern boundary, views into and out of the site are sufficiently screened, and additional screening from the bunds is, in my view, not necessary or required. Aylesford Parish Council considers that the bunds must be retained for security purposes, particularly to prevent vehicles being driven or parked off site. It should be noted that the bunds were not a security measure, and that the site is securely fenced to prevent vehicles leaving the site and/or residents of the Coldharbour site accessing the adjacent parcel of land. In light of this, I do not consider that the removal of the bunds would lead to reduced security at the site, and see no reason to object to the application on this ground.

Ecology

33. An Ecological Risk Appraisal and Bat Survey have been submitted in support of this application, in addition to a letter from the applicant's ecologist reiterating and expanding upon the recommendations made within the Appraisal with regard to reptiles, the timing of clearance works and ecology supervision works required. The County Council's Biodiversity Officer has been consulted on this application and has no objection subject to the imposition of conditions, including that the development be undertaken in strict accordance with the surveys and strategies submitted by the applicant's ecologists, and that the applicant submit and implement a detailed mitigation strategy/method statement. The mitigation strategy/method statement should incorporate all necessary avoidance and mitigation measures, timing of works and long-term habitat management measures for the benefit of biodiversity in the landscaped areas.
34. It is also recommended that the applicant seeks advice from their ecologist to ensure that the type and positioning of bollard lighting to the public footpath is sensitive to the requirements of roosting, commuting and foraging bats, and I consider that an informative should be added to the consent, should permission be granted, to cover this matter.
35. Subject to the imposition of conditions requiring that the development be undertaken in strict accordance with the surveys and strategies submitted by the applicant's ecologists, and that the applicant submit and implement a detailed mitigation strategy/method statement, I do not consider that the development would have an adverse impact upon protected species. In addition, details of ecological enhancement measures would be required as part of the landscaping scheme which would be submitted pursuant to condition, should permission be granted. Subject to the

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imposition of these conditions, I see no reason to refuse the application on the grounds of ecology.

Noise

36. As previously stated, a 3 metre high visual/acoustic fence is proposed to be erected along the northern site boundary, adjacent to London Road, to reduce noise from road traffic, and also for privacy. As explained in paragraph 3 of this report, a previous planning application was submitted and approved in 2009 for the redevelopment of this site. That planning application included the acoustic barrier, as now proposed, but in addition, had returns into the site at the east and west ends. Due to the redesign of the site layout, this application does not include the east and west returns as the applicant's noise consultant does not consider them to be necessary as predicted calculations demonstrate that noise levels would be low enough without them. The County Council's Noise Advisor has been consulted on this application and considers that a condition should be placed on the consent to require that once constructed, noise monitoring should be undertaken to demonstrate noise levels at Plot 13 are within those predicted, i.e. 51 dB $L_{Aeq\ 16\ hr}$ during the day time (NEC A) and 47 dB $L_{Aeq\ 8\ hr}$ at night (lower NEC B boundary noise level). Should these noise levels not be achieved, further mitigation would have to be employed to achieve such noise levels, e.g. the installation of the western barrier return. I consider this approach to be acceptable as it would ensure that exact noise measurements could be taken, rather than relying on predicted levels, and that the western return is only installed if necessary. In addition, Tonbridge and Malling Borough Council requests the imposition of a condition to require the provision of the acoustic barrier prior to occupation of the development, and its subsequent retention and maintenance. Therefore, should permission be granted, a condition to this effect would be imposed. Subject to the two conditions outlined above, I do not consider that the occupants of the site would be detrimentally affected by noise, and see no reason to refuse the application on this ground.

External lighting

34. No details have been provided on external lighting for the development. If permission is granted, it would therefore be appropriate to reserve details by condition so that the type and position of any external lighting, including any necessary bollard lighting to the public footpath (as identified by the Borough Council), can be controlled to ensure any potential nuisance from light pollution can be minimised.

Drainage and Land Contamination

35. The Environment Agency raises no objection to this application subject to the imposition of conditions regarding surface water drainage and land contamination. 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, the development could be controlled to ensure that it would not result in unacceptable pollution levels. In addition, at the request of the Environment Agency, should permission be granted a condition would be imposed to require the submission of a scheme to deal with the risks associated with contaminated land, including a verification report. Again, this would ensure that the development would not result in an unacceptable level of pollution, in accordance with the principles of Development Plan Policy. Additional advice for the applicant is also provided with regard to drainage and

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the storage of fuel, oil and chemicals, and this would be covered by the imposition of an informative drawing the applicant's attention to the Environment Agency's letter.

Suitability of the development

36. The one letter of representation received regarding this application was from a (non-resident) member of the travelling community, and raised objection on the ground that the gypsy and traveller community do not want this development, and that smaller sites should be provided. Kent County Council Gypsy and Traveller Unit has confirmed that the current occupiers of the 8 pitch existing site at Coldharbour have been closely consulted throughout the last three years. The existing occupants are a close community, which is respected, but they are not all from the same family, and they have accepted others onto the site who they did not previously know. Since the site was first established in 1981, there have been many changes in people on the site, but a core of families have been there all along, and will continue to remain there.
37. The letter of representation states that surveys should be undertaken to see what the travelling community require. The applicant has confirmed that a detailed Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned by the Boroughs of Ashford, Tonbridge & Malling, Maidstone and Tunbridge Wells between 2005 and 2007. That assessment included face to face interviews with members of the travelling community of both public and private sites, on their own land without planning consent, in housing and on unauthorised encampments. The GTAA reflected a range of wishes over size and location of sites, and reflected the concerns that families have about conflict with other families, which Kent County Council Gypsy and Traveller Unit is keenly aware of through its site management work over nearly 20 years. The County Council owns seven public sites ranging in size between 3 pitches and 35 pitches, and also manages three further sites which have between 14 and 18 pitches. The applicant confirms that all are managed to promote a high quality of life and harmony between residents, whether or not they are from the same family, and whether or not they knew each other previously.
38. There is a considerable need for further accommodation for the Travelling community, as identified within the GTAA and Development Plan Policies, and reflected in waiting lists and families seeking to develop their own land, claiming a lack of public site provision. The pitches on the proposed Coldharbour site would range in size from 280m² to 650m² to accommodate different sized family units. The County Council's Gypsy and Traveller Unit confirm that there are problems in some other parts of the Country with public sites remaining empty due to conflict between occupants and families, but consider that firm and fair management may well have been lacking in some of these cases. Kent County Council has developed and refurbished almost all 10 sites currently managed by them over the last 20 years, and the aim is for every site to be as good as the best social housing. All of the sites managed by the County Council are occupied, and most of those site residents enjoy a high quality of life. This is reflected by the fact that the number of unauthorised encampments in Kent and Medway is now 20% of the level it was in 2004.
39. Kent County Council Gypsy and Traveller Unit confirm that KCC, and the Homes and Community Agency, which is providing most of the funding for the redevelopment and expansion of the Coldharbour site, support sustainable and diverse communities. It is considered just as important for the Romany and Irish Traveller communities to develop understanding of each other, as it is for all other of the diverse communities within Kent,

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whatever their past experience has been. The applicant states that the County Council Select Committee, in 2006, did not support the provision of separate sites for Romany and Irish Travelling families, any more than it would support separate housing for just one minority group. It is important that there is a variety and mixture of provision.

40. I consider that the applicant has worked in conjunction with the Travelling community in the preparation of this application, and has acted in their best interests, whilst meeting the requirements of Development Plan Policies and targets for the provision of pitches. There is a range of sizes of public and private sites across Kent, that are well managed by either public organisations or private individuals or companies, which best meet the needs for accommodation, whilst providing the customers within the Gypsy and Traveller community the best choice. A letting and allocations plan would be secured by the applicant in order to manage the occupancy of the site, as required by Tonbridge and Malling Borough Council. An informative would be added to the consent, should permission be granted, to draw this to the applicant's attention, in addition to informatives regarding the provision of school places in the area and crime and disorder issues (again, at the request of the Borough Council). I consider that the applicant has taken all reasonable steps to accommodate the needs of the occupants of the existing site, and the needs of those Travellers who are on the waiting list for a pitch, whilst meeting the requirements of relevant Development Plan Policies.

Construction

41. Given that there are residential properties in the surrounding area, and the proximity of the adjacent Police Traffic Headquarters, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction in order to protect 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.
42. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods of working, location of site compounds and operative/visitors parking, details of site security and safety measures and details of any construction accesses. Should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.
43. In addition to the above, should permission be granted, conditions of consent would ensure that dust, noise, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents and those working in the vicinity of the site.

Conclusion

44. 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 secure a high quality design and protect the countryside, including the Strategic Gap. I consider that, subject to the imposition of appropriate planning conditions, this proposal would not have a significantly detrimental

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effect on the functioning of the Strategic Gap, residential or local amenity, the character of the area, 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

45. 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 amenity units to be built using the specified materials;
- the submission of details of the design of static units, should they be provided;
- the submission of the colour finish and fence specification;
- The 3 metre high acoustic barrier to be provided prior to occupation of the development and thereafter retained and maintained at all times;
- Once constructed, noise monitoring shall be undertaken to demonstrate noise levels at Plot 13 are within the those predicted, i.e. 51 dB $L_{Aeq\ 16\ hr}$ during the day time (NEC A) and 47 dB $L_{Aeq\ 8\ hr}$ at night (lower NEC B boundary noise level). Should these noise levels not be achieved, further mitigation would have to be employed to achieve such noise levels, e.g. the installation of the western barrier return;
- details of all external lighting, including that to the public footpath;
- a scheme of landscaping, including details of ecological enhancement measures, planting to the northern boundary to screen the acoustic barrier (as far as this would be practicable), the provision of a hedgerow behind plots 7-12, maintenance details for the swale, hard surfacing, its implementation and maintenance for no less than 3 years;
- measures to protect trees to be retained;
- no tree removal during the bird breeding season unless supervised by an experienced ecologist;
- development to accord with the recommendations of the ecological surveys & strategies;
- submission and implementation of a detailed mitigation strategy/method statement, incorporating all necessary avoidance and mitigation measures, timing of works and long term habitat management measures;
- submission of a detailed surface water drainage scheme;
- submission of a scheme to deal with the risks associated with land contamination;
- 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 strategy, 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.

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

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- Account should be taken of Environment Agency's advice relating to drainage and the storage of fuel, oil and chemicals.
- The applicant should seek advice from their ecologist to ensure that the type and positioning of bollard lighting to the public footpath is sensitive to the requirements of roosting, commuting and foraging bats.
- The applicant must ensure that there is adequate school provision in the area to accommodate any educational need created by expanding the Coldharbour site.
- The applicant should be fully satisfied that all Crime and Disorder issues have been taken into account and that the detailed design reflects good practice.
- The applicant is advised that a letting and allocations plan must be secured in order to manage the occupancy of the site, in order that it provides for locally generated need for Gypsy and Traveller accommodation to meet identified requirements in Tonbridge and Malling.

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

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Item D2**Variation of opening hours at New Romney Children's Centre, Craythorne Lane, New Romney – SH/11/911**

A report by Head of Planning Applications Group to Planning Applications Committee on 06 December 2011.

Application by Kent County Council for a Section 73 Application for the variation of Condition 5 of planning permission SH/07/1496, to extend opening hours from 08.00 to 18.00 hours on weekdays, to allow opening on Saturday from 09.00 to 16.00 hours and opening on the occasional evening (SH/11/911).

Recommendation: Planning permission to be granted, subject to conditions.

Local Member(s): Ms C Waters

Classification: Unrestricted

Site

1. New Romney Children's Centre is located within the grounds of St Nicholas' Primary School. The school is located to the north-west of New Romney, and accessed off Fairfield Road where it has its main pedestrian entrance. The vehicular entrance to the school is via Craythorne Lane and this is shared the nursery. The Children's Centre is located to the north east corner of the school's site and has a separate pedestrian access off Craythorne Lane, which is the only access point to the Centre. The school site contains a variety of current uses, comprising a day nursery, family centre, the main buildings of St Nicholas' Primary School and the Children's Centre. The school site is surrounded by residential properties, many of which are single storey bungalows.

Background

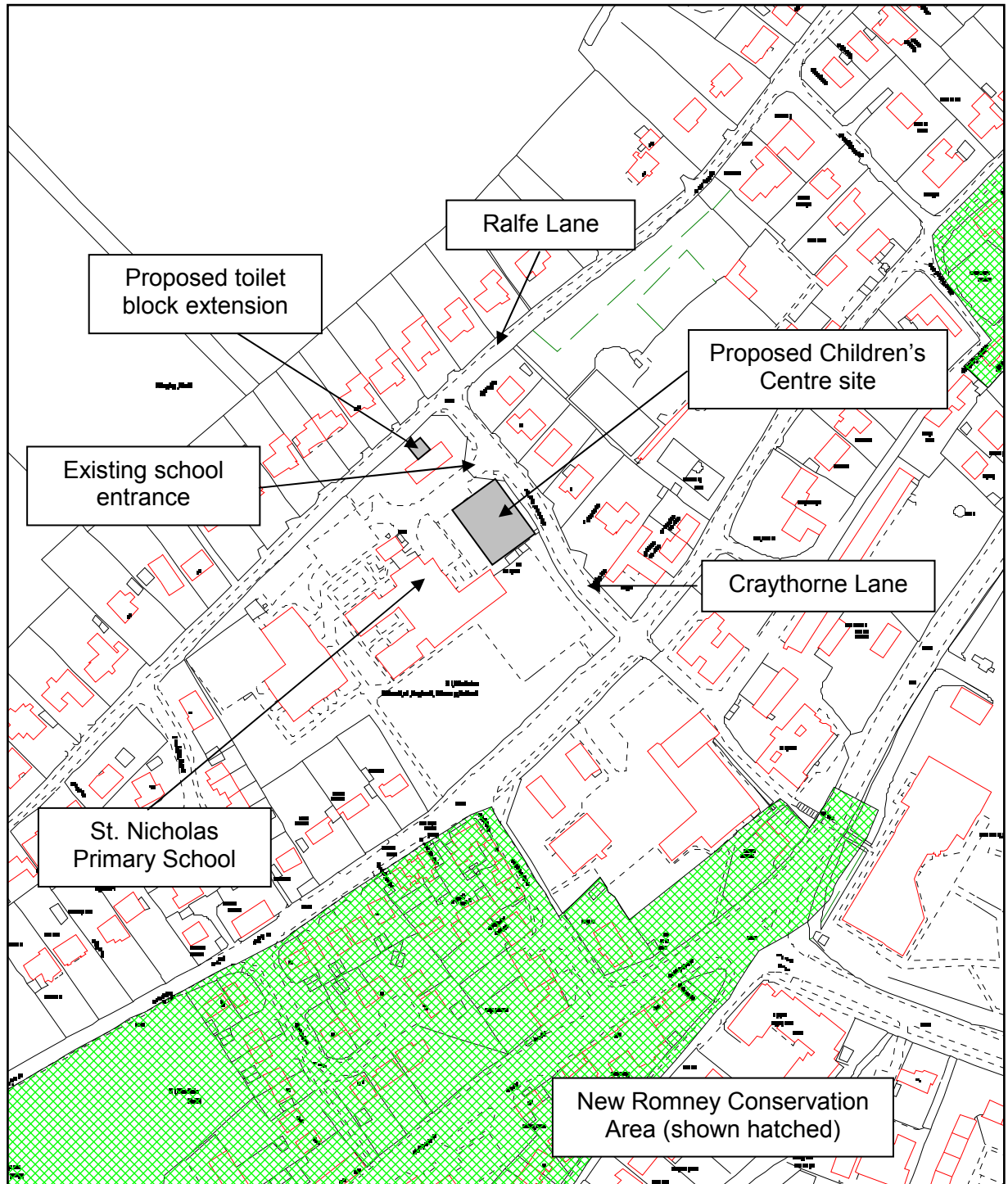
2. The County Planning Authority granted planning permission for the Children's Centre in 2007, under planning reference SH/07/1496. The application was reported to the Planning Applications Committee on 18 March 2008, where the recommendation was to grant planning permission subject to conditions, and Members agreed with the officer's recommendation. Various planning conditions were attached to the planning permission, including one restricting the hours of opening of the Children's Centre between 08.00 and 18.00 hours Monday to Friday. It is this condition only that the applicant is requesting to change.

Proposal

3. This Section 73 planning application is to vary condition 5 of planning permission SH/07/1496 (the application that approved the building of the Children's Centre) to extend opening hours from the currently approved hours of 08.00 to 18.00 hours on weekdays and to allow additional opening on Saturday from 09.000 to 16.00 hours and opening on the occasional evening.
4. This application has come about because the Children's Centre was irregularly opening on a Saturday when the current manager was on secondment. Following clarification of the restrictions and the return of the Centre Manager, the Centre has not opened at weekends or in the evenings since 1 April 2011.

**Variation of opening hours at New Romney Children's Centre,
New Romney**

Site Location Plan



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Scale 1:2500

**Variation of opening hours at New Romney Children's Centre,
New Romney**

5. The reason why this extension of hours has been applied for is because an Equalities Impact Assessment, carried out by the Network Manager for Lydd and New Romney Children's Centres, has highlighted that certain target groups are being directly excluded from services that the Children's Centre can provide. Current restrictions upon opening hours prevent the Centre from opening on a Saturday and at evenings. This directly excludes some of the priority groups that have been targeted by the Centre. An example of these priority groups are fathers, teenage parents, and mothers, both ante-natally and post-natally, who are in paid employment. The impact of this can be demonstrated thorough the Centre's attendance monitoring, feedback from service users and feedback from the midwifery team that use the building.
6. The Children's Centre is tasked with demonstrating how effectively they reach under represented target groups in any OFSTED inspection and not being able to run any services except during the prescribed hours and days, directly impacts upon the Centres to reach fathers, the self-employed and those on low incomes. The Centre has provided some data about its usage:
 - 20 candidates access Lydd Children's Centre on a Saturday to do an NVQ qualification of which 13 have to travel from New Romney.
 - 26 fathers accessed the centre prior to 31 March 2011 (when it was opening on a Saturday without permission) and since 1 April 2011, only 1 father has accessed the Centre.
 - The midwives have stated that all of the couples who attend the midwifery clinic, have requested that ante-natal classes are provided on a Saturday. Unfortunately there is no alternative venue available to provide these classes.
 - 2 Saturday events where held in March and a total of 10 fathers attended.
 - It was found that more volunteers could attend evening and weekend volunteer events as they were often when the children were in bed and partners where able to look after them. These sessions have proved to be harder to arrange due to childcare issues during the week.
7. If the Children's Centre was able to open on a Saturday and the occasional evening, then it could provide services such as midwifery clinics, NVQ training and free access to crèche facilities, access to jobs information, and free training for work related training. There is a lot of interest within the community to extend the opening hours of the Centre and the level of service that is can provide.
8. As with any Children's Centre that serves a local community, visitors are expected to walk to the Centre. As currently happens, any visitor coming to the Centre during these extended hours will be asked to walk where possible and to car share, or to avoid all parking outside the Centre if they wish to extend an activity.

Planning Policy

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

- (i) **Planning Policy Guidance and Statements**

PPS1 Delivering Sustainable Development

**Variation of opening hours at New Romney Children's Centre,
New Romney**

PPS4 Planning and Sustainable Economic Growth

PPG13 Transport

PPG24 Planning and Noise

Policy Statement – Planning for Schools Development 15 August
2011

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

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

Policy CC4 Refers to sustainable design and construction.

Policy CC6 Refers to sustainable communities and character of the environment.

Policy CC7 States that the scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of the 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 BE1 Local Authorities and their partners will use opportunities associated with new developments to help provide significant improvements to the built environment.

Policy S6 Encourages the mixed use of community facilities, and requires community facilities to be located and designed appropriately.

Policy W2 Encourages sustainable design, construction and demolition.

Important note regarding the South East Plan:

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members will note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan.

**Variation of opening hours at New Romney Children's Centre,
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- (iii) **Shepway District Local Plan Review** adopted March 2006:
- Policy SD1** All development proposals should take account of the broad aim of sustainable development.
- Policy BE1** A high standard of layout, design and choice of materials will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture. Building form, mass, height and elevational details should be considered.
- Policy SC2** The District Planning Authority will grant planning permission for new or improved social and community facilities where the proposal would be compatible with surrounding land uses, acceptable in highway, infrastructure and environmental terms, accessible by a range of transport alternatives to the car and includes adequate provision for access for disabled persons.
- Policy TR6** New development will not be permitted unless provision is made for the needs of the pedestrians. The layout and design of development should provide for safe, attractive and convenient pedestrian routes, particularly to public transport routes.
- Policy TR12** New development will only be permitted if it makes provision for off street parking on or near the site, unless the location is well served by public transport and there would be no adverse effect on road safety or traffic management.
- Policy TR13** Where development proposals are considered less likely to have significant transport implications, a travel plan should be submitted with the planning application.

Consultations

10. **Shepway District Council** – Raises no objection subject to a condition limiting the evening opening to 6 events per calendar year.

New Romney Parish Council – Raises no objection but recommends that action should be taken to ensure that parking does not cause problems to residents in Craythorne Lane, who have already made complaints about parking.

Development Planning Manager (Highways and Transportation) – Does not recommend refusal on the grounds of on-street parking, and makes the following comments:

“The current indicative parking demand figures for the Children's Centre submitted by the applicant, together with on-site observations suggest that the majority of on-street parking taking place in the streets around the site is not related to the

Variation of opening hours at New Romney Children's Centre, New Romney

Children's Centre, but rather to the school, nursery and other factors. The limited amount of on-street parking associated with the Children's Centre does not itself appear to create a particular highway issue and this limited parking demand is unlikely to have any greater impact on a Saturday or occasional evening when the school and nursery are closed. I would therefore not recommend refusal of the application on the grounds of on-street parking".

St Nicholas CE Primary School – The School has raised concern about the Children's Centre opening on Saturdays and evenings when the school is shut since the Children's Centre fire alarm system is linked to the school's fire alarm system. If there was to be an incident in the Children's Centre, the Fire Service would not be able to access the school's fire panel. Also in the event of an incident, if the Children's Centre had to be evacuated from the rear of their building and garden, they will then be trapped within the school site, as all the school gates are locked when the school is not in use.

The School was also asked by the applicant if the school car park could be used out of school hours by the Children's Centre and this is the response received:

- "It compromises site security on Saturdays as the site would be unmanned.
- The school car park is already in use every weekday evening and we have no spare capacity".

Local Member

11. The local County Member, Ms C. Waters, was notified of the application on the 16 September 2011.

Publicity

12. The application was publicised by posting a site notice at the main entrance to the Children's Centre and the individual notification of 30 neighbouring residential properties.

Representations

12. I have received 9 letters of representation to date objecting to the application. Additionally, 3 letters of representation have been received in support of the application as well as a petition containing 80 signatures. The petition was signed by users of the Centre who wished to see the opening hours extended. The following comments raised by local residents are summarised below:

Objections

- Object to the unacceptable difficulties the parking situation would create. There is already an on-going battle for parking spaces in and around the area of St Nicholas Primary School.
- There is not sufficient car parking down this small lane and they do not use the school car park for their overspill. Monday to Friday the residents endure traffic parking in the most ridiculous positions, endangering pedestrians, other road users and the residents and school children.

Variation of opening hours at New Romney Children's Centre, New Romney

- I get trapped on my own driveway through inconsiderate parking of both parents dropping off and collecting from the school and also from staff members and visitors to the school, nursery and Children's Centre.
- We want double yellow lines on opposite side of the road to prevent people parking and causing obstructions. It is not just an issue during drop off and pick up time as parents leave their cars and go shopping in Sainsbury's.
- Since the Children's Centre been open the traffic situation has made the road impossible for 2 way traffic. When the Children's Centre operated out of the hours permitted the traffic situation never eased.
- Residents have experienced the upheaval, loss of privacy from noise, cars and parents leaving the Centre to smoke and drink coffee outside our properties.
- Outraged to think that the Centre could possibly consider extending the hours, since it is in such close proximity to the local residents. The original restrictions placed upon opening hours were permitted to ensure minimum disturbance and avoidance of nuisance to the local community and this should still stand.
- Kent County Council should have considered all the conditions for the Children's Centre before it was built. It would have been better sited in a road capable of taking the volume of traffic and not in a lane.
- The proposed Travel Plan is nonsense as most people do not walk to the Centre. We feel conned and misled by Kent County Council as we did not object to the original application due to the original opening hours.

Support

- We support the application because of the enhanced services to be offered to the community.
- I support the extension of hours as it will allow my husband to come to the Centre with our Children and enjoy the facilities that are free of charge.
- The Centre is of great benefit and we would love to be given the chance to attend events at the weekend with our entire family.
- We would greatly benefit from the Centre being able to extend their opening hours.

DiscussionIntroduction

14. The Section 73 planning application is seeking permission to vary condition 5 of planning permission SH/07/1496 to extend the opening hours from the currently approved hours of 8.00am to 6.00pm on weekdays and to allow additional opening on Saturday from 9.00am to 4.00pm and opening on the occasional evening. The application is being reported to the Planning Applications Committee as a result of the amenity objections received from nearby local residents. There is also support to the proposed extended hours from users of the Centre and an 80 signature petition has been received in support of the application.
15. In considering this proposal, regard must be had to the relevant Development Plan Policies outlined in paragraph (9) above, unless other material considerations are of overriding importance. Therefore the proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations, including those arising from consultation and publicity. In this particular case, the determining issues would therefore include the relevant Development Plan policies, plus traffic, parking and amenity considerations.

**Variation of opening hours at New Romney Children's Centre,
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Development Plan context

16. The Children's Centre is already developed and operating and most of the relevant Development Plan policies relate to new development proposals, rather than variations of the terms of an existing planning consent. However, there are Local Plan policies relating to sustainable travel and parking provisions, although the currently proposed revisions to hours of operation do not conflict with these policies insofar as the Children's Centre was assessed for its parking needs at the time of its initial consent, and a Travel Plan was prepared to manage travel demands as far as practicable. In particular, the Travel Plan for the site as a whole addressed the travel patterns of the Children's Centre as follows:

'As part of the Children's Centre's commitment to supporting the local community, they will be encouraging both staff and clients to walk and/or car share whenever possible, or to use the nearby supermarket and local town car parks. The Children's Centre is a single storey building with only one main multi-function room and medical room, with space for limited number of families to access the Centre at any one time. The Centre will be open Monday – Friday from 9am to 5pm, and used by families with children aged 0-5. It will also be manned by 9 permanent staff. Visiting agencies, such as health partners including child and adolescent Mental Health (CAMHS) and Speech Therapy will also use the Centre. However, as outreach work is a key part of the role of the visiting agencies, the presence of car users will be staggered.'

Traffic and parking

17. The Children's Centre was granted planning permission with no new additional car parking facilities at St Nicholas' Primary School for the Centre. That was because the existing car parking provision on-site was sufficient for the school needs with surplus capacity to absorb the needs of any additional staff parking in association with the Children's Centre. It was also noted at that time that there would be 3 full-time members of staff employed at the Centre and that they would come from within close proximity of the site.
18. The application also made no provision for visitor car parking facilities. This was because all Children's Centres had been strategically located to minimise travel distances for the majority of the residents that they were intended to serve. Emphasis was placed on 'buggy pushing distances' with the users of the Centre encouraged to walk. The Divisional Transportation Manager was consulted on the original planning application and raised no objection but recommended that the School, in conjunction with the Children's Centre prepare, implement and maintain a School Travel Plan.
19. This latest application to extend the opening hours to include Saturdays and the occasional evening has generated a number of objections from local residents based on the current level of parking experienced around the site, and in particular in Craythorne Lane. However it must be noted that Craythorne Lane serves a long established school of 400 plus children, as well as a nursery and the Children's Centre. It must also be noted that both the school and the nursery are substantially larger than the Children's Centre, and their impact upon the traffic is therefore much greater than the Children's Centre. Traffic patterns associated with schools and nurseries result in large numbers of vehicles turning up at the same time to drop off

**Variation of opening hours at New Romney Children's Centre,
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or collect children, whilst the traffic pattern for a Children's Centre is more spread out during the day as well as involving much less movements overall. Many of the letters of objection received from the local residents refer to the inconsiderate parking by parents either dropping off their children or waiting to collect them, which implies the parking problem is more associated with the school and the nursery. Although the Children's Centre would ensure that visitors would walk where possible, or car share where otherwise not possible, the Centre's proposed extension of hours actually covers times when both the school and nursery are closed and when there is less overall traffic in the roads.

20. The Children's Centre has a signing in book which families as well as visitors are required to record their registration plates if they have driven in. This demonstrates the usage of the Centre and makes it easier to identify any users who may have driven and caused a parking obstruction. The Centre has confirmed that to date they have received only one phone call about a driveway being obstructed by a vehicle, however the driver in question was not a user of the Centre. A copy of the Centre's parking log between 26 September 2011 and 14 October 2011 can be viewed in Appendix 1, which records and identifies the origin of parked vehicles in Craythorne Road, where the sole access to the Children's Centre is.
21. There is a perception that a large proportion of the vehicles parked outside in Craythorne Lane are related to the Children's Centre. However the parking log that the Centre is keeping, which shows usage and also number of attendees car sharing or walking, demonstrates that this is not the case and that the Centre is making efforts to ensure that where possible visitors do not travel in by car. The Centre's staff also check the parking situation when the Centre has more visitors, to ensure that none of the vehicles are causing an obstruction or contravening parking regulations, and also ask all their staff, volunteers and visitors to be considerate of the neighbours.
22. The Development Planning Manager (Highways and Transportation) was consulted on the planning application and has also visited the site on a number of occasions and at different times of the day. Together with the parking log and site observations, the Development Planning Manager has concluded that most of on-street parking taking place in the streets around the site is not related to the Children's Centre, but rather to the school, nursery and other factors. Moreover, the limited amount of on-street parking associated with the Centre does not of itself appear to create a particular highway issue, and this limited parking demand is unlikely to have any greater impact on a Saturday or the occasional evening when the school and nursery are themselves closed.

Amenity Considerations

23. The Centre has also requested permission to open on the occasional evening, to host events not capable of being arranged during the normal daytime opening hours. Whilst being mindful of the local residents and their concerns about parking, I would propose to restrict the times the Centre can open during the evening to no more than 6 occasions during one year. That restriction could be controlled by the imposition of a planning condition if consent were to be granted. I consider that this would achieve an appropriate balance between enabling best use of the Centre and protecting the amenities of neighbouring residents in terms of disturbance during the customary quieter times of the day.

**Variation of opening hours at New Romney Children's Centre,
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24. The fire safety concerns of the School, though well intentioned, are somewhat exaggerated and likely to provoke undue consternation. In particular, the Children's Centre is already open throughout the year and on many days and times that the school is not, so the issues highlighted are already being experienced and are unlikely to be any more of a significant risk with the proposed marginally longer hours. The dual alarm system for the site is a technical matter capable of being satisfactorily addressed and a Fire Safety Officer could advise the School in that regard if necessary. In the unlikely event that the Children's Centre needed to be evacuated other than via its front gate, ie. over its rear fencing into the fenced school site, then the occupants would still have reached a safe refuge from where the Fire Brigade would have little difficulty in assisting their further escape.

Conclusion

25. Having regard for the Development Plan Policies, in addition to the material considerations raised by several local residents and users of the Centre, I consider that the proposed extension of hours would allow the Centre to deliver a wider service to the local community. In particular, the wider benefits of an enhanced community facility here, that helps to meet the needs of traditionally hard to reach groups, do need to be balanced against the impacts on local residential amenities. Whilst I do understand that the on-street parking congestion will be a regular nuisance and source of irritation for the neighbouring residents, the main nuisance is actually of short duration and not a reason on its own for overly restricting the successful operation of this valued community asset. Furthermore, the public highway is not the sole preserve of the residents who happen to live next to it and to prevent other public road users from parking there is an unreasonable expectation, unless there was some serious road safety risk identified by the Highway Authority. However, through the Centre's parking management and request to extend their hours of opening when the school and nursery are closed, I consider that there should not be any significant increase in traffic and parking in the neighbouring streets. In particular, this planning proposal and its decision will have little direct bearing on the existing school related traffic and parking congestion that the local residents are primarily concerned about.

Recommendation

26. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO CONDITIONS, including conditions to cover the following aspects:
- the hours of use of the Children's Centre on no more than 6 evenings during one calendar year;
 - the hours of use are varied to include Saturdays between 09.00 and 16.00hrs; and
 - the re-imposition of all other conditions on the earlier planning consent where still relevant.

Case officer – Lidia Cook	01622 221063
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Background documents - See section heading
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**Variation of opening hours at New Romney Children's Centre,
New Romney**

Appendix 1

Outside vehicle registration log

W/B 03.10.11	<u>Date</u>	<u>8.45am</u>	<u>9.15am</u>	<u>2.30pm</u>	<u>3.30pm</u>
	<u>03.10.11</u>				
Cars in Craythorne Lane		6	13	11	3
Cars using the centre parked in Craythorne Lane		0	2	2	0
	<u>04.10.11</u>				
Cars in Craythorne Lane		10	14	12	3
Cars using the centre parked in Craythorne Lane		1	3	3	1
	<u>05.10.11</u>				
Cars in Craythorne Lane		9	12	8	1
Cars using the centre parked in Craythorne Lane		0	2	3	0
	<u>06.10.11</u>				
Cars in Craythorne Lane		9	11	8	3
Cars using the centre parked in Craythorne Lane		2	3	4	0
	<u>07.10.11</u>				
Cars in Craythorne Lane		11	11	12	4
Cars using the centre parked in Craythorne Lane		1		3	1
					0

Craythorne Lane Daily vehicle log

W/B 10.10.11	<u>Date</u>	<u>8.45am</u>	<u>9.15am</u>	<u>2.30pm</u>	<u>3.30pm</u>
	<u>10.10.11</u>				
Cars in Craythorne Lane		8	10	15	3
Cars using the centre parked in Craythorne Lane		0	2	3	0
	<u>11.10.11</u>				
Cars in Craythorne Lane		16	18	16	9
Cars using the centre parked in Craythorne Lane		1	4	1	0
	<u>12.10.11</u>				
Cars in Craythorne Lane		5	15	12	7
Cars using the centre parked in Craythorne Lane		0	1	2	0
	<u>13.10.11</u>				
Cars in Craythorne Lane		14	9	13	6
Cars using the centre parked in Craythorne Lane		2	2	1	0
	<u>14.10.11</u>				
Cars in Craythorne Lane		11	11	14	5
Cars using the centre parked in Craythorne Lane		1	3	0	0

**Variation of opening hours at New Romney Children's Centre,
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Outside vehicle registration log

W/B 26.09.11	<u>8.45am</u>	<u>9.15am</u>	<u>2.30pm</u>	<u>3.30pm</u>
<u>28.09.11</u>				
Cars in Craythorne Lane	11	14	10	8
Cars using the centre parked in Craythorne Lane	0	3	2	1
<u>29.09.11</u>				
Cars in Craythorne Lane	15	9	16	9
Cars using the centre parked in Craythorne Lane	0	3	2	2
<u>30.09.11</u>				
Cars in Craythorne Lane	8	16	11	8
Cars using the centre parked in Craythorne Lane	0	4	0	1

Item D3

Demolition of modern extension and construction of replacement extension to form house master's accommodation at Cranbrook School, Cranbrook – KCC/TW/0421/2011

A report by Head of Planning Applications Group to Planning Applications Committee on 6 December 2011.

Application by Governors of Cranbrook School for proposed demolition of a modern extension which forms part of the house master's accommodation and construction of a new extension to form replacement house master's accommodation to the rear of School Lodge (revised application) at School Lodge, Cranbrook School, Waterloo Road, Cranbrook, TN17 4JD - KCC/TW/0421/2011 (TW/11/3044)

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr R. Manning

Classification: Unrestricted

Site

1. The application site forms an area immediately to the rear of School Lodge on Waterloo Road, Cranbrook. School Lodge is a large three storey property constructed in 1877, which is located opposite the main Cranbrook School House. The property forms the first purpose built boarding house commissioned by the School and continues to be used as such today. The application site is located to the rear of School Lodge to the east of Waterloo Road. The site forms the footprint of a modern single storey extension, along with an adjacent fenced private garden that serves the flat. There are two ornamental cherry trees within this courtyard area. The house master's extension was built to the rear of the boarding house in the 1980's and extends accommodation provided for this purpose within the main house. The north east elevation is formed by boundary wall with adjacent residential properties, including the grade II listed Rose Cottage. A second two storey extension to School Lodge is located immediately to the south-west. This extension is of a modern design that uses materials that differ from the original house.
2. Residential properties are located immediately to the north and west along Waterloo Road, and further to the south west on The Hill. Land immediately to the south and east of the application site falls within the Cranbrook School grounds and includes an old wooden demountable building, two sheds and an open field/ garden providing amenity space for the boarding house. Please see general location plan attached.
3. The application site lies within the Limits of Built Development for Cranbrook, the High Weald Area of Outstanding Natural Beauty (AONB) and the Cranbrook Conservation Area, as defined by the Tunbridge Wells Borough Local Plan. Rose Cottage the property immediately to the north is a grade II listed building and the main Cranbrook School House opposite School Lodge is grade II* listed. There are a number of other listed properties

Extension to form house master's accommodation at School Lodge, Cranbrook School, Waterloo Road, Cranbrook - KCC/TW/0421/2011

along Waterloo Road and within the local area in either direction. School Lodge itself is not a listed building; however the building has an important impact on the character of the Conservation Area. There are no other site specific designations, although more general development plan policies are set out in paragraph (8) below.

Background

4. A similar application to redevelop the house masters accommodation at School Lodge was submitted earlier this year (under planning reference TW/11/1786). This application was subsequently withdrawn on the recommendations of officers due to objections received to the proposal on design grounds. The current application represents a revision of the earlier submission that amends the original design in response to objections previously received, and further to pre-application discussions with the County Council's Conservation Architect.

Proposal

5. The application proposes the demolition of a modern single storey extension and adjoining boundary wall to the rear of School Lodge and the construction of a new extension to form replacement house master's accommodation. The existing extension, built in the 1980's, is no longer considered to provide adequate accommodation for the house master and his family. The building consists of a lean-to type extension constructed off the garden wall using a mono-pitch roof with a slate finish.
6. The proposed extension would seek to modernise the accommodation providing additional internal floor-space to meet the needs of a modern family home (approximately 83 m², an increase in 40 m² over the existing provisions). The proposed accommodation would be built mainly over the footprint of the existing extension and part of the adjacent yard area. The proposed floor plan includes 4 bedrooms, a bathroom, an en-suite bathroom and storage space. This new accommodation would be used with existing rooms within the main house to form the house master's accommodation. The layout would create a courtyard area to the centre of the new extension, increasing the available light within the development and providing private outdoor space separate to that available to the main boarding house. The application includes a commitment to replace 2 ornamental trees that would be felled with suitable replacements within the near by garden of the main house.
7. The proposed extension would form a single storey building with a shallow pitched roof (3 degrees) hidden behind a parapet wall. The roof would be finished using pre-weather zinc and includes roof lights to improve natural light within the building. The main facing elevations would be constructed using brickwork to match the main house with a similar bond (English Garden Bond) and mortar finish. The parapet has been designed to be formed from weathered facing brickwork, rather than a coping stone, to give the impression of a traditional garden wall. The re-built boundary wall elevation to the north-east would be constructed using the reclaimed bricks from the existing wall. All windows and doors would be completed in aluminium using a matt black finish, with guttering and downpipes shown in pre-weathered blue-grey zinc to match the roofing material.

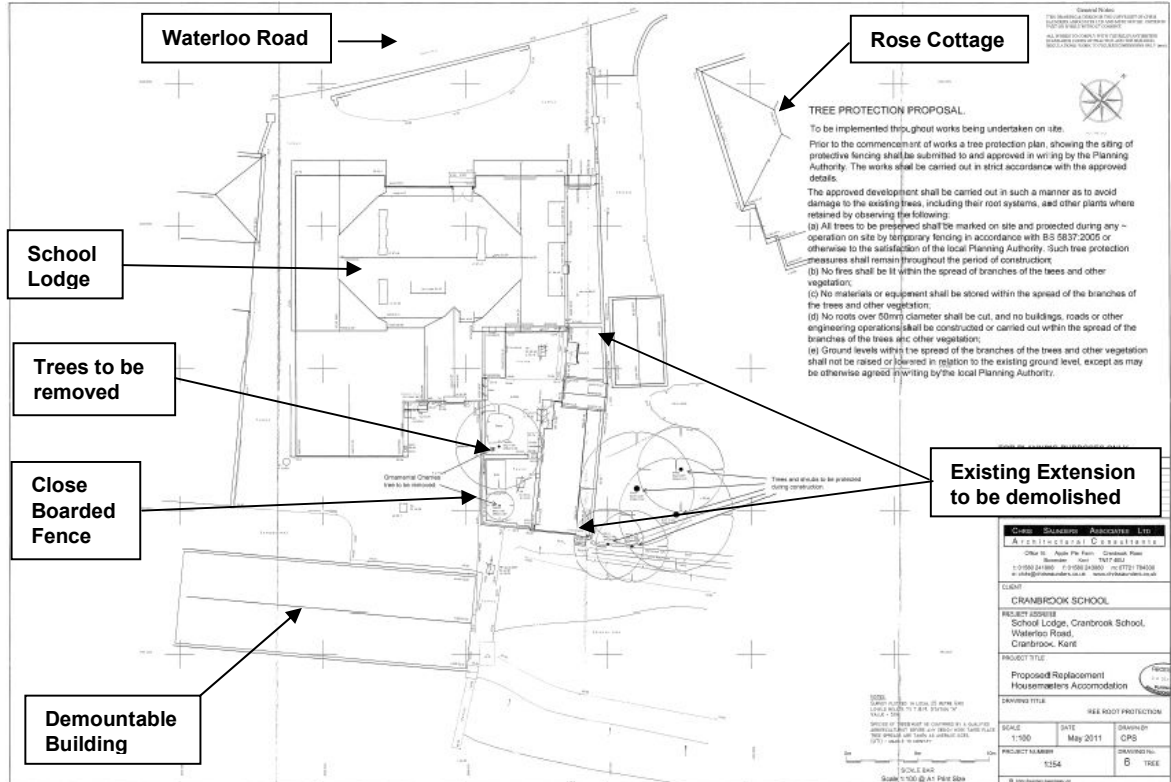
Extension to form house master's accommodation at School Lodge, Cranbrook School, Waterloo Road, Cranbrook - KCC/TW/0421/2011

General Location Plan

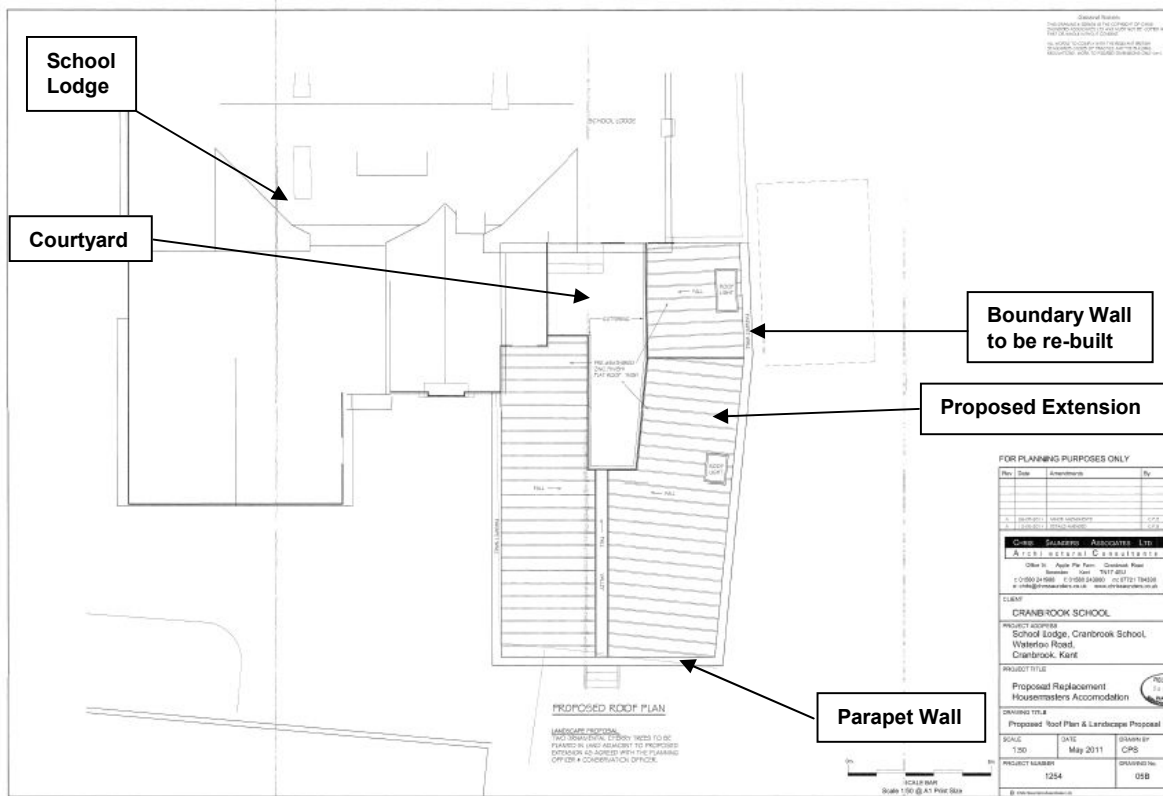


Extension to form house master's accommodation at School Lodge, Cranbrook School, Waterloo Road, Cranbrook - KCC/TW/0421/2011

Existing Block Plan

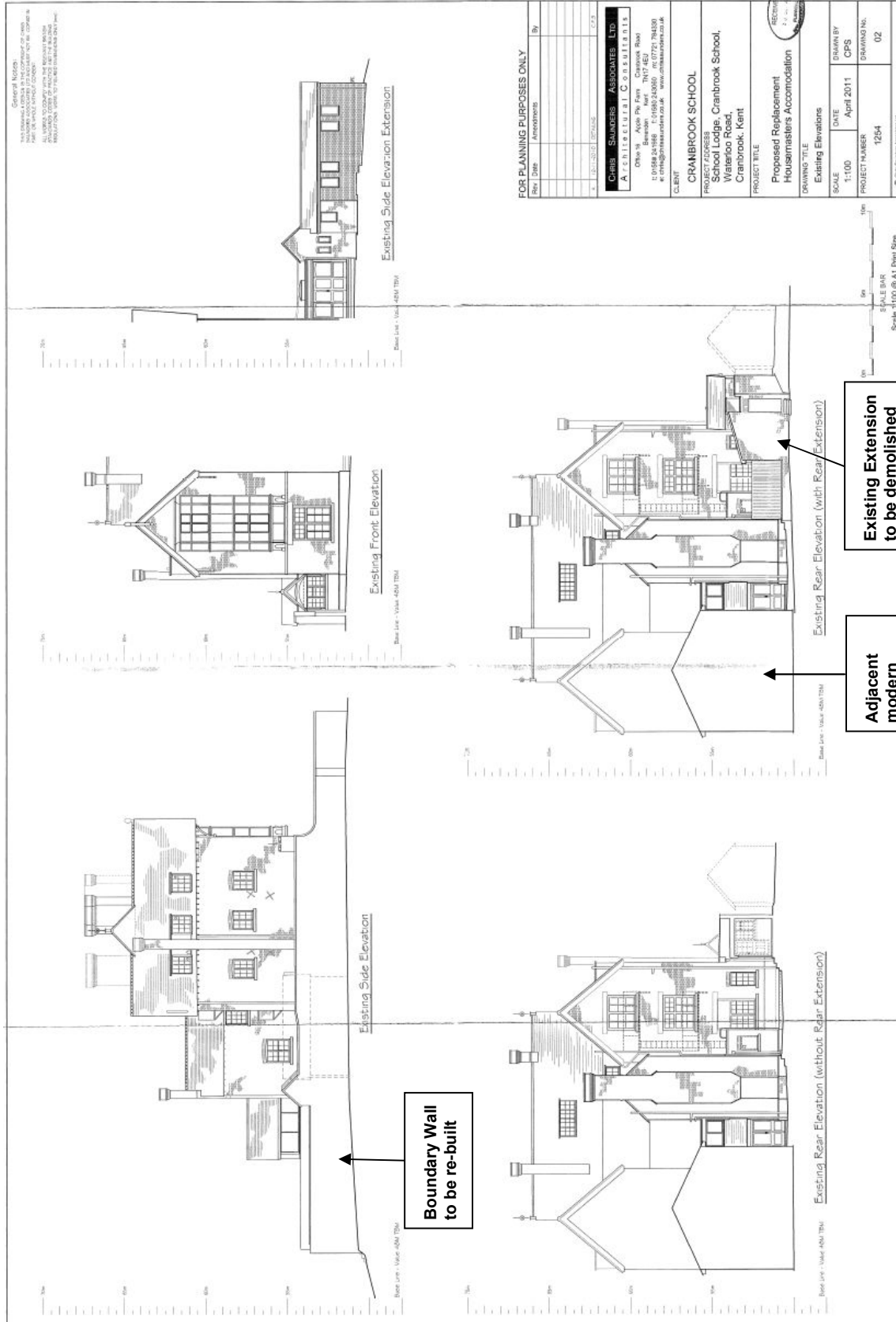


Proposed Roof Plan



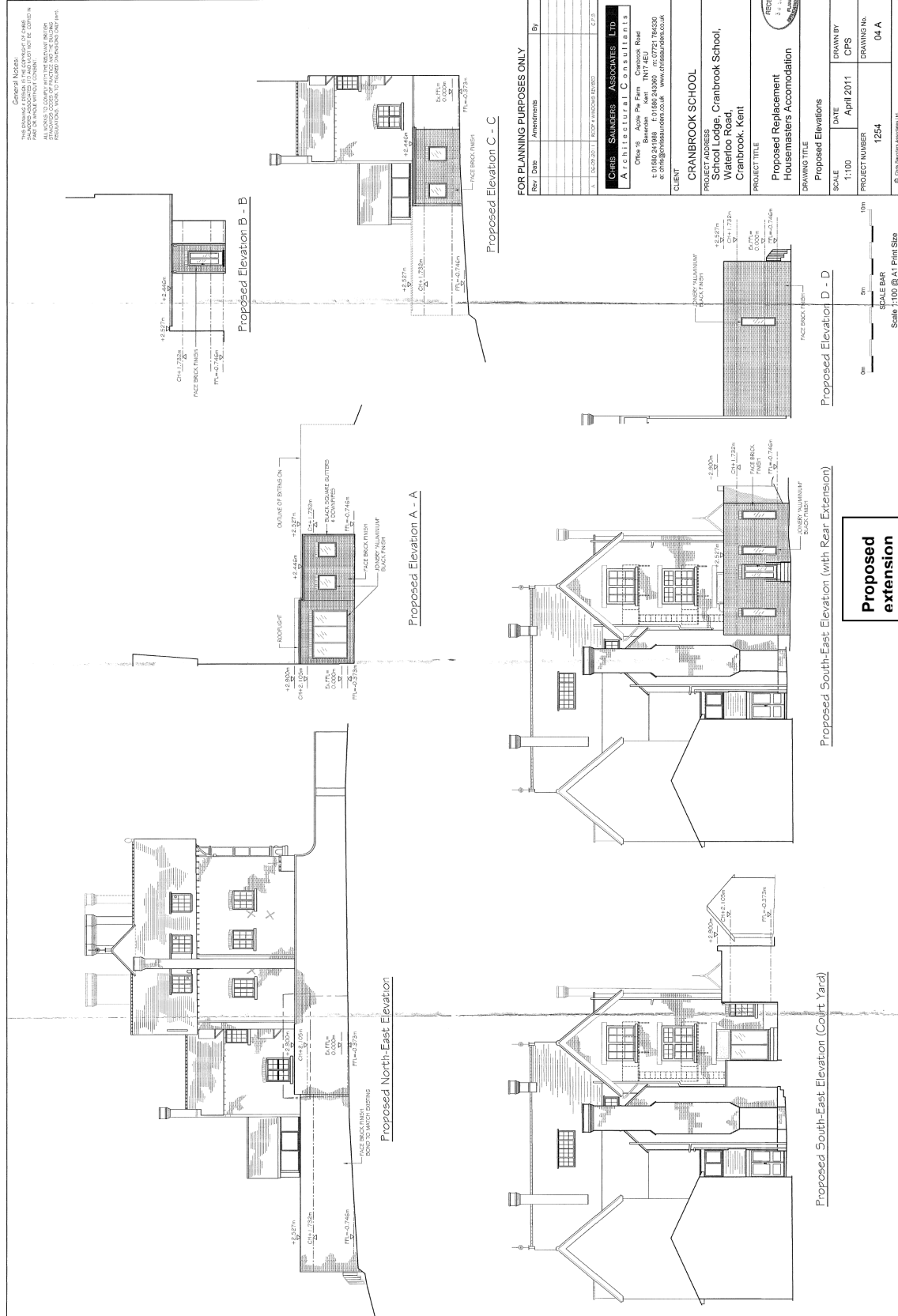
Extension to form house master's accommodation at School Lodge, Cranbrook School, Waterloo Road, Cranbrook - KCC/TW/0421/2011

Existing Elevations



Extension to form house master's accommodation at School Lodge, Cranbrook School, Waterloo Road, Cranbrook - KCC/TW/0421/2011

Proposed Elevations



**Extension to form house master's accommodation at School Lodge,
Cranbrook School, Waterloo Road, Cranbrook - KCC/TW/0421/2011**

Planning Policy

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

(i) **National Planning Policy and Guidance** – the most relevant National Planning Policies are set out in:

PPS1 (Delivering Sustainable Development), **PPS5** (Planning for the Historic Environment), **PPS7** (Sustainable Development in Rural Areas) and **PPS9** (Biodiversity and Geological Conservation).

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

Policy SP3 Seeks to focus development within urban areas to foster access to services and avoid unnecessary travel.

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

Policy CC4 Seeks new development to adopt 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 NRM1 Seeks to maintain and enhance ground water quality through the avoiding adverse effects of development on the water environment.

Policy NRM5 Seeks to avoid net loss of biodiversity and pursue opportunities to achieve a net gain across the region.

Policy C3 Gives high priority to conservation and enhancement of natural beauty with Areas of Outstanding Natural Beauty (AONBs).

Policy BE4 Seeks to support small rural towns as local hubs, seeking to protect and enhance the character and appearance of individual towns.

Policy BE6 Supports proposals which protect, conserve and enhance the historic environment.

Policy S3 Seeks to ensure the adequate provision of pre-school, school, and community learning facilities.

Important note concerning the South East Plan:

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to

Extension to form house master's accommodation at School Lodge, Cranbrook School, Waterloo Road, Cranbrook - KCC/TW/0421/2011

have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members will note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan

(iii) Tunbridge Wells Borough Local Development Framework: Core Strategy (2010):

- Policy 1 Seeks priority to be given to previously developed land with the Limit of Built Development.
- Policy 4 Seeks to conserve or enhance local sense of place and character of urban and rural landscapes including the High Weald AONB, the Borough's heritage assets, including Listed Buildings and Conservation Areas, and avoid a net loss of biodiversity across the Borough as a whole.
- Policy 5 Encourages sustainable design, construction techniques and seeks to ensure a high quality of design.
- Policy 12 Requires all development within Cranbrook to have particular regard to conserving and enhancing the character of the Conservation Area and setting of the town within the High Weald AONB.

(iv) Tunbridge Wells Borough Local Plan (2006):

- Policy EN1 Seeks all proposals to be compatible with neighbouring uses and not cause significant harm to the amenities or character of an area, to respect the local context and local character of the built up area or landscape.
- Policy EN5 Seeks proposals within a conservation area to preserve or enhance the character and appearance of the surrounding area, including in terms of scale, massing, roofscape, materials, detailing, boundary treatment and landscaping; and seeks to protect trees or other features important to the character of area.
- Policy EN13 Seeks to protect trees within a Conservation Area unless the removal would be of good arboricultural practice or the desirability of the proposal outweighs the amenity value of the tree(s).
- Policy EN16 Seeks to protect groundwater quality.
- Policy EN26 Seeks proposals within the High Weald Area of Outstanding Natural Beauty to protect or enhance the natural beauty and special character of the landscape.

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Consultations

9. **Tunbridge Wells Borough Council** – objects on the following grounds:

'The Borough Council raises an objection to to the proposal as it is considered that the replacement extension would not conserve or enhance the Conservation Area in terms of its relationship with the character of the house and its associated rear yard area. As such, it is contrary to Policies 4 and 12 in the Core Strategy 2010 and Policies EN1 and EN5 in the Local Plan 2006.'

10. **Cranbrook Parish Council** – no objection in principle, however raises concern about the design of the roof and does not consider that this would be sympathetic to the original features of the existing building.

11. **Environment Agency** – no objection to the proposal; considers that the application poses a low environmental risk, drawing attention to the EA's good practice guide for developers.

12. **The County Council's Conservation Architect** – no objections to the application on the grounds that the proposal would not have an adverse impact on the setting of the Conservation Area and its special interest. The Conservation Officer comments as follows:

'The proposal to improve the staff living accommodation within the enclosure of the current area set aside for the same use is located at the rear of the building. As such it will not be visible from the public highway and in my view has very limited, if any, impact on the setting of the Conservation Area. At a site inspection I noted that there was a contemporary extension to the rear of an adjacent building, which I presume is also within the Conservation Area. As such I consider that the current proposal is an appropriate response to creating the living accommodation within a private walled enclosure attached to the rear of the non listed building. Indeed the replacement of existing (unsightly) close boarded fencing with a good quality red stock brick will be an enhancement to this area of limited access. The proposed use of a good quality metal roof finish, in this case zinc, will presumably have a standing seam to the joints, and will weather in time to produce a colour similar to lead, which would not be out of keeping on an extension to a building of this style. Furthermore the proposed design has the benefit of concealing the roof from general view, but when viewed from above (only possible from some of the rear windows of the attached building) one sees a good quality roof finish, similar to traditional lead, but not as susceptible to theft as lead roofs are. The proposed external windows have been designed as "slots" in the brick wall, a design response to the concept of creating accommodation behind a wall, and I support this option, although clerestory windows above the wall would have been an alternative response to the idea of the wall wrapping around the accommodation. Window fenestration should be a slim line design (such as aluminium) and dark in colour to again emphasise the concept of "slots" in the wall. Raising the height of the boundary wall is relatively minimal to only a portion of the existing boundary wall and adjacent to unoccupied and overgrown land, which we could not access at the site meeting. I agree that it is important to retain the boundary wall as this forms part of an earlier defined boundary, but do not consider it out of keeping with the Conservation Area to allow the wall to be raised over a short length in height to conceal the roof behind'.

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13. **The County Archaeologist** – no comments received on drafting this report; any views received prior to Committee Meeting will be reported verbally.

Local Member

14. The local County Member for Cranbrook, Mr Roger Manning was notified of the application on 10 October 2011.

Publicity

15. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 17 nearby properties.

Representations

16. No letters of representation have been received in response to the above publicity.

Discussion

17. The application seeks planning permission for the demolition of a modern extension and construction of a new extension to form house master's accommodation to the rear of School Lodge. The application is being reported to the Planning Applications Committee as a result of an objection received from Tunbridge Wells Borough Council and concerns received from Cranbrook Parish Council, both on design grounds; please see paragraphs (9 - 10) for details. No representations have been received from neighbouring properties.

18. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (8) 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 the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising during the consideration of the application.

19. In my opinion, the main determining issues in this particular case can be summarised by the following headings:

- location and design considerations, including the impact upon the Cranbrook Conservation Area and the AONB; and
- other relevant planning considerations.

Location and design considerations

20. The proposed development falls within the limits of built development, the Cranbrook Conservation Area and the High Weald AONB, as well as in close proximity to a number of listed buildings, including the adjacent Rose Cottage. On this basis South East Plan Policies CC6, C3, BE4, BE6, Local Plan Policies EN1, EN5, EN26, and Core Strategy Policies 4, 5 and 12 are particularly relevant to the determination of this application in that

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they seek new development that has particular regard to conserving and enhancing the character of the Conservation Area, the setting of Cranbrook within the High Weald AONB and other heritage assets. The development plan policies seek proposals that incorporate a high quality of design that reflects character and appearance of its surroundings.

21. The Borough Council raises an objection to the application on the grounds that the proposals would not conserve or enhance the Conservation Area in terms of the extension's relationship with the character of the house and its associated rear yard area. Under the circumstances, the Borough Council considers that the application is contrary to Policies 4 and 12 in the Core Strategy and Policies EN1 and EN5 in the Local Plan. The Borough Council's views accept that the existing 1980's extension proposed to be demolished has a '*utilitarian design of little architectural merit*' and that its replacement would be acceptable. However, the views suggest that the proposed extension would be of a greater scale and mass than the existing provisions which would, in their opinion, cause greater harm to the main house and the yard space immediately to the rear of the property. The Borough Council acknowledges that the site would not be visible from the public realm, however considers it is part of the school complex and would be seen by various people.
22. Whilst Cranbrook Parish Council has no objection in principle to the proposed extension, the views received raise concern over the design of the roof, which in the Parish Council's opinion would not be sympathetic to the original features of the existing building.
23. The County Council's Conservation Architect raises no objection to the application, advising that in his view the application would have a very limited, if any, impact on the setting of the Conservation Area. He considers the extension would be an appropriate response to the need to extend the non listed property in this location, noting that the design would incorporate high quality materials sympathetic to the main house. He supports the contemporary design concept of creating the accommodation within a private walled enclosure through the use of a shallow pitched roof hidden behind a parapet wall. He comments that '*the replacement of the existing (unsightly) close boarded fencing (that encloses the existing extension) with a good quality red stock brick would be an enhancement*'.
24. It is noted that the current application represents a revised design prepared by the applicant in response to objections to a previous planning application. At the time, the previous application was withdrawn by the applicant on the recommendation of officers pending a resubmission. The revised approach was subject to pre-application discussions with the County Council's Conservation Architect prior to this application being submitted.
25. In my opinion the objections raised by the Borough Council concerning the design of the extension, its impact on the character of School Lodge (a non listed building) and the Conservation Area are not of sufficient weight to warrant the refusal of this application. I would argue that the latest approach would now preserve and enhance the character of the Conservation Area. The changes to the design from the scheme previously applied for (being a shallow pitched roof hidden behind a parapet) mean that the development would not be visible from outside the site, reducing any impact on surrounding properties. The application proposes to preserve the garden wall that forms the boundary of the site with adjacent residential property. It is agreed that this wall forms an important part of the

Extension to form house master's accommodation at School Lodge, Cranbrook School, Waterloo Road, Cranbrook - KCC/TW/0421/2011

character of the house and the application proposes re-building it as part of the extension using reclaimed materials to preserve the appearance. In fact, through the use of parapets to each elevation the entire extension would be hidden behind what would appear to be an extended garden wall and would only be visible at a very local level immediately to the rear of School Lodge.

26. I note that the extension would create a small increase in the overall size and mass of the original, creating an additional 40m² of new floor space over the existing provisions. This floorspace is needed to create the additional living accommodation required for the house master and his family. It is noted that revisions made to the proposed extension have sought to minimise the height and perceived mass to reduce the overall impact. The original design included mono pitched roofs that would have been more visible and had more impact than the current scheme.
27. The overall height of the boundary wall and parapet of the extension would not materially differ from the ridge height of the current extension. The footprint of the proposed building would cover the existing extension and the close boarded fenced area that currently serves as garden space for the existing accommodation. I therefore do not consider that the proposed extension would materially alter the appearance or the space available within the yard to the rear of the house, which is one of the concerns raised by the Borough Council. The proposed extension would still be viewed as a subservient and ancillary structure to the main house, not unlike the type of outhouses you would normally expect to see attached to houses built in the same period. The extension is considerably smaller both in floorspace and mass of the other modern two storey extension to the rear of the property, and efforts have been made to ensure that any impacts from the current proposal are kept to a minimum. I do not consider that the size of the extension would be disproportionate to the main building or detract from the overall character.
28. Due to the proposed siting, design and layout, the extension would not affect privacy to neighbouring properties or result in any overbearing presence. It is therefore considered to be acceptable in terms of the potential impact on residential amenities.
29. If the extension is considered to be acceptable in terms of its size, and would not materially impact on the relationship between the house and the yard space or on the Conservation Area, the key determining factor, in my opinion, would be the visual appearance of the extension in relation to the character of the rear elevation of School Lodge.
30. The design concept would be to create elevations that give the impression of a garden wall enclosing the entire extension within and creating a private court yard area. The approach would use high quality materials and finishes to the exterior of the building, including brickwork, bond and mortar to match the main building and existing garden wall, alongside aluminium framed windows and zinc roofing. The tall narrow windows and door shown to the exterior of the building are design to appear as slots within the wall further enhancing the design concept. These windows draw their proportions from the fenestration of the main house, which includes large full height windows divided by glazing bars.
31. In my opinion, the contemporary design is sympathetic to the character of the main house; the single storey approach and roof design mean the proposals would not dominate the

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main elevation, and through the demolition of a lesser quality extension and associated fencing could be seen to improve the overall appearance of the rear of the house. On this basis I am satisfied that due to the siting, design, and materials proposed, the development would preserve the visual character of School Lodge and would preserve the special character of the Cranbrook Conservation Area, the adjacent listed buildings and High Weald AONB.

Other considerations

32. The proposed extension would involve the loss of two cherry trees which fall within the Conservation Area. Both trees are located to the rear of School Lodge within the garden area that serves the existing house master's accommodation.
33. In respect of the loss of the trees, the Borough Council's Tree Officer does not raise an objection. It is noted that the two ornamental trees are relatively small and are not visible from the public realm; therefore in my opinion their removal would not be detrimental to the character of the Conservation Area or the amenity of the street-scene. The application proposes to plant suitable replacement trees close by, within the garden of the main house. I am therefore satisfied that the felling of the trees on the site would be acceptable in this particular case.

Conclusion

34. In weighing the considerations set out above, I am satisfied that the design of the extension would preserve and enhance the character of School Lodge and the adjacent listed Rose Cottage. The approach would minimise the impact of the development on the immediate surroundings and the extension would not be visible from the public realm. Therefore, subject to the conditions set out below, I consider that the proposal would be in accordance with the relevant development plan policies, including preserving the character and appearance of the Conservation Area and the High Weald Area of Outstanding Natural Beauty.

Recommendation

35. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
 - the standard time limit;
 - the development to be carried out in accordance with the permitted details;
 - the external materials used to be in accordance with those specified within the application;
 - the replacement tree planting to be completed within the first planting season following completion of the development;
 - precautions to prevent the deposit of mud on the highway; and
 - controls on the hours of operation during construction work.

Item D3

**Extension to form house master's accommodation at School Lodge,
Cranbrook School, Waterloo Road, Cranbrook - KCC/TW/0421/2011**

Case Officer: James Bickle

Tel. no: 01622 221068

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.

SE/08/675/RVAR Request for approval of details pursuant to conditions 5 (working programme, phasing & direction of working), 18 (public rights of way & public access), 23 (water protection & pollution), 27 (archaeology/historic landscape), 28 (nature conservation), 32 (landscape) and 38 (restoration, aftercare & afteruse) of planning permission SE/08/675 for extension to extraction area and continued operation of existing processing and manufacturing plant and buildings and other operational areas.
Sevenoaks Quarry, Bat and Ball Road, Sevenoaks

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

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

Background Documents - The deposited documents.

None

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

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

Background Documents – The deposited documents.

GR/11/746 Retention and continued use of a temporary building.
Shorne Wood Country Park, Brewers Road, Shorne

MA/10/787/R	Application for a non-material amendment to the approved development; additional dewatering facility. Aylesford Depot, Doubleday House, St Michaels Close, Aylesford
SE/10/1263/R	Non-material amendment application for changes to car park, including change of grass fill to gravel infill on bay 2 and changes to internal access paths. Lullingstone Country Park, Kingfisher Bridge, Castle Road, Eynsford, Dartford
SE/11/598/R6	Details of car parking, pick up/drop off, and bus stop facilities, together with details of how such facilities would be managed at peak times. The Knole Academy, Bradbourne Vale Road, Sevenoaks
SW/09/1215/R19	Details of School Travel Plan pursuant to condition 19 of planning permission SW/09/1215 dated 13 May 2010. New Primary School at Warden, Leysdown Road, Leysdown-on-Sea, Sheerness
SW/11/1228	Renewal of planning permission for external store. Hernhill Church of England Primary School, Forstall, Hernhill, Faversham
SW/11/1231	Retention of three mobile classroom units. Swale Speech & Language Unit, Minterne Avenue, Sittingbourne
TH/11/870	Proposed single storey extensions to existing staff room and admin areas with new larger entrance foyer (revised proposal TH/09/770). St Peter in Thanet C of E Junior School, Grange Road, Broadstairs
TM/11/2554	Revised proposal including location for the provision of a single storey changing room pavilion for school and community use in association with existing outdoor facilities and proposed outdoor all weather pitch. The accommodation comprises 4 no. team changing rooms, officials changing rooms, disabled changing rooms, public toilets, store and plant room. Wrotham School, Borough Green Road, Wrotham, Sevenoaks
TW/11/2365/R6	Details of facilities by which vehicles will have their wheels, chassis and bodywork washed free of mud. Skinners School Playing Field, Southfields Park, Chestnut Avenue, Tunbridge Wells

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *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:-
- KCC/SW/0419/2011 – Change of use of land to undertake Waste Electrical and Electronic Equipment (WEEE) recycling activities and construction of storage facilities. SWEEEP Kuusakoski Ltd, Gas Road, Sittingbourne.
- (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 2011 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

Scoping Opinions

- (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) Regulations 2011.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None

E3

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