

**PLANNING APPLICATIONS COMMITTEE**

**Tuesday, 14th February, 2012**

**10.00 am**

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





## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Tuesday, 14th February, 2012, at 10.00 am**      Ask for:      **Andrew Tait**  
**Council Chamber, Sessions House, County**      Telephone:      **01622 694342**  
**Hall, Maidstone**

*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. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 17 January 2012 (Pages 1 - 4)
4. Site Meetings and Other Meetings

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

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

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

1. Proposal SH/11/969 (KCC/SH/0418/2011) - Change of use from A2 to D1 within Use Classes Order to provide educational facility for up to 20 students at 106 Cheriton Road, Folkestone; KCC Property Group (Pages 5 - 12)
2. Proposal TH/11/587 (KCC/TH/0257/2011) - Artificial sports pitch and 4-court Multi-Use Games Area with floodlighting and grass cycle circuit and cycle challenges on existing sports field adjacent to Ursuline College for use by Ursuline College at King Ethelbert School, Canterbury Road, Birchington; Governors of Ursuline College (Pages 13 - 36)

3. Proposal GR/11/961 (KCC/GR/0437/2011) - Change of use of the Chestnut Room in The Visitors Centre to permit dual use for both educational activities and functions at Shorne Woods Country Park, Brewer Road, Shorne; KCC Country Parks (Pages 37 - 48)
4. Proposal SW/11/1451 (KCC/SW/0410/2011) - Retention of single and double classroom buildings and temporary PTA store at Tunstall CE (Aided) School, Tunstall Road, Tunstall, Sittingbourne; Governors of Tunstall CE (Aided) School (Pages 49 - 58)
5. Proposal TW/10/4051/R16 & R23 - Details of site fencing, gates and railings, hard surfaces and acoustic fencing for the development of Site 2 pursuant to Permission TW/10/4051 for the redevelopment of the Skinners Academy, Blackhurst Lane, Tunbridge Wells; KCC Building Schools for the Future and Academies Team (Pages 59 - 76)

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

1. County matter applications (Pages 77 - 82)
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Environmental Impact Assessment Regulations 1999
5. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

#### **F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

##### **EXEMPT ITEMS**

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

Peter Sass  
Head of Democratic Services  
(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 section D, are available to Members in the Members' Lounge.)*

Monday, 6 February 2012

**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, 17 January 2012.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mr T Gates, Mr C Hibberd, Ms A Hohler (Substitute for Mr P J Homewood), Mr J D Kirby, Mr R J Lees, Mr J F London, Mr S C Manion, Mr R F Manning, Mr R A Pascoe, Mr M B Robertson and Mr A T Willicombe

ALSO PRESENT: Mrs T Dean

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

**UNRESTRICTED ITEMS**

**1. Minutes - 6 December 2011**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 6 December 2011 are correctly recorded and that they be signed by the Chairman.

**2. Site Meetings and Other Meetings**

*(Item A4)*

(1) The Committee noted the final arrangements for the site visit and public meeting on 17 January 2012 concerning the Dungeness Borrow Pit application. It was also confirmed that there would be a short presentation to Members on the planning implications of the Localism Act following the Committee meeting on Tuesday, 14 February 2012.

(2) The Committee also agreed to hold a site visit (and possibly a public meeting) in late February in respect of planning application KCC/SW/0502/2011 at Cryalls Lane, Sittingbourne.

**3. Application TM/11/2635 - Metals recycling facility at New Hythe Lane, Aylesford; Aylesford Metals Company**

*(Item C1)*

(1) Mrs T Dean was present for this item pursuant to Committee Procedure Rule 2.21 and spoke.

(2) Correspondence from East Malling and Larkfield Parish Council had been circulated to the Committee before the meeting.

(3) The Committee noted an amendment to paragraph 71 of the report which deleted reference to a low bridge near Snodland.

(4) In agreeing the recommendations of the Head of Planning Applications Group, the Committee asked for the inclusion of Informatives asking the applicant to give further consideration to rail and river transportation and to make all reasonable efforts to ensure that traffic associated with the development would use new Hythe Lane (north of its junction with Leybourne Way) and Leybourne Way to access the site.

(5) The Development Planning Manager confirmed that he would draw his Highways and Transportation colleagues' attention to the Bellingham Way roundabout and parking bay issues referred to by Mrs Dean but advised that there would need to be concrete evidence of actual problems before action could follow.

(6) RESOLVED that:-

- (a) permission be granted to the application subject to the prior completion of a Section 106 Agreement (Unilateral Undertaking) to secure the cessation of all metals recycling operations at the applicant's existing facility at Mill Hall, Aylesford and to conditions, including covering a maximum throughput of 100,000 tonnes per year (tpa); a maximum number of operational vehicle movements associated with the MetRF being limited to 172 per day (86 in / 86 out); measures to prevent mud or other materials being deposited on the highway; parking, loading and turning areas being paved, drained and maintained for the life of the facility; the hours of construction being 0700 to 1700 hours Monday to Saturday unless otherwise approved by the County Planning Authority; the hours of operation being 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays with no working on Saturday afternoon, Sundays, Bank and Public Holidays unless otherwise approved by the County Planning Authority; vehicles additionally being permitted to enter and leave the site between 0600 and 0700 hours on those days that the site is operational; any unexpected ground contamination; groundwater protection; a foul and surface water drainage scheme to be approved by the County Planning Authority; dust control measures; the rating noise level emanating from the facility at nearby residential premises being restricted to no more than the existing background noise level when assessed in accordance with BS 4142; the use of the proposed container inverter being precluded (unless otherwise agreed by the County Planning Authority); the use of cladding material for the proposed sheds meeting a 34dB criteria; a 3m high noise barrier on the east and south east site boundaries; the shed door containing the wood chipper remaining closed during its operation; the wood chipper not operating on Saturdays; non-tonal reversing alarms (e.g. variable level broadband white-noise directional signals) being used where possible to minimise the use of tonal alarms; a lighting scheme being submitted to the County Planning Authority for approval prior to the commencement of the development, with the lighting being designed, maintained and used to minimise adverse impacts; details of building materials, design and colour being approved by the County Planning Authority; details of the 3m high acoustic fence being approved by the County Planning Authority; the height of material

stockpiles and skip storage being restricted to no more than 5m above ground level, with the plant and machinery being operated from ground level rather than from on stockpiles; materials being handled and stored in accordance with the proposed site layout unless otherwise approved by the County Planning Authority; the implementation of a scheme of archaeological work approved by the County Planning Authority, if any excavations are required; the implementation of a biodiversity enhancement scheme approved by the County Planning Authority; and scrub clearance being implemented as proposed (i.e. outside the bird nesting season); and

- (b) the applicant be advised by Informative that it should give further consideration to rail and river transportation and make all reasonable efforts to ensure that traffic associated with the development will use New Hythe Lane (north of its junction with Leybourne Way) and Leybourne Way to access the site.

#### **4. Proposal DO/11/956 - Single-storey pre-school building at St Richard's Catholic Primary School, Castle Avenue, Dover; Federation of Dover Catholic Schools**

*(Item D1)*

(1) In agreeing the recommendations of the Head of Planning Applications Group, the Committee decided to clarify the restriction on pupil numbers condition by inclusion of the words “unless otherwise agreed in writing by the County Planning Authority.” It also clarified that details of the staggering of opening times and travel plan were to be agreed prior to commencement of use of the building.

(2) RESOLVED that permission be granted to the proposal (as now amended) subject to conditions, including the standard time condition for implementation; the development being completed in accordance with the approved plans; pupil numbers being limited to 16 attending any one session, unless otherwise agreed in writing by the County Planning Authority; the existing boundary hedging being maintained; tree protection measures being implemented before construction starts (as shown on the relevant plan); opening times being staggered to set times to be agreed in consultation with the Development Planning Manager (Highways and Transportation) prior to commencement of use of the site; and a Travel Plan being submitted to and approved by the County Planning Authority prior to commencement of use of the site.

#### **5. Matters dealt with under delegated powers**

*(Item E1)*

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

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils 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).

SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

## **Item D1**

### **Change of use to provide educational facility for up to 20 students at 106 Cheriton Road, Folkestone – SH/11/969 (KCC/SH/0418/2011)**

A report by Head of Planning Applications Group to Planning Applications Committee on 14 February 2012.

Application by Kent County Council Property Group for the change of use from A2 (Financial & Professional Services) to D1 (Non-Residential Institutions) within the Use Classes Order to provide an educational facility for up to 20 students at 106 Cheriton Road, Folkestone – SH/11/969 (KCC/SH/0418/2011).

Recommendation: Planning permission be granted, subject to conditions.

**Local Member(s): Mr. R. Tolputt**

**Classification: Unrestricted**

#### **Site Description**

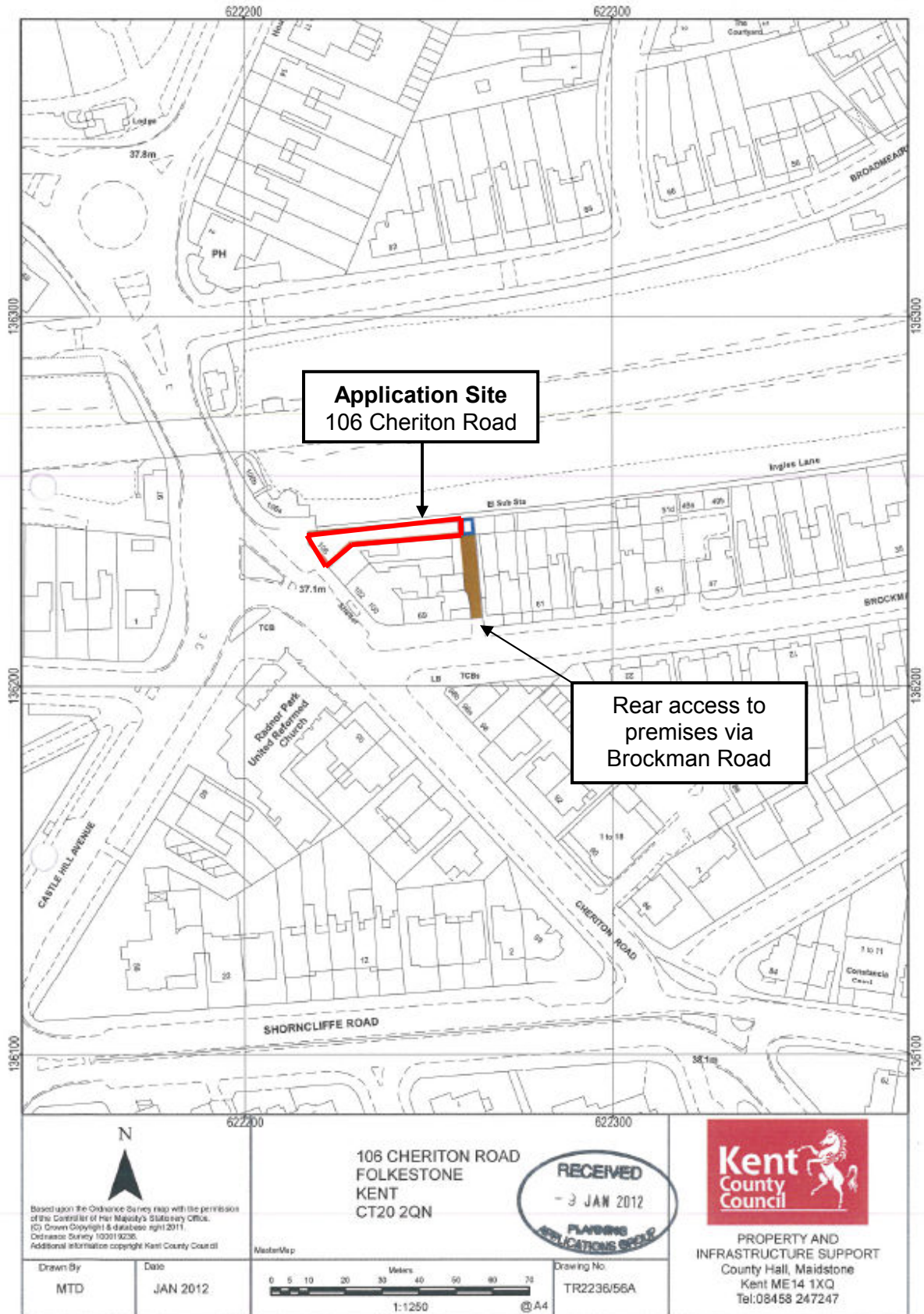
1. The application site, 106 Cheriton Road, is located on the outskirts of Folkestone Town Centre. 106 Cheriton Road forms part of a parade of retail units, currently consisting of a pharmacy and convenience supermarket. The existing retail units located on the ground floor sit below residential accommodation above, which form the top three floors of the units. The application site fronts onto a number of busy roads, namely Cheriton Road and Castle Hill Avenue and is located opposite Radnor Park United Reformed Church. The application site is located a short walk from the mainline Folkestone Central Railway Station and is well served by a number of public bus services running to/from the town centre.
2. The premises which are the subject of this change of use application comprise two floors (plus basement storage) set within a four storey building. The two upper floors would remain as residential accommodation as would the front part of the first floor, whilst the basement, ground floor and part of the first floor would be subject to the change of use to provide an educational facility. The premises the subject of this application are currently unoccupied, the previous use as an architectural office, having ceased and the premises vacated some 12 months ago.

#### **Proposal**

3. The proposal seeks planning permission for a change of use from Class A2 (Financial & Professional Services) to Class D1 (Non-Residential Institutions) within the Use Classes Order to provide an educational facility for up to 20 students. The proposed accommodation would be used as an alternative provision for Key Stage 4 education that cannot typically be provided within the mainstream school system. Many of the pupils to be taught at the proposed facility come from a disadvantaged background and many have had difficulties in their personal lives and in coping in a mainstream school environment. The facility would operate during normal school hours and during term-times only (approximately 190 days per year). The maximum number of students would be up to 20 pupils aged between 14 – 16 years old, and there would be a high staffing

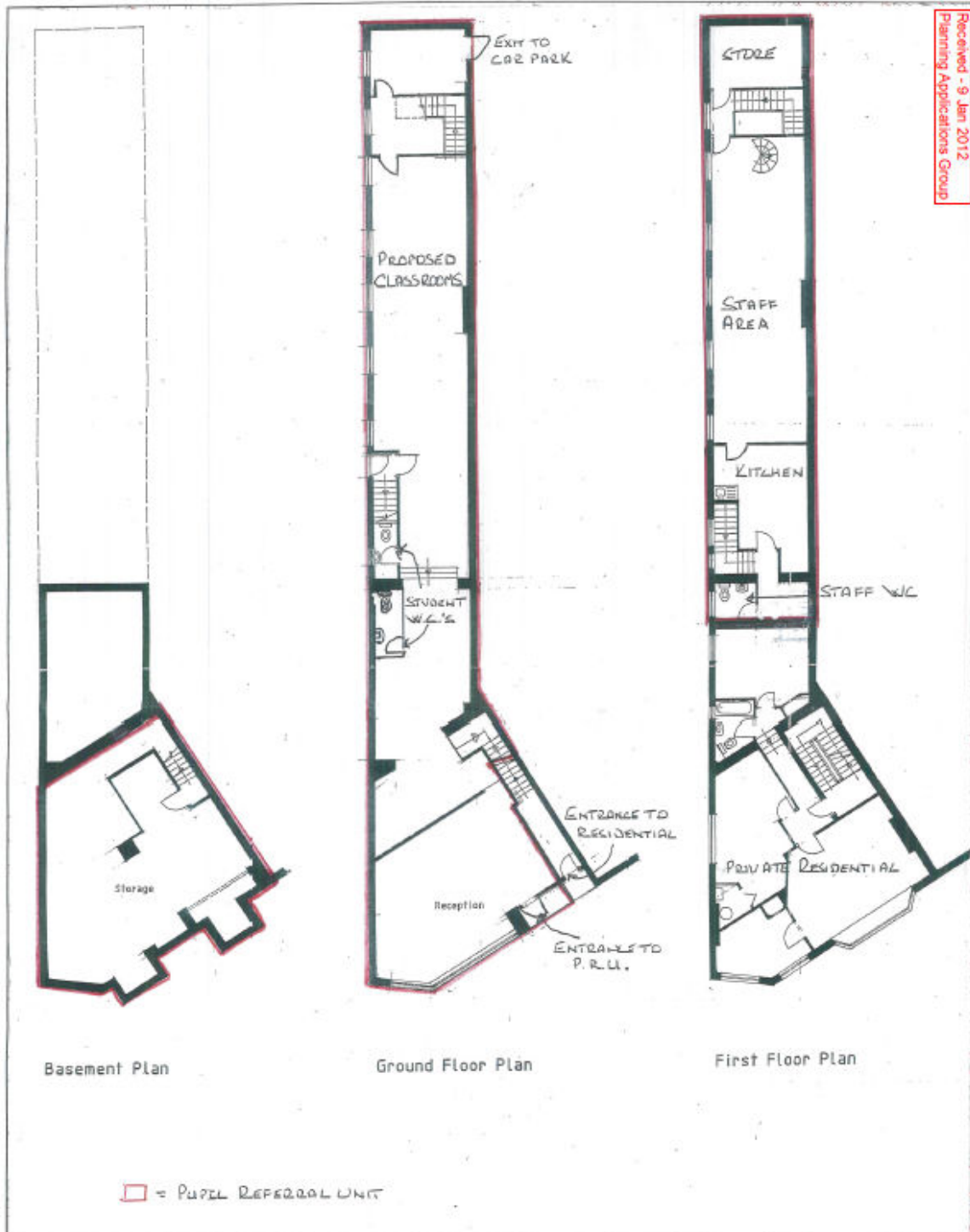
**Change of use to provide an educational facility at 106 Cheriton Road, Folkestone – SH/11/969 (KCC/SH/0418/2011)**

**Site Location Plan**



**Change of use to provide an educational facility at 106 Cheriton Road, Folkestone – SH/11/969 (KCC/SH/0418/2011)**

**Proposed Floor Plans**



|   |                          |   |                              |
|---|--------------------------|---|------------------------------|
| <p>106 CHERITON ROAD<br/>FOLKESTONE<br/>KENT CT20 2GN</p>   |                          |   |                              |
| <p>MasterMap</p>  |                          |   |                              |
| <p>Drawn By<br/>JC</p>  | <p>Date<br/>SEP 2011</p> | <p>NOT TO SCALE</p>   | <p>Drawing No.<br/>_____</p> |
| <p><small>Based upon the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Licence No. LA20070006. Additional information copyright Kent County Council.</small></p> |                          | <p>PROPERTY GROUP<br/>County Hall, Maidstone<br/>Kent ME14 1XQ<br/>Tel:06458 247247</p> |                              |

**Change of use to provide an educational facility at 106 Cheriton Road, Folkestone – SH/11/969 (KCC/SH/0418/2011)**

---

ratio with two members of staff per eight pupils.

4. The proposed facility currently operates at separate premises within Folkestone (23-25 Tontine Street); however the present accommodation is not fit for purpose and does not comply with Ofsted regulations. As part of the proposed change of use there would be no alteration to external appearance of the building, with limited internal building works taking place, such as the installation of new toilets on the ground floor.

**Planning Policy Context**

5. The key National and Development Plan Policies most relevant to the proposal are summarised below:
  - (i) **National Planning Policies** – the most relevant National Planning Policies are set out in PPS1 (Delivering Sustainable Development).
  - (ii) **South East Plan (2009)** – the most relevant policies are: CC1 (sustainable development), CC4 (sustainable design and construction) and S3 (education and skills).

***Important note regarding the South East Plan:***

*Members will already be aware of the relevant South East Plan (SEP) 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) The **Shepway District Local Plan Review (2006)** – the most relevant policies are summarised below:

**Policy SD1** Sustainable development

**Policy BE1** Building design, layout and special needs access

**Policy BE8** Building alterations and extensions

**Policy TR11** Access to the highway network

**Policy TR12** Car parking

**Consultations**

6. **Shepway District Council:** raises no objection to the proposal, but wishes to make the following comments:

*Considered that as the proposal involves no external alterations it would not be harmful to the streetscene and represents a positive outcome, by virtue of bringing a vacant ground floor back into use. The existing shop front should not be compromised, so as*

**Change of use to provide an educational facility at 106 Cheriton Road, Folkestone – SH/11/969 (KCC/SH/0418/2011)**

---

*not to preclude any potential future commercial use. It is considered that an acoustic survey should be carried out to assess the need or otherwise for sound installation between adjoining properties to assess any mitigation required to protect the amenity of neighbouring occupiers. With conditions attached as necessary, including controlling hours, the proposal would not be considered to result in any greater harm to the amenity of neighbouring occupiers.*

*Given the history of the site, it is recommended that appropriate conditions are considered regarding land contamination and attached as necessary. Regarding the level of on-site parking, it is considered that the Highway Authority should be satisfied with the limited land available, notwithstanding the proximity to local public transport services.*

7. **KCC Highways and Transportation:** raises no objection to the proposal in respect of highway matters.

**Local Member**

8. The local County Member, Mr. R. Tolputt was notified of the application on the 4 October 2011.

**Publicity**

9. The application was publicised by the posting of a site notice at the front of the premises and the individual notification of 45 residential and business premises in the immediate locality.

**Representations**

10. I have received two letters of representation in respect of this application from an adjoining business and nearby neighbour. The main grounds of objection are as follows:
- concerns expressed regarding potential noise generated by the congregation of up to 20 students and staff;
  - the change of use would increase the nuisance value of the area which is already fragile and would potentially increase shop-lifting within local stores; and
  - object to the facility as it could be used for a drugs and/or alcohol drop-in facility

**Discussion**

11. The application seeks planning permission for a change of use from Class A2 (Financial & Professional Services) to Class D1 (Non-Residential Institutions) within the Use Classes Order to provide for alternative provision for up to 20 students between 14-16 years old (Key Stage 4) which cannot be facilitated within the mainstream school system. The application is being reported to the Planning Applications Committee as a result of the representations set out in paragraph (10 above). In considering this proposal, regard must be had to the key National and Development Plan Policies outlined in paragraph (5). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies,

**Change of use to provide an educational facility at 106 Cheriton Road, Folkestone – SH/11/969 (KCC/SH/0418/2011)**

---

Government Guidance and other material planning considerations arising from consultation and publicity.

12. It should be noted that the proposal does not include any external alterations to the appearance of the building and only includes minor internal changes, such as the provision of new toilet facilities. I am therefore satisfied that there would be no adverse impact on the streetscene as a result of this proposal. I am also satisfied that there is clearly a need for the current teaching facility (located in Tontine Street) to be relocated due to its current unsuitable premises and this facility has been chosen by the County Council to fit the facility's requirements. I note that the premises at 106 Cheriton Road are currently unoccupied, having been vacant for approximately 12 months, and that there are no policies within the adopted Local Plan which presume against the loss of an A2 use within this locality.
13. Written representations have been received relating to the potential noise generated by the congregation of up to 20 students and staff using the proposed facility. Whilst it is acknowledged that some increase in outdoor noise is almost inevitable (with the comings and goings of up to 20 14-16 year olds) it should be noted that the activities taking place within the premises would involve structured learning activities within a closely supervised environment. Moreover, as outlined above, the proposed staff to pupil ratio would be unusually high with 2 members of staff to 8 pupils, with the Centre Management Team having overall responsibility for ensuring appropriate supervision and noise control. It should also be noted that the proposed facility would be used during normal school hours and during term time only (typically 190 days per year). There would be no use during evenings and weekends. I consider that the timings of use of the facility could be appropriately controlled through a condition should permission be granted for this change of use.
14. Furthermore, the premises are within a purpose built former retail unit with physically separated (maisonette style) residential accommodation above and adjoining, so there is no reason to assume that the sound insulation qualities of the construction are inadequate to prevent transference of noise between the separate units of accommodation, or indeed any worse than any other co-joined accommodation. The three residential units have been totally refurbished and converted into purpose built maisonette style accommodation within the last two years which involved the installation of sound proofing measures as a condition of the Building Control approval by the District Council. The applicant has confirmed to me that there would not be any classroom space in the proposed educational facility located directly below the residential accommodation, as the residential accommodation is located on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors on the front section of the building only, below which the reception/office area of the proposed educational facility would be located. Similarly, the residential dwelling above the adjoining shop would also not be adjacent to any proposed classroom space which I note would be located on the ground floor. Based on the above, I therefore have no reason to believe that noise levels generated by the proposed facility would be any greater than a typical office use (i.e. that falling within Use Class A2), or would lead to an unacceptable impact on surrounding amenity. For these reasons, I do not consider that a full acoustic survey of the premises, as the District Council has suggested in its consultee response (as outlined in paragraph 6 above), is necessary or reasonable. I would however seek to impose a condition on any change of use consent to specifically prevent the playing of amplified music within the premises.
15. Members will note that other concerns have been expressed to the effect that the change of use would increase the nuisance value of the area which is already considered fragile and that the facility could potentially increase shop-lifting within local

**Change of use to provide an educational facility at 106 Cheriton Road, Folkestone – SH/11/969 (KCC/SH/0418/2011)**

---

stores. I do not consider these issues to be relevant land-use planning issues which could be substantiated as overriding grounds of objection to the proposed change of use application. Moreover, I consider that the change of use application would bring currently unoccupied premises back into use which would, in my opinion, improve the overall streetscene and character of the local area. It should be noted that, contrary to the concerns raised in paragraph (10) that the facility could be used for a drugs and/or alcohol drop-in facility, the proposed facility would not have an alcohol and drug rehabilitation remit, instead simply provide full time education to those pupils not in a mainstream school as outlined above.

16. Concerns have been raised by the District Council regarding limited staff car parking at the facility. It is acknowledged that there are two allocated parking spaces associated with the premises which would be available for staff use. These parking spaces are accessed via a rear vehicle entrance to the premises and would be used for staff vehicles. It should however be borne in mind that the proposed facility is located close to the Town Centre, a short walk from the mainline Folkestone Central Railway Station and is well served by public transport. I therefore do not consider that parking would be a cause for concern given the proposed urban location and in any case note that on-street parking is available in the locality. The majority of pupils travelling to the facility would arrive by mini bus which is intended to drop-off students via the rear access to the premises. Cycle parking provision could be made available within ample internal space within the building itself should pupils and/or staff choose this mode of transport to access the facility. In light of the above and noting that KCC Highways and Transportation (paragraph 7) raise no objection to the proposal, I do not consider there to be any adverse highway impacts associated with the proposed change of use.
17. A concern regarding potential land contamination has been raised by the District Council within their consultee response. Given that the application proposes no substantive building works, other than minor internal changes (such as the provision of an additional toilet), or any ground disturbance, I consider that there is no reason to impose a planning condition requiring a ground contamination study to be undertaken.

**Conclusion**

18. In conclusion, I am satisfied that there are no overriding valid planning grounds of objection to the proposed change of use which could not be mitigated through the imposition of the conditions as set out in paragraph (19) below.

**Recommendation**

19. I RECOMMEND that PLANNING PERMISSION BE GRANTED for the Change of Use hereby applied for, SUBJECT TO conditions, including conditions to cover the following aspects:
- 5 year implementation period;
  - that the change of use hereby permitted shall only be that applied for;
  - no external changes to the appearance of the building;
  - the facility shall only be occupied during normal school hours and during term time only, and there shall be no use during evenings and weekends;
  - limit the number of students to a maximum of 20 in any one session; and
  - no amplified music shall be played within the premises.

## **Item D1**

### **Change of use to provide an educational facility at 106 Cheriton Road, Folkestone – SH/11/969 (KCC/SH/0418/2011)**

---

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

|  |
|--|
| Background documents - See section heading |
|--|

**Item D2****Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587 (KCC/TH/0257/2011)**

A report by Head of Planning Applications Group to Planning Applications Committee on 14 February 2012.

Application by Ursuline College for a new artificial sports pitch and 4 court Multi Use Games Area (MUGA), with floodlighting, and a grass cycle circuit and cycle challenges, for use by Ursuline College, on existing sports field adjacent to Ursuline College, at King Ethelbert School, Canterbury Road, Westgate-on-Sea, Birchington - TH/11/587 (KCC/TH/0257/2011)

Recommendation: Planning permission be granted subject to conditions.

**Local Member(s): Mr Robert Burgess**

**Classification: Unrestricted**

**Site**

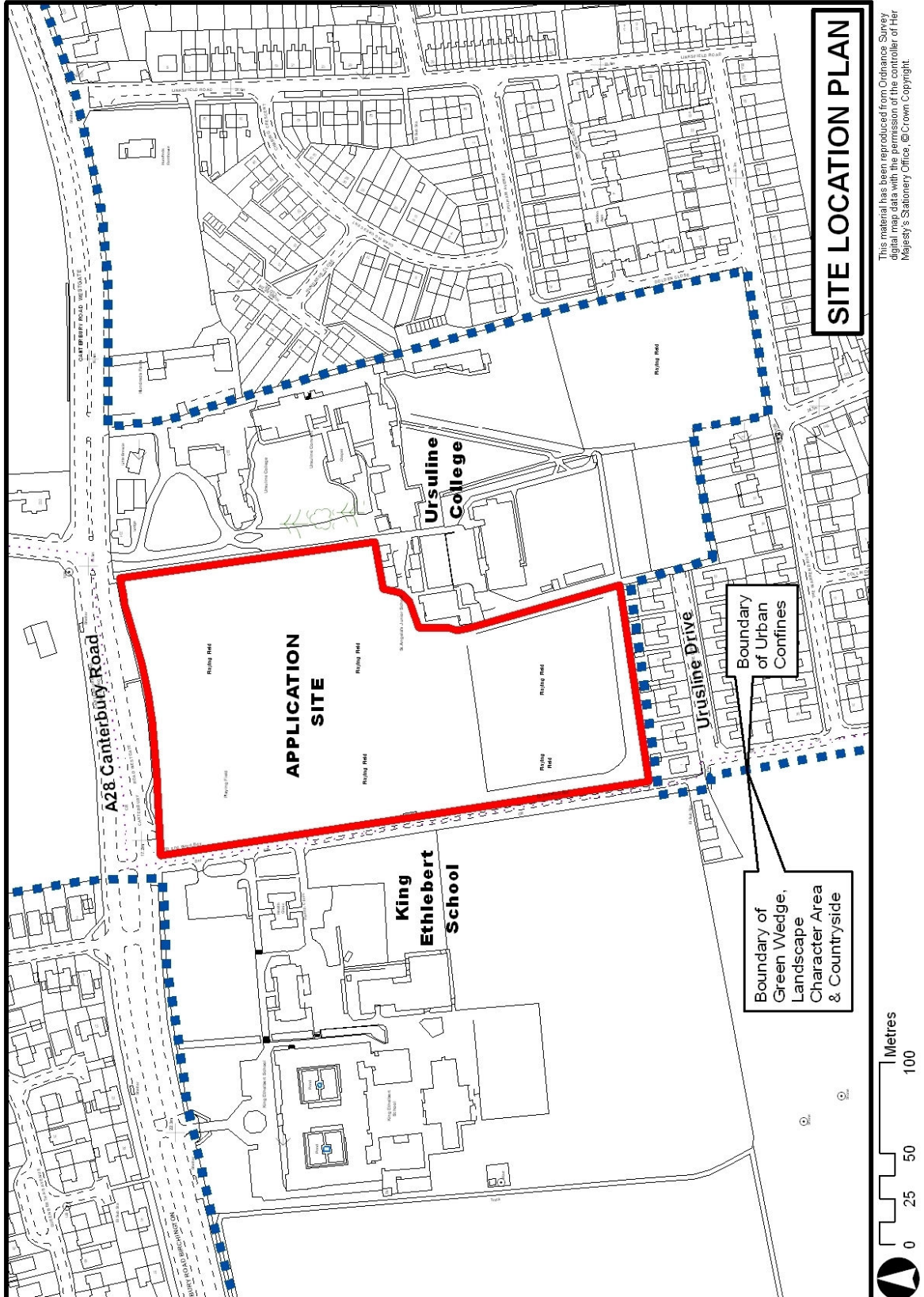
1. Ursuline College is located to the south of Canterbury Road (A28) in Westgate-On-Sea, and neighbours King Ethelbert School, which lies to its west. Playing fields within the curtilage of King Ethelbert School lie to the west of Ursuline College, separating the two schools. The proposed location for the floodlit artificial sports pitch, MUGA and cycling facilities is on that playing field between the two educational establishments. Ursuline College have served notice on King Ethelbert School and Kent County Council, as landowners, and also Ursuline Provincialate, who own various parcels of land within the Ursuline College Site. The Ursuline College site also contains a chapel, convent and nursing home, all owned by the Ursuline Provincialate. The School, which caters for 764 pupils aged 11 to 19+, is a specialist sports college, leading the curriculum development of PE, school sports and healthy lifestyles.
2. The application site is essentially divided into two parcels of land, one to the south of a dividing tree line, and a larger area to the north of the tree line, which lies to the south of Canterbury Road. It is the latter of these two areas that the applicant is proposing to develop. The site is currently used as an additional facility by King Ethelbert School, for limited school sports use only. The application site is surrounded on all sides by trees and undergrowth, and falls from south to north by approximately 2.5 metres, and east to west by approximately 1.5 metres. Existing pedestrian access to the site is from the west, and a vehicular maintenance entrance is located on the northern boundary, accessed via Canterbury Road. A Public Right of Way runs from Canterbury Road down the western boundary of the application site, and residential properties in Ursuline Drive back onto the southern site boundary.
3. The adopted Isle of Thanet Local Plan (2006) shows the site to be within the Green Wedge, a Landscape Character Area, and outside of the defined Urban and/or Village confines. A site plan is attached.

**Background**

4. A previous planning application was submitted in May 2010 for a new artificial pitch and MUGA, with floodlighting and car parking, on the current application site (TH/10/455). That application met with objection from statutory consultees, primarily over a lack of required detailed information, such as a lighting specification and tree survey. Due to

# Item D2

## Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587



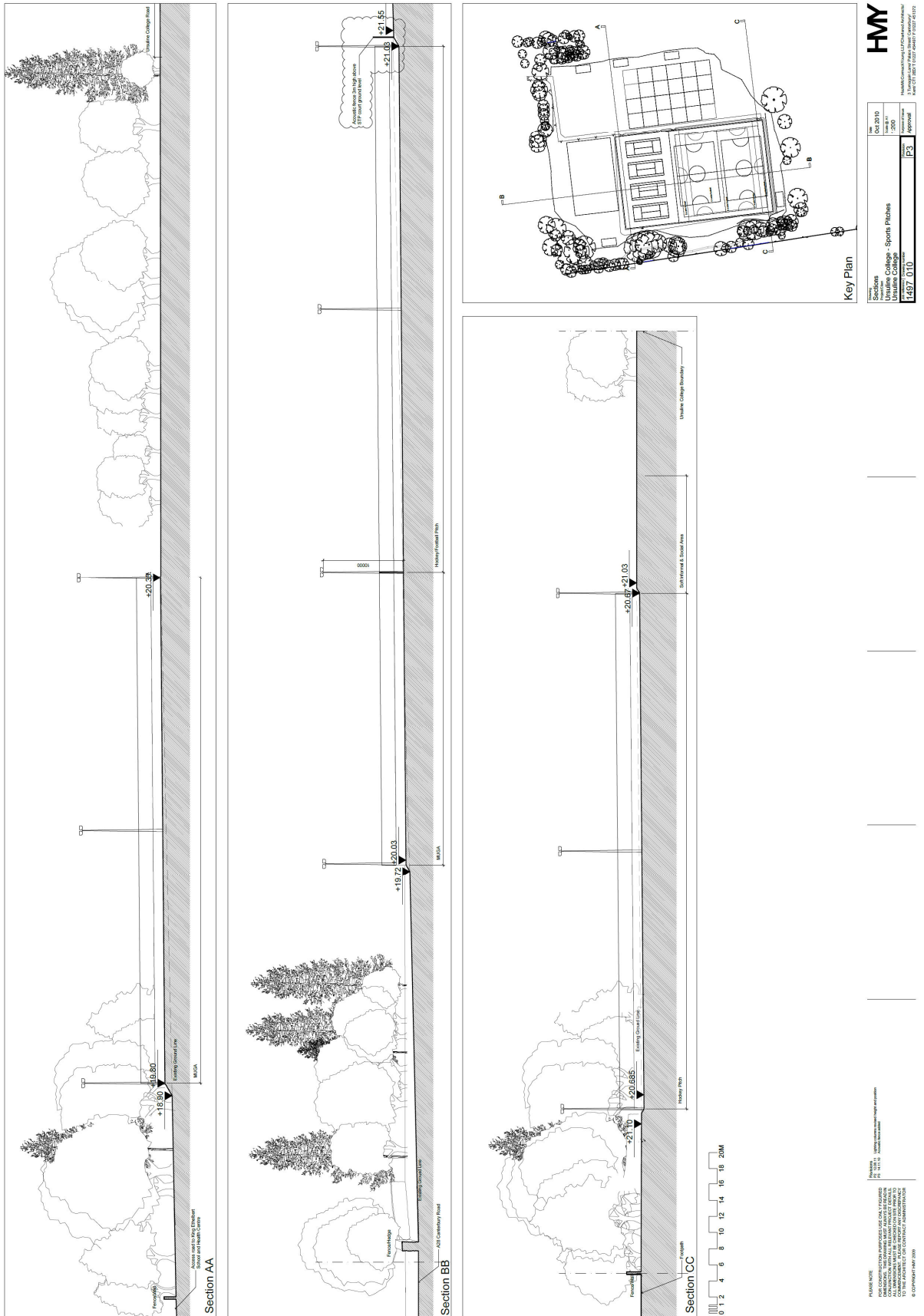
# Item D2

## Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587



# Item D2

## Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587



**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

the amount of information required, that application was withdrawn with the intention to re-submit when the necessary detail was collated.

5. In July 2011, the current planning application to be discussed throughout this report was submitted. The car parking previously proposed had been removed, and a pedestrian only access from within the Ursuline College site was proposed to facilitate access to the sports facilities. However, this proposed access met with objection from Ursuline Provincialate, as it crossed land within their ownership which the Provincialate objected to for a number of reasons. However, direct pedestrian access from the A28 Canterbury Road was considered by Kent County Council Highways and Transportation to be unacceptable, unless certain works could be undertaken. Following round table discussions, the application was formally amended, and it is the revised proposal that will be discussed throughout this report.

**Proposal**

6. This application has been submitted by Ursuline College, who would lease the application site from King Ethelbert School and the County Council, and thereafter retain it for education/sports use. The College is proposing to construct an all weather hockey/football pitch with floodlighting, a 4 court Multi Use Games Area (MUGA) with floodlighting, cycle challenges, and a pavement to the courts from the pedestrian access point on the A28, Canterbury Road. The applicant states that the facility is required to meet the needs of the College's sports specialism, and would be constructed to accommodate sports including hockey, football, tennis and netball. The applicant advises that the location of the facility would be ideally situated adjacent to Ursuline College, avoiding students having to travel long distances 'off campus' to use sports facilities necessary for their curriculum and enjoyment.
7. The hockey pitch and MUGA are proposed to be oriented north/south, which the applicant advises is an ideal orientation to avoid low sunlight and glare to players. Due to the changing levels on site, some cut and fill would be required, resulting in some banking at the southern end of the pitches, which would be seeded. To the east of the pitches, a new pavement is proposed in order to link back to the main school campus, via the dedicated pedestrian access located to the eastern end of the northern site boundary on Canterbury Road. The pedestrian entrance and footpath would follow an informal path that already exists, where security fencing has been breached. Low level lighting would be provided along the path, to enable safe access to the pitches during winter months and in the evenings. The existing chain link perimeter fencing would be repaired, and a new double gate to match would be provided, which would be locked and managed by the School to prevent unauthorised access.
8. In addition to the hockey/football pitch and MUGA, the applicant is proposing that the surrounding playing field would be marked out for practice areas (shown as a gridded area on the attached plans), and also provide a grassed area for cycle sports to the north of the proposed MUGA, and cycle challenges on the playing field around the edge of the sports pitches. The design of the cycle sports challenges would be developed with the School at a later date, although indicative details have been provided which show heights of between 1.5 and 3 metres, and lengths of between 10 and 15 metres. The challenges would be constructed using excess top soil removed during the pitch construction, and would be finished with a grass seeded surface. The grass cycle circuit area would be marked out on the existing grass surface, with no change to the levels or finish proposed.

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

9. Floodlighting is proposed to be provided to the hockey/football pitch and the MUGA, and a detailed lighting specification has been submitted in support of this application. The lighting design would maintain an average illuminance of 200lux, maintained at 0.6 uniformity. The pitch would be floodlit by 8 ten metre high galvanised steel lighting columns, with the lighting specification designed to provide minimum light spillage. 2kW flat glass floodlights would be arranged either singly, in pairs, or in threes, spread over the 8 columns.
10. The hockey/football pitch would be surfaced with a green coloured sand filled synthetic grass, with white sports markings. Ursuline College are currently in negotiations with potential community users and may improve the surfacing specification to a 3G surface. The proposed MUGA, to the north of the hockey/football pitch, would be surfaced with black macadam, with white and yellow line markings setting out 4 tennis courts and 3 netball pitches. Both the MUGA and the hockey/football pitch would be enclosed with square 50mm weldmesh fence, coloured green, at 3 metres in height, with 1.2metre metre high kick and rebound boards. Access gates would be provided to match the fencing specification.
11. The existing site boundary fencing would be repaired with similar chain link fencing along the northern elevation, facing Canterbury Road. Gaps in the wall and fence line along the western boundary, adjoining the Public Right of Way, would be sealed with chain link fencing to prevent unauthorised access. The existing trees and undergrowth around the perimeter of the site are to be retained. To the south of the proposed synthetic pitch, a close boarded timber acoustic fence would be constructed, along the top of the bank to be created (by cut and fill), running parallel with the southern end of the pitch. The acoustic fence would be 65 metres long, and would be a total of 3 metres in height when measured from the pitch surface. The fence would be screened from views from the south, and properties in Ursuline Drive, by an existing line of mature trees and vegetation.
12. In addition to use by Ursuline College students during the school day, the applicant intends to make the facility available outside of core school hours for school related activities and community use. It would not, however, be open to the individual members of the public on a pay and play basis. Access to the facility would be arranged through the School for evenings, weekends, and school holidays for clubs and organisations working in partnership with Ursuline College. The proposed hours of use out of school hours are 6pm-9pm on weekday evenings, and 9am-7pm on Saturdays and Sundays. Competitors or participants would be of a school age, predominately 11-16, but also ages 5-11 and 6<sup>th</sup> form. The envisaged school related uses of the facility include inter school fixtures, uses by other local schools, holiday programmes, training courses and coaching, and use by Ursuline College School Club Links programme members such as Thanet Colts. Many of the users of the proposed facility already use the indoor sports facilities at the site.
13. Beyond use associated with the school, Ursuline College would like the facility to be used for wider community use. However, Kent County Council Highways and Transportation were initially concerned that such use could lead to parking on the A28 Canterbury Road, which could result in the dual carriageway road being reduced to a single carriageway, with no warning to road users. General parking and access issues will be discussed in more detail in the following paragraph, but in order to enable full Community Use of the facility, the School have agreed to provide a one off payment of £6000 to Kent County Council Highways and Transportation, for use by the Highway Authority to supplement the works planned to improve the A28. The contribution would be used to pay for signing and lining works should the Highway Authority deem that

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

such works are necessary to mitigate any parking on the A28, should that arise as a result of wider community use of the proposed facility. The contribution would be made on the understanding that once the payment is made, Community Use, beyond school related activities, could commence and that the contribution shall be retained by the Highway Authority for a period no longer than three years from the date of receipt. Should such Highway Improvement works not have commenced within that time, or be deemed by the Highway Authority to be unnecessary, the total sum would be returned to Ursuline College.

14. The proposed sports pitches would be accessed via the existing Ursuline College site. Vehicles and pedestrians would enter the main school site through the existing entrance off Canterbury Road, at the east end of the school, and park in the school grounds in the designated parking areas. When the pitches would be used out of school hours by the community, it is envisaged that 33 existing school parking spaces would be made available. The School has a traffic management plan and site rules for visitors document, and all users of the proposed facility would have to register within the school site, and use the changing facilities within the newly completed sports hall.

*The application is accompanied by a Design and Access Statement, a Noise Impact Assessment, surfacing specification document, Ecological Scoping Survey, Tree Survey Report, Archaeological Evaluation Report & Lighting Design document.*

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

**Planning Policy**

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

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

|              |   |
|--------------|---|
| <b>PPS1</b>  | Delivering Sustainable Development            |
| <b>PPS4</b>  | Planning and Sustainable Economic Growth      |
| <b>PPS9</b>  | Biodiversity and Geological Conservation      |
| <b>PPG13</b> | Transport                                     |
| <b>PPG17</b> | Planning for Open Space, Sport and Recreation |
| <b>PPS23</b> | Planning and Pollution Control                |
| <b>PPG24</b> | Planning and Noise                            |

Draft **National Planning Policy Framework** July 2011

*(Members will note that this draft document is a material consideration, although the weight to be attached is a matter for the decision maker)*

**Policy Statement – Planning for Schools Development** 15 August 2011

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

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

- 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 T4** Refers to parking standards and the provision of adequate secure cycle parking.
- Policy NRM2** Water quality will be maintained and enhanced through avoiding adverse effects of development on the water environment.
- Policy 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 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.
- Policy S1** Supports measures for developing and shaping healthy sustainable communities, including community access to amenities such as parks and physical recreation activities.
- Policy S3** States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities.
- Policy S5** Refers to cultural and sporting activities, and encourages local authorities and their partners to improve the overall standard of fitness, enhance cultural diversity and enrich the overall quality of life.
- 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.

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

***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.*

**(ii) The adopted 2006 Thanet District Local Plan:**

- Policy D1** All new development is required to provide high quality and inclusive design, sustainability, layout and materials.
- Policy D2** Development proposals will be well landscaped and maximise the nature conservation opportunities wherever possible.
- Policy HE12** Archaeological sites will be preserved and protected.
- Policy CC1** Within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.
- Policy CC2** On the Central Chalk Plateau Landscape Character Area, care should be taken to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea.
- Policy CC5-** Within the Green Wedge new development will not be permitted unless it can be demonstrated that the development is not detrimental or contrary to the stated aims of the Policy. New development that is permitted should make a positive contribution to the area in terms of siting, design, scale and use of materials. Open sports and recreational uses will be permitted subject to their being no overriding conflict with other policies and the wider objectives of the plan.
- Policy EP9 –** Development that includes the provision of new outdoor lighting should be designed to minimise light glare, light trespass, spillage and sky glow so as to preserve residential amenity, the character of the surroundings and prevent disturbance to identified wildlife areas.
- Policy CF1** Planning permission will be granted for new community facilities if the proposals are not contrary to other Local Plan policies and the community use and location are demonstrated as acceptable.
- Policy SR1 –** Proposals for the provision of new sports facilities including those provided by Schools, particularly where these proposals are available to the public will be permitted provided the location of the proposal is within or adjoining the urban areas,

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

the intended use is compatible with surrounding land uses, the facilities are well related to the major transportation network and close to public transport, any built development is at an appropriate scale, design and siting, and that satisfactory arrangements are made for vehicular access and parking.

**Policy SR3** - Proposals for the multiple use of existing facilities and new development which will create opportunities for recreational use by the public additional to the existing use of the facilities will normally be permitted.

**Policy SR12** Built development will not be permitted on playing fields if it would be detrimental to the character of the area. Moreover, no development will be permitted on land last used as playing field unless there are exceptional circumstances, including, amongst others: if the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to sport and recreation as to outweigh the detriment caused by the loss of the playing field.

**Policy TR12** Substantial development generating travel demand will be required to provide convenient and secure cycle parking and changing facilities.

**Policy TR15** Development proposals likely to generate significant travel demand and/or traffic movement will be required to demonstrate, through Green Travel Plans, specific measures to encourage and facilitate the use of walking, cycling and public transport in preference to private car travel.

**Policy TR16** Proposals for development will be required to make satisfactory provision for the parking of vehicles (including, where appropriate, service vehicles).

**Consultations**

16. **Thanet District Council** raises no objection.

**Birchington Parish Council** raises no objection.

**Kent County Council Highways and Transportation** raise no objection to the application subject to the imposition of conditions regarding the provision of on site parking for site operatives/personnel during construction, prevention of mud and similar substances on the highway and car parking on site to be made available to users of the facility at all times.

In addition, Kent County Council Highways and Transportation raise no objection to Community Use of the facility, beyond use associated with the school, subject to Ursuline College contributing £6000 towards any mitigation required as a result of wider community use, and for this to be incorporated into the planned A28 Highway Improvements. The revised proposal, which includes a statement agreeing to the contribution and the terms of payment, is considered to provide adequate mitigation for any potential overspill resulting from community based uses.

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

**The Environment Agency** raises no objection subject to the imposition of a condition requiring the submission of a detailed sustainable surface water drainage scheme prior to the commencement of the development. In addition, advice is provided regarding soakaways and surface water drainage.

**Sport England** raises no objection and considers that the proposed development would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field.

**The County Council's Biodiversity Officer** raises no objection to the application. However, should the plans change, resulting in the removal of trees, bat surveys must be carried out and details of any necessary mitigation strategies must be submitted for approval. In addition, the lighting scheme must be designed to minimise light spill and not illuminate the surrounding trees. A precautionary principle must also be adopted when clearing any undergrowth to safeguard reptiles and, although this is outlined in the submitted Design and Access Statement, further details should be submitted pursuant to planning condition. In addition, the recommendations made within the submitted Ecology Survey must be adhered to.

**The County Council's Noise Advisor** raises no objection to the application, subject to the provision of the proposed 3 metre high acoustic barrier, to run 65 metres along the southern end of the sports pitch. The 10 kg/m<sup>2</sup> mass per unit area close boarded timber fence proposed is considered to be a suitable specification.

**The County Council's Lighting Advisor** has no objection to the application and states that:

“The nearest residential properties are those to the south. However, these are approximately 120 metres from the nearest edge of the pitch. The light spill diagram indicates that the lighting levels reduce to zero some 15 metres from the edge of the pitch, so would not impinge on these properties. Also, the views of the lamps from these houses would be negligible as the lanterns are of the flat glass type with the lamps set up inside the canopy of the floodlight. In addition, there are two hedgerows of bushes and trees between the pitch and the housing which would also restrict direct view from certain positions.”

**Public Rights of Way** no comments received to date.

**County Archaeologist** raises no objection to the application subject to the imposition of conditions requiring the submission of details of foundations and below ground excavations, and a written specification and timetable for a programme of archaeological work.

**Local Member**

17. The local County Member, Mr Robert Burgess, was notified of the application on the 20 July 2011. The local County Member for the adjoining ward, Mr Charles Hibbard, was also notified of the application on the 20 July 2011.

**Publicity**

18. The application was publicised by advertisement in a local newspaper, the posting of two site notices and the individual notification of 23 nearby properties. In addition, those neighbours who previously submitted representations on this application prior to

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

revision, were notified of the amended application, and sent full details of the amended proposals.

**Representations**

19. To date 3 letters of representation have been received from 2 neighbouring properties, 2 of which relate to the application as originally submitted, and 1 to the application as now proposed. The main comments/points of concern and objection can be summarised as follows:

- Concern that the cycle track is already in existence and extends to the rear of properties in Ursuline Drive;
- Scrub clearance undertaken recently has opened up the rear boundaries of properties in Ursuline Drive, reducing security;
- Development should be within the main field, and not within the perimeter trees;
- Parking on local roads by staff, students and parents, already creates problems with blocked driveways, noise and litter;
- Parking should be provided to cater for use at evenings and weekends;
- People parking on local roads have to cross the A28 to access the school, which is dangerous;
- The floodlights will be seen, and will be used until late in the evening;
- Neighbours will be able to hear additional noise and voices from sporting events;
- The nursing home within the school grounds would be adversely affected by the development;
- Existing fencing is damaged, and the site is not secure, so anyone could use the facility at any time;
- No mention is made of toilet or changing facilities;
- Residents bought houses next to a school, not a leisure centre facility; use should be by the School during school hours only;
- The application site has been used since the Second World War by local residents for recreational pursuits. This then lends itself to a right of use of the land over 20 years, with no signs or notices to indicate ownership, and no restrictions on public access, and not 'trespass' as alluded to;
- The development would prevent local residents from using the site, with use dictated by Ursuline College only;
- The development would not maintain the Green Wedge status of the site, as over half the site would be an artificial surface. The development would also result in outward expansion of surrounding built development into the Green Wedge, and would be contrary to Green Wedge Policy as stated in the Thanet District Local Plan;
- Countryside should be protected and rural integrity maintained.

In addition, the Ursuline Provincialate, notified as Land Owners, raises no objection to the application as now proposed as it does not affect land within its ownership.

It should also be noted that a local resident has submitted a Village Green application regarding the southern section of the application site, to the south of the dividing tree line, to the rear of properties in Ursuline Drive. This area of the site is not, however, proposed to be developed as part of this application, and so the Village Green Application does not affect this current planning application.

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

**Discussion**Introduction

20. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 15 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 including those arising from consultation and publicity. In addition, the Policy Statement - Planning for Schools Development (August 2011), states that there should be a presumption in favour of the development of state funded schools, as expressed in the [draft] National Planning Policy Framework (July 2011). Issues of particular relevance in this case include the principle of development in the Green Wedge and landscape matters, community use, general amenity concerns, including noise and light pollution, and access and highway matters.
21. As previously mentioned, the application site is included within the Green Wedge and a Local Landscape Area, as designated in the Adopted Isle of Thanet Local Plan under Policies CC5 and CC2 respectively. In addition, the site falls outside of the confines of built development and is, therefore, classified as 'Countryside', as designated under Policy CC1 of the adopted Local Plan. These Policies have a presumption against development unless specific criteria are met and it can be demonstrated that the development would not undermine the general principles of such Policies. In assessing the proposal the Policies outlined above, particularly those concerning the Green Wedge, need to be considered more closely to establish whether or not there are special circumstances that would warrant setting aside the general presumption against development, or that the development is acceptable and accords with the principles set out within the Policies.

Principle of the development

22. A local resident has suggested that the development would not maintain the Green Wedge status of the site, and that the development would result in outward expansion of surrounding built development into the Green Wedge, contrary to Green Wedge Policy as stated in the Thanet District Local Plan. Policy CC5 of the Thanet District Local Plan states that within the Green Wedge new development will not be permitted unless it can be demonstrated that the development is not detrimental or contrary to the stated aims of the Policy. New development that is permitted should make a positive contribution to the area in terms of siting, design, scale and use of materials. Open sports and recreational uses will be permitted subject to there being no overriding conflict with other policies and the wider objectives of the plan.
23. Policy CC5 assumes that the dominant land use within the Green Wedge is agriculture. This is not the case for this site which already has an established educational sports use on it, and is sandwiched between two secondary schools. As stated above, the Policy also considers that open sports and recreational uses would be compatible with Green Wedge policy, subject to there being no overriding conflict with the Policy criteria and the wider objectives of the Plan. Policy CC5 has four aims:
1. To serve as a barrier to the further outward growth and coalescence of Thanet's urban areas, so that the separate physical identities of the towns are retained;

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

2. To prevent the consolidation of development on the boundaries between the built-up areas of the towns and the open countryside of the Wedges, and the extension of isolated groups of houses or other development;
  3. To conserve and protect the essentially rural and unspoilt character, and distinctive landscape qualities of the countryside that separates the urban areas, for the enjoyment and amenity of those living in, and visiting, Thanet;
  4. To prohibit all but essential development and other development which does not detract from the character and appearance of the area.
24. First, it should be noted that both King Ethelbert School and Ursuline College are within the Green Wedge, in addition to the Landscape Character Area. Both school sites are also outside of the confines of built development and are, therefore, classified as Countyside. Any development on either of these sites would therefore have to be assessed against these designations. Although the site is classified as Countryside, it is a playing field wedged between the A28, residential development, and two established schools. I do not consider it to be rural in nature, and would not refuse the application on grounds of it being inappropriate development within the 'countryside'. However, the purpose of the countryside designation, supported by the Green Wedge status is to prevent coalescence, as stated in the four aims of Policy CC5, as listed above.
25. Policy CC5 states that open sports and recreational uses will be permitted subject to their being no overriding conflict with other policies and the wider objectives of the plan. First, I do consider that this application is an 'open sports and recreational use', as the pitches and cycling facilities would not be enclosed in buildings, and built development would be surfacing, fencing, and floodlighting only. No ancillary buildings are proposed, and I consider that the openness of the site would be maintained. In addition, a local resident has suggested that over 50% of the site would be covered in an artificial surface. However, the applicant has confirmed that the area of artificial or tarmac surfaces is proposed to be 20.4% of the total site area, the minimum required to support the curriculum of the College. The use of artificial surfaces is important in order that the College can provide facilities to support its education of students in Thanet throughout the year and in inclement weather. It should also be noted that the hockey/football pitch would be surfaced in green coloured sand filled synthetic grass, and that only the MUGA would be black macadam. This would reduce the impact of the development, maintaining the openness of the site, and reinforcing the classification of the site as an 'open sports' facility. Therefore, accepting that the development is an appropriate development within the Green Wedge, it is necessary to assess the proposal against the four Policy aims to ensure that the development does not conflict with these.
26. The aims of Policy CC5 are to prevent outward growth and coalescence of Thanet's urban areas, prevent the consolidation of development on the boundaries between the built-up areas of the towns and the open countryside of the Wedges, conserve and protect the essentially rural and unspoilt character, and distinctive landscape qualities of the countryside that separates the urban areas, and to prohibit development which detracts from the character and appearance of the area. As already stated, the application site is sandwiched between two existing schools, the A28 and residential development, and it is not a site which is on a boundary with open countryside. The street scene would not be adversely affected by the proposal, as boundary planting and trees are to be retained, and the development is internal to the site. The application site would, therefore, continue to provide visual relief in an urbanised area when viewed from the A28, and would not, in my view, consolidate existing developments along the A28. The distinctive landscape quality of the site is its trees and undergrowth around the perimeter which conceals its 'openness' from all but the interior of the site. The proposed

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

development does not affect the existing trees or undergrowth and the proposal would not, I consider, detract from the character and appearance of the area.

27. Having accepted that the development is an appropriate development within the Green Wedge, as it is an open sports and recreational use, I also accept that the proposed development accords with the general principles of Policy CC5, and would not lead to outward growth of urban areas, coalescence of urban areas or consolidation of development. In addition, the visual appearance of the site from a distance would not significantly change, as all boundary planting and trees would be retained. The site is not, in my view, rural in nature or open countryside and, although amenity matters will be discussed later in this report, I do not consider that the development would detract from the character and/or appearance of the area. I therefore, see no reason the refuse this application on the grounds of impact upon the 'countryside' or the Green Wedge.
28. In addition to the landscape designation discussed above, the site is also within the Central Chalk Plateau Landscape Character Area. Policy CC2 of the adopted Thanet Local Plan seeks to ensure that development should avoid skyline intrusion and the loss or interruption of long views to the coast and sea. Much of the land within the Landscape Character Area lacks buildings, has a level landform and generally has sparse vegetation. In turn, these factors allow many extensive and uninterrupted views across open countryside, in some cases to the coast and sea. However, as previously stated, the application site is surrounded by residential and school development, and mature trees and hedging. The floodlighting element of the scheme could be classed as 'skyline intrusion', but surrounding trees are in some cases taller than the 10 metre high floodlighting columns, as are adjoining buildings, and the street lighting along the A28 also has lighting columns up to 10 metres in height. In light of this, I do not consider that the proposed development would conflict with the underlying principles of Policy CC2, and see no reason to refuse the application on these grounds.
29. In summary, I consider that the proposed development is an appropriate use within the Green Wedge, as defined by Policy CC5, and that the development would not conflict with the aims of Policy CC5, or the underlying principles of Policies CC1 and CC2. However, should permission be granted, I consider it appropriate to impose conditions requiring the surfacing and fencing to be provided in strict accordance with the details already provided, final details of the cycle challenges to be submitted for approval, and tree protection methods, in accordance with BS5837: Trees in Relation to Construction, to be put into place before and during the construction works. Subject to these conditions, I see no reason to refuse the application on the grounds of conflict with the principles of local landscape Policy designations.

#### Residential Amenity

30. Local residents have expressed concern over potential light spill/pollution, noise pollution, hours of use/community use, restriction of access for local residents, highway implications and security risks associated with the proposed development. As outlined in paragraph 12 of this report, the proposed development would be used by students of Ursuline College during the school day, and it is the applicant's intention to make the facility available outside of core school hours for school related activities, and wider community use. It should be noted that the facility would not be open to individual members of the public on a 'pay and play' basis. Access to the facility would be arranged through the School for use in evenings, weekends, and school holidays for authorised clubs and organisations working in partnership with Ursuline College. The proposed hours of use out of school hours are 6pm-9pm on weekday evenings, and 9am-7pm on Saturdays and Sundays. Competitors or participants would be of a school

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

age, predominately 11-16, but also ages 5-11 and 6<sup>th</sup> form. The envisaged school related uses of the facility include inter school fixtures, uses by other local schools, holiday programmes, training courses and coaching, and use by Ursuline College School Club Links programme members, such as Thanet Colts. Many of the users of the proposed facility already use the indoor sports facilities at the site and would simply transfer to using the more suitable purpose-built outdoor facility. Beyond use associated with the school, Ursuline College would also like the facility to be used for wider community use, within the same hours specified above. However, this resulted in concerns from Kent County Council Highways and Transportation with regard to general parking and access issues, which will be discussed in detail later in this report. However, the appropriateness of these hours will be discussed and considered in the context of residential amenity in the following paragraphs.

### Light Pollution

31. Objection is raised to the proposed development on the grounds of the impact the lighting would have on the wider landscape and on local residential amenity. The landscape context has been discussed above, and I am satisfied that the proposed lighting would not have an unacceptable impact on the wider landscape. However, the localised impact of the proposed lighting scheme on neighbouring residential amenity needs to be considered.
32. As detailed in paragraph 9 of this report, the pitch is proposed to be lit with 2 kW flat glass luminaires, mounted on eight 10 metre columns. The applicant advises that the lighting design would maintain an average illuminance of 200 lux, maintained at 0.6 uniformity. The applicant has provided a detailed lighting specification, and a lux level diagram. The County Council's Lighting Advisor has no objection to the application and confirms that "the nearest residential properties are those to the south, approximately 120 metres from the nearest edge of the pitch. The light spill diagram indicates that the lighting levels reduce to zero some 15 metres from the edge of the pitch, so would not impinge on these properties. Also, the views of the lamps from these houses would be negligible as the lanterns are of the flat glass type with the lamps set up inside the canopy of the floodlight. In addition, there are two hedgerows of bushes and mature trees between the pitch and the housing which would also restrict direct view from certain positions". I therefore consider that the lighting scheme would not result in spill light into neighbouring land or properties, and see no reason to refuse the application on this ground.
33. Whilst the light spill would be satisfactorily contained well within the school grounds, there would still be a view of the illuminated area from some neighbouring properties, and from the A28, but I am satisfied that the technical specifications for the luminaires are such that there would be no glare impacting outside the pitch itself. Moreover, as previously stated, the nearest houses are over 120 metres from the lighting columns, and screened by existing mature trees and hedging, and the floodlighting would not, therefore, be unduly intrusive for neighbouring occupiers. Members will also be aware that the protection of private views across neighbouring land is not a material planning consideration.
34. As detailed in paragraph 30, the proposed hours of use out of school hours are 6pm-9pm on weekday evenings, and 9am-7pm on Saturdays and Sundays. In terms of lighting, I consider that the specification proposed would not result in unreasonable light spill or glare, and would not, therefore, have a detrimental impact on the amenity of neighbouring residents. Should permission be granted, it would be appropriate to impose conditions to ensure that lighting was extinguished by 9pm on Weekdays, 7pm

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

on weekends, or within 15 minutes of the last use of the facility if earlier, and when the pitches are not in use, and that the lighting is set up in strict accordance with the submitted specification and details, and thereafter maintained. Subject to the imposition of these conditions, I see no reason to refuse the application on the grounds of light pollution.

Noise Pollution

35. Local residents have also expressed concern over the noise implications of the proposed pitch, particularly with regard to evening and weekend use. It is important to note that the existing pitches can currently be used at any time by the School without any restrictions. However, the provision of a synthetic floodlit pitch would increase the intensity of use, enable use in inclement weather and extend the hours of use beyond those afforded by natural daylight.
36. The applicant submitted a Noise Impact Assessment with this application, and has undertaken further survey work as a result of consultation responses from the County Council's Noise Advisor. As a result of this work, the applicant is proposing to erect a 2.5 metre high acoustic fence, upon a 0.5 metre high bund, formed as a result of the cut and fill process (measuring a total of 3.0 metres from the surface level of the pitch). The acoustic fence would be 65 metres in length, running parallel to the southern end of the hockey/football pitch. The County Council's Noise Advisor raises no objection to the application, subject to the provision of the acoustic barrier, which is to be constructed of a 10kg/m<sup>2</sup> mass per unit area close boarded timber fence. The fence would be located between the southern end of the pitch, and the existing tree line which divides the site, so would be well screened from view.
37. In light of the above, I do not consider that the use of the pitch within the hours specified by the applicant would have a detrimental impact on the amenity of neighbouring residents with regard to noise, subject to the provision of the acoustic barrier prior to first use of the facility. Therefore, should permission be granted, a condition of consent would require the acoustic barrier to be erected on site in accordance with the submitted specification and details, prior to first use of the facility, and thereafter retained and maintained. Subject to this, I see no reason to refuse the application on the grounds of noise.

Restriction of Access/Village Green Application

38. Local residents have stated that the application site has been used since the Second World War by local residents for recreational pursuits, and consider that the development would prevent local residents from using the site, with future use dictated by Ursuline College. I am advised that a Village Green Application has been submitted to the County Council (as the appropriate assessment authority for such applications) regarding the southern section of the application site, which is not proposed to be developed in any way as a result of this planning application. The application site is in the ownership of Kent County Council and King Ethelbert School, both of which notice has been served on as part of this application process. Should permission be granted for this current development, Ursuline College would lease the land from the County Council and the neighbouring School. To my knowledge, public access to the application site is only possible due to breaches in the existing site perimeter fencing, which is in a poor state of repair in places. The site is school playing field, and not public open space, and any access to the site in the past has therefore been as a result of trespass. However, the Village Green Application is a separate process to this planning application, and does not affect land that would be developed should planning

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

permission be granted for the proposed sports facilities. I therefore do not consider that this matter should affect the determination of this planning application.

Security

39. Local residents have also expressed concern over matters of privacy and security, in terms of unauthorised access to the site, and clearance of the site reducing security to the rear of properties in Ursuline Drive. I have been advised by the applicant that both Ursuline College and King Ethelbert School recently undertook a site clean up operation to remove rubbish, and some undergrowth from the site. Residents have expressed concern that this has opened up their rear boundaries and created security concerns, and also considered this to be the start of the creation of a cycle circuit. However, the School is within their right to maintain land within their ownership, and has confirmed that no activity or further development would occur to the rear of properties in Ursuline Drive. In addition, the provision of the floodlit pitch some 120m from local properties would not, in my opinion, have a detrimental impact on security or privacy. In fact, with regard to security, the use of the playing field in the evening could be argued to improve security due to increased natural surveillance from more regular supervised activity. In addition, the applicant is proposing to repair any damage to the existing boundary fence, where necessary, preventing unauthorised intrusion into the site. I therefore consider that security of the site would be increased as a result of this development as unauthorised access would be prevented, and the authorised use of the site would increase natural surveillance.

Hours of Use/Community Use

40. Community use of school facilities is a principle which is supported by Development Plan Policy and wider Government aspirations for extended school use and community activities. Having considered the proposed hours of use of the facility outside of school hours in terms of light and noise pollution, restriction of access, and security, I consider the hours proposed to be acceptable. Therefore, should planning permission be granted, a condition of consent would be imposed to restrict use of the facility outside of school hours to between 6pm and 9pm Monday to Fridays, and 9am-7pm on Saturdays and Sundays. In addition, conditions of consent would require the application site to be vacated within 15 minutes of its last use, lighting to be extinguished in accordance with the conditions set out in paragraph 34, the acoustic fence to be provided prior to first use, and the site to be secured when not in use. I also consider that the proposed level of school associated use and wider community use is acceptable in terms of residential amenity, but the access and highway implications of this need to be considered and discussed.

Access and Highway Matters

41. Local residents have expressed concern over existing highway matters associated with Ursuline College, including parking on local roads by staff, students and parents. Unfortunately, such issues are often experienced around school sites. However, it is important to consider the highway implications of this application to ensure that the proposed development would not exacerbate existing problems. Use of the facility by existing pupils during the school day would not impact upon the local highway network, and did not therefore meet with objection from Kent County Council Highways and Transportation or local residents with regard to access/parking matters. However, wider school and community use needs to be discussed in more detail.

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

42. As outlined in paragraphs 12 and 13 of this report, the applicant is intending to make the facility available for school related activities and community use. Proposed School related activities, including inter school fixtures, use by other local schools, holiday programmes, training courses and coaching, and use by Ursuline College School Club Links Programme, have not meet with objection or concern from Kent County Council Highways and Transportation. The majority of those using the facility for such uses would arrive by minibus or a small number of cars, and could be easily accommodated within the existing site in terms of parking. In addition, many of the uses mentioned already use the indoor sports facilities at the site and would merely change to using the outdoor facilities which would be fit for purpose and built to the correct standards for various sports. All users would sign in at the school site, use the existing sports hall changing facilities, and walk to the outdoor facilities proposed via the route dictated in the submitted application documents, accessing the site via the pedestrian access on the A28. Kent County Council Highway's and Transportation raise no objection to such wider school use, and I consider this to be an appropriate use of school facilities, a principle which is supported by Development Plan Policy and wider Government aspirations for extended school use and community activities. However, should permission be granted, conditions of consent should be imposed to ensure that the Ursuline College Site Parking and Management Strategy is adhered to, and that parking on the main school site is always available out of school hours to accommodate users of the facility.
43. However with regard to wider community use of the facility, this needs to be discussed in more detail. As outlined in paragraph 5, when the application was originally submitted, pedestrian access to the proposed sports facility was from a gate to be provided within the eastern site boundary, from within the Ursuline College site. At that time, Kent County Council Highway's and Transportation raised no objection to the proposed development, including wider community use. However, the proposed access gate within the Ursuline College Site met with objection from Ursuline Provincialate, who own various parcels of land within the school site, including a strip of land that runs down the whole of the eastern boundary of the application site. The Provincialate objected to the access crossing land within their ownership, leaving the applicant with only one option to provide access into the application site - an entrance from the northern boundary, on the A28. The application was, therefore, formally amended, moving the pedestrian access point from the eastern site boundary, to the northern site boundary.
44. However, direct pedestrian access from the A28 Canterbury Road was considered by Kent County Council Highways and Transportation to be unacceptable with regard to wider community use, unless certain works could be undertaken. Concern was expressed that local football teams, for example, would arrive individually in cars, already changed, with no need to enter the Ursuline College site. The concern was that such users of the facility would park on the A28, adjacent to the proposed access, which would essentially narrow the dual carriageway road to a single lane road without any warning being in place to alert other road users to this. Although the applicant confirmed to Kent County Council Highway's and Transportation that all users of the proposed facility, including wider community users such as local football teams, would have to adhere to the Ursuline College Site Parking and Management Strategy, meaning that they would have to sign in on the Ursuline Colleges site, encouraging users to park within the site, objection to wider Community Use was raised.
45. Following round table discussions with Kent County Council Highways and Transportation and the applicant, it became apparent that a Highway Improvement Scheme is in the pipeline for the A28. Although details of this have not been finalised, the scheme is likely to include hatching on the approach to the school site, with

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

associated advanced signing, which would filter traffic into the outside lane, allowing the inside lane to be used for parking without causing a danger to other road users. It should be noted that this element of the Improvement Scheme is only a small part of the programme of works, and is not included as a direct result of this planning application. However, Kent County Council Highways and Transportation considered that mitigation might be necessary to offset the potential problem of wider community users of the proposed sports facilities parking on the A28. It was, therefore, agreed that Ursuline College should pay Kent County Council Highways and Transportation £6000 as a contribution towards the planned Highway Improvement Scheme. This contribution would need to be paid by Ursuline College prior to any wider community use of the facility commencing on site. Once paid, wider community use of the proposed sports facility could commence, in advance of any progress on the Highway Improvement Scheme. Kent County Council Highways and Transportation would thereafter monitor the parking situation and, if they consider that additional parking is occurring on the A28 as a result of wider community use of the facility, the Highway Authority would then use the contribution to pay for mitigation works, in this case lining, hatching and signing. In the event that the contribution has not been spent within three years, or mitigation works have not been considered by the Highway Authority to be necessary, the total sum would be returned to Ursuline College at the end of the three years.

46. Ursuline College have submitted a statement, dated 22 November 2001, which confirms the terms of the £6000 contribution sought. Kent County Council Highways and Transportation raise no objection to the wider community use of the facility, subject to receipt of the contribution, and have agreed to return the sum in full after 3 years from receipt, should works not have progressed as planned. Therefore, I consider that this should be a pre-condition of consent and be subject to a separate agreement, between Ursuline College and Kent County Council Highways and Transportation. This would ensure that wider community use of the facility could not commence until such time as the contribution is received by Kent County Council Highway's and Transportation. This would, I consider, provide adequate mitigation for any parking on the A28 that is generated by the proposed development. However, it should be noted that wider community users would have to adhere to the Ursuline College Site Parking and Management Strategy, meaning that they are required to sign in within the Ursuline College Site, encouraging users to park in the available parking on site. Subject to the imposition of the conditions outlined above, I do not consider that the development would have a detrimental impact on the local highway network, and see no reason to refuse the application on these grounds.

#### Public Right of Way

47. Although a Public Right of Way runs along the western boundary of the application site, the County Council's Public Rights of Way team have not commented on this application. I do not consider that the development would adversely affect the Public Right of Way in terms of its use, light spill, or views from the footpath, and therefore see no reason to refuse the application on this ground.

#### Landscaping and Ecology

48. The County Council's Biodiversity Officer has no objection to this application, but requires certain matters to be covered by planning condition. The Officer requests that further details of a precautionary approach with regard to clearing any undergrowth to safeguard reptiles should be submitted for approval. However, given that the only works required to the boundary of the site are fence repairs, and the provision of a new pedestrian access, which would follow the route of an existing unauthorised access,

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

undergrowth clearance would be minimal. In light of this, I consider the level of detail provided within the submitted application documents with regard to the precautionary approach to be appropriate, and do not see any need for further detail to be submitted. However, a condition of consent should be imposed to ensure that the precautionary approach is adhered to. In addition, a further condition should ensure that the applicant adheres to the conclusions and recommendations made within the submitted Ecological Survey Report. Subject to these conditions, I do not consider that the development would have an impact on protected species and/or biodiversity.

49. The application does not necessitate the removal of any trees on site. However, it is imperative that boundary trees and planting is retained and protected throughout the duration of construction works. I therefore consider that, should permission be granted, a condition of consent should be imposed to ensure that the development is undertaken in accordance with BS5837:Trees in Relation to Construction, and that measure must be put in place to protect trees to be retained prior to, and during, the construction works.

#### Archaeology

50. An Archaeological Evaluation Report accompanied this planning application. The County Archaeologist has concluded that in order to secure the appropriate level of evaluation and mitigation of archaeological potential at the site, conditions of consent should be imposed. It is requested that no development takes place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written specification and timetable which should be submitted for approval. In addition, prior to the commencement of the development, details of foundations and below ground excavations should be submitted for consideration. As works would be undertaken upon existing undeveloped land, I consider the two requested conditions appropriate requirements in ensuring an acceptable level of evaluation and mitigation of the archaeological potential of the site. Therefore, subject to the imposition of the required conditions, I do not consider that this proposal would have a detrimental impact on archaeological remains.

#### Drainage and Land Contamination

51. The Environment Agency raises no objection to this application subject to the imposition of a condition requiring the submission of a detailed sustainable surface water drainage scheme prior to the commencement of the development. 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 accordance with the principles of Development Plan Policy. Additional advice for the applicant is also provided with regard to drainage and soakaways, and this would be covered by the imposition of an informative drawing the applicant's attention to the Environment Agency's letter.

#### Construction

52. Given that there are residential properties and two schools in close proximity to the site, and a care home within the Ursuline College site, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587**

---

contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.

53. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. The Strategy should include details of construction methods, 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.
54. In addition to the above, should permission be granted, a condition of consent would ensure that mud on the local highway network would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

**Conclusion**

55. In summary, I consider that, subject to the imposition of appropriate planning conditions and an agreement between Ursuline College and Kent County Council Highway's and Transportation regarding the transfer of funds, this proposal would not have a significantly detrimental effect on residential or local amenity, the Green Wedge and character of the area, or the local highway network. In my view, the development would not give rise to any significant material harm, including to the wider protected landscape and functioning of the Green Wedge, and to the amenity of neighbouring residents with regard to light and noise pollution, security and other general amenity matters, and is in accordance with the general aims and objectives of the relevant Development Plan Policies. 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**

56. I RECOMMEND that, subject to an agreement between Ursuline College and Kent County Council Highway's and Transportation regarding the transfer of funds as set out above for any required highway improvement works to the A28, that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:
- A 3 year time limit for implementation;
  - the development to be carried out in accordance with the permitted details;
  - fencing and surfacing to be installed in accordance with the submitted details;
  - precise details cycle challenges to be submitted;
  - protection of trees to be retained;
  - the precautionary approach with regard to clearance of undergrowth to safeguard reptiles must be adhered to;
  - the conclusions and recommendations made within the submitted Ecological Survey Report must be adhered to;
  - hours of use out of school hours to be restricted to be between 18.00 and 21.00 Monday to Friday, and between 09.00 and 19.00 on Saturdays, Sundays & Bank Holidays;
  - site to be vacated within 15 minutes of its last use;
  - site to be secured when not in use;
  - all lighting on site to be extinguished by 21.00 Monday to Friday, 19.00 on Saturdays, Sundays and Bank Holidays, or 15 minutes after last use of the facility if earlier;
  - extinguishing of lighting when pitch/MUGA not in use;
  - level of use of the facilities to accord with submitted details;
  - lighting to be installed in accordance with approved details, and checked for compliance on site;

## Item D2

### Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587

---

- lighting levels not to exceed those specified within the application;
- no further lighting to be installed without planning permission;
- acoustic barrier to be erected in accordance with the submitted details prior to first use of the facility, and thereafter retained and maintained;
- Ursuline College Site Parking and Management Strategy must be adhered;
- parking to be available out of school hours for use associated with the school and wider community use;
- submission of a sustainable surface water drainage scheme;
- implementation of a programme of archaeological work, in accordance with a written specification and timetable;
- details of foundations and below ground excavations submitted for consideration;
- hours of working during construction to be restricted to 0800 and 1800 Monday to Friday and 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- measures to prevent mud and debris on the highway;
- submission of a Construction Management Strategy;

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

- Account should be taken of Environment Agency's advice relating to drainage and soakaway;
- Ursuline College to adhere to the terms detailed within their statement dated 22 November 2011, and the subsequent agreement with Kent County Council Highway's and Transportation, to provide a £6000 contribution to Kent County Council Highway's and Transportation prior to the facility being used for wider community use;

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

|  |
|--|
| Background documents - See section heading |
|--|

This page is intentionally left blank

**Item D3****Permanent change of use of the Chestnut Room to allow dual use for educational activities and functions at Shorne Woods Country Park, Brewers Road, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)**

A report by Head of Planning Applications Group to Planning Applications Committee on 14 February 2012.

Application by Kent County Council Country Parks for the permanent change of use of the Chestnut Room in the Visitor Centre to permit dual use for both educational activities (already has permanent permission) and functions (currently has temporary permission until April 2012 under permission GR/09/762) at Shorne Woods Country Park, Brewers Road, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011).

Recommendation: Planning permission be granted, subject to conditions.

Local Member(s): Mr. M. Snelling

Classification: Unrestricted

**Site and Background**

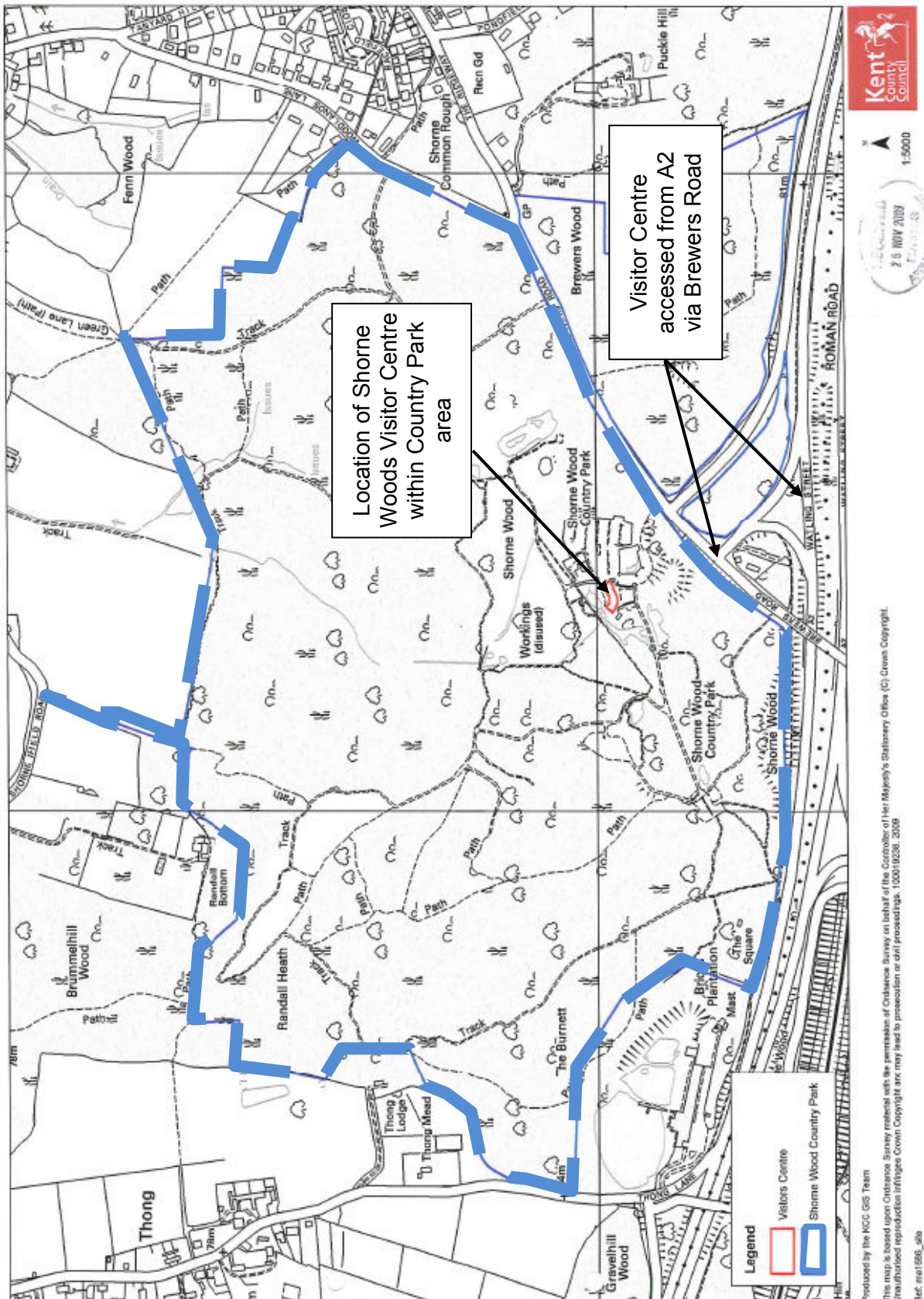
1. Shorne Woods Country Park Visitor Centre first opened to the public in July 2006 with a remit to provide visitor facilities with interpretive space, environmental educational facilities, catering, welfare facilities and administrative office space. The visitor centre was granted planning permission by the County Council's Planning Applications Committee on 15 February 2005, under reference GR/04/967, and consists of an environmentally sustainable building constructed using timber from local woodlands and using a range of microgeneration technologies (including photo-voltaic cells, biomass heating and a wind turbine) to generate much of its own energy requirements.
2. Shorne Woods Country Park occupies a strategic position in the narrow belt of countryside separating Gravesend from the Medway Towns within the Thames Gateway area. The Park is located within the Shorne Ward and is within the Metropolitan Green Belt. It is also within an Area of Outstanding Natural Beauty (AONB) and a Site of Special Scientific Interest (SSSI). The entrance to the park is situated along Brewers Road, accessed off the A2. A site location plan is attached on page D3.2.
3. An upstairs classroom within the visitor centre (known as the Chestnut Room) was provided to cater for educational teaching, facilitated by a full-time Education Ranger employed to provide environmental education sessions both inside the Chestnut Room and outside in the Park. Planning permission for a temporary change of use of the Chestnut Room (for use with meetings, launches, parties, receptions and wedding ceremonies) was granted at the Meeting of the Planning Applications Committee in March 2010 for a period expiring at the end of April 2012. At that Meeting, Members resolved that the application be permitted for a two year trial period to allow the applicant to demonstrate the impact of the change of use on the Visitor Centre building. Hours of use were restricted by that planning permission to restrict the use taking place between 08:00 and 22:00 hours Monday to Sundays, inclusive of Bank Holidays.

**Proposal**

4. This application is made by Kent County Council Country Parks and proposes the permanent change of use of the upstairs classroom (known as the Chestnut Room)

Permanent change of use of upstairs room at Shorne Woods Country Park, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)

Site Location Plan



Permanent change of use of upstairs room at Shorne Woods Country Park, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)

Shorne Woods Visitor Centre and Car Park



**Permanent change of use of upstairs room at Shorne Woods Country Park, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)**

---

during periods when it is not fully occupied for educational bookings, beyond the temporary period previously granted and shortly due to expire at the end of April 2012. The applicant intends to continue to use the Chestnut Room for educational purposes whilst allowing dual use so that the room can continue to be used as a function space indefinitely. The applicant wishes to continue to take bookings for meetings, launches, receptions, parties and other functions, as these provide a valuable income to the Park which can then be used to offset the costs of general management of the site. It should however, be noted that the applicant no longer intends to offer wedding ceremonies in the Chestnut Room as further assessment has demonstrated that this is not financially viable.

5. During the two year temporary period (between March 2010 and April 2012) the applicant has been expanding the functions offered within the Chestnut Room at the Park. These include a range of team-building activities within the Park where businesses can take part in either as an add-on to a meeting or for a full day. These include ranger-led guided tours, geocaching (an electronic treasure hunt around the Park), orienteering, participation in an archaeological dig, sustainability tours (relating to the Visitor Centre) and volunteering activities. I am advised by the applicant that this is providing a good way to encourage people who would not normally experience the countryside to get out and enjoy the Park, and also encourages repeat visits with their families at a later date. In addition, the applicant has been offering environmentally-themed birthday parties, using the Chestnut Room as a gathering point and somewhere to have lunch, but also taking children out in the Park for activities such as mini-beast hunts, pond-dipping and bush craft. I am advised that this is proving to be a success, and brings in business, particularly at weekends when the Chestnut Room is the most under-used.
6. The Chestnut Room is approximately 97 square metres and can accommodate a maximum number of delegates/attendees of around 60. However, the majority of bookings taken to date have been for meetings and training sessions, which have typically involved between 10 and 30 delegates. The applicant notes that the existing Country Park is very well located in terms of its accessibility onto the highway network being just off the main A2 trunk road, and is well catered for in terms of parking provision with an existing large visitors' car park (as shown on Page D3.3). Furthermore, the applicant has considered that given the majority of functions would take place Monday to Friday, which are the Park's quietest days, they do not foresee that there would be any parking issues in terms of space constraints. A management measure to encourage car sharing has been introduced by including only ten parking tickets in the daily room hire charge. These measures have been operating successfully during the two year temporary trial period.
7. The applicant considers that on the basis of school trips being mostly seasonal, they feel that the Chestnut Room can be managed in such a way as to be able to deliver both education and functions without adversely impacting on each other. An example of such day-to-day management has been highlighted within the application to include the prioritisation of educational bookings within the Chestnut Room between May and June, the peak time of the year for school visits.
8. The applicant sets out that the maximum hours of use of the function room would not exceed 08:00 to 22:00 hours, seven days a week (including Bank/Public Holidays) as part of these proposals. These were the same hours as permitted during the two year temporary trial period.

**Permanent change of use of upstairs room at Shorne Woods Country Park, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)**

---

9. Whilst the applicants recognise that the permanent change of use of the facility would represent a partially commercial use of the building, they have confirmed that it is not the intention of the facility to generate a profit or detract from the principle use of the building as an educational/interpretation facility. Instead, running functions within the Chestnut Room has the potential to generate a reasonable amount of income to the Park to directly offset its running costs and assist in keeping the park open as a public service.
10. Furthermore, the applicant notes that having almost completed the two year trial period, there have been no issues or complaints with the functions that have been running either in terms of parking, traffic issues or clashes with the educational use of the Chestnut Room. Having monitored the use of the Chestnut Room during the two year temporary period the applicant has confirmed that there is still more than ample capacity to allow the use of the room for this secondary purpose and therefore consider a permanent change of use to be most appropriate.

**Planning Policy**

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

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

- |                   |   |
|-------------------|---|
| <b>Policy SP3</b> | The prime focus for development in the South East should be in urban areas, in order to foster accessibility to employment, housing, retail and other services, and to avoid unnecessary travel.  |
| <b>Policy SP5</b> | Existing Green Belts in the region will be retained and supported and the opportunity should be taken to improve their land-use management and access as part of initiatives to improve the rural-urban fringe.   |
| <b>Policy CC1</b> | The principal objective of the Plan is to achieve and maintain sustainable development in the region.   |
| <b>Policy CC6</b> | Actions and decisions associated with the development and use of land will actively promote the creation of sustainable and distinctive communities.  |
| <b>Policy T4</b>  | Local development documents should adopt restraint-based maximum levels of parking provision for non-residential development, reducing provision in locations with good public transport, and ensure the provision of sufficient cycle parking at new developments. |
| <b>Policy S6</b>  | The mixed use of community facilities should be encouraged by local authorities, public agencies and other providers, through local development documents and other measures in order to make effective use of resources.   |
| <b>Policy C3</b>  | High priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural  |

**Permanent change of use of upstairs room at Shorne Woods Country Park, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)**

---

Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context.

(ii) The adopted 1994 **Gravesham Local Plan 1<sup>st</sup> Review (Saved Policies)**:

- Policy GB2** There will be a strong presumption against permitting new development in areas subject to Green Belt policies
- Policy C3** In Areas of Outstanding Natural Beauty, the Borough Council will expect all applications to contain sufficient details to enable the impact of the development to be assessed. Proposals which do not make a positive contribution to the environment will not normally be permitted.
- Policy C7** Where development proposals affect Sites of Special Scientific Interest directly or indirectly, the Borough Council will not permit such development, unless it can be shown that the proposals will not materially harm the maintenance of the significant interest.
- Policy T1** The Local Planning and Highway Authorities will consider the impact on the transport system and on the environment of traffic generated by new development and will wish to ensure that all proposed developments are adequately served by the highway network.
- Policy T4** The Local Planning and Highway Authorities will not normally permit any proposed development outside the confines of the built up area that generates significant vehicular or pedestrian traffic.
- Policy P5** In considering application for the change of use of buildings, the Borough Council will seek to ensure that the Vehicle Parking Standards are met.

**Consultations**

12. **Gravesham Borough Council:** has raised no objection to the proposals. Furthermore, the Borough Council considers that the proposal would be appropriate development in the Green Belt as it would not have a materially greater impact on the openness of the Green Belt, it would have little adverse impact externally (as there would be no increase in car parking provision or require the erection of boundary treatments etc.) and there would be no physical alteration of the building itself. Also, it would have no adverse impact on the Kent Downs AONB and would cause no adverse impacts to neighbours or highway safety. Therefore, the Borough Council raises no objection to the proposed development and would recommend that any planning permission granted should contain a condition which controls the hours of use.
13. **Kent Highways and Transportation:** has raised no objection to the proposals.
14. **Shorne Parish Council:** the Council wishes to register an objection to the application on the following grounds:

**Permanent change of use of upstairs room at Shorne Woods Country Park, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)**

---

- i. “The building in question was erected to provide support and interpretive facilities for the Country Park and to enable the Park to be used as an educational resource. The proposed use is inappropriate in that it has no connection with the Country Park;
- ii. The proposed use represents the introduction of a non-conforming commercial use into this Green Belt site. The proposed use is not pursuant to agriculture, forestry or mineral extraction. No special circumstances have been put forward to justify overriding Green Belt policy;
- iii. The facilities have been publicly funded as part of the Country Park and there use for this purpose could represent unfair competition;
- iv. The proposed use has the potential to be in conflict with the use of the building as an ancillary to the Country Park facility”.

If notwithstanding the objections outlined above the Planning Authority is minded to grant permission, the Parish Council would request the imposition of a condition limiting the use of the building for the holding of functions to 28 days a year. The grounds for imposing the condition are to limit the use of the building and ensure that its use as a function facility does not become its primary use.”

**Local Member**

15. The local County Member, Mr. M. Snelling, was notified of the application on the 1 November 2011.

**Publicity**

16. The application was publicised by the posting of a site notice at the main entrance to the Country Park with Brewers Road.

**Representations**

17. I have received no letters of representation to date in respect of this application.

**Discussion**

Introduction

18. The application seeks planning permission for a permanent change of use of the upstairs room (Chestnut Room) within Shorne Woods Country Park Visitor Centre to allow functions (including meetings, lunches, receptions, parties and other functions) to be held within the Visitors Centre in addition to its existing use as an educational/interpretational centre. The application proposes no built development as part of these proposals, and is purely based on a change of use of the existing classroom space within the Visitor Centre. The application is being reported to the Planning Applications Committee as a result of the objection received from Shorne Parish Council, as outlined in paragraph (14) above. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph (11). Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my

**Permanent change of use of upstairs room at Shorne Woods Country Park, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)**

---

opinion, the key material planning considerations in this particular case relate to any impacts associated with the permanent change of use of the Chestnut Room within the existing Visitor Centre in terms of additional highway movements, the acceptability of the proposed development given the Visitor Centre's location within the Metropolitan Green Belt, together with any associated impacts arising from the proposal in terms of the Kent Downs Area of Outstanding Natural Beauty (AONB) or the Site of Special Scientific Interest (SSSI) designations.

Metropolitan Green Belt

19. Members will note that Shorne Woods Country Park, and indeed its Visitor Centre, is located within the Metropolitan Green Belt. The overarching principles of the Green Belt is to maintain tight planning controls over any development taking place within Green Belt designated land. All planning applications for development (*the term 'development' includes a material change of use*) in the Green Belt will be subject to the most rigorous scrutiny, having regard to the fundamental aim of Green Belt policy as set out in Planning Policy Guidance Note 2 (PPG2), that is to prevent urban sprawl by keeping land in the Green Belt permanently open. The openness of Green Belts is considered to be their most important attribute and therefore there is a general presumption against inappropriate development, which is by definition harmful and should not be permitted, unless it can be justified by very special circumstances. Therefore in the context of National Planning Policy and Development Plan Policies that apply, consideration needs to be given to whether or not the proposal involves inappropriate development, and if so, whether there are 'very special circumstances' that would warrant setting aside the general presumption against the development.
20. The use of land within Green Belts, as set out in PPG2, states that land within these designations has a 'positive role to play in providing opportunities for access to the open countryside for the urban population' as well as 'providing opportunities for outdoor sport and outdoor recreation near urban areas'. In addition, PPG2 describes that development within the Green Belt is inappropriate unless it is for, amongst other purposes, 'essential facilities for outdoor sport and outdoor recreation which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it'. It is considered that the change of use of the Chestnut Room within the existing Shorne Woods Visitor Centre, to include use for meetings, launches, receptions, parties and other functions, in addition to its primary use as an educational/interpretation facility would be inappropriate development within the Green Belt.
21. In considering the impact of the proposed development on the Metropolitan Green Belt, it is noted that the proposal includes no physical 'built development' over and above the existing Visitor Centre and its associated car parking facilities. Therefore the overall openness of the Green Belt, its most important attribute, would not be compromised in any way by this proposal.
22. In this particular case, the applicant has stated that during the two year period in which the temporary change of use was granted, there has still been a significant amount of under-use of the room (i.e. times when the Chestnut Room is unoccupied during the week and weekend, neither being used as an education facility or for function uses). The applicant has provided details of the types of uses of the Chestnut Room which they would like to continue to offer on a permanent basis in order to complement the primary role as an educational/interpretation facility. This would continue to generate an amount of revenue from the building which would allow some of the costs of the day-to-day running of the Country Park to be offset as a public facility. Whilst I note concerns

**Permanent change of use of upstairs room at Shorne Woods Country Park, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)**

---

raised from the Parish Council regarding some of the intended uses of the Chestnut Room having no direct connection with the Country Park, I recognise the current under-use of the room and the scope for hiring it out for functions. The applicant has suggested that function bookings offer hirers an alternative to meetings in urban environments and hotel facilities and instead encourages them to experience the fresh air of the countryside and a calming rural environment to meet in, which is one of the key aims of the County Council's Country Parks Service. They also suggest that the demand for team-building activities in the Park have increased with a strong focus around the "eco-friendly" credentials of the Visitors Centre as well as having introduced a range of themed birthday parties using the Chestnut Room and also taking children out into the Park. I consider that these uses are arguably related to the purpose and function of the Country Park Visitors Centre facility. I therefore see no reason, in principle, to the managed use of the Chestnut Room for functions at times when it may otherwise be available for such purposes. Furthermore, I understand that during the past two years in which the applicant has been offering this additional use on a temporary basis there have been no complaints received directly attributable to the running of functions within the Chestnut Room.

23. Members will note that the use of the site as a Country Park has long been established, and is itself in any case an 'appropriate use' within the Green Belt (as defined by PPG2). Whilst the development proposed in this particular case is considered to be 'inappropriate development' within the Metropolitan Green Belt, and is unlikely to be permitted ordinarily within a Green Belt location should the proposal involve the construction of built development, I consider that the applicant has been able to demonstrate a permanent case of need for the change of use of the Chestnut Room to permit the dual use of the room (both as an educational space and for functions) when it may otherwise be under-used. When balancing this against the general policy thrust of South East Plan Policy S6 which encourages the mixed use of community facilities to make effective use of resources, I see no reason, in principle, to reject the proposal primarily on Green Belt grounds. Furthermore, I consider that any change of use of the upstairs room would be ancillary to the use of the Visitor Centre as an educational/interpretation within the wider purpose of the Country Park as an 'appropriate use' within the Green Belt in terms of providing 'opportunities to the outdoor countryside for sport and recreation', as defined by PPG2.
24. Taking account of the proposals impact on the Green Belt, in particular given that it proposes no built development which would otherwise impact on the openness of the Green Belt, I consider that the justification put forward by the applicant and the ancillary nature of the development when considered against the wider purpose of the building as an educational/interpretation centre within the Country Park account to a very special set of circumstances capable of outweighing the presumption against inappropriate development. For this reason, I consider that the proposal accords with the general presumptions contained within National Green Belt Policy together with Development Plan Policies covering Green Belt land, notably South East Plan Policy SP5 and Local Plan Policy GB2.

Site Designations

25. Members will note that Shorne Woods Country Park Visitor Centre is located within the Kent Downs Area of Outstanding Natural Beauty (AONB) and within a Site of Special Scientific Interest (SSSI). However, as noted the proposal includes no form of built development and therefore there are no visual or ecological impacts to consider as part of this proposal. It is therefore considered that any impact resulting from the proposed change of use would be negligible both on the Kent Downs AONB and the surrounding

**Permanent change of use of upstairs room at Shorne Woods Country Park, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)**

---

SSSI. For this reason, I consider that the proposal accords with the general principles contained in South East Plan Policy C3 and Local Plan Policies C3 and C7.

Transport Issues

26. The existing Country Park and its Visitor Centre benefits from a large car park consisting of 287 car parking spaces, 17 disabled bays, 14 motorcycle spaces and a further 7 cycle parking spaces. The proposal seeks no alteration to the level of existing parking provision on site as the applicant considers that the level will be adequate to accommodate both visitors to the Country Park and its Visitor Centre, whether that be for meetings, launches, receptions, parties and other functions or for educational functions as originally intended. The existing Country Park enjoys a direct access from the main A2 trunk road via Brewers Road (as shown on Page D3.2). I understand that during the two year trial period there have been no complaints received relating to parking or traffic issues. Kent Highways have raised no objections to the proposals in respect of highway matters (paragraph 13). I therefore have no objection to the proposed development on the basis of highway matters and consider that the proposal is in general conformity to South East Plan Policy T4 and Local Plan Policies T1, T4 and P5.

Other Issues

27. It is noted that the Parish Council has raised concerns that the facilities of the existing Country Park have been publicly funded and that their use for a commercial purpose could represent unfair competition. I consider that in the case of this proposal, the applicant has been able to demonstrate a continued suitable use for the Chestnut Room at times when it may otherwise be vacant, which would bring in an income to help further reduce public funding of the site in terms of the day-to-day running costs of the County Park as a public service. It should be noted that revenue budgets for all the Kent Country Parks continue to fall year-on-year and the running of functions from the Chestnut Room has the potential to bring in a reasonable amount of income to the Park to directly offset its running costs and to keep it open as a public service. The applicant has confirmed that the income generated would in no way make an overall profit; it would simply contribute towards off-setting the general Park running costs. This approach would therefore appear to be a sensible use of public funding in terms of reducing day-to-day running costs of an existing important public service whilst maximising the use of the Chestnut Room at periods when it may otherwise be vacant. Moreover, it is an established principle that the planning decision process should have no regard to commercial aspects, such as stifling or broadening of competition amongst rival activities. I would therefore not raise an objection to this proposal on this particular point raised by the Parish Council.
28. As part of the consultation process with the Borough Council, Members will note that Gravesham Borough Council raised no objections to the proposed change of use subject to appropriate controls being imposed on any permanent planning consent to secure the hours of use of the Chestnut Room. I consider that it would be appropriate to impose the same hours of use on any permanent change of use permission as were imposed on the temporary consent, which have not led to any complaints to the Planning Authority during this two year trial period. I therefore propose that hours of use be controlled by condition to between 08:00 and 22:00 hours seven days a week (including Bank/Public Holidays).

**Permanent change of use of upstairs room at Shorne Woods Country Park, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)**

---

29. Members will note that the Parish Council has requested that, should the County Planning Authority be minded to accept this application for a permanent change of use, that the use of the building should be limited by condition to the holding of functions up to 28 days in any calendar year. In my opinion this would be unnecessarily restrictive and would limit the use of the room for functions when it may otherwise be vacant from its primary use as an educational facility. Based on the past two years experience of holding functions at the Park, I note that the applicant has indicated that these have not led to any detrimental effect at all on their ability to offer all of their services. The previous temporary permission did not contain any restriction on the maximum number of days in which functions could be held in any one calendar year. Since the Visitor Centre is fully open and operational throughout the year, and there are no discernable additional impacts from the use of the Chestnut Room, I consider that there is no rationale for limiting its use to a specific number of days per year in this particular case. Having considered the merits of this application, I see no overriding reason to impose such as restriction on the applicant now.

**Conclusion**

30. The proposal seeks to supplement the use of the Chestnut Room within the existing Shorne Woods Country Park Visitor Centre when it may otherwise be under-used or vacant on a permanent basis. The Country Park is located within the Metropolitan Green Belt and within the sensitive areas of the Kent Downs Area of Outstanding Natural Beauty and a Site of Special Scientific Interest. Whilst it is noted that the use of the room for meetings, launches, receptions, parties and other functions would not in themselves constitute appropriate uses within a Green Belt location, I consider that the applicant has been able to demonstrate very special circumstances to warrant the setting aside of the general presumption against the development in this instance. I consider that when balanced against the general thrust of South East Plan Policy S6 to encourage the mixed use of community facilities to make effective use of resources, the fact that the proposed change of use would complement the existing educational/interpretation role of the Visitor Centre and be ancillary to the site's main purpose in providing opportunities for leisure and recreation within the countryside, together with any additional benefits of generating a revenue stream to help sustain the day-to-day running of the Country Park as a public facility, the proposed change of use should not be presumed against on Green Belt grounds alone. Furthermore, I note that given the proposals do not include any aspect of built development there would not be any noticeable impact on the sensitive areas of either the Kent Downs Area of Outstanding Natural Beauty or the Site of Special Scientific Interest.
31. I would draw Members' attention to the fact that having now undertaken a two year trial period of this change of use, no complaints have been received related to parking, traffic issues or clashes with the educational use of the Chestnut Room. I therefore do not believe there to be any overriding problems with the day-to-day management and dual use of the Country Park facility.
32. Having regard to National Planning Policy in relating to development within the Green Belt, adopted Development Plan Policies, the duty of regard to protect Areas of Outstanding Natural Beauty, and the material considerations raised by the Parish Council in this instance, I consider that the proposed permanent change of use of the upstairs room (known as the Chestnut Room) within the existing Shorne Woods Visitor Centre to be in general conformity to Local and National policies, and I therefore see no overriding reason why the development should be presumed against in this instance.

**Permanent change of use of upstairs room at Shorne Woods Country Park, Shorne, Gravesend – GR/11/961 (KCC/GR/0437/2011)**

---

For the reasons set out above, I therefore recommend that planning permission be granted for the proposed change of use as set out in paragraph (33) below.

**Recommendation**

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

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the use of the Chestnut Room be solely used for the uses applied for and no other uses shall take place unless otherwise agreed in writing by the County Planning Authority; and
- hours of use of the Chestnut Room be limited to 08:00 to 22:00 hours seven days a week (including Bank/Public Holidays).

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

|  |
|--|
| Background documents - See section heading |
|--|

**Item D4****Retention of single and double mobile classroom units and PTA store, Tunstall CofE School, Sittingbourne – SW/11/1451**

A report by Head of Planning Applications Group to Planning Applications Committee on 14 February 2012

SW/11/1451 - Application by The Governor's of Tunstall CE (Aided) School for the retention of single and double mobile classroom units and PTA store at Tunstall CE (Aided) School, Tunstall Road, Tunstall, Sittingbourne

Recommendation: Planning permission be granted subject to conditions.

**Local Member(s): Mr M.Whiting, Mr A.Willicombe**

**Classification: Unrestricted**

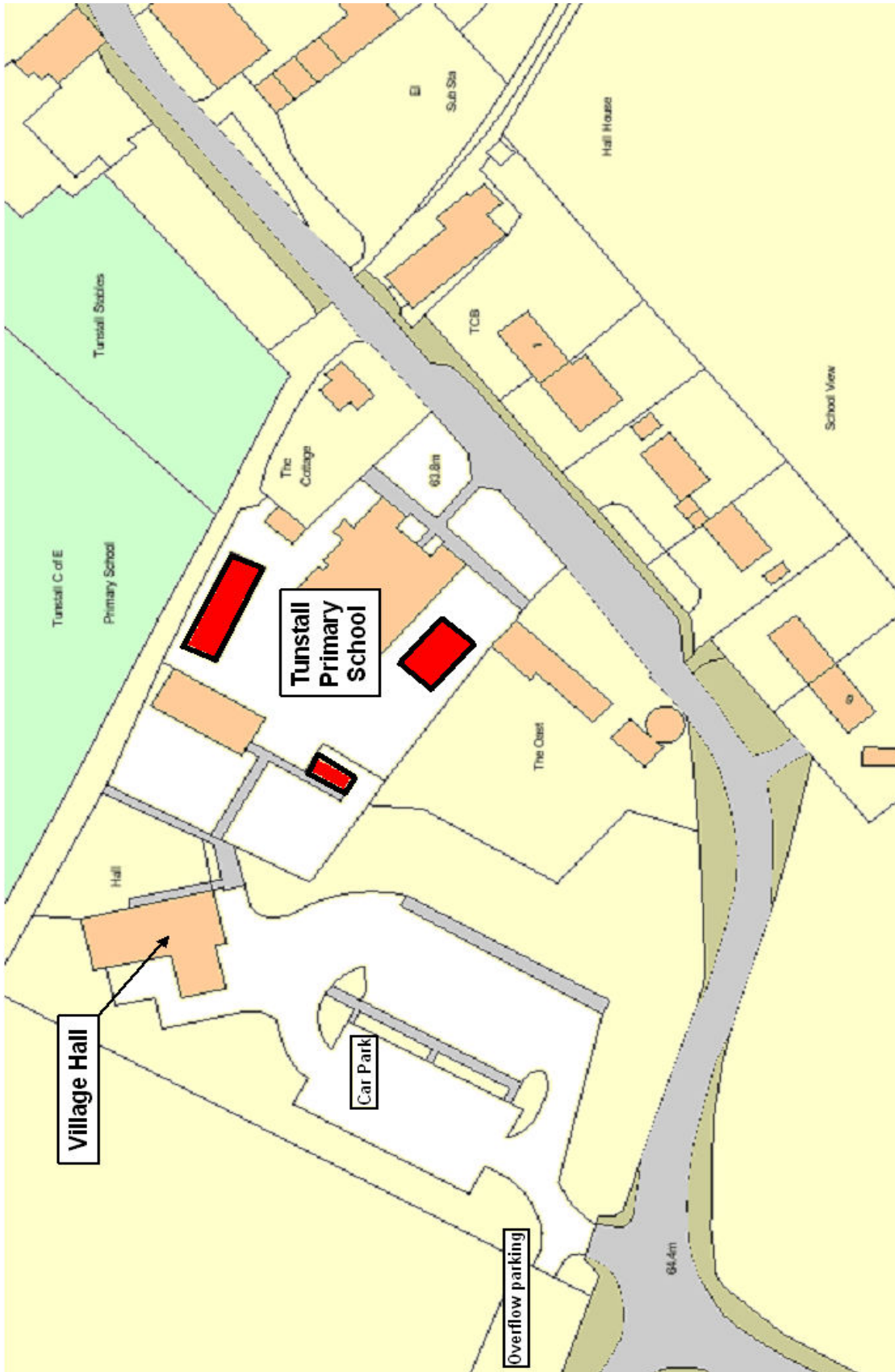
**Site**

1. Tunstall Church of England Primary School is located within the village of Tunstall, on the edge of Sittingbourne, along the main road from the town which leads southwards towards Bredgar. The site lies wholly within the Tunstall Conservation Area, and is bounded by the main road to the south east, residences to the south west, and agricultural fields and the grounds of the village hall to the north east and west. The main building to the School is Grade II listed, dating from the 19<sup>th</sup> Century. The adjacent residence 'The Oast', to the south and west, is also Grade II listed.
2. The double mobile classroom is located to the north east of the school site, adjacent to agricultural fields. The single mobile classroom is located to the south of the school site, adjacent to the boundary with 'The Oast' and alongside the main school building. The PTA store is located to the west of the grounds, adjacent to the Tunstall Memorial Village Hall.

**Background and Planning History**

3. The mobile classrooms provide three classrooms out of a total of seven, with two being located within the main building, and a further two within a separate modular building. The current roll of pupils stands at 204 with 12 teachers and 6 (FTE) assistants, and also various support staff.
4. The double mobile building contains two classrooms and was granted permission in 1993. It has received subsequent temporary planning permissions: under consents SW/98/83, SW/01/608, SW/06/1026 and SW/08/1323, with the most recent planning permission expiring early 2012. The single mobile building was granted permission in 2005, and was granted a temporary permission under SW/09/286, also expiring early 2012.

**Retention of mobile buildings, Tunstall Primary, Sittingbourne – SW/11/1451**



**Site Location Plan**

**Retention of mobile buildings, Tunstall Primary, Sittingbourne – SW/11/1451**

---

5. The PTA store was installed in 1996 and granted a further permission under SW/07/1506, expiring December 2012. The current application seeks to retain **all** the temporary buildings listed, and consolidate the permissions under a single planning consent. Further planning permissions exist relating to the change of use of a nearby field from agricultural to a playing field, replacement of windows and installation of a canopy, and a refused application for the engineering of the front garden to create parking spaces.

**Proposal**

6. Tunstall CE School is applying for planning permission to retain the single and double mobile classroom buildings, and the temporary PTA store. The applicant states that the mobile buildings are required to ensure the availability of adequate teaching space for the 204 pupils currently attending the School.

**Planning Policy**

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

(i) **Planning Policy Statement 5** – Planning for the historic environment

(ii) Draft **National Planning Policy Framework**

- Presumption in favour of sustainable development.

(iii) **Policy Statement on Planning for Schools Development** August 2011

- There should be a presumption in favour of the development of state-funded schools, as expressed in the (Draft) National Planning Policy Framework.

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

Regional policy is contained within the South East Plan 2009.

*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.*

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

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

**Retention of mobile buildings, Tunstall Primary, Sittingbourne – SW/11/1451**

---

- Policy CC6** Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy S6** States that local planning authorities, taking into account demographic projections, should work with partners to ensure adequate provision of pre-school, school, and community learning facilities.
- Policy BE1** In managing an Urban Renaissance, Local Authorities will promote and support design solutions relevant to context and which build upon local character and distinctiveness and sense of place.

(v) The adopted **Swale Borough Local Plan (Saved Policies) 2008**

**Policy SP7 – Community services and facilities:**

- To satisfy the social needs of the Borough's communities, planning policies and development proposals will promote safe environments and a sense of community by:
  - Increasing social networks by providing new services and facilities
  - Safeguarding essential and viable services and facilities from harmful changes of use and development proposals

**Policy C1 – Existing and new community services and facilities**

- The Borough Council will not permit proposals that involve the loss, or change of use, of a local community facility, where this would be detrimental to the social wellbeing.
- The Borough Council will grant planning permission for new or improved community services and facilities.

**Policy E1 – General development criteria, proposals should:**

- Accord with the development plan unless material considerations indicate otherwise.
- Reflect positively characteristics and features of the site and surroundings.
- Protect and enhance the natural and built environments.

**Policy E6 – The countryside – Development proposals will only be permitted when:**

- Providing a service that enables rural communities to meet their needs locally, or
- It provides for essential community infrastructure.

**Policy RC2 – Retaining and enhancing rural services and facilities**

**Policy E14 – Development involving listed buildings:**

- Proposals will only be permitted if the building's special architectural or historic interest, and its setting, is preserved.

**Policy E15 – Development affecting a Conservation Area:**

- Development will preserve or enhance the conservation area.

**Policy E19 – Design Criteria:**

**Retention of mobile buildings, Tunstall Primary, Sittingbourne – SW/11/1451**

---

- Development proposals should be of high quality design and respond positively to design criteria.

**Consultations****8. Swale Borough Council:** Raises objections:

- There have been several temporary renewals to retain the pupil numbers; the renewals were granted permission to allow the School time to find a solution.
- The current situation is unsustainable considering the objections from residents and the Parish Council.
- The buildings are not in keeping with the character of the Conservation Area or maintain the setting of the Listed Building and therefore are not in accordance with Policy E15.
- Although the classrooms are a necessity for the school to function, continued renewals are not a sustainable solution.

**Tunstall Parish Council:** Raises objections:

- Reaffirms the objections made to the last application for renewal in 2009.
- The mobiles have increased pupil and staffing levels beyond the capacity of the site, which has caused problems by removing on site parking and putting pressure on the road network.
- Plans to teach children indefinitely in mobile classrooms are unacceptable.
- The permissions should be extended for a maximum of 2 years, provided that satisfactory proposals are put forward regarding parking, and the school be able to present a proposal to remove the mobile units.

**KCC Conservation Architect:** No comments received

**Local Member**

9. The local County Members for Swale Central, Mr M.Whiting and Mr A.Willicombe, were notified of the application on the 11 November 2011.

**Publicity**

10. The application was advertised by the posting of a site notice, the notification of 14 neighbours, and an advert was placed in the Kent on Sunday on 20 November 2011.

**Representations**

11. There have been 5 letters from nearby residents, and the main points raised can be summarised as follows:
- The school site is overdeveloped, and the temporary buildings have eliminated the former staff parking area, forcing cars onto the road and to park on the front garden.
  - The number of pupils and staff attending the school is detrimental to the area.
  - The school now has 5 out of 7 classrooms housed in temporary units, which are old, ugly, inefficient and wholly inappropriate within the conservation area and adjacent to listed buildings.

**Retention of mobile buildings, Tunstall Primary, Sittingbourne – SW/11/1451**

---

- The single mobile was to be painted green to reduce the impact on the conservation area; however a mural has now been painted upon the side which is not in keeping with the conservation area and grade II listed building.
- The 2009 application stated the unit would be removed and the land reinstated to tarmac parking area, and that there was an urgent need to resolve the use of temporary buildings and that the neighbouring properties would be kept informed – none of this has happened.
- Some of the mobiles have been on site for nearly 20 years and are in poor condition.
- The mobile classrooms are taking up playground space for a large number of pupils.
- The single mobile is not necessary as the School has planning permission to make a new classroom above the school hall, which has not yet been implemented.
- The 31<sup>st</sup> May 2012 will mark 10 years of temporary permission with officers recommending temporary extensions; planning officers should not recommend conditions if they are not going to stand by them.
- The School needs to reduce pupil numbers or relocate to a larger site.

**Discussion**

12. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
13. This application has been reported for determination by the Planning Applications Committee following the receipt of objections from Swale BC, Tunstall Parish Council, and a number of local residents. The main issues relating to this application are the continued renewal of temporary permissions, the loss of parking from the installation of the mobile units leading to traffic and safety concerns and the impact of the mobile units upon the Conservation Area and the setting of the Listed Building. There are also a number of side issues raised during the consideration of this application.

Fencing

14. Members may be aware that a complaint was received by the Planning Applications Group concerning the fencing to the front of the school site. Fencing was removed, and replaced with new, along the main road boundary to the main school Grade II Listed Building. The works would require full planning consent and the School were advised of this as the works were taking place. The School elected to complete the fencing works and submit an application. This is now the subject of a retrospective planning application submitted January 2012, and is still being assessed as part of the planning application, and therefore will not be discussed in relation to this application.

Continued Retention

15. The mobile buildings, as stated above, have existed on site for a number of years and have had temporary permissions renewed on a number of occasions. The temporary buildings were installed to provide teaching space, which has led to the situation where 5 out of the 7 classrooms are taught within temporary accommodation, and the school roll has increased to 204 – beyond the capacity of permanent Grade II Listed main

**Retention of mobile buildings, Tunstall Primary, Sittingbourne – SW/11/1451**

---

school building. The mobile units subject to this application provide 3 classrooms accommodating up to 90 pupils. The units have been renewed on the justification that a permanent solution would be found. Planning permission was granted in 2005 to increase the pitch of the roof to the rear portion of the main school building to allow for teaching space to be created; this has not been implemented and is no longer extant, and would not provide enough space to facilitate the removal of the mobile buildings.

16. Swale BC comments that the current situation is not sustainable, as the school has been allowed to outgrow the site by the installation of mobile buildings, which are harmful to the setting of the listed building and the location in the heart of the Conservation Area. It is also argued that the installation of these buildings has allowed the roll to increase beyond the capacity of the site, and therefore removing the buildings is not feasible if the school is to continue functioning. The immediate displacement of 90 pupils is likely to put pressure on other local primary school provision, and cause disruption to the pupils' education and their families. Parents have contacted the planning authority concerned that they would have to find new schools, however none have written in support of the application.

#### Impact on Heritage Assets

17. As discussed above, the application site lies wholly within the Tunstall Conservation Area, and the mobile buildings are within the curtilage of a Grade II Listed Building. The design of the buildings is not in keeping with the locality, nor the settings of the listed building. However the impact, under previous applications, was deemed not to be detrimental to the character and appearance of the Conservation Area, and the Listed Buildings as the units were only temporary and to be removed. The buildings have now been in place for a number of years, and are proposed to be retained therefore the harm is not temporary as originally justified. The mobile buildings take up a large proportion of the grounds of the Listed Building, and are visually in poor condition. The single mobile building is visible from the main road, and has had a 'mural' painted on the front elevation, making it visibly prominent and detrimental to the setting of the adjacent Listed Buildings. The mobile buildings are also located on hardstanding which was previously used to provide parking for teachers. Cars are now parked on the front lawn, which was refused planning permission for engineering works to create a permanent parking area due to the negative impact it would have upon the setting of the Listed Building.
18. In my opinion, the continued stationing of the mobile buildings should now be considered to be harmful to the Conservation Area and the setting of the Listed Building. The School have carried out a number of minor operations – painting the mural, parking on the front lawn, replacing the fences – which have attracted local criticism due to the disregard that the School Management apparently has towards the Conservation Area and the setting of the Listed Buildings. I would accept the cumulative effect, combined with the continued retention of the mobile units, is harmful to the character of the Conservation Area.
19. If permission is granted for retention, I recommend that a scheme of painting is adopted to improve the visual appearance of the mobile classrooms, and to minimise the impact on the Conservation Area. The prominent single mobile building should be painted back to green, as was indicated within the planning application submitted for its installation.

#### Ongoing Solution

**Retention of mobile buildings, Tunstall Primary, Sittingbourne – SW/11/1451**

---

20. In my opinion the continued retention of the mobile classrooms adversely impacts the Conservation Area and setting of the Listed Building. Mobile classrooms are installed on the justification that they meet a temporary and identified need, however in this case the classrooms have expanded the school roll to a level which is unsustainable and cannot be met immediately through provision of replacement buildings at the site. Refusal of permission would result in the mobile buildings needing to be removed, and therefore the loss of 3 classrooms. This would displace 90 pupils and would therefore place an unacceptable impact upon local community facilities and primary school provision within the area, contrary to the social objectives of sustainable development and development plan policies. The buildings, due to the continued retention, do cause some modest harm to the character and setting of the Conservation Area and Listed Buildings, however, this in my opinion is outweighed by the immediate significant harm to the community that would be caused by insisting upon removal. The level of harm caused by displacing pupils would be contrary to the social aims of sustainable development, and the requirement to provide and maintain community facilities in accordance with Swale BC Local Plan Policies RC2, C1 and SP7, and contrary to the National Policy Statement on Planning for Schools Development, which places great weight on the primacy of schools development, and a presumption in favour of development of state-funded schools. Therefore refusal of a temporary permission would cause more harm to the community than the level of harm to amenity caused by retention.
21. It is therefore justifiable to issue a further temporary permission for the mobile buildings. However, a stricter stance needs to be taken to ensure that positive steps are taken by the School to remedy the situation. Continued retention is not the sustainable solution to a problem caused by installing mobile buildings in the first place. The school roll has been allowed to expand beyond the capacity of the site, without regard for the sensitive location and the pressures on the local community. Whilst there are long term plans on behalf of the Diocese and Education Authority to seek an alternative site for this popular and successful primary school, the current lack of Government funds to enable that means that this is not a realistic proposition in the near future. Therefore I recommend that a temporary permission of no longer than 2 years is granted, with the condition that the School submit a strategy outlining the steps that will be taken to remedy the accommodation problems, to provide a permanent and sustainable solution. The strategy should be submitted in consultation with the local community and outline steps that will be taken including a timeframe for progress. This should be submitted within 6 months of the date of the grant of planning permission.

#### Parking

22. Objectors have complained that the mobile buildings have displaced teacher parking to the front garden and the main road, and that they have also increased the pupil and teacher numbers so that the School requires more parking than it can provide on site. It has been observed that cars were parked on the main road, however this is a public highway with no parking restrictions, within the 30mph limited village confines. Therefore, cars are free to park in this area as long as they do so lawfully and do not create an obstruction or safety hazard.
23. Planning permission was refused to create formal staff parking within the front garden of the school. However this was refused following objections from local residents and Swale BC on the basis that it would be harmful to the setting of the Listed Building and the Conservation Area. Cars continue to park within this area without the formal car park being created, which has been reported to the Planning Applications Group;

**Retention of mobile buildings, Tunstall Primary, Sittingbourne – SW/11/1451**

---

however as there is no operational development the planning system is not able to take any action. This aspect also needs to be seen in context in that there is no need for planning consent to park vehicles in front of Listed Buildings, as indeed neighbouring occupiers also do.

24. The neighbouring Tunstall Village Memorial Hall has a large car park. KCC also contributed funds to allow the School to use the main car park, but the Village Hall Management Committee subsequently maintained that that was for short term school parent parking only and not operational staff parking throughout the day. More recently, it was proposed that the School should use the Village Hall overflow car park, and the Village Hall Management Committee offered the School 6 spaces to use during the day. However, due to the conditions that were attached to the use of those spaces, the School felt they were unable to take up on the offer. In particular, the School were requested to: provide 'no-parking' lines to the main road in front of the school; provide locking-up of the parking area; and ensure staff cars arrived before, and left after parents, with no permitted 'casual' movement during the day. The School felt that the conditions were overly onerous, given that they would only secure 6 spaces. The School felt the solution would be to allow parking of 18 cars within the Village Hall overflow parking area, and to disconnect the access to this from the main car park.
25. The parking issue has become a point of ongoing contention and objectors have commented that the mobile classrooms are both causing and increasing the problem, by taking up space and increasing the number of teachers. The teachers continue to park in the front garden area of the school, on the grounds that there is nowhere else available. It is regretful that agreement cannot be made between the Village Hall and School, and it appears to local residents that no progress has been made for a resolution over the past six years. The ideal solution would be for parking to be made available within the Village Hall grounds, as happens in many other Kent villages, however such negotiations have broken down. The planning system alone is not able to broker a solution to this problem within the context of this current application, however continued dialogue amongst all interested parties and attempts to resolve the situation should strongly be encouraged.

**Conclusion**

26. The proposed retention of the mobile classrooms should be granted permission for a period no longer than 2 years, and the School submit a strategy indicating what steps will be taken to provide a permanent solution. The continued retention of the buildings is harmful to the character of the Conservation Area and the setting of the Listed Buildings, but since this harm is temporary and reversible, in my view it is outweighed by the immediate adverse impact that refusal would have on an important community facility. In particular, refusal would displace 90 pupils and cause unacceptable social impacts to the local community and pressures on surrounding primary school provision, and be in conflict with the Government's recent policy statement removing impediments to the provision of school places.

**Recommendation**

27. I RECOMMEND that PERMISSION BE GRANTED subject to conditions:

- The standard time condition for 2 years;
- The development to be completed in accordance with the approved plans;

**Retention of mobile buildings, Tunstall Primary, Sittingbourne – SW/11/1451**

---

- The mobiles units to be repainted in dark green within 6 months; and
- The submission of evidence of a strategy for permanent solution submitted within 6 months.

And an informative be added encouraging the car parking working group to reconvene.

|                             |              |
|-----------------------------|--------------|
| Case officer – Jeff Dummett | 01622 221975 |
|-----------------------------|--------------|

|  |
|--|
| Background documents - See section heading |
|--|

**Item D5****Details of site fencing, gates and railings, hard surfaces and acoustic fencing for the development on Site 2 pursuant to planning permission TW/10/4051 for the redevelopment of The Skinners Kent Academy, Blackhurst Lane, Tunbridge Wells – TW/10/4051/R16&R23**

A report by Head of Planning Applications Group to Planning Applications Committee on 14 February 2012.

Submission of details by Kent County Council Building Schools for the Future & Academies Team required by conditions imposed on planning permission TW/10/4051 for the redevelopment of The Skinners Kent Academy. These details relate to: details of site fencing, gates and railings (condition 16 part c), details and specifications of hard surfaces (condition 16 part e) and details of acoustic fencing (condition 23) all on Site 2. The Skinners Kent Academy, Blackhurst Lane, Tunbridge Wells (TW/10/4051/R16&R23).

Recommendation: Approval be given for the submitted details relating to fencing, gates and railings, hard surfaces and acoustic fencing for the development on Site 2.

**Local Member:** Mr. K. Lynes

**Classification:** Unrestricted

**Site Description and Background**

1. Members of the County Council's Planning Applications Committee may recall that they resolved to grant planning permission for the redevelopment of Skinners Kent Academy (SKA), subject to conditions, at their Meeting on 15 March 2011. A decision notice granting planning permission was issued in accordance with Members' resolution on 30 March 2011. The planning consent contains some 41 planning conditions covering, amongst other matters, the control of development, the submission of details for prior approval of the County Planning Authority, the timing of works, off site highway junction improvement works and hours of use of Academy and community facilities. Members may also recall that they resolved to approve details relating to the heights of ground levels and a scheme of surface water drainage of the development on Site 2 at the Meeting of the Planning Applications Committee on 6 September 2011.
2. At present SKA comprises the existing buildings and grounds of the former Tunbridge Wells High School located to the east side of Tunbridge Wells. The site is situated just north of the Pembury Road (A264), the main arterial route connecting Tunbridge Wells town centre with the A21, Pembury Village and other outlying villages further east of the town centre. The site is accessed principally from Blackhurst Lane, with a secondary entrance off Sandown Park. Both are residential streets leading north from Pembury Road. The centre of Tunbridge Wells is located some 2.4km west where Tunbridge Wells railway station is located, whilst the suburban centre of High Brooms and its railway station are located some 2.7km north west. The A21 is situated approximately 1.6km to the east of the application site and provides the only direct road access to the M25 from Tunbridge Wells.
3. The SKA site, extending to approximately 5.3 hectares in total area, is split into two distinct areas, known as "Site 1" (the main campus containing Academy buildings

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

and “Site 2” (an existing school sports field where it is proposed to construct a new non-floodlit All Weather Pitch under the Academy redevelopment). Additional land owned by the Academy is located to the south of Pembury Road (known as “Site 3”). The details which are the subject of this Committee Report relate to the specifications of site fencing, gates and railings; details and specifications of hard surfacing; and details of acoustic fencing, all relating to the development on Site 2.

4. The topography of Site 2 naturally rises approximately 2 metres in a gentle slope from the north adjacent to Sandown Park (approximately 150m AOD) to the south adjacent to Pembury Road (approximately 152.6m AOD). The site is bounded by Pembury Road along its southern boundary where a 2 metre high timber close-boarded fence is situated behind a hedgerow and linear tree planting adjacent to Pembury Road. The site is bounded by the rear garden of properties along Sandown Park along the south western side of the site where established tree and evergreen vegetation is present. On the north eastern side, rear gardens of properties in Sandown Close back onto the site, with the grounds of the Leonard Cheshire Disability Seven Springs care home adjoining most of this boundary. Site 2 is secured by a substantial hedge with a timber close-boarded access gate along the boundary with Sandown Park and significant screening along the south western and north eastern sides from trees and shrubs located along these boundaries. Access to the site is largely pedestrian (with limited emergency vehicle access) and is solely from Sandown Park. Site 2 is located within the urban area of Tunbridge Wells and is defined within the Limits of Built Development within the Tunbridge Wells Borough Local Plan. The far southern edge of the site (nearest to Pembury Road) falls within the Pembury Road Conservation Area. Site 2 is also located adjacent to two Areas of Landscape Importance (defined by Local Plan Policy EN22) to the east and west, and an Important Landscape Approach to the south along Pembury Road (defined by Local Plan Policy EN23). The site does not contain any protected trees (other than those protected by the Conservation Area designation) and is not located in any other designated area of environmental or landscape importance.
5. As part of the redevelopment of SKA, planning permission was granted for the construction of a non-floodlit All Weather Pitch (AWP) on Site 2 measuring some 82 x 55 metres (plus runoff). There were a number of changes made to the AWP proposals during the processing of the planning application for the Academy redevelopment, including changes to its size, positioning within Site 2, the removal of floodlighting and alterations to its hours of use. Permission was granted for the installation of a non-floodlit third generation polyethylene sand and rubber filled synthetic grass pitch on the southern end of Site 2. The hours of use of the AWP were restricted by planning condition such that the pitch can only be used between the hours of 08:30-21:00 Monday to Thursday; 08:30-20:00 Friday; 10:00-16:00 Saturday; and no use on Sundays or Bank Holidays. Conditions were attached to the planning permission requiring the applicant to submit details of ground levels and a scheme for the disposal of surface waters in respect of Site 2 before any works in connection with that site were undertaken. As outlined above, these details were submitted to the County Planning Authority for consideration and were subsequently approved by Members at the Meeting of the Planning Applications Committee on 6 September 2011. Initial ground works have since been undertaken by the contractor to build up the formation levels of the AWP, above which the sub-base and pitch surface will be laid. Conditions were also attached to the planning permission requiring details of a scheme of landscaping and boundary treatment to be submitted within 12 months from the commencement of construction, together with details of acoustic fencing submitted for prior approval with its installation required to take place prior to the first use of the AWP.

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

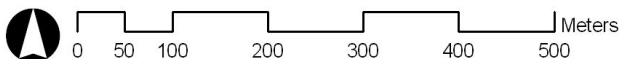
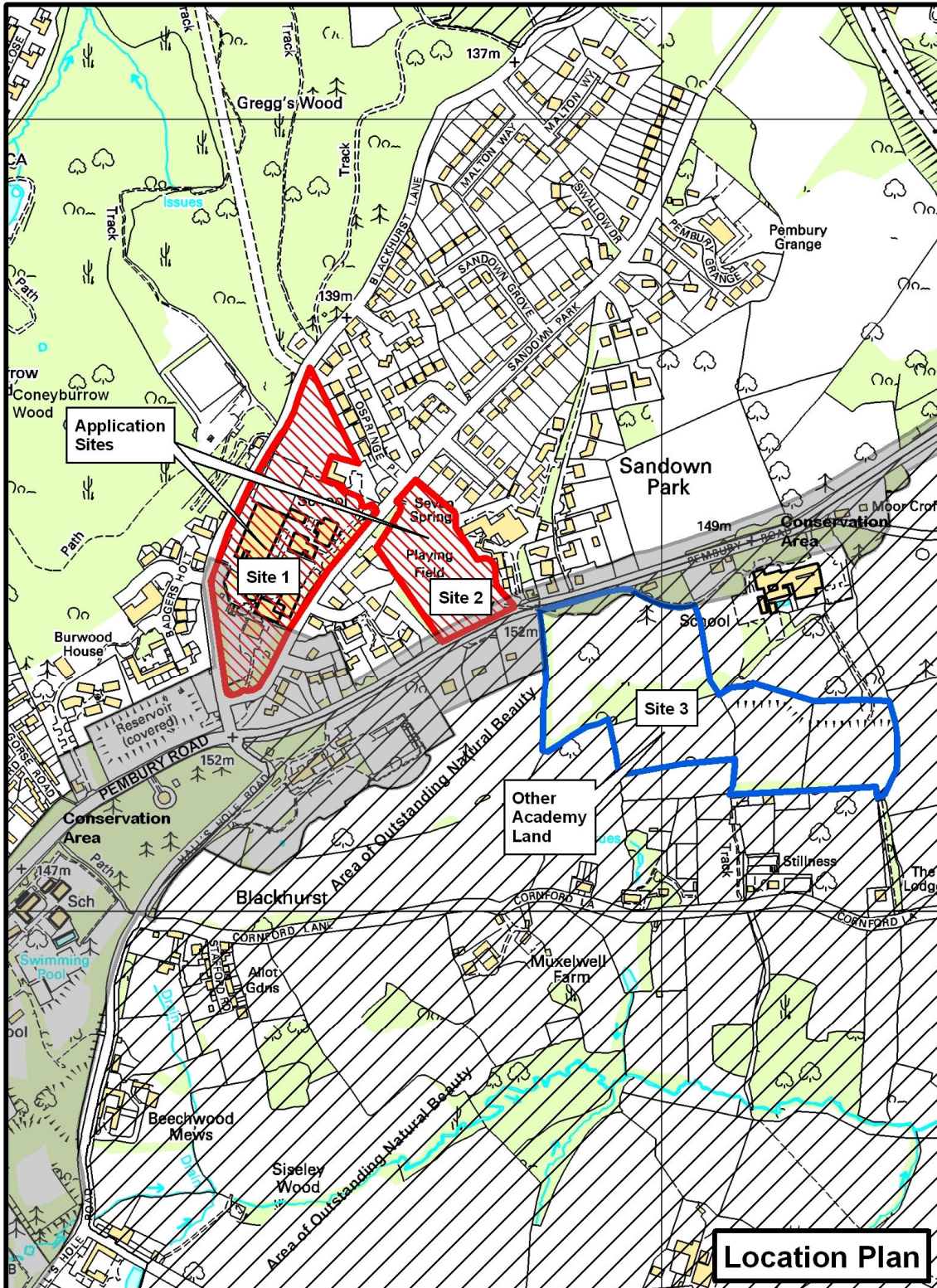
---

6. Construction works on the Academy redevelopment are now well underway with the contractor, Willmott Dixon, having commenced activities at the site in late July 2011. Substantial ground works for the main Academy building have been undertaken with the largest part of the floor slab having now been laid. The floodlit Multi Use Games Areas (MUGA's) on Site 1 have now been completed, whilst ground works on Site 2 have been undertaken to create the formation levels of the All Weather Pitch (AWP) using a quantity of excavated spoil which arose from Site 1. The sub-base and pitch surface of the AWP is due to be constructed within the coming few months, following a decision on the matters considered within this report.
7. Prior to the start of construction activities on Site 1, the County Planning Authority received and considered (including a period of public consultation) details required by the planning permission relating to (amongst other matters) external materials for the new buildings, ground levels and finished floor levels of the development on Site 1, details of a foul and surface water drainage scheme, ground contamination, a Code of Construction Practice, details and specification of acoustic fencing surrounding the MUGA's on Site 1 and a programme for the implementation of off-site highway junction improvement works. Those details were formally approved under delegated powers on 14 July 2011 prior to the commencement of construction activities. Details of the ground levels and a scheme for the disposal of surface waters, both relating to Site 2, were approved at the Meeting of the Planning Applications Committee in September 2011.
8. Details of site fencing, gates and railings, specifications of hard surfaces and details of acoustic fencing were submitted by the applicant to the County Planning Authority for approval in November 2011. A consultation with key stakeholders (including the Borough Council and our own Noise Consultant) was undertaken on the submitted details, together with the notification of all properties which shared a common boundary with this site. These details have met with concerns from the Borough Council and local residents, specifically in relation to whether the acoustic fence proposed is fit for purpose, together with concerns relating to its height, location and general appearance. These details are therefore being reported to the Planning Applications Committee due to these objections.
9. Members should be aware that this Report considers only the merits of the submitted details (i.e. those matters relating to site fencing, gates and railings, the specification of hard surfaces and the details of acoustic fencing) relating to Site 2 in planning land use terms. It does not consider any other matters which were considered by this Committee under the main planning consent. These are not matters that Members can reconsider as part of this determination.
10. A site location plan identifying Sites 1, 2 and 3 together with the key landscape and heritage designations can be found on page D5.4. Plans showing the site fencing and hardstandings are also attached to this report. Copies of these plans will be available at a larger scale for Members to view at the Committee Meeting itself.

# Item D5

## Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23

### Site Location Plan

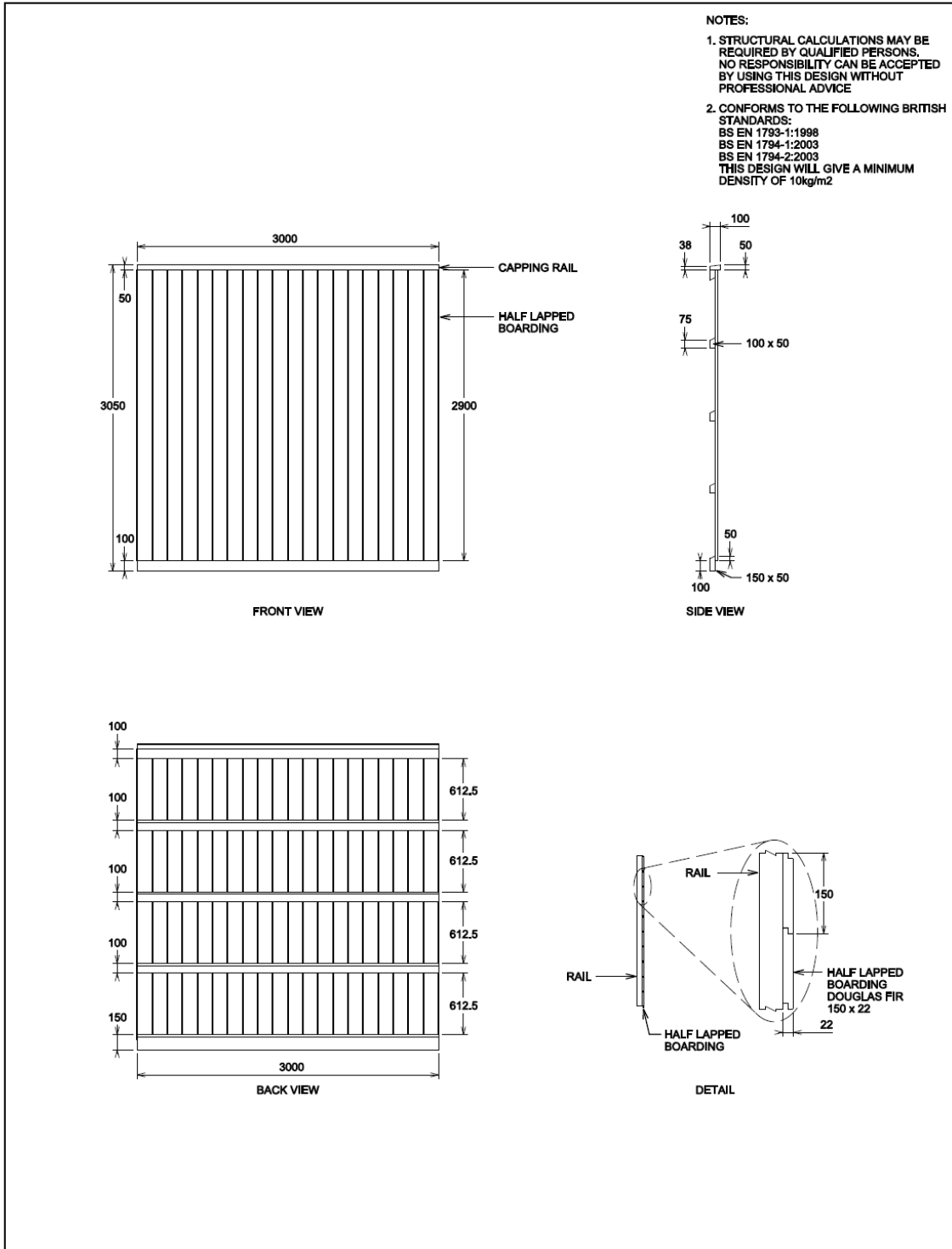


This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office. © Crown Copyright.



**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

**Site 2 Acoustic Fence Details**



|                             |       |       |           |        |                     |                                  |                         |  |
|-----------------------------|-------|-------|-----------|--------|---------------------|----------------------------------|-------------------------|--|
| <b>Title</b>                |       |       |           |        | Tel: (01630) 653359 |                                  | E                       |  |
| <b>HALF LAPPED BOARDING</b> |       |       |           |        | Fax: (01630) 658859 |                                  |                         |  |
| Made                        | P.I.P | Scale | 1:50 @ A4 | C'k'd. | P.I.P               | Email: sales@halessawmills.co.uk |                         |  |
| C.A.D.                      | M.P.W | Date  | APR 11    | App.   | J.C.P               |                                  |                         |  |
| DRAWING NUMBER: HSM 110     |       |       |           |        |                     |                                  | www.halessawmills.co.uk |  |
| cm                          |       |       |           |        |                     |                                  | A4                      |  |

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

**Proposed Details**

11. As set out above, this matter relates to the consideration of details of general Site 2 fencing, gates and railings; the details and specifications of hard surfaces within Site 2; and the details/specifications of the acoustic fencing surrounding the AWP and adjacent to the grass football pitch, as required under the terms of planning permission TW/10/4051 (granted in March 2011). This report considers the merits of the technical information submitted in respect of these conditions in planning land use terms and does not consider other matters relating to the wider redevelopment project, as previously considered in determining the main planning application. The principle of the AWP, site and acoustic fencing on Site 2 is already established within the base permission.
  
12. First, in terms of the details submitted in respect of site fencing, gates and railings the applicant proposes to maintain the fairly recently erected 2 metre high timber close boarded existing fence along the boundary of Site 2 with Pembury Road. A new section of matching 2 metre high timber close boarded fence would be erected along the Site 2 boundary to the west, running from the corner of the site boundary with Pembury Road to a point in line with the northern extent of the AWP. On the eastern boundary of Site 2 which adjoins the Leonard Cheshire Centre the applicant intends to install 1.5 metre high chain link fencing with a matching pedestrian gate, providing direct access in to Site 2 from the adjoining Centre (note that this pedestrian access is provided at the Centre's request). The chain link fencing would run along the eastern site boundary from the boundary with Pembury Road to a point in line with the northern extent of the AWP. The northern boundary of Site 2 (the boundary adjoining Sandown Park) would remain as existing, with the exception of new 2.4 metre wide double gates to match existing 2 metre high close boarded timber fencing. A new section of 2 metre high timber fencing would be installed along the vegetated north-western part of the northern boundary of Site 2. The remaining sections of the eastern and western boundaries of Site 2, adjacent to the grass football pitch, would be fenced with 3 metre high timber acoustic fencing. The details of the acoustic fencing I shall discuss separately below. The AWP itself is proposed to be fenced with 3 metre high black welded mesh sports fencing around the edges of the playing surface. To the eastern and western sides of the AWP 3 metre high timber acoustic fencing would be erected on the outside of the welded mesh sports fencing. The broad principles of the fencing details submitted here for consideration were accepted at the planning application stage.
  
13. The applicant has submitted details/specifications of hard surfaces within Site 2 for consideration, as is required by planning condition. This includes the provision of a black macadam level path leading from the pedestrian entrance to Site 2 with Sandown Park to the AWP entrance. This path is required to meet current Disability Discrimination Act (DDA) requirements to provide safe and inclusive access to the AWP itself. A similar black macadam path is also proposed from the Leonard Cheshire Centre grounds to the south eastern corner of the AWP. It should be noted that the result of discussions with Centre Management Staff at the Leonard Cheshire Centre a spectators' viewing area, hard-surfaced path and direct gated access to the adjoining Centre has been included as part of the Site 2 development scheme. The spectators' viewing area would comprise a 3 metre wide black macadam strip on the eastern side of the AWP, between the 3 metre high sports mesh fencing and 3 metre high acoustic fence. An additional area of hard standing has been proposed on the northern boundary of the AWP to allow for an area to store sports equipment when not in use (e.g. football goals, posts, etc.).

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

14. As outlined above, the applicant is required by condition to submit details of the proposed acoustic fence which would surround the eastern and western boundaries of the AWP and run along the eastern and western boundaries of Site 2, adjacent to the grass football pitch. The broad principle of installing timber acoustic fencing in these locations was agreed within the base permission, with the technical specification (in terms of the density, height, location and external appearance of the acoustic fence) reserved for later consideration by planning condition. The applicant has therefore provided details of the locations where the acoustic fencing would be installed – along the eastern and western boundaries of the AWP together with the boundaries of Site 2 adjoining the grass football pitch. They have detailed that the acoustic fence would be a 3 metre high half lapped timber boarding construction, achieving a minimum density of 10kg/sq. metre. The acoustic fencing to be installed on Site 2 would be the same specification as the 3 metre high timber acoustic fencing recently installed on Site 1 to surround the MUGA's. The technical specification for the acoustic fencing on Site 1 was accepted by the County Planning Authority, under delegated powers, prior to its installation on that site.
15. Prior to submitting details of the acoustic fencing to the County Planning Authority for formal consideration, the applicant undertook informal consultations with owners of properties surrounding Site 2 during September 2011. These informal consultations were undertaken to understand and take into account neighbours' views on the height, appearance and precise location of the Site 2 acoustic fencing.

**Planning Policy**

16. The key National and Development Plan Policies most relevant to the proposal are summarised below:
- (i) **National Planning Policies** – the most relevant National Planning Policies are set out in PPS1 (Delivering Sustainable Development), PPS5 (Planning for the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPS17 (Planning for Open Space, Sport & Recreation) and PPG24 (Planning and Noise).
  - (ii) **South East Plan (2009)** – the most relevant policies are:
    - Policy CC6** Promotes the creation of sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
    - Policy NRM10** Seeks to locate new, noise sensitive development away from existing or planned new sources of significant noise.
    - Policy BE6** Gives support to proposals which protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place.
    - Policy S1** Supports measures for developing and shaping healthy sustainable communities, including: community access to amenities such as open spaces and physical recreation activity; and healthier forms of transport.
    - Policy S6** Encourages the mixed use of community facilities in order to make effective use of resources and reduce travel and other impacts, and requires community facilities to be located and designed appropriately.

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

***Important note regarding the South East Plan:***

*Members will already be aware of the relevant South East Plan (SEP) 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) The adopted Tunbridge Wells Borough Core Strategy (2010):**

- Policy CP4** Seeks to conserve the locally distinctive character of the Borough's urban and rural landscapes, including the High Weald Area of Outstanding Natural Beauty. Refers to the Borough Local Character Assessment 2002 being used to manage, conserve and enhance the landscape as a whole. Applies a hierarchical approach to nature conservation and biodiversity protection seeking to avoid net loss and states opportunities will be taken for biodiversity enhancement. Heritage assets, including Listed Buildings, Conservation Areas and Scheduled Ancient Monuments, will be conserved and enhanced with special regard had to their settings.
- Policy CP5** Requires all new development to employ sustainable design and construction standards and techniques and to make efficient use of water resources, comply with the sequential test set out in PPS25 in respect of reducing flood risk, have regard to and implement the renewable energy and energy efficiency targets sets out in the South East Plan, manage and seek to reduce air, light, soil and noise pollution and be designed to reduce waste creation and disposal. Developments should also be of high-quality design which will create safe, accessible, legible and adaptable environments, and conserve and enhance the public realm.
- Policy CP8** Seeks to maintain and enhance where appropriate the capacity, quality and accessibility of community facilities and importantly pledges specific support for the provision of additional facilities where there is a continuing demonstrable need and this will be provided on a single site or provide multi-use facilities.
- Policy CP9** Reaffirms the priority of conserving the towns built and natural heritage and landscape assets.

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

- Policy EN1** Requires all proposals for development to satisfy certain criteria, including: no unacceptable loss of/affect on amenity; respect for the context of the site; no loss of significant buildings, related spaces, trees, shrubs, hedges or other features important to the character of the area; services for foul and surface water sewerage and water supply have sufficient capacity/can be improved; no significant adverse effect on any features of nature conservation importance;

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

- and design, layout and landscaping take account of the security of people and property.
- Policy EN5** Sets out criteria for development within conservation areas including, amongst others: that the proposal would preserve or enhance the buildings, related spaces, vegetation and activities which combine to form the character and appearance of the area; the use, or intensity of use, would be in sympathy with the character and appearance of that part of the conservation area in which the proposal would be situated; the proposal would not result in the loss of trees, shrubs, hedges or other features important to the character of that part of the conservation area in which the proposal would be situated; and, in meeting the car parking and access requirements, the character and amenity of the area would not be adversely affected.
- Policy EN22** Small areas, to the west of the western end of site 1 and to the east and west of site 2, are identified on the Proposals Map as areas of landscape importance. Policy EN22 states that proposals for development will only be permitted where no significant harm would be caused to the appearance or landscape character of the designated area and the development would not materially detract from the contribution which that area makes to the locality.
- Policy EN23** Pembury Road is identified as an Important Landscape Approach characterised by being lined principally by mature hedges and native trees which partly conceal built development and give the impression of the countryside extending into the built up area. The policy seeks to protect this character and to prevent discordant elements of development.

(v) **Other relevant guidance/documents:**

1. **Royal Tunbridge Wells and Rusthall Conservation Areas Appraisal (2000).**  
This details the special character of the Borough's Conservation Areas.

**Consultations**

17. **Tunbridge Wells Borough Council:** makes the following representations, as listed under each specific matter –

**Condition 16 (fencing, gates, railings and hard surfacing):** Objects noting that the lack of adequate details of the proposals in relation to boundaries, levels and existing and proposed paths and planting mean that the submission would not be likely to safeguard existing residential and visual amenities to a sufficient extent. Considers the submitted details to be contrary to Local Plan Policies EN1 and EN5 and Core Strategy Policies CP4 and CP5.

**Condition 23 (specification of acoustic fencing):** Objects noting that the submission does not demonstrate satisfactory mitigation of noise from the use of the site. In addition, the appearance of the raised ground level and associated means of enclosures for the AWP would be harmful to the visual amenity and character of the area and render the pitch more difficult to screen from Pembury Road, which is in the Conservation Area. Considers the submitted details to be contrary to Local Plan Policies EN1 and EN5 and Core Strategy Policies CP4 and CP5.

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

18. **County Council's Noise Consultant:** makes the following comments, as summarised below:

Paceconsult (the applicant's noise consultant) have provided noise contour plots and specific receptor noise levels of the sports pitches in use at Site 2 demonstrating the effect of installing the proposed acoustic fencing.

The original noise report submitted with the main planning permission (dated 28<sup>th</sup> February 2011) calculated noise levels, as a result of the use of the pitches, at the site boundaries adjacent to the properties in Sandown Close (52 dB) and the Pembury Road boundary (54 dB). The assessment stated that these noise levels would be reduced with the installation of the acoustic fencing, where that acoustic fence could provide a minimum attenuation of 7 dB.

The noise contour plots give free-field noise levels across the sports field and the surrounding area allowing a comparison with the previous submitted noise report.

Without the acoustic fencing the site boundary falls within the noise contour 51 – 54 dB at both the southern edge and northern boundaries of the site. With the acoustic fencing in place noise levels are significantly attenuated such that at 4 Thornfield Gardens and Seven Springs boundaries the noise levels fall to be within the 42 – 45 dB contour, consistent with the predicted minimum 7 dB attenuation stated in the noise report. Noise levels at the border with Sandown Close are similarly attenuated, with noise levels falling to be in the 42 - 45 dB contour. At the southern façade of 22 Sandown Park the noise levels fall from being in the 51 – 54 dB contour to the 45 – 48 dB contour.

The noise level plots also give façade noise levels at the surrounding residential properties both with and without the acoustic fencing. 7 Sandown Close experiences noise levels of 48.8 dB due to the pitches use, which is reduced to 44 dB with the installation of the fencing. Similarly noise levels at the Leonard Cheshire Centre fall from 54.1 dB to 46.2 dB and at the southern bungalow within the complex from 48.2 dB to 40.0 dB. Noise levels at the 4 Thornhill Gardens also fall from 46.8 dB to 43.4 with the installation of the fencing.

The noise contour plots and specific noise levels are therefore consistent with the original noise report, merely presenting the information in a visual manner for ease of interpretation rather than as previously detailed.

The 3 metre noise barrier constructed of half lapped timber panels as detailed in Hales Sawmills drawing (Drawing no. HSM 102) and the acoustic test report from the University of Salford, would provide the anticipated barrier performance and that noise levels would remain as detailed in the original noise report (PC-10-01-0168-RP1 Revision C).

**Local Member**

19. The local County Member, Mr. K. Lynes was notified of the submitted details on the 15 November 2011.

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

**Publicity**

20. The submitted details were publicised by the posting of two site notices and the individual notification of 11 neighbouring properties (including Leonard Cheshire Centre) who share a common boundary with Site 2. A copy of the submitted details were sent to the Sandown Park and Blackhurst Lane Local Community Group, as well as being made accessible online for inspection via the County Council's website.

**Representations**

21. To date I have received 6 letters of objection to the submitted details. The main points of objection can be summarised as follows:

- the installation of the acoustic fence on its proposed alignment along the north-eastern boundary of the site would adversely affect trees located on the boundary of residential dwellings with Site 2;
- request that all of the acoustic fence is screened by hedge planting using native species;
- consider that a maximum height of 2 metres should be imposed on all Site 2 acoustic fencing;
- concerned that whilst the acoustic fencing immediately surrounding the eastern and western boundary of the AWP surface would be raised (in accordance with the level details previously permitted for the AWP) the height of the acoustic fence at the site boundaries would not be raised relative to the increase in the height of the pitch surface. This would result in noise carrying more easily over the 3 metre high acoustic fencing on the site boundaries;
- the 'acoustic' fencing is a token measure, the fence proposed is simply a tall wooden fence and is not proper noise absorptive acoustic fencing;
- why is the same acoustic fencing being proposed for Site 2 as has been installed surrounding the MUGA's on Site 1 – notes that noise complaints have been received from a local resident following the first usage of the MUGA's on Site 1;
- concerned that the north western and south eastern edges of the AWP would not be 'closed-in' with acoustic fencing – creating a noise 'funnelling' effect;
- lack of adequate noise protection for residents on the Sandown Park side of Site 2;
- concerned that users of Site 2 will create harmful noise by kicking balls directly against the acoustic fencing for training purposes – why is there no welded-mesh fence on the inside of the acoustic fence as there is surrounding the AWP;
- having defined the hours of use for Site 2 (within the base planning permission), cannot understand the need for 3 metre high acoustic fencing which is intrusive on a playing field which I would rather prefer to look out on;
- In over forty years of this site being used for school sports facilities the noise of sports, if any, has passed without comment;

**Discussion****Introduction**

22. The details of fencing, gates and railings, specifications of hard surfaces and details of acoustic fencing for the development on Site 2 submitted pursuant to planning permission TW/10/4051 are being reported to the Planning Applications Committee for determination as a result of the objections received from the Borough Council (see

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

paragraph 17) and local residents (see paragraph 21). These primarily relate to an impact on tree roots through the installation of boundary fencing, the noise impact of ball strikes directly on the acoustic fence surface, a perceived concern that the proposed acoustic fencing/specification is not fit for purpose, concerns over the height of the acoustic fencing proposed and whether the acoustic fence can be screened with additional landscape planting.

23. In considering the proposed details pursuant to the base planning permission for the redevelopment of SKA, regard must be had to the most relevant Government Guidance/Statements and adopted Development Plan Policies as outlined in paragraph (16) and any other key material planning considerations relevant to take into consideration in the decision making process. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications (and submissions pursuant to planning permissions) must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Regard must also be had to the terms of the main planning consent for the SKA redevelopment in so far as the principle of site boundary and acoustic fencing has been established in planning terms and that these matters relate to the approval of technical details under that consent.
24. The details being considered here only relate to the technical specifications of site boundary and acoustic fencing (in terms of height, location, density and external appearance) and hard surfacing for the development on Site 2. As mentioned above, consideration of matters relating to the wider Academy redevelopment is not directly relevant for consideration within this report. Members will be aware that details reserved by condition pursuant to a planning permission are generally matters of a 'technical' nature which are, in most cases, agreed with relevant statutory consultees (such as the Borough Council and our own Technical Advisors) and approved under delegated powers.
25. The key planning land use considerations in this particular case can be categorised under the following headings:
  - consideration of the details submitted in respect of site boundary and acoustic fencing, in terms of its height, location, density and external appearance; and
  - consideration of the details submitted in respect of proposed Site 2 hard standing; and
  - an assessment of the landscape and visual impacts of the proposals arising from the particular detailed specification submitted.

**Site boundary and acoustic fencing**

26. As outlined above, the broad principle of boundary and acoustic fencing for Site 2 has already been established through the grant of planning consent for the Academy redevelopment. That consent was granted on the basis that the development was considered to accord with the general aims and objectives of Development Plan Policies. The technical specifications of boundary and acoustic fencing (in terms of height, location, density and external appearance) were reserved out for later consideration by planning conditions as the full details were not finalised at the main planning application stage and it was important to maintain planning control over these matters.

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

27. Having considered the boundary fencing proposed for Site 2 (as described in paragraph 12 above) it is noted that that boundary treatments include a mix of timber close boarded 2 metre high fence, relatively (visually) 'open' 1.5 metre high chain link fence and 3 metre high timber acoustic fencing. It should be noted that Site 2 currently benefits from a 2 metre high close boarded fence along its boundary with Pembury Road, blocking any directly ground-levels views of the field from Pembury Road or vice-versa. Therefore additional 2 metre high close boarded timber fence along most of the western boundary and a large proportion of the northern site boundary, would not, in my opinion, seem out of place or inappropriate for this locality. I further note that this type of fencing is commonplace in delineating residential gardens in the general locality.
28. I understand from discussions which have taken place between the applicant, the applicant's construction contractor (Willmott Dixon) and the management of the adjacent Leonard Cheshire Centre that the Cheshire Centre are happy with the proposed visually 'open' style of chain link fencing proposed. I understand that the open appearance is of benefit to the residents of the Cheshire Centre, and the direct pedestrian access and macadam path being provided by the applicant between the AWP and the Centre would allow residents of the Cheshire Centre the opportunity to view sporting activities taking place within Site 2 as and when appropriate. Having notified the Leonard Cheshire Centre of these submitted details, I can confirm that no representations have been made directly to me on their behalf. I consider that the style and height of the fencing/gate proposed along this section of the boundary is acceptable in planning terms and would not appear out of context in this locality. I therefore do not raise any concerns to the proposed 1.5 metre high chain link fence and pedestrian gate shown to be installed along this section of the site boundary.
29. The positions of the acoustic fence were broadly established at the time of the original planning application. The acoustic fencing proposed comprises of a substantial construction of 3 metre high timber half-lapped fencing with a preservative applied with a natural finish. The details provided relating to the acoustic fence state that it would achieve a minimum density of 10kg/sq. metre. The specification of this acoustic fence is the same as that which has been recently installed on Site 1 around the new MUGA's, the technical specification of which was approved by the County Planning Authority in July 2011. The specification of the acoustic fencing proposed is considered to be acceptable by the County Council's Noise Consultant (see paragraph 18) where he concludes the overall height and density to be appropriate. Noise modelling plots have been produced by the applicant to demonstrate the noise reduction benefits of the acoustic fence on surrounding residential properties, a benefit which was fully considered at the time of the original planning application decision was taken.
30. Whilst I note that concerns have been raised regarding the overall height and positioning of the acoustic fence, I am satisfied that the locations where it is intended to be installed (as outlined in paragraph 14 above) are the most appropriate locations in this instance. The height of the fence at 3 metres was broadly agreed at the original planning application stage, with noise calculations submitted at that time demonstrating the acoustic benefits associated with the fence based on modelling undertaken with a 3 metre high fence. To consider a reduced height of acoustic fencing would reduce the effectiveness of the fence to deliver an overall noise reduction from Site 2 activities for adjoining residential occupiers.

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

31. Concerns have been raised by a local resident to the effect that there is a lack of acoustic protection for residential dwellings located along Sandown Park, on the basis that there is no proposal to erect 3 metre high acoustic fencing along the site boundary with Sandown Park. This boundary currently benefits from well-established and dense hedge planting and is some considerable distance from the northern boundary of the AWP itself, located some 80 metres away. The nearest residential properties in this direction are those located on the opposite side of Sandown Park, separated by the highway itself. It is therefore not considered necessary to require noise attenuation fencing to be installed along this section of the boundary.
32. Questions have been raised about the effectiveness of the 3 metre high acoustic fencing located along the site boundaries of Site 2, noting that as part of the previously approved site level scheme the ground levels of the AWP would be raised by an average of 0.45 metres at the mid-points of the pitch. I note that the acoustic fencing situated along the eastern and western boundaries of the AWP would be raised accordingly, relative to the change in levels already approved, but the fencing at the boundary of the Site would be installed at a height of 3 metres from the existing ground levels. When considered against the relatively limited raise in levels of the AWP, compared to the overall height of the 3 metre acoustic fence at the site boundaries, I do not consider these concerns to be significant. In any case, the acoustic fencing located along the site boundaries of Site 2 would provide acoustic attenuation for the playing of sports on the adjacent grass football pitch, which I note would not be raised above and beyond previous (existing) ground levels. Based on the assessment above and the professional advice received from the County Council's Noise Consultant, I would not raise any objection to the specification of acoustic or site boundary fencing proposed for Site 2 in this instance. I further note that the broad principles of acoustic and boundary fencing were established at the time when the main planning permission was granted.

**Site 2 hard standings**

33. As outlined in paragraph 13 above, the details submitted include the specification of new hard standings proposed within Site 2. These new hard standing include a black macadam level path from the site pedestrian entrance with Sandown Park to the north eastern corner of the AWP, together with a similar path from the south eastern corner of the AWP directly into the adjacent Leonard Cheshire Centre grounds. An area of hard standing would also be created on the northern edge of the AWP to be used to store sports equipment, such as goal posts, associated with the AWP itself. On the basis of the requirement to provide an inclusive DDA compliant means of access to the AWP itself, together with the opportunity taken by the applicant to work with the adjacent Leonard Cheshire Centre to deliver some community benefit for its residents, I would not raise any objection to the hard standings proposed in this instance. I further note that the additional storage space created would seem appropriate for this location, noting that the site is physically separated from the main Academy site and it would therefore not be practical to insist on the storage of sports equipment within the main site itself.

**Landscape and visual impacts**

34. Members will note that the Borough Council has raised some concerns with the submitted details, to the effect that the proposed fencing and new hard standings would, in their opinion, be contrary to Local Plan and Core Strategy Development Plan

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

Policies which seek to preserve residential amenity and the adjacent Conservation Area (located along Pembury Road). As discussed above, it should be borne in mind that the broad details of boundary and acoustic fencing were considered and accepted at the time when the main planning consent was granted. In my opinion I do not consider the height or external appearance of the fencing proposed to be unacceptable in this locality or to have an overbearing adverse effect on either residential amenity or the adjoining Conservation Area. I consider the current proposals to reflect an appropriate balance in terms of safeguarding adjacent residential amenity, both visually and in noise terms, from the development already consented for Site 2. I would therefore not seek to raise an objection to the fencing proposed for Site 2 on landscape or visual impact terms.

35. Members will note that residential concerns have been raised regarding the impact that the installation of boundary acoustic fencing could have on tree roots currently located on the boundary between Site 2 and adjoining properties. The applicant has undertaken some further investigations in this respect, in line with the current British Standards relating to construction works in close proximity to trees, and has concluded that the fencing does not need to be realigned. Instead, the foundation design of the fence in proximity to any existing trees would be reviewed and an arboriculturist prior to any installation works taking place. I note that the main planning permission requires existing trees around Site 2 to be retained, and all construction works to be carried out in strict accordance with the relevant British Standard. I therefore propose to remind the applicant of this requirement by informative on any approval notice given.
36. Concerns have been raised regarding potential noise nuisance created by users of Site 2 kicking balls against the acoustic fence proposed to be installed on the eastern and western site boundaries. This concern has arisen particularly given that these sections of fence run at the end of the grass football pitch and could frequently be struck by balls during the use of the site. Residents have requested that the applicant install welded-mesh sports fencing on the inside of the wooden acoustic fencing, like is proposed around the AWP itself, to minimise the potential for noise nuisance to be caused from striking balls on the wooden fence. The applicant has provided me with confirmation that whilst they do not consider the additional installation of welded-mesh fencing to be necessary, they have nevertheless agreed to plant climbing plants along the field side of the acoustic fencing on the eastern boundary of the site. The fencing proposed on the western side of the field would also be planted up to with a mix of pre-grown and native hedge plants. To this effect the applicant has provided me with an indicative landscape planting scheme for this site, although this would not be approved under the current details under consideration. Instead, I will ensure that this planting is included when the Site 2 landscaping scheme is formally submitted to the County Planning Authority by the applicant for approval. I consider that this measure would satisfactorily address the concerns expressed by adjoining residents in this instance. I also note that a landscaping scheme for this site is required, by condition, in July this year. Once that scheme is approved I will ensure that the applicant undertakes the required planting within the first planting season following the completion of Site 2 works (likely to be this Autumn).
37. A request for additional landscape planting has been made by a resident to help visually screen the proposed acoustic fencing running along the eastern and western boundaries of the AWP. As stated above, the landscaping scheme for Site 2 is currently not under consideration and therefore this point will be taken into account at

**Details of fencing, gates and railings, hard surfaces and acoustic fencing for Site 2 as part of the redevelopment of The Skinners Kent Academy, Tunbridge Wells – TW/10/4051/R16&R23**

---

such time as this matter is considered in the future. I understand however that it is the applicant's intention to undertake some landscape planting, in the form of climbing plants, adjacent to the eastern side of the acoustic fencing facing adjoining properties.

**Conclusion**

38. The submitted details, primarily those relating to the acoustic fencing, have met with objection as summarised in paragraphs (17 and 21) above. Notwithstanding the concerns received, based on the professional technical advice received from my Noise Consultant, I consider the acoustic fencing to be fit for purpose, to be an appropriate height and located in suitable positions to deliver an overall acoustic reduction from the sports activities arising from the permitted use of Site 2 on adjoining residential occupiers. Furthermore, I do not consider the details submitted (relating to fencing and hard standings) to have any overbearing impact on residential amenity or in wider visual terms on the setting of the nearby Conservation Area. I also consider the technical details submitted, as considered above, to be consistent with the broad principles accepted at the time when the original planning permission was granted.
39. I also consider that the submitted details accord with the general thrust of key Development Plan Policies and therefore recommend that approval be given to the submitted details as set out in paragraphs (40) and (41) below.

**Recommendation**

40. I RECOMMEND that APPROVAL BE GIVEN to the fencing, gates and railings (condition 16 part c), details and specifications of hard surfaces (condition 16 part e) and details of acoustic fencing (condition 23) pursuant to planning permission TW/10/4051 for the redevelopment of SKA, as granted planning permission on 30 March 2011.
41. I FURTHER RECOMMEND that the applicant be advised by way of INFORMATIVES the following matters:
- the applicant's existing requirement, under the terms of condition (38) of the main planning permission (TW/10/4051), to carry out any works in proximity to existing trees strictly in accordance with the requirements of British Standard 5837:2005 'Trees in Relation to Construction'; and
  - the applicant notes the views received from residents relating to landscape planting, and be advised to take these into account when designing the landscaping and boundary treatment scheme for Site 2, as required by condition (16) of the main planning permission.

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

|  |
|--|
| Background documents - See section heading |
|--|

This page is intentionally left blank

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

---

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

**Background Documents** - The deposited documents.

- |               |  |
|---------------|--|
| AS/10/1010/R5 | Details of vehicle movement monitoring plan submitted pursuant to condition (5).<br>Waterbrook Park, Waterbrook Avenue, Ashford  |
| MA/11/487/R3  | Details of Written Archaeological Programme and Specification pursuant to condition 3 of MA/11/487 (upgrade works to Treatment Works).<br>Leeds Wastewater Treatment Works, Penfold Hill, Leeds, Maidstone |

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

---

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

**Background Documents** - The deposited documents.

None

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

---

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

**Background Documents** – The deposited documents.

- AS/10/512/R4,  
17,19,23 & 5 Details of all materials to be used externally, road markings/road safety measures, Archaeological Watching Brief, Construction Management Strategy, and a variation of condition 5 to allow the use of obscure glazing.  
Repton Primary School, Former Rowcroft and Templer Barracks, Templer Way, Ashford
- CA/11/542/R3, 4 & 5 Details of all materials to be used externally, external lighting and fencing.  
Joy Lane Primary School, Joy Lane, Whitstable
- DO/11/992 To extend existing car parking bays.  
The Downs CEP School, Owen Square, Walmer, Deal
- GR/11/933 Construction of a vehicle crossover and installation of removable pedestrian safety barrier at the existing entrance fronting high street.  
Lawn Primary School, High Street, Northfleet
- MA/11/2036 Construction of a single classroom extension with wet room, cloak and storage facility. The new classroom will be constructed on an existing tarmac surface connecting onto an existing single classroom.  
Sandling Primary School, Ashburnham Road, Penenden Heath, Maidstone
- SE/11/3150 Continued retention of an existing modular building.  
Seal CE Primary School, Zambra Way, Seal
- SE/11/3151 Retrospective application for a special educational needs (SEN) modular building.  
Seal CE Primary School, Zambra Way, Seal
- SE/11/3225 Erection of new 3.06 metre high green weld mesh fencing and realignment of the fence to the front of the school site, including an alteration to the pedestrian access point.  
Dunton Green Primary School, London Road, Dunton Green, Sevenoaks
- SH/11/1183 Proposed extension and alterations to existing front and rear access into school to provide increased level of security and two meeting/interview rooms and user friendly counter areas.  
St Nicholas CE Primary School, Fairfield Road, New Romney, Folkestone

|                     |   |
|---------------------|---|
| SW/07/1271/RA       | Non-material amendment to security fencing permitted under planning permission SW/07/1271 for a community children's centre; amendments include a change to the permitted weld mesh fencing to green palisade fencing.<br>Warden & Leysdown Children's Centre, Warden Bay Road, Sheerness   |
| SW/10/1374/R6       | Details pursuant to condition 6 (landscaping) – Application for the approval of reserved matters of appearance, landscaping, layout and scale pursuant to outline planning application SW/10/64 for the redevelopment of the site, involving demolition of existing buildings and erection of new school buildings and facilities for up to 970 pupils, including 2 storey family units and shared facilities building, sports pitches, car parking provision, new cycle storage, new boundary treatment, tree works and landscaping.<br>Isle of Sheppey Academy (West Site), Jefferson Road, Sheerness |
| SW/10/1377/RVAR     | Details pursuant to condition 3 (flood damage prevention measures), 4 (scheme for disposal of surface waters), 5 (external materials) and 6 (landscape works) of planning permission SW/10/1377 for single storey extension.<br>Richmond Primary School, Nursery Close, Sheerness   |
| SW/11/694           | Two single storey flat roof extensions to existing W.C. wing of the school.<br>Sheldwich Primary School, Lees Court Road, Sheldwich, Faversham  |
| SW/11/1452          | Renewal of planning consent for a 3-bay mobile classroom.<br>Eastchurch Church of England Primary School, Warden Road, Eastchurch, Sheerness  |
| TH/11/879           | First floor extension to existing single storey admin area to form new headteachers office.<br>Salmestone Primary School, College Road, Margate   |
| TM/11/623/R3, 4 & 5 | Details of all materials to be used externally, external lighting and landscaping.<br>West Malling Primary School, Norman Road, West Malling  |
| TM/11/3233          | Replacement boundary railings on the slade with new finial top fencing on to the original wall and pedestrian gate into the car park.<br>Slade Primary School, The Slade, Tonbridge   |
| TM/11/3433          | Renewal of planning permission for a mobile classroom.<br>Ightham Primary School, Oldbury Lane, Ightham, Sevenoaks  |

## **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/EIA/AS/0468/2011 – Request for a Screening Opinion as to whether the proposed replacement of existing wastewater pipeline requires an Environmental Impact Assessment at Stone Street Green WPS, Calley Well Lane, Aldington, Ashford
- KCC/DA/0529/2011 – Use of land and buildings in association with car breakers business.  
Ace Car Breakers, Unit P16, Manor Way Business Park, Manor Way, Swanscombe
- KCC/DO/0532/2011 – Extension of time limit to implement planning permission reference DO/08/897 for a fully enclosed waste recycling facility.  
Clearers (SE) Ltd, Aylesham Industrial Estate, Cooting Road, Aylesham, Canterbury
- KCC/SW/0004/2012 - Refurbishment and use of existing rail sidings and hardstanding infrastructure to provide for four rail sidings, hardstanding, associated facilities including new office building with welfare facilities, car park, circulatory roadway with two weighbridges, lighting and security fencing.  
SEP Ridham Dock Facility, Ridham Dock, Ridham, 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**

---

- (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

This page is intentionally left blank