

PLANNING APPLICATIONS COMMITTEE

Tuesday, 11th December, 2012

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 11th December, 2012, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

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

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

Membership (18)

Conservative (16): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),
Mr R E Brookbank, Mr A R Chell, 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, Mrs P A V Stockell,
Mrs E M Tweed and Mr A T Willicombe

Liberal Democrat (1): Mr I S Chittenden

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 - 6 November 2012 (Pages 1 - 8)
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 TW/12/1442 (KCC/TW/0151/2012) New primary school with associated hardcourt play areas, access, parking and landscaping at Land South of Rolvenden Road, Benenden, Cranbrook; KCC Property and Infrastructure Support (Pages 9 - 72)
2. Proposal TM/12/2777 (KCC/TM/0273/2012) - Extensions and alterations to existing office, swimming pool and nursery buildings at St Katherine's School, St Katherine's Lane, Snodland; Governors of St Katherine's School (Pages 73 - 88)

3. Proposal TH/12/755 (KCC/TH/0291/2012) - Retrospective application for two timber framed chalet style buildings at Cliftonville Primary School, Northumberland Avenue, Margate; Governors of Cliftonville Primary School (Pages 89 - 98)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 99 - 102)
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011
5. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

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

Peter Sass
Head of Democratic Services
(01622) 694002

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

Monday, 3 December 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, 6 November 2012.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mr I S Chittenden, 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, Mrs P A V Stockell, Mrs E M Tweed and Mr A T Willicombe

ALSO PRESENT: Mr J N Wedgbury

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

UNRESTRICTED ITEMS

59. Membership (Item 2)

The Committee noted the appointment of Mr I S Chittenden.

60. Minutes - 9 October 2012 (Item A4)

RESOLVED that the Minutes of the meeting held on 9 October 2012 are correctly recorded and that they be signed by the Chairman.

61. Application TM/12/983 (KCC/TM/0075/2012) - Aggregate Recycling Facility and Concrete Batching Plant, together with amendments to the currently approved quarry restoration plans at Ham Hill Quarry, Snodland; Tarmac Ltd (Item C1)

(1) Mr C P Smith informed the Committee that he was a Member of Tonbridge and Malling Borough Council. He had not considered the application in that capacity and was able to approach its determination with a fresh mind.

(2) Mr R Woolley from Jacobs, the County Council's Noise, Dust and Odour Consultant was present for this item to explain his professional views and to answer Members' questions, particularly in respect of Noise.

(3) The Head of Planning Applications Group reported that Tonbridge and Malling Borough Council had maintained its objection to the application and had also recommended that if permission were granted all operational and storage facilities should be maintained in the south east corner of the site.

(4) Mr M Balfour addressed the Committee in his capacity as a local Borough Councillor from the neighbouring ward of Birling and also on behalf of the Local Member, Mrs S V Hohler who was unable to attend the meeting. He spoke in opposition to the application, as did Mr D Chiddention, a local resident. Mr S Chaffe from Matthews and Son spoke in reply on behalf of the applicants.

(5) The Head of Planning Applications Group reported the views of Mrs S V Hohler, the Local Member in opposition to the application.

(6) Mrs P A V Stockell moved, seconded by Mrs E M Tweed that night time working at the site should be for a trial period of two years.

Carried by 9 votes to 6 with 1 abstention

(7) The Head of Planning Applications Group assured the Committee that the proposed noise monitoring would enable the effects of night-time working and the need or otherwise for additional acoustic attenuation to be assessed. It would also provide a basis for considering any future proposed extension to the 2-year temporary night-time working period.

(8) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried (as amended) with no opposition.

(9) RESOLVED that:-

- (a) permission be granted to the application subject conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; a limit of 100,000 tonnes per annum being stored and processed within the aggregate recycling facility; a limit of 30,000 cubic metres of concrete production per annum associated with the concrete batching plant; details/specification of the acoustic fence being submitted for approval; erection of the acoustic fence prior to the commencement of development and its maintenance in perpetuity for the life of the permitted operations; ecological mitigation being implemented (as detailed in the application) when constructing the acoustic fence; day-time noise from site operations being limited to 55 dB LAeq, 1 hr; night-time working being permitted for a trial period of two years with night-time noise from site operations being limited to 50 dB LMax; all vehicles on site using broadband reversing alarms during night-time periods; no audible tanyo/PA system being used during night-time periods; a scheme of noise monitoring; the hours of working for processing and sale of materials associated with the aggregate recycling facility being 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays, and no operations (except for essential maintenance and then only between 08:00 to 18:00 hours) taking place on Sundays and Bank Holidays; the hours of working of the concrete batching plant being 07:00 to 18:00 hours on Mondays to Fridays, 07:00 to 13:00 hours on Saturdays, and no operations (except for essential maintenance and then only between 08:00 and 18:00 hours) taking place on Sundays and Bank Holidays; the removal of the remaining indigenous sand reserves and restoration being completed

within 18 months from the implementation of the development (in accordance with the revised restoration scheme); the height of material stockpiles being restricted to no more than 6m above the quarry floor and no vehicles, machinery, plant or equipment being operated on top of the stockpiles; the retention, maintenance and management of the restored landscape areas for the life of the development; a formal 5 year aftercare period for the restored landscaped areas; dust mitigation measures; measures to control mud and debris being tracked out of the site; details of any site lighting being submitted for approval; and details of the concrete batching plant being submitted for approval;

- (b) the applicants be advised, by Informative that a Site Liaison Committee should be established in accordance with the general terms which the applicant has proposed; and
- (c) the applicants be requested to re-paint Public Right of Way MR75A crossing markings immediately outside their site as soon as they are reasonably able to do so (in consultation with the landowner as necessary).

62. Application AS/12/518 (KCC/AS/0095/2012) Scrap metal storage and processing facility, including End of Life Vehicle facility at Eclipse Business Park, Cobbs Wood Industrial Estate, Ashford; European Metal Recycling Ltd
(Item C2)

- (1) Mrs E M Tweed addressed the Committee as the Local Member. She took no further part in the decision making process for this application.
- (2) Mr J N Wedgbury was present for this item pursuant to Committee Procedure Rule 2.27 and spoke. He informed the Committee that he was the Vice-Chairman of Ashford Borough Council's Planning Committee but was speaking on this occasion in his capacity as a Local Member from the adjoining ward.
- (3) The Committee agreed that if permission were granted, there would be no deliveries before 7.00 am.
- (4) On being put to the vote, there were 6 votes for and 6 votes against the amended recommendations of the Head of Planning Applications Group.
- (5) Pursuant to Committee Procedure Rule 2.26 (2), the Chairman immediately declared that he was using his casting vote in favour of the recommendations as amended.
- (6) RESOLVED that permission be granted to the application subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; a maximum throughput of 60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous metals per year; details/specification of external materials of site fencing (including details of the front false building façade) being submitted for prior approval; the erection of all site fencing prior to the commencement of

any operations and the maintenance of this fencing in a good state of repair for the perpetuity of the development; tree protection measures during the construction of the development; details of the landscaping scheme (including new tree and shrub planting) being submitted for approval prior to the commencement of any operations (landscape planting being undertaken thereafter within the first planting season following the first operation of the site and being maintained for a period of not less than 5 years); the hours of operation being 07:00 to 18:00 hours on Mondays to Fridays and 07:00 to 13:00 hours on Saturdays with no working on Saturday afternoon, Sundays, Bank and Public Holidays and no vehicle deliveries taking place before 07:00 hours on any day); the hours of construction being 07:00 to 18:00 hours on Mondays to Fridays and 07:00 to 13:00 hours on Saturdays with no working on Saturday afternoon, Sundays, Bank and Public Holidays; the height of material stockpiles and skip storage being restricted to no more than 6m above ground level, and plant and machinery being operated from ground level rather than from stockpiles; details of a remediation strategy to deal with risks associated with contamination being submitted for prior approval; no piling or foundation designs using penetrative methods taking place other than with the prior approval of the Waste Planning Authority; the maximum number of operational vehicle movements associated with the metal recycling facility being limited to 200 per day (200 in / 200 out); provision being made within the site for construction vehicles parking, loading, off-loading and manoeuvring space during construction activities; details of on-site parking and turning space for personnel/operatives/visitors being submitted for prior approval; details of surface water drainage to be submitted for prior approval; measures to prevent mud and debris being deposited on the highway; a requirement to provide 3 cycle spaces within the site prior to first operations; new access being provided in accordance with the details submitted prior to the first use of the development and being maintained in perpetuity thereafter for the life of the development; a restriction on the rating noise level emanating from the facility on nearby noise sensitive residential properties when assessed in accordance with BS:4142 to no more than the existing background noise level; details of a lighting scheme being submitted for prior approval; and materials being stored and handled in those areas proposed.

63. Application DO/12/664 (KCC/DO/0292/2012) - Section 73 application to vary Condition 9 of Permission DO/03/477 for the variation of hours of operation to allow vehicle movements related to Local Authority waste collection services on Bank and Public Holidays at Richborough Hall, Ramsgate Road, Richborough, Sandwich: Thanet Waste Services
(Item C3)

- (1) Mr W A Hayton and Mr J D Kirby informed the Committee that they were both Members of Thanet District Council. Mr S C Manion informed the Committee that he was a Member of Dover District Council. None of them had considered the application in their District Council capacities, and they were all able to approach its determination with a fresh mind.
- (2) RESOLVED that permission be granted for the variation of Condition 9 of Permission DO/03/477 as set out in paragraph 11 of the report, and that a condition covering the maintenance of the reptile habitat be added to the

Permission.

64. Proposal MA/12/1272 (KCC/MA/0199/2012) - New teaching block and associated car parking and multi use games areas at St Augustine's Academy, Oakwood Park, Maidstone; KCC Property and Infrastructure
(Item D1)

(1) Mr I S Chittenden and Mrs P A V Stockell informed the Committee that they were Members of Maidstone Borough Council. Neither of them had considered the proposal in that capacity and they were both able to approach its determination with a fresh mind.

(2) Mr D Brown, a local resident addressed the Committee in opposition to the proposal. Ms K Lidington from DHA Planning spoke in reply on behalf of the applicants.

(3) The Committee agreed by 9 votes to 4 that the hours of use of the multi-use games areas (MUGA) would be limited to 0800 to 2100 on Mondays to Saturdays and 0800 to 1800 on Sundays and Bank Holidays.

(2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard 5 year time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; a scheme of landscaping, including hard surfacing, its implementation and maintenance; measures to protect those trees to be retained; no tree removal taking place during the bird breeding season; the development according with the recommendations of the ecology survey; a programme of archaeological works; "Secured by Design" principles being achieved; a BREEAM rating of 'Very Good' being achieved; a revised School Travel Plan, including a regularly monitored action plan for reducing car-borne trips to school by sixth formers; a community use agreement relating to the multi-use games areas (MUGAs), including hours of use being limited to 0800 to 2100 on Mondays to Saturdays and 0800 to 1800 on Sundays and Bank Holidays; details of foul and surface water drainage; a 2 metre high noise barrier being provided prior to first use of the MUGAs; baffles or louvres being fitted to the floodlights or lanterns to reduce the impact if required; hours of working during construction and demolition being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; a construction management plan, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations; measures to prevent mud and debris being taken onto the public highway; and measures to prevent dust nuisance during the demolition phase.

65. Proposal SE/12/243 (KCC/SE/0243/2012) - Two-storey extension, single-storey toilet block, and extension to existing canopy at Fordcombe CEP School, The Green, Fordcombe, Tunbridge Wells; Governors of Fordcombe CEP School
(Item D2)

- (1) Mr R E Brookbank informed the Committee that he was a Member of Sevenoaks District Council. He had not considered the proposal in that capacity and was able to approach its determination with a fresh mind.
- (2) The Committee noted the views of Mr P W A Lake, the Local Member in support of the proposal.
- (3) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the 5 year standard time limit; the development being completed in accordance with approved plans; the prior approval of external materials; and tree protection.

66. Proposal SE/12/2144 (KCC/SE/0255/2012) - Construction of a car park within a woodland area at St Lawrence Primary School, Church Road, Seal; Governors of St Lawrence Primary School
(Item D3)

- (1) The Committee noted the views of Mr N J D Chard, the Local Member in support of the proposal.
- (2) The Head of Planning Applications Group informed the Committee of the views of Kent Highways Services on the revised layout. They had advised that a 21m vision splays would be required to the north. The Committee agreed to strengthen the appropriate condition accordingly.
- (3) RESOLVED that:-
 - (a) permission be granted to the proposal subject to conditions, including conditions covering the development being implemented within 5 years; the development being carried out in accordance with the permitted details; tree protection measures for those mature trees to be retained; the delivery and ongoing maintenance of the landscape scheme; the implementation of biodiversity enhancement measures; measures to prevent mud and other debris being deposited on the public highway during construction; and the continued maintenance of the vision splays, including the 21m to the north as recommended by Kent Highways Services; and
 - (b) the applicant be notified by Informative of advice on what action should be taken if protected species are found during development.

67. 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 the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None);
- (e) Scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).

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SECTION D
DEVELOPMENT CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

New Primary School with associated hardcourt play areas, access, parking and landscaping at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 11 December 2012.

Application by Kent County Council Property and Infrastructure Support for the erection of a new primary school building with associated hardcourt play areas, access, parking and landscaping and re-profiling and landscaping of residual land to return to pasture at Land South of Rolvenden Road, Benenden, Cranbrook, TN17 4DN – TW/12/1442 (KCC/TW/0151/2012).

Recommendation: Planning permission be granted, subject to conditions.

Local Member: Mr Roger Manning

Classification: Unrestricted

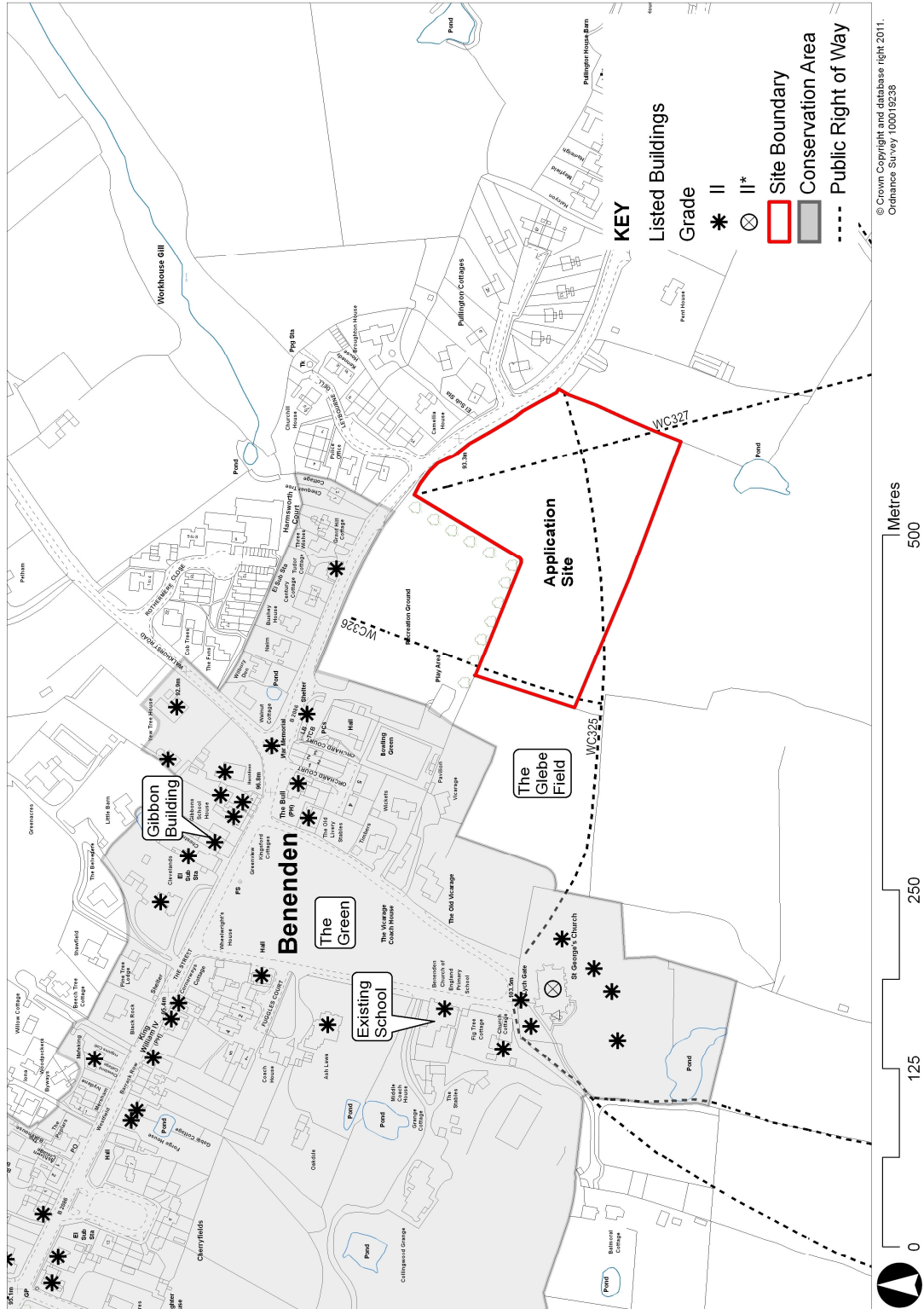
Site Description

1. Benenden Primary School currently operates from a collection of buildings located around the village green. The main school building dates from the mid 19th Century and is Grade II Listed. The existing school provision is split between the main building, which accommodates five classes, and the Gibbon Building, which houses the reception class and dining room within a single space. The Gibbon Building is also Grade II Listed and dates from 1609 and is situated opposite the village green. The Gibbon Building is currently leased by the County Council on behalf of the School.
2. The current school accommodation falls significantly below the minimum space standards for Primary Schools as set out by Government. The shortfall in space results in the dual use of space, which is inconvenient, time-consuming and precludes the provision of presentation space to suit a single and primary purpose. Specifically, the use of the Gibbon Building for both reception class and school dining room, requires the safe and accompanied transfer of children across the village green and main road and back again for lunches. That is required in all weather conditions and is extremely time-consuming and can be disruptive for the children. Not only is the existing building insufficient in floorspace terms, but it is also not well configured for modern teaching practices or flexible in use owing to its internal layout and constraints imposed by the building's listed status. Outdoor play provision is limited to a small playground to the rear of the main school building and sports provision is delivered in the form of the use of the village green and the Glebe Field. Use of the village green requires intensive staffing and monitoring of the children given adjacent roads, whilst the Glebe Field is physically remote from the school. The school currently has very little dedicated parking, set in front of the existing main school building. Parents and visitors therefore use space around the village green for parking when dropping off and collecting children, with overspill parking sometimes occurring in the village hall car park and on the main road through the village.

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

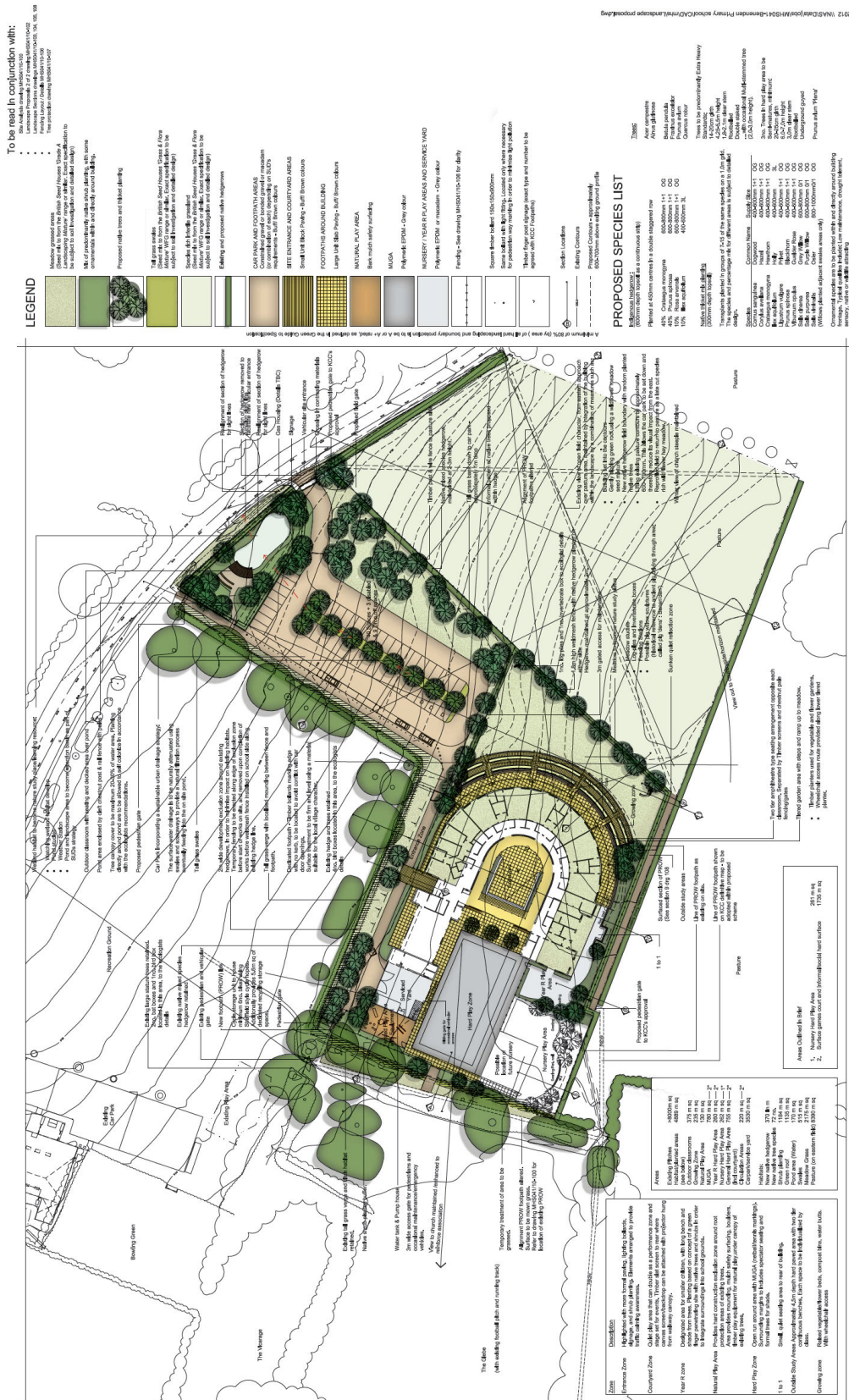
Site Location Plan

Benenden Primary School Application Site



New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

Proposed Site Layout Plan



Item D1

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

Proposed North and West Elevations



New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

Proposed South and North Internal Elevations



New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

3. The application site lies approximately 250 metres east of the existing school, adjacent to the Village Hall playing field and south of the main Cranbrook to Tenterden Road (Rolvenden Road). The site lies to the east of the village church and adjacent to the Glebe Field. The application site itself measures just over 2 hectares in area and currently comprises open pasture. Land to the south is in open agricultural use, whilst the village sports field is situated directly to the north. The application site is bordered by native hedgerow, with tree cover lining the western boundary with the Glebe Field and surrounding the sports field to the north. The application site has sloping topography, rising southwards from the Rolvenden Road.
4. The application site does not benefit from a dedicated vehicular access at present with the exception of an agricultural access gate at the northern corner. Three Public Rights of Way cross the site; footpath WC325 runs from the Glebe Field and across the corner of the field to the south, before entering the application site via a stile on the southern boundary, heading in a north easterly direction; footpath WC326 runs directly alongside the site boundary with the Glebe to the west, although the physical alignment on the ground actually runs to the east of this boundary with the Glebe Field; and footpath WC327 runs from the north western corner of the site where it meets the highway to the south eastern corner, crossing the route of footpath WC325.
5. The application site is located entirely within the High Weald Area of Outstanding Natural Beauty (AONB). This designation washes across the entire village of Benenden extending at its narrowest part some 3 kilometres north east of the village towards Tenterden. The Benenden Conservation Area covers a large part of the village, including the village green, St George's Church and extends to a point along Rolvenden Road just west of Leybourne Dell. There are a substantial number of Listed Buildings within the village, the closest being Tudor Cottage (Grade II), fronting Rolvenden Road on the north side of the village hall playing field, and St George's Church (Grade II*), to the west of the Glebe playing field. A 'Site Location Plan' is included on Page D1.2 which identifies the Benenden Conservation Area, the application site boundary, nearby Listed Buildings and the Public Rights of Way.

Background

6. The decision to develop a new primary school for Benenden is based on the fact that it is widely acknowledged that the existing school is too small, out dated and unsatisfactory for modern teaching practice. The applicants advise that if a new school were not to be provided, i.e. a 'do nothing approach', then either the school would continue to provide an inadequate teaching environment for staff and pupils which is not sustainable in the long-term, or existing schools elsewhere would have to accommodate the displaced provision, which is neither feasible in education provision terms nor suitable in sustainability terms given the numbers of pupils involved and the impact upon the village community that would follow. An option to redevelop the existing school site is not a viable solution in this instance since the school currently operates from a number of split sites, with buildings on these sites vastly constrained by their Listed status.
7. As part of initial feasibility work undertaken by the applicant, it soon became evident that in this instance there were no previously developed sites currently available in the village envelope which could be capable of accommodating a new primary school. All sites within the village are designated within the High Weald AONB, where the National Planning Policy Framework presumes against major development except in exceptional

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

circumstances and where it can be demonstrated that they are in the public interest, of which need is a significant consideration. The only viable option which was considered by the applicant following the initial feasibility work undertaken hitherto was to provide a new school on greenfield land outside of the village envelope.

8. With the need for a new school established, and the only feasible form of provision being a new school on a greenfield site outside the village envelope, the applicant set about its consideration of the most suitable site for a new school in planning terms. Initial feasibility work was undertaken on behalf of the School in 2004. This work identified 6 potential sites outside the village envelope which required further consideration, of which 3 were considered most preferable. Initial consultation with Benenden Parish Council and a public meeting were held in March 2005. This initial work coincided with the introduction of 'Local Development Frameworks' with Tunbridge Wells Borough Council assuming responsibility for identifying a suitable site and producing a dedicated Development Plan Document (DPD) to allocate the chosen site for new school development.
9. A lengthy process of further site assessment followed, looking at issues of size, topography, accessibility, deliverability and any other potential constraints, alongside ongoing and continued stakeholder engagement and public consultation. The Borough Council-led process ultimately concluded that two sites presented the best opportunities for the school in planning terms, namely those referred to as Site 1 (New Pond Road) and Site 8 (the site now subject to this application). In considering these two sites, the Borough Council initially proposed to allocate Site 8 as the preferred site for development, and a draft DPD was published on that basis.
10. The draft DPD was based on the premise that the school should be developed on the Glebe Field rather than the adjacent pasture, something considered wholly inappropriate by the School and KCC given the open space and community value of the Glebe Field. In response to this, the applicant commissioned Roderick James Architects and Nichols Brown Webber Landscape Planners to undertake concept design work for Site 8, to illustrate how this could be appropriately developed to preserve the Glebe Field for school and community open space use. Similar work for Site 1 was also commissioned to aid comparison, together with independent development costings for the two sites based on the initial concept designs. Notwithstanding this work, in October 2006 the Borough Council resolved to submit an amended DPD submission version that included both Site 1 and Site 8 (retaining reference to building on the Glebe Field), with a final decision to be made by the Secretary of State through Examination in Public.
11. In weighing up the two sites, assessing both sites on their merits and having regard to the estimated costings, the County Council concluded that Site 8 represented the most appropriate location for the new school, but only on the basis that the Glebe Field remained undeveloped and that a high standard of design appropriate to its AONB siting could be achieved. Accordingly, and in an attempt to demonstrate to the Borough Council that an alternative solution to Site 8 would be feasible, the concept plans were presented to the village at a public exhibition in January 2007. The exhibition was extremely well attended, with 90% of respondents expressing a preference for building on the pasture rather than the Glebe Field.
12. In March 2007 a Parish Poll was held, asking parishioners to vote on either Site 1 or Site 8 (divided into Site 8A being the pasture site and 8B being the Glebe Field). As minuted, the Poll was devised by the Parish Council in consultation with the Borough

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

Council's Returning Officer, and conducted on the day by the Borough Council. The Poll was designed to inform the Parish Council of local views and their formal representations during the next DPD consultation period. The results of the Poll were therefore designed to inform the consultation process and were not binding and had no statutory power. 522 votes were cast, with 56.7% voting in favour of Site 1 and 43.3% voting in favour of Site 8 (Site 8A – 41.4% and 8B – 1.9%).

13. Following the public exhibition and Parish Poll, consultations between the applicant and the Borough Council continued, resulting in the further work on the DPD being suspended. The applicant subsequently resumed responsibility for delivering the new Primary School via the planning application route in agreement with the Borough Council, having regard to the lengthy consultation process undertaken to date.
14. A County Member Site Visit to the site for the new village Primary School was held on 27 September 2012. The notes of the Site Visit are set out in Appendix 1.

Proposal

15. The application proposes the construction of a new One Form Entry (1FE) Primary School with associated facilities, together with a new dedicated vehicular access off Rolvenden Road. The application details that the design of the proposals has been directly informed by the site's landscape context and relationship with the village and nearby built form. The proposed building would be 'cut-in' to the existing slope, reducing the overall height of the building in the landscape. The spoil taken from this 'cut' would be evenly distributed across the residual land to the east, retaining a natural topography some 600-700 mm above the existing field contours.
16. The front (north) of the site would be occupied by the proposed new vehicular access onto Rolvenden Road and landscaped parking area. The parking area would be laid out in rows, interspersed by grassed drainage swales and new planting, with the main surface consisting of bonded gravel. A new pond is proposed for the roadside, which would act as a balancing pond for the site drainage and provide an enhanced area of wetland habitat which would also be used by school staff as a nature study teaching aid.
17. The proposed site boundaries would generally be marked out by new and existing hedgerow with interspersed tree planting, a common feature in this part of the High Weald AONB. Between the hedgerows a mix of fencing design is proposed to provide the necessary level of security which reflects the site's rural village context. The site fencing strategy would consist of a mix of 1.8m high green weldmesh fence around the school itself, 1.2m high timber chestnut post and rail fence between the school and village hall playing field boundary and 1.2m high timber post and wire fencing along the front boundary of the school with Rolvenden Road and the boundary of the new car park with the pasture land beyond.
18. No trees would be removed as part of the proposals, with the necessary tree protection measures being installed in accordance with the relevant British Standard prior to any construction activities. Proposed hard play areas would be contained within the confines of the new school buildings, with direct access out to the Glebe Field which would continue to be used as playing field for the school. The outside area of the site would be laid out and treated to perform distinct functions, including: a growing zone, outside study areas, courtyard zone with amphitheatre seating area, equipped play area, Multi Use Games Area (MUGA) and a designated play area for younger reception class

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

pupils landscaped to provide natural shading.

19. As detailed above, the remaining land to the east of the car park would be re-profiled as part of the wider 'cut and fill' operations proposed. The application details that the extent of 'cut' proposed follows detailed consideration of a number of alternative levels and would balance the visual effect of the proposed built form against the need to retain sensible levels across the remainder of the site that retain a natural appearance and avoid the need to export materials off site. The 'cut' materials would be redistributed across the pasture land to the east of the primary school and car park area to create a naturalistic landform some 600-700 mm higher than existing levels, with the land treated and seeded to create a late cut, species rich wildflower hay meadow.
20. Adequate space has been retained on site to the south west of the proposed school building to allow for potential future provision of a nursery building. This nursery building does not form part of this application and it is proposed that the area be landscaped in a manner that would benefit the school, but not unduly restrict the future provision of a nursery should it come forward (subject to a separate planning application) at a future date.
21. The school building design has followed the work originally undertaken in producing the concept design, which the applicant notes received an extremely positive response when consulted on locally. The proposed building is 'U' shape in form and footprint, laid out around a central courtyard and hard play area. The main 'U' shaped school structure would be single storey, with the main teaching area exhibiting a modern design utilising a mix of traditional materials with more contemporary building techniques, including the provision of a green roof with native species and sedum plug plants, sown with London seed mix containing a variety of native species grasses and flowers.
22. The school hall has been designed to reflect the typical rural barn vernacular found in the area, combining a tiled pitch roof with timber boarded elevations. The hall has been designed to be capable of use for assemblies and PE, thereby removing the School's existing reliance upon alternative accommodation provided by the village hall and Church for such activities.
23. The main school building would be 5 metres high to the ridge of the green roof, with a maximum ridge height of 103.5 metres AOD. The school hall would be just under 8 metres high to the ridge, with a maximum ridge height of 106.5 metres AOD. To put these levels in context, the application site is currently sloping, with existing levels at the northern extent of the new school at approximately 98.5 metres AOD and at the south eastern corner of the new school between approximately 100 and 100.5 metres AOD. The new school building would be 'cut in' to the current ground contours with an internal finished floor level of 98.5m AOD. Therefore, in relation to existing ground contours the new school hall would extend approximately 8 metres above existing levels, whilst the main school building would extend between 3.5 metres and 3 metres above existing ground levels.
24. The proposed internal building layout provides for seven individual teaching areas, each supplemented by a break-out area and toilets with cloakroom. A dedicated staff and reception area would be located at the main school entrance, whilst a library and ICT suite would be sited to the rear, offering dedicated and high quality Information Technology provision. The reception class area would be located on the far southern

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side of the 'horseshoe', linked to the reception area to the north by a covered walkway, in turn demarcating the courtyard zone to the east and MUGA to the west. The proposed building itself measures some 1,464 square metres internally, meeting the minimum size standards set by the Government and represents almost a tripling of the existing village school provision.

25. Three forms of renewable energy technologies would be provided following extensive assessment of the sustainable design techniques and technologies available to the project, considering performance, CO² reductions and payback periods. These technologies include photovoltaic solar panels, solar thermal panels and a ground source heat pump. These measures would be introduced in addition to the inherently sustainable building envelope which would be created through careful sourcing of materials and plant, good levels of insulation (including that provided by the green roof), water efficient installations and energy efficient measures, which together would secure a building that would achieve a 'Very Good' BREEAM rating, as required by current DfE standards.
26. Vehicular access is proposed directly from the B2086 Rolvenden Road to the north east of the site, with the access point and bellmouth to be sited between the junctions with Leybourne Dell and Pullington Cottages. The vehicular access has been designed to benefit from visibility splays measuring 2.4m x 66m to the south east and 2.4m x 66.8m to the north west. As part of the proposed access arrangements a section of existing hedgerow would be removed from the site boundary with Rolvenden Road. This removal would facilitate both the new access itself and the hedgerow north west of the access, with the latter section being re-planted further within the site to ensure that visibility splays from a westerly direction are secured from the outset.
27. When the application was originally submitted, parking provision was made within the site for 67 vehicle parking spaces, including a drop-off area and disabled parking provision. Following initial consultations on the application, and specifically at the earlier request of the Borough Council, the applicant has since reduced the on-site parking provision by some 22 percent, down to 52 vehicle parking spaces. A revised car park layout has been submitted detailing these changes, which has resulted in an increase in landscape planting provisions along the north-eastern boundary of the car park towards the pasture area. The applicant details that parking provision has been designed to reflect the rural context of the school and the likely demand as evidenced from existing school operations. Cycle parking provision is proposed for 6 bicycles which are primarily expected to be used by staff. A service area to the west of the main hall would contain the waste and recycling collection point, water tank and pump house and cycle storage. This would also include access through to the play area for occasional maintenance and emergency access. The area has been specifically designed to allow service and emergency vehicles to turn at this point, allowing entry and exit from the site safely in a forward gear.
28. It is proposed that a formal diversion of the Public Rights of Way (PROW) which cross the site would be pursued following the successful grant of planning permission. The proposed diverted routes of these footpaths are detailed within the application and follow initial engagement with the County Council's PROW Officer. The proposed diversions include the realignment of footpath WC326 along its current trodden route to the west of the Glebe Field boundary, diversion of footpath WC325 to avoid conflict with the footprint of the proposed school building, and a slight re-routeing of footpath WC327 along Rolvenden Road to north of the application site, across the proposed new

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vehicular access and through the corner of the proposed car park into the pasture beyond. The application details that any temporary diversions of these footpaths required during construction would also be agreed with the County Council's PROW Officer as required.

29. The application is accompanied by studies covering landscape and visual impact, trees, transport, ecology, flooding, sustainability, educational need and community involvement/engagement.
30. The application details that if planning permission is granted and the new facilities are subsequently developed, the existing school building site would become redundant for educational purposes. This asset would be disposed of accordingly, with the proceeds of any sale being used to contribute towards the capital costs associated with providing a new school.
31. Following initial consultee responses received, the applicant has provided further/amended details in support of their application. These details relate to a scheme of off-site traffic calming measures for the B2086 Rolvenden Road in the vicinity of the proposed school entrance; additional supporting landscaping information in the form of site cross-sections; details of additional landscape planting; alterations to proposed site fencing; changes to the definitive PROW layout; and a summary of other issues raised as part of the application consultation process. The additional supporting information has been provided to the Borough Council, Benenden Parish Council and other statutory consultees for comment.
32. The proposed traffic calming measures submitted for Rolvenden Road to assist in lowering traffic speeds in the vicinity of the school access include the following measures:
 - i. Red 'school zone' entry surface shading east and west of the school access, incorporating the triangular school/parent child sign;
 - ii. Edge and centre white thermoplastic gateway features within the above red entry surfacing, giving the effect of a gateway narrowing feature;
 - iii. White edge of carriageway line markings, giving the impression of narrowing the carriageway running lanes and slowing vehicle speeds;
 - iv. Modifications to roadside 30mph repeater signs; and
 - v. Additional 30mph painted road marking roundels.
33. Based on evidence elsewhere, the applicant identifies that these types of measures can reduce traffic speeds by between 3mph and 15mph below 'before' 85th percentile surveyed speeds, in the case of major roads with reasonable or heavy traffic flows. The applicant's transport consultant suggests that even with modest speed reductions it would be reasonable to expect 85th percentile speeds to be lowered to 35mph or less in the site vicinity.
34. A copy of the Proposed Site Layout Plan and Proposed Elevations are shown on pages D1.3, D1.4 and D1.5 respectively.

Planning Policy Context

35. The key National and Development Plan Policies most relevant to the proposal are summarised below:

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- (i) **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (March 2012) which sets out the Government's planning policy guidance for England and as guidance is a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. The NPPF replaces the majority of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs).

The NPPF contains a presumption in favour of sustainable development. The new Framework also refers to the UK Sustainable Development Strategy 'Securing the Future' which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are three dimensions to sustainable development which create three overarching roles in the planning system - economic, social and environmental. These roles are mutually dependent. Within the over-arching roles there are twelve core principles that planning should achieve. These can be summarised as:

- be genuinely plan-led;
- a creative exercise in finding ways to enhance and improve the places people live their lives;
- proactively drive and support sustainable economic development;
- secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
- support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
- promote mixed use developments;
- conserve heritage assets;
- manage patterns of growth to make fullest use of public transport, walking and cycling; and focus significant development in locations which can be made sustainable; and
- take account of strategies to improve health, social and cultural well being, and deliver sufficient community and cultural facilities and services to meet local needs.

In terms of delivering sustainable development in relation to this development proposal, the following NPPF guidance is particularly relevant:

- Chapter 4 (Promoting sustainable transport);
- Chapter 7 (Requiring good design);
- Chapter 8 (Promoting healthy communities);
- Chapter 10 (Meeting the challenge of climate change, flooding and coastal change);
- Chapter 11 (Conserving and enhancing the natural environment); and

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- Chapter 12 (Conserving and enhancing the historic environment).

Chapter 11 states that great weight should be given to conserving landscape and scenic beauty in (amongst other designated areas) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. It goes on to state that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such application should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

Policy Statement on Planning for Schools Development (August 2011) is also relevant, in so far as it identifies that there should be a presumption in favour of the development of state-funded schools.

- (ii) **South East Plan (2009)** – the most relevant Policies are CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC4 (Sustainable Design and Construction), CC6 (Sustainable Communities and Character of the Environment), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM4 (Sustainable Flood Risk Management), NRM5 (Conservation and Improvement of Biodiversity), NRM11 (Development Design for Energy Efficiency and Renewable Energy), C3 (Areas of Outstanding Natural Beauty), C4 (Landscape and Countryside Management), C6 (Countryside Access and Rights of Way Management) BE5 (Village Management), BE6 (Management of the Historic Environment) 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. The Government is currently consulting on the likely significant environmental effects of revoking the Plan. This consultation closes on 6th December 2012.

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- (iii) **Tunbridge Wells Borough Local Plan Saved Policies (2006)** – The most relevant Policies are LBD1 (Developments Outside the Limits to Built Development), EN1 (Development Control Criteria), EN5 (Development Within or Affecting the Character of a Conservation Area), EN8 (Outdoor Lighting), EN13 (Tree and Woodland Protection), EN16 (Protection of Groundwater and Other Watercourses), EN25 (Development Control Criteria Relating to Proposals Affecting the Rural Landscape), CS2 (Allocations for New Primary School Provision), TP4 (Access to the Road Network) and TP5 (Vehicle Parking Standards).
- (iv) **Tunbridge Wells Borough Core Strategy (2010)** – The most relevant Policies are CP4 (Environment), CP5 (Sustainable Design and Construction), CP8 (Retail, Leisure and Community Service Provision) and CP14 (Development in Villages and Rural Areas).

Consultations

36. **Tunbridge Wells Borough Council** – No objections to the development subject to conditions being imposed covering:
- i. Materials as specified;
 - ii. Traffic calming and traffic management measures to be implemented;
 - iii. Access, offsite works and sight lines to be provided;
 - iv. Parking provision;
 - v. Boundary treatment;
 - vi. Landscaping (protection, implementation and management);
 - vii. Ecology (implementation and management in line with recommendations in submitted specialist strategies);
 - viii. Hours of construction;
 - ix. Withdrawal of Permitted Development Rights;
 - x. Lighting; and
 - xi. Hours of use.

In addition, the Borough Council accepts that there is no alternative access (including parking provision) available at the current time but encourages KCC to continue to negotiate with the Harmsworth Trust with a view to achieving agreement over shared access and parking arrangements at a later date in order to further mitigate transport and landscape impacts.

The Borough Council would expect KCC to carry out appropriate consultations on the additional information received before coming to a final decision.

37. **Benenden Parish Council** – At an Extraordinary Meeting of the Parish Council on 4 September 2012 the Parish Council resolved (by 5 votes to 1) to submit a response on the application in its letter dated 6 September 2012 (as attached at Appendix 2). In summary *“Benenden Parish Council is aware of the shortcomings of the existing village Primary School and voted unanimously on 18 June 2012 in favour of a new school. However, we could not support the planning application submitted by KCC for the Parish Councils’ comments and it was rejected by 5 votes to 3”*.

The Parish Council were consulted on additional information in October 2012. Its further views on the application can be found in full at Appendix 2 under its letter dated 20 November 2012. In summary, it considers that the reduction in the car park would mean

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slightly less detrimental impact on the landscape although there would be 15 or more cars parking elsewhere in the village. It maintains its previous objection to the proposed development. Within its letter dated 20 November 2012 it also makes detailed comments on the further site selection documentation submitted by the applicant.

I have received a letter of support from four Benenden Parish Councillors (as attached at Appendix 3), noting that the Parish Council is in fact divided – with five Parish Councillors opposed to the application and four in favour. A copy of the views of those Councillors in favour of the proposals is included at Appendix 3.

38. **KCC Highways and Transportation** – Has no objection to the proposed development. The general arrangements for the access with a priority junction are acceptable and provide appropriate clearance from other junctions within the vicinity.

Considers that the reduced level of parking (52 spaces, down from 67) is acceptable and the surface must be bound with no drainage over the highway. Recommends that prior to the commencement of works on site details of the car park arrangements to include long and cross sections, gradients, surface materials and drainage shall be submitted for approval. Notwithstanding the details already submitted, details of proposed visibility splays at pedestrian and vehicular access points and associated boundary treatments to Rolvenden Road frontage should be submitted for approval and thereafter implemented prior to first occupation of the new Primary School and maintained in perpetuity thereafter.

Recommends that prior to the commencement of works on site, details of a package of measures to reduce the speed of traffic within the vicinity of the site shall be submitted for approval. The agreed package of measures shall be implemented in accordance with Highway Authority standards and specifications prior to the first occupation of the new Primary School.

Considers that within six months of first occupation a revised School Travel Plan shall be submitted for approval and measures contained therein to be implemented in accordance with an approved timetable. There is also a need for a Construction Management Plan to be approved prior to construction covering aspects such as wheel cleaning equipment, hours of working, parking and storage of materials during construction activities. It also notes that the applicant will need to enter into a Section 278 Agreement with the Highway Authority regarding the proposed works to the highway.

39. **Environment Agency** – Has no objection to the proposals, noting that the revised proposals (i.e. a reduction in the size of the car park) represent a significant reduction in the hard surfaced area of the car park and an increase in natural draining land cover.
40. **KCC Landscape Advisor** – Considers that the submitted Landscape and Visual Impact Assessment (LVIA) has generally been undertaken in accordance with the guidance, although there are some minor misinterpretations. However, she tends to agree with the conclusion that the proposals would cause only a minor adverse impact on the landscape character of the area. The impacts on the setting of surrounding Listed Buildings and Benenden Conservation Area are not clearly defined within the LVIA, although she does not consider that these would be significant because the proposals are visually well contained and because of the sensitive design of the building. She agrees that the proposals would have a slight adverse effect on the immediate vicinity

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of the AONB, but that the visual containment of the site and the attention to built form would mean that the impact on the wider AONB would be negligible. She considers that whilst the zone of visual influence would be well contained, there would be some substantial adverse visual impacts from residential housing to the north east of the site and from housing along Rolvenden Road opposite the proposed access and car park. Currently these properties afford rural views across hilly pasture and the proposals would cause a significant change in view, particularly where the proposed access, car park and vehicles would be visible.

She notes that the size of the proposed car park has been reduced by approximately 20-25% and an area of informal native trees is now proposed to the east of the car park within the retained native hedgerow. This amendment would help to reduce the landscape and visual impacts caused by the proposals, particularly long-term visual impacts experienced from housing to the north and east of the site because views of the car park would eventually become filtered by the proposed native trees. However, she considers that there would still be some substantial adverse visual impacts from residential housing to the north east of the site and from housing along Rolvenden Road opposite the proposed access and car park. This is because of the significant change in view from attractive hedgerow enclosed pasture to a car park, as well as the indirect impacts caused by vehicle movement.

She notes that the fencing proposals have been reviewed, and that the 3 metre high fencing originally proposed has been reduced to 1.8 metres. However, whilst the applicant has used timber fencing that would be more appropriate in this rural location to the north of the site, the 1.8m high weld mesh fencing would still form an intrusive element in the landscape. I would therefore question as to whether 1.8m high weld mesh fencing is necessary to meet current security standards.

Whilst there are clear sustainability benefits of incorporating photovoltaic and solar thermal panels onto the proposed school hall roof, she considers that the building would appear slightly more in keeping with the surrounding built form without these features. That said, she does not consider that they would significantly detract from the overall built form and Kentish barn character.

She considers that the following measures should be secured by condition:

- i. Details of tree protection in accordance with the relevant British Standard;
- ii. Detailed landscaping scheme to include the number of proposed trees, shrubs and hedging plants, together with details of their proposed species, sizes and methods of planting, further information regarding the wetland area and details of soil storage;
- iii. Details of building design materials to reflect local vernacular; and
- iv. Details of fencing design/colour/specifications.

41. **High Weald AONB Group** – The proposed development will impact on the AONB by changing the character of the location from an open rural field, which makes a significant contribution to the setting of Benenden village within the landscape, to that of major built form, and associated parking, hard standing and formal areas. The location is particularly sensitive due to the exposed ridgeline and extensive views, particularly to the south. This is a highly sensitive location due to its landscape character, which will be much altered by the development.

The development will also be isolated from the rest of the village and quite separate

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from the existing built form and may appear incongruous in this context. The site is not well related to the village and will extend the area of the developed footprint of Benenden into the surrounding countryside. The additional hard standing / car parking and access will also extend the built, urbanised form further to the detriment of the rural location.

Applying the test for major development (in paragraph 116 of the National Planning Policy Framework) it should be demonstrated that the development cannot be met in some other way or location. The alternative orchard site is better related to the village, its built form and less intrusive in landscape terms than this site. The application should clearly and demonstrably show why that site has not been selected over this more sensitive and exposed (in landscape terms) location.

In summary, the proposal will introduce a major built form into a sensitive rural location, detrimental to its landscape character. It will significantly alter the character of this area, which makes a very positive contribution to the village setting and environment. Development in this location will thus have significant impacts on the AONB, both locally and on the long distance views from the ridgeline. Such an exception to policy for rural areas, recognising their intrinsic value, should only be made in exceptional circumstances. It has not been demonstrated that the test of these exceptional circumstances have been made, in particular as regards alternative ways of meeting the need. The development does not therefore conserve and enhance the High Weald AONB.

42. **KCC Biodiversity Projects Officer** – Has no objection to the proposals and is satisfied with the ecological information submitted. She makes the following recommendations which should be included as part of any planning permission:

- i. Proposed hedgerows should incorporate the species recommended within the submitted Dormouse Survey Report;
- ii. A detailed mitigation strategy to be produced to minimise the potential of reptiles being impacted by the removal of sections of hedgerow to create new site access points;
- iii. Reptile fence to be erected around the site prior to the commencement of construction activities;
- iv. Removal of vegetation to be carried out outside of the bird breeding season, or to be supervised by a qualified ecologist;
- v. Precautionary mitigation to be carried out as detailed within the supporting information to ensure that no badgers are impacted by the proposed works;
- vi. Bats have been recorded foraging with the proposed development site – particularly within the south western corner of the site. The recommendations set out within the Bat Survey Report must be carried out to minimise the impact on bats using the site. Any site lighting must be designed sympathetically in accordance with Best Practice Guidelines; and
- vii. A detailed mitigation strategy to be submitted incorporating the precautionary mitigation detailed within the submitted Great Crested Newt Survey.

She notes that the measures within the application proposed to offer biodiversity enhancements at the site, including a green roof, meadow areas and native hedgerows, are welcomed in accordance with the principles of the National Planning Policy Framework which seeks to encourage opportunities to incorporate biodiversity in and around new developments. A management plan should be required by condition to secure the successful management of these features.

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43. KCC Public Rights of Way Officer – Makes the following comments:

The proposal affects Public Footpaths WC325, WC326 and WC327. Should consent be granted, the development would necessitate the diversion of the right of way in order to go ahead. The proposed diversion routes have been included within the application and move the public rights of way around the perimeter of the main school site. The applicant should ensure adequate screening and segregation of the rights of way from the main site so as to prevent any future concerns regarding school security and public access.

The proposed provision of a 2 metre self bounded gravel footpath along the enclosed section of WC325 on the southern boundary of the site, is acceptable in principle, as is the provision of 1.5 metre footway on the northern boundary.

The presence of public footpaths within school sites has caused difficulty elsewhere. This can follow Ofsted inspection where the presence of a footpath is identified as an issue in respect of school security. In this instance, strong opposition to the future diversion or extinguishment of the public footpaths could be expected should they be considered an issue in terms of school security.

Please note that the granting of planning consent does not entitle the developer to obstruct the Public Rights of Way. The development, insofar as it affects the Public Right of Way, must not be started until such time as the Order necessary for its diversion has been confirmed, and the new route provided. The successful making and confirmation of an Order should not be assumed.

44. KCC Sustainable Drainage Engineer – Notes that KCC's position at present is an advisory role but will become a regulatory role with respect to drainage approval once Schedule 3 of the Flood and Water Management Act (2010) commences.

The revised Flood Risk Assessment, in response to earlier Environment Agency comments, incorporates additional below ground storage to ensure that any flooding from storm event greater than 1 in 30 year storm, does not result in adverse safety conditions within the parking area. Notes that as part of the revised parking layout the applicant has included a swale within the central reservation of the car park which responds positively to earlier comments and promotes surface water management at the surface where feasible. A detailed surface water drainage scheme with appropriate supporting information (including identification of the proposed discharge points from the system) will be required prior to the commencement of construction operations.

45. KCC Archaeological Officer – Has no comments to make on the application.**46. Sport England – Has no comments to make on the application.****47. Kent Fire and Rescue Service – Has no observations to make at the planning application stage. The Fire Service will assess onsite vehicle access and means of escape during the Building Regulations process.****48. The Ramblers – Has no comment to make on the site chosen, although there are significant implications for the three Public Rights of Way (WC325, WC326 and WC327) which currently cross the proposed site.**

- i. **WC325** leads from the Church eastwards to run south of the proposed school building, then going northeast to meet Rolvenden Road, crossing the

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southeast corner of the school. We accept that this part will require diversion in part but consider the planned new route should be altered to avoid being adjacent to the school boundary, to cross the field boundary at the southeast corner of the site. This would lessen the visual impact on the path and take it away from the school, thus improving safety.

- ii. **WC326** The line which has been walked for years has not followed the definitive line but is the preferable route. We do not see the need for a 'dogs leg' in the middle of the path and consider that the new line should continue straight across the recreation ground northwards to Rolvenden Road.
- iii. **WC327** crosses the field east of the site in a roughly northwest direction to meet Rolvenden Road. The plan for it to pass through the car park, across the access road, to Rolvenden Road, we consider to be potentially dangerous with considerable loss of enjoyment for walkers. This path is part of the High Weald Landscape Trail, a national long distance path. We consider that WC327 should be diverted to avoid the car park altogether. In any event, this path cannot be diverted under the 1992 Regulations.

They further comment that all these matters will be discussed in full when the formal proposal to divert parts of WC325, WC326 and WC327 are published.

These Public Rights of Way matters apart, the Ramblers has no issue with the design of the school buildings.

49. **Campaign to Protect Rural England (Protect Kent)** – Accept that a new primary school is needed and that making an exception to build on a Greenfield site appears to be necessary as there is no suitable site for it within the Limits to Built Development. However, we are concerned that the proposed development, being up on a hill, will be detrimental to the character of the AONB. We recognise that the proposal attempts to mitigate the harm by careful design, but in our view the alternative site, known as "Site 1" or "The Old Orchard", would be less harmful to the landscape, as well as leaving the historic Public Rights of Way undisturbed. We understand that the alternative site is available, and we are not convinced that the problems the application identifies for that site could not be overcome.

We are concerned that the lighting which will be associated with the school and car park will be damaging to the character of the AONB in this near-hilltop position, by substantially increasing the visible spread of the built-up area when viewed on a winter evening from the Rolvenden Road. We also question whether the proposed site entrance is in a safe place.

Local Member

50. The local County Council Member Mr Roger Manning was notified of the application in May 2012. Mr Manning was notified of additional information in August 2012 and in October 2012.

Publicity

51. The application was publicised by the posting of several site notices around the application site, a newspaper advertisement, and the individual notification of 186 nearby properties. The site notices and newspaper advertisement identified that the

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proposed development is a departure application as it does not accord with the provisions of the development plan in force in the area. It also indicates that the application site is close to the Benenden Conservation Area and is likely to affect its character and/or appearance, may affect the setting of nearby Listed Buildings, and may affect the setting of three Public Rights of Way (WC325, WC326 and WC327).

52. As a result of several batches of further supporting information being submitted by the applicant, the application was re-publicised by the posting of several new site notices around the application site and fresh new newspaper advertisements.

Representations

53. At the time of writing, 53 letters (or emails or online comments) of **objection** and 175 letters (or emails or online comments) of **support** have been received. The main points of objection and support (in one or more of the letters) are summarised under the sub headings as follows:-

Objection

- Building the new Primary School on the Ridge/Pasture site would result in the urbanisation of an outstandingly beautiful part of the rural Weald, notably through new built form, site fencing and light spill;
- Unacceptable to build on the Ridge/Pasture site when other suitable locations are available within the village;
- The development is contrary to National, Regional and Local Planning Policy concerning development in the AONB and countryside;
- The majority of school pupils approach from the west – it would be more appropriate to build a new school on that side of the village;
- The highway reports undertaken by the applicant's transport consultant must be independently assessed;
- The proposed new vehicular entrance to the school would be located almost opposite a private driveway serving two houses (Broughton House and Camellia House) leading to highway safety and loss of privacy concerns. There is no mention of this private access driveway within the Transport Statement. Residents would not be able to get out of their driveways during school arrival or departure times;
- The proposed new vehicular access point has been positioned in the most dangerous part of any road in Benenden;
- The Transport Statement has proven that cars are already travelling in excess of 40mph along this part of the road (even though the speed limit is 30mph);
- The proposed traffic calming scheme fails to mention or make provision for an existing bus stop 13 metres from the proposed vehicular entrance;
- No details of sight lines have been provided for the proposed vehicular entrance;
- During winter months residents of Leybourne Dell leave their cars on the road opposite the new school entrance as they are unable to drive out of their roads because it is steep and icy – another potential hazard;
- Accidents which have occurred recently at the Leybourne Dell junction appear to have been 'overlooked' by the Highway Authority in this instance;
- Instead of the currently proposed new vehicular access onto Rolvenden Road a mini roundabout should be created to serve the new school and Leybourne Dell;
- The large area of tarmac car parking would cause considerable runoff water with nowhere for it to go except people's gardens – there is currently a problem with

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surface water runoff from the application site; this application would only compound that problem;

- The size of the car park is far in excess of what is required for a village school;
- Why can a shared access and car park not be developed with the Village Hall?
- The proposals would lead to an increase in off-site parking near Pullington Cottages and in Leybourne Dell during school drop-off and pick-up times;
- Walking routes to the new site from the village centre are inadequate;
- The application site is always colder than anywhere else in the village, with strong prevailing winds – it is therefore not an appropriate location for a new school;
- A large percentage of children are based outside the village and from other places such as Cranbrook; the school is an area school not a village school;
- Concerns that local democracy has not been listened to – the Parish Poll in 2007 clearly indicated a strong preference to develop a new school on Site 1;
- The development appears ‘crammed’ with little space for long-term growth, little provision for outdoor sport (The Glebe Field is not in control of the applicant) and yet there are other sites capable of providing much more space efficiently;
- Farmland which lies immediately south of the application site could pose a number of hazards on children attending a new school through farming practices such as crop spraying;
- The proposed building floorspace falls short of the size criteria set out by Government in Building Bulletin 99;
- Concerns raised relating to proximity to current trees on site, a number of which are covered by Tree Preservation Orders;
- The proposed materials are claimed to be representative of local “vernacular” – instead it is a monumental structure with a utopian mindset for a village school that provides each classroom with toilets and garden and break-out areas. The odd shaped classrooms are difficult spaces and circulation space would be poor;
- Concerns raised regarding maintenance costs associated with some of the proposed school’s building materials;
- No proper comparative costs have been provided for schemes to develop a new primary school on Sites 1 and 8;
- Benenden CEP School already enjoys a number of valuable links with Benenden Girls School. The physical distance between the two schools would be greater if the new primary school is built on the ridge/pasture site;
- Unacceptable impact on the High Weald Landscape Trail (footpath WC327) which would have to be diverted as part of the new school development;
- The proposals would cause unacceptable harm to ecological interests on site;
- The proposals may lead to further harmful development in the village; and
- The public consultation surrounding this application has been undemocratic and manipulative and merits investigation.

Support

- Fail to understand why some Benenden Parish Councillors and villagers are against a new school – a new school within this village is long overdue;
- Feel very strongly about not just a new school but also the community, its cohesiveness and future economic and social sustainability;
- The current school is unsustainable for the long-term. If a ‘do nothing’ approach was adopted by KCC then the school would close and a key community facility would be lost – that is totally unacceptable;
- The school is essential to the continuing vitality of the village which faces increased commercial pressures from surrounding towns. The school is rightly a

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- great draw to the area;
- The proposed building has been sympathetically designed, well-placed and unobtrusive with proximity to the Church and Village Hall placing the children where they should be: at the heart of the village;
 - The designs for the new school are innovative and would inspire future generations to excel;
 - Support the designs of an ecologically sustainable building and landscaped environment;
 - Support the proposed traffic calming measures to slow traffic on Rolvenden Road near the new school vehicular entrance;
 - Considerable time is currently wasted due to the split facilities of the existing school, making teaching conditions challenging;
 - Current school buildings are unsafe and unsuitable to modern teaching practices. Despite this the School still achieves fantastic results – imagine what could be achieved in a modern, purpose built primary school;
 - Ideal location near the Church, meaning that the School would be able to maintain the familiarity and strong links that have been established with the Church over many years;
 - Attended the Public Meeting on the 23 July 2012 and witnessed the overwhelming public support for a new school;
 - Supports the plans for the new Primary School, however would like to see the County Council and Harmsworth Memorial Trust working together in the future to find a better solution to the access and parking arrangements proposed; and
 - Please approve the plans for a new school and build it at the earliest possible opportunity.
54. I have also received a letter expressing concerns about the nature of the Public Meeting held at Benenden Village Hall on the 23 July 2012. *(Note that this was a meeting arranged by the Local Member and not a Planning Authority meeting)*. The complaint relates to the tactics employed by the School and its supporters, which gave them an unfair advantage over anybody with opposing views. The letter points out that most of the people who are opposed to the school plans are not against there being a new school, but have genuine concerns about building on the current site set out in the application.
55. A number of letters of representation have been received from the following organisations, with the key views summarised as follows:
- Benenden Amenity and Countryside Society (BACS)** – BACS is the largest village membership group in Benenden and was formed in 1989. The proposed primary school development is a particularly contentious application as it has been the basis of a long-running debate in Benenden which has split the community down the middle. Because the application is for construction on the highest and most visible point at the edge of the village and in an AONB, we have asked our members to put in their personal comments. BACS is therefore not making its own submission at this stage. The Society however is in favour of a new primary school being built in the parish.
 - Benenden Village Hall Management Committee** – The Committee is concerned that Tunbridge Wells Borough Council, in making the decision to site the village school on the Ridge/Glebe Field site, has not given due consideration to many of the concerns which we, as the Committee and all

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people who actually live in the village, have regarding the proposed location. The proposed point of access for cars and parking provision is far too limited for realistic day to day use – a simple observation of the amount of vehicles and the general driving behaviour at the current site will bear this out. This will undoubtedly result in many parents using the Village Hall as an overflow facility with potentially dangerous consequences. These consequences need to be considered in the light of the disruption they cause to other legitimate users of this facility and the potential harm to children.

The Benenden Village Hall is a business under the auspices of the Harmsworth Charitable Trust. As a business, we rely on the ability of our hirers to use our car park for the legitimate purposes. We freely allow other individuals to use our car parking for their legitimate business; becoming an over flow car park for the school does not constitute legitimate business.

Siting the school in the proposed location will undoubtedly mean that unless we close the car park to non-hall users, we will lose control of one of our key assets. The wear and tear on the car park will increase and the hall will be regarded as a less attractive venue by potential hirers.

As the guardians and trustees of this important village amenity, we feel it is high time the consultation process acknowledged the concerns that we have which are widely echoed among people who actually live in the village (as the disregarded referendum demonstrated).

The Committee hopes that the proposal to site the school on the Glebe Field will be rejected and that approval will be given to a site which better suits the needs of the School and its children and causes less disruption to the community as a whole.

A letter has been received from a Benenden resident questioning whether the village hall car park could be incorporated into the applicant's proposals for the new primary school on the Pasture site. It fundamentally disagrees with the claimed statement that a shared vehicular access to the new school through the village hall could not be entertained due to legal obstacles associated with the Harmsworth Trust.

- iii. **Open Spaces Society** – Objects most strongly to this planning application for a new primary school and associated development at Benenden. The site is located in the High Weald AONB and is on a prominent, elevated spot where it will be visible for miles around. The development will suburbanise this extremely attractive village and the lighting will make it particularly intrusive. We note that there are three footpaths crossing this site and the developers state that two of these routes will need to be diverted, but there is no guarantee that such diversions can take place since they will be highly controversial. The routes are important paths providing easy access within the village and one of them is part of the High Weald Trail. If the development goes ahead, the landscape of this recreational route would be significantly blighted. For all these reasons, we urge the Council to reject this damaging planning application.

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Having considered the further information submitted by the applicant, notes that the amendments do nothing to change their view on this application.

- iv. **National Farmers Union** – Notes that a letter from the NFU Group Secretary at Tenterden was submitted to the County Council, accompanying a letter from a neighbouring farmer to the application site. This letter was legitimately sent by the NFU Group Secretary's on NFU letterhead and made clear that it was on behalf of, or reflecting the views of the local farmer, and not a NFU objection to the planning application.

To be clear, the letter is in no way an NFU position statement or NFU objection to this planning application. The comments were general in nature and did not refer to any site-specific health and safety hazards or farming operations. Many schools are located adjacent to farmland and the two activities are not mutually exclusive. Farm hazards are identified and risks are mitigated and managed by legislation, infrastructure and codes of practice, much as other hazards would be in cases of nearby roads, railways or factories, for example.

The NFU does not object in principle to locating schools or any other type of development next to farms, provided the farms are not then subjected to enforcement action constraining their legitimate commercial operations due to the proximity of the new development.

- v. **The Parish of St. George Benenden Parochial Church Council** – The Parochial Church Council of St. George's Church, Benenden, values very highly its links with the Church of England Primary School; representatives of the Parochial Church Council work as Governors and the school's affairs feature as an agenda item of every Parochial Church Council meeting.

The Parochial Church Council has never had any doubts about the need for the Primary School to have new premises, or about the urgency. During the processes of investigation and consultation about possible sites, the Parochial Church Council declined to make any corporate decision, beyond expressing unqualified support for negotiating an agreement for the continued use of the 'Glebe Field' for school sports if this is needed.

The Parochial Church Council has taken notes of the debates within the parish following KCC's planning application, and is well aware of the objections that have been lodged, including that of the Parish Council.

The Parochial Church Council at its meeting on 22 October 2012 discussed its stance on the planning application and considers that the application has the following compelling merits:

- The location retains the centrality of the school to the community facilities of the Church, the Village Hall, the Recreation Ground and the Green; and
- The Glebe Field is a significant feature of the village and the application will permit the continuation of the historic shared use by the school and community to the benefit of all.

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DiscussionIntroduction

56. The application seeks planning permission for the construction of a new 1FE primary school with associated facilities, together with a new dedicated vehicular access off Rolvenden Road. The application is being reported to the Planning Applications Committee as planning objections have been raised by Benenden Parish Council, the High Weald AONB Unit, Campaign to Protect Rural England, local residents and others.
57. 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. In the context of this application, the Development Plan Policies set out in paragraph (35) are of greatest relevance. It should be noted that the South East Plan remains part of the development plan although the Government's intention to abolish regional spatial strategies is a material planning consideration and the weight given to it is a matter for the decision maker. The National Planning Policy Framework is also a material planning consideration, as is the Policy Statement on Planning for Schools Development.
58. In my opinion, the key material planning considerations in this particular case can be categorised under the following headings:
- the principle of development of a new school within the AONB outside the built confines of the village, having regard to current National, Regional and Local Planning Policy;
 - the impact of the development proposals on statutory designations, including the Benenden Conservation Area, nearby Listed Buildings and Public Footpaths (WC325, WC326 and WC327);
 - the visual impact and design issues associated with the proposals;
 - the impact of the development proposals on the local road network, highway safety and the acceptability of off-road vehicle parking provisions;
 - ecological considerations; and
 - other issues arising from consultation/publicity.

Principle of Development

59. As stated in paragraph (5) above the application site is located entirely within the High Weald AONB. This designation washes across the entire village of Benenden extending (at its least part) some 3 kilometres north east of the village towards Tenterden. The National Planning Policy Framework (NPPF) is very clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. It also states that the conservation of wildlife and cultural heritage are important considerations in AONBs. The NPPF goes on to state that planning permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated they are in the public interest. It states at paragraph 116 that consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

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- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
60. Policy C3 of the South East Plan states that high priority will be given to conservation and enhancement of natural beauty in AONBs and planning decisions should have regard to their setting. It states that in considering proposals for development, the emphasis should be on small-scale proposals that are sustainably located and designed. It also states that proposals which support the economies and social well being of AONBs and their communities will be encouraged, provided that they do not conflict with the aim of conserving and enhancing natural beauty.
61. Similarly, Policy CP4 of the Tunbridge Wells Borough Core Strategy states that the High Weald AONB will be conserved and enhanced, with the Borough's Landscape Character Area Assessment (2002) used to manage, conserve and enhance the landscape as a whole. The Landscape Character Area Assessment (2002, as amended and subsequently adopted as the Borough Landscape Character Area Assessment: 2nd Edition, 2011) forms a Supplementary Planning Document as part of the Local Development Framework. It identifies the village of Benenden as Local Character Area 6: Benenden Wooded Farmland. A summary of this landscape is stated to be *"a peaceful rural landscape of rolling hills and scattered farmsteads and rural dwellings, often concealed by woodlands and the topography, but representing a rich built heritage. The interconnected wooded framework, created by the ecologically-valuable incised ghylls and field boundary shaws, is one of the defining features of the area. The landscape also has an 'ornamental' overlay created by formal parklands, which can be glimpsed from the public roads."* The objectives for this Local Character Area are stated as:
- maintain the essentially wooded and rural agricultural character of the area;
 - ensure that well-managed, small-scale agricultural character remains intact. Hedgerow loss and larger-scale arable farming becoming dominant in some areas results in the loss of ecological interest and aesthetic appeal which could potentially destroy the scale of the landscape; and
 - ensure that the existing pattern of settlement, i.e. small-scale dispersed rural buildings which are not visually prominent and are hidden by the landform and wooded cover, is protected.
62. It is therefore important to assess the proposed new primary school development against these National, Regional and Local AONB policies. First, it is important to establish the need for a new primary school within the village. The case of need for a new primary school is stated in paragraph (6) above, and essentially is based around the current split school site being too small, dated and unsatisfactory for modern teaching practices. The applicant has stated that if a new school were not to be provided in the village (i.e. a 'do nothing' approach), then either the school would continue to provide an inadequate teaching environment for staff and pupils which would not be sustainable in the longer-term, or that existing schools elsewhere would have to accommodate the displaced school provision. The applicant has advised that the latter solution (i.e. to close the school and displace the primary school provision to other local schools) would neither be feasible in education provision terms nor suitable in sustainability terms given the number of pupils involved and the impact upon the village community that would inevitably follow. I accept these arguments and consider

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that there is a strong case of need for developing a new Primary School for Benenden. I note that as part of the consultations I have undertaken on this application, whilst it is fair to say that views have been split over the delivery of a new primary school, the case of need for actually replacing the school with modern, fit for purpose teaching accommodation, has generally not been contested. I consider that the primary school is an important and integral part of the existing village community and that there is strong planning policy support for such community facilities to be retained and enhanced as well as good sustainability arguments for providing such facilities close to the very communities in which they serve.

63. Following a strong case of need having been established, the next consideration turns on an appropriate choice of site in order to deliver a new Primary School for the village. The first noteworthy point to make is that it is not possible to redevelop the existing Primary School site owing to its constrained size and the buildings Listed status. I note that the process of trying to find an appropriate site has a significant amount of history attached to it, dating back to early consultations and a public meeting held in March 2005. I also note that the issue surrounding an appropriate site has been at the very heart of the deliberations in the consultation responses received on this application.
64. Following initial feasibility work undertaken by the applicant, it became evident that there were no previously developed sites available within the village 'built confines' which could be capable of accommodating a new primary school. All suitable sites were those located on the edge of the village, falling outside of the Limits of Built Development as identified in the Tunbridge Wells Borough Local Plan. All suitable sites also fell within the High Weald AONB designation. The only viable option was therefore to provide a new Primary School on greenfield land outside of the existing village envelope.
65. A process of selecting a number of potential development sites was undertaken by the applicant between 2005 and 2008, as detailed in paragraphs (8) to (13) above. In essence an initial six potential sites were narrowed down to just two, with those two preferred sites being referred to as Site 1 (New Pond Road, also referred to as the 'Orchard Site') and Site 8 (the general site now being pursued). These two preferred sites were recognised by the Borough Council as part of its emerging Local Development Framework, but the option of Site 8 put forward by the Borough Council originally included building directly on the Glebe Field, a proposal considered wholly inappropriate by the School and KCC given the open space and community value of the Glebe Field to the village. The current application site is therefore a variation on the original Site 8.
66. In January 2007 a Parish Poll was arranged by Benenden Parish Council (in consultation with the Borough Council) which was designed to inform the Parish Council of local views on which site should be chosen for developing a new Primary School. The Parish Poll was designed to inform the Parish Council's consultee views on the emerging Borough Council Local Development Framework, and was not binding and had no statutory power. Some 522 votes were cast, with 56.7% voting in favour of Site 1 and 43.3% in favour of Site 8 (41.4% for Site 8A – the pasture site, 1.9% for Site 8B – the Glebe Field). During the processing of the current application, doubt has been cast on the reliability of the results of the Parish Poll and it should be borne in mind that this was undertaken in 2007 to assist the Parish Council at that time, was not binding and had no statutory power. Moreover, it should be borne in mind that planning applications

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are not determined on the basis of popularity, but rather through a balancing of the material land use planning aspects.

67. On the basis of the significant time taken to progress the allocation of a new site for a replacement primary school within the emerging Borough Council Local Development Framework, the applicant chose to progress the new school via the planning application route, holding pre-application discussions with the County Planning Authority as the relevant determining Planning Authority. The applicant subsequently decided that building on the pasture site presented the most appropriate location for a replacement primary school, on the proviso that the Glebe Field remained undeveloped and that a high standard of design appropriate to the sites AONB siting could be achieved.
68. Whilst I note that much debate continues within the local community about the most appropriate choice of site, the replacement Primary School is proposed on the pasture site adjacent to the Glebe Field. Members should be advised that it is the current proposals (including the use of the pasture site) which must be assessed on its individual planning merits; i.e. Members must consider the application that is before them and not the merits of any alternative proposals or site not currently being proposed. For the purposes of the NPPF policy test relating to AONBs, I am satisfied that developing a new school outside of the AONB is neither practical nor possible in this instance given the wide-reaching area covered by this policy designation. Whilst I accept that there may be alternative site(s) within the village which could accommodate a new primary school in principle (assuming that no other issues, such as land ownership, precluded that) the acceptability of the current application site in planning terms must be considered first in this instance.
69. As noted above, the application site is located outside of the Limits of Built Development, as identified by Policy LBD1 of the Tunbridge Wells Borough Local Plan. This is also true of any alternative potential development site(s) for a new school within the village. Policy LBD1 states that outside of the limits of built development, development will only be permitted where it would be in accordance with all other policies contained within the Local Plan.
70. Having considered the policy tests for AONBs set out in National, Regional and Local Planning Policy, I have established that there is a strong case of need for a new primary school within the village. I have also concluded that there would undoubtedly be a negative impact on the community (and associated impact on the village economy) should this important community facility not be retained within the village itself, and whichever site is selected it would inevitably be located within the AONB. I am also convinced that there is no scope for developing a replacement Primary School elsewhere outside of the AONB, nor meeting the need in some other way. In particular, the AONB extends well beyond the immediate environs of Benenden, and a site outside of the AONB would be neither sustainable nor realistically a replacement school for Benenden. The only alternative solution would be to expand the next nearest Primary Schools, which notwithstanding the space constraints for any expansion at these other schools, is regarded as unacceptable to the Education Authority, the School and the local community. Whilst there would inevitably be some detrimental effects on the environment and landscape of the AONB as a result of this major development proposal, I consider that the proposed design, siting and mitigating measures (as discussed further below), are sufficient to together with the need and locational arguments, constitute exceptional circumstances to justify setting aside the general presumption against major development in the AONB in this particular case.

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71. Whilst there may be other development site(s) within the locality which could potentially used for a new school, it is important to first consider the planning merits of the current application. The planning merits relating to the impact on other statutory designations, the wider landscape and visual impacts and other relevant issues are discussed in the following paragraphs. Additionally, there is strong Government policy support for the development of schools to cater for the community needs in the Policy Statement on Planning for Schools Development, and that does not preclude such development in areas that are within designated landscapes. Accordingly, I would not raise an objection to the principle of the development of a new Primary School within the High Weald AONB and outside of the Limits of Built Development.
72. Whilst it is recognised that the proposed development is a departure application, in so far as it does not accord with the provisions of the Development Plan in force in the area, there is no requirement under the Town and Country Planning (Consultation) (England) Direction 2009 for this application to be referred to the Secretary of State for Communities and Local Government.

Impact on Other Statutory Designations

73. A number of other statutory designations exist within close proximity to the application site. These designation include the Benenden Conservation Area which covers a large part of the village, including the village green, St George's Church and extends to a point along Rolvenden Road just west of Leybourne Dell; a number of Listed Buildings, the closest being Tudor Cottage (Grade II) fronting Rolvenden Road on the north side of the village hall playing field and St. Georges Church (Grade II*) to the west of the Glebe Field; and three Public Rights of Way (WC325, WC326 and WC327) which all cross the application site. These statutory designations are all shown on the Site Location Plan on Page D1.2.
74. First it is important to consider the impact of this development on the setting of the Benenden Conservation Area and Listed Buildings. The NPPF states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets (which include Conservation Areas and Listed Buildings); the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness. It also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
75. Similarly, South East Plan Policy BE6 states that support will be given 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. Tunbridge Wells Local Plan Policy EN5 states that proposals within, or affecting the character of, a conservation area will only be permitted if a range of criteria are met, including (amongst other matters) that the proposals would preserve and enhance the character and appearance of the area. Policy CP4 of the Borough Council LDF Core Strategy similarly states that the Borough's heritage assets, including Listed Buildings and Conservation Areas, will be conserved and enhanced and special regard had to their settings.

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76. The westerly extent of the Benenden Conservation Area extends to a point along Rolvenden Road just east of Leybourne Dell. The development site for the new Primary School is separated from the Conservation Area by Rolvenden Road and the existing village hall recreation ground. Owing to the topography of the land and the existing built form of the village, views of the development site from the Conservation Area would only be experienced from Rolvenden Road at various vantage points opposite the recreation ground. These views would be across ground which slopes upwards (westwards, towards the application site) and separated by existing boundary vegetation, consisting of tree and hedgerow planting, located around the edge of the recreation ground. Taking these factors into account, views of the proposed development from the Conservation Area would be principally those of the new school hall building, including its tile hung roof. These proposed views have been modelled by the applicant and photomontage views will be available for inspection at the Committee Meeting itself. The external appearance of the proposed school hall has been designed to appear as a Kentish barn style building, with timber boarded elevations sitting below a tile hung roof. Photovoltaic solar panels and solar thermal panels are proposed for the roof of the school hall, although these would be mounted on the south-facing roof slope which faces away from the Conservation Area. On the basis of the distance from the Conservation Area, the topography of the land and intervening vegetation separating both the Conservation Area and proposed development, and the Kentish barn style vernacular proposed, I do not consider that the proposed development would result in any unacceptable or overriding harm to the character or appearance of the neighbouring Benenden Conservation Area. I note that the County Council's Landscape Advisor agrees with this view, owing to the proposals being visually well contained and because of the sensitive design of the buildings.
77. The nearest Listed Buildings to the proposed development are Tudor Cottage (Grade II) which is located on Rolvenden Road opposite the village hall recreation ground and St. Georges Church (Grade II*) located west of the application site beyond the Glebe Field. There are also a number of Grade II Listed memorials located around the village, including a number within St. George's Churchyard, outside Benenden Village Hall and on the road junction between Rolvenden Road and Walkhurst Road. For the same reasons as described above in paragraph (76), I do not consider that the proposed development would result in an unacceptable or overriding harm to the setting of Tudor Cottage. Moreover, it is not reasonable to seek to protect the wider setting of Listed buildings (other than Grade I and II*) given that many share street space with other non Listed buildings.
78. The application site is separated from St. George's Church by the Glebe Field. A number of dense boundary screens exist between the church itself and the application site, notably those located on the boundaries of the Glebe Field with both the application site and the Churchyard. Accordingly, views from the Churchyard towards the application site (and visa versa) are extremely limited. Given the separation distances involved and the boundary vegetation which currently exists I do not consider there to be any unacceptable or overriding harm to the setting of St. George's Church, an important Grade II* Listed Building. I further note that as part of the development proposals, the existing boundary vegetation (including trees and hedgerow) between the application site and the Glebe Field would be maintained and protected during any construction activities.
79. As detailed in paragraph (4) and as shown on Page D1.2, three Public Rights of Way run across the application site. These are Rights of Way WC325, WC326 and WC327.

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The High Weald Landscape Trail passes across one of these Rights of Way (WC327) as it crosses the application site. The High Weald Landscape Trail is a 145 km (90 mile) route that runs through the High Weald AONB from east to west, taking in the counties of West Sussex, East Sussex and Kent. In order to facilitate the proposed school development, all three Rights of Way would be subject to some degree of realignment from their current definitive positions. These diversions would be subject to a separate application process for which the applicant would need to apply to the County Council's Public Rights of Way Team in order to implement. It is however important to consider the impact of the proposed development upon the setting of the various Public Rights of Way as part of the planning considerations of this development. To this effect, Policy C6 of the South East Plan states that local authorities should encourage access to the countryside by maintaining, enhancing and promoting the PROW network.

80. The PROW diversions (which would need to be pursued by the applicant following the successful grant of planning permission) are described in paragraph (28) above. In summary, these would involve the realignment of footpath WC326 along its current trodden route to the west of the Glebe Field boundary, diversion of footpath WC325 to avoid conflict with the footprint of the proposed school building, and a slight re-alignment of footpath WC327 along Rolvenden Road to the north of the application site, across the new vehicular access and through the corner of the proposed car park into the pasture beyond. I consider that the key changes to the setting of the various Rights of Way would be as a result of the new school building and the proposed car park which would introduce additional built development into an area which is currently used for open agricultural purposes. Generally speaking the Rights of Way which leave the edge of built confines of the village would be subject to some further built development before reaching the open countryside beyond. Whilst I accept that there would inevitably be a degree of visual change to each of the various Rights of Way, I do not consider that these changes would be unacceptable or seriously damage the enjoyment of users of the footpaths, such that planning permission should be refused on these grounds alone. I consider that the wider community benefit of developing a new Primary School far outweighs any slight visual changes associated with the relatively modest re-alignments of these footpaths and consider that issues such as landscape treatment and fence details adjoining the various rights of way through the application site, and the surface treatment of the surfaces of the rights of way, to mitigate some of the detriment to the Rights of Way can be appropriately secured by condition on any planning consent.
81. Having considered the various impacts of the proposed development on the other statutory designations, including the Benenden Conservation Area, nearby Listed Buildings, and the three Public Rights of Way which currently pass through the application site, I do not consider there to be any overriding significant harm such that planning permission should be refused on these grounds. I consider that the proposed development broadly accords with the development plan policies which seek to conserve and enhance existing heritage assets within the village.

Visual Impact and Design Issues

82. The building design for the new Primary School has followed a 'U' shaped form and footprint, with individual classrooms laid out around a central courtyard and hard play area. The main 'U' shaped classroom building would be single storey, sitting below a green roof with native species and sedum plug plants, sown with a seed mix containing a variety of native species grasses and flowers. The main school building would be 5 metres high to the ridge line, with a maximum ridge height of 103.5 metres AOD. The

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main school hall is designed to reflect local vernacular, through a combination of a tiled pitch roof and timber boarded elevations. The school hall would be just under 8 metres high to the ridge line, with a maximum ridge height of 106.5 metres AOD.

83. The proposed school buildings would be 'cut-in' to the existing ground contours with an internal finished floor level of 98.5 metres AOD. To put this in perspective, ground levels at the northern extent of the new school are at approximately 98.5 metres AOD and at the south eastern corner of the new school between approximately 100 and 100.5 metres AOD. In relation to existing ground contours the new school hall would extend approximately 8 metres above existing levels, whilst the main 'U' shaped classroom building would extend between 3 and 3.5 metres above existing ground levels. The 'cut' materials would be redistributed across the pasture land to the east of the primary school and car park area to create a natural landform, some 600-700 mm higher than existing ground contours. This pasture area would be seeded to create a late cut, species rich wildflower hay meadow.
84. The NPPF states that great importance will be attached to the design of the built environment. It states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It also states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
85. Policy EN1 of the Tunbridge Wells Local Plan requires (amongst other matters) that the design of proposals, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site. It also states that proposals should not result in the loss of trees, shrubs or hedges, or other features important to the character of the built up area or landscape.
86. As set out in paragraph (53) above, concerns have been expressed regarding the visual impact of the new school proposals. Similar concerns have also been expressed by the High Weald AONB Group (paragraph 41), Campaign to Protect Rural England (paragraph 49) and the Open Spaces Society (paragraph 55). Generally speaking, these objections consider that the proposed development would impact on the AONB by changing the character of the location from an open rural field, which makes a significant contribution to the setting of Benenden village within the landscape, to that of major built form, and associated parking, hard standing and formal areas. It has also been stated that the chosen site is located on the highest and most exposed point of the village (the site has been referred to by some as the "ridge" site) where any new built form would be most prominent. Objections have also focussed on the current application site being far more visually prominent than other potential development locations within the village, such as Site 1 (New Pond Road).
87. As previously stated above, this application (including the choice of site) needs to be tested on its own planning merits. In my view the proposed design of the new school building has been developed having regard to its sensitive landscape setting, which arguably has not been the case with other more visually prominent buildings in the village. The building is proposed to be 'cut-in' to the sloping topography of the land which would reduce its overall built form and visual impact in the wider landscape. The

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building would also be single storey in the main, with a double height school hall owing to its required height to meet educational requirements, such as PE lessons. The chosen palette of building materials would be wholly appropriate for this sensitive landscape, including a green roof to the single 'U' shaped storey classroom building and a traditional tile hung and timber boarded 'Kentish' barn style school hall, and generally accords with the vernacular and materials suitable for a High Weald village setting.

88. The size of the proposed new school car park has attracted objections throughout the processing of this application. It was previously claimed (by the Borough Council and other objectors) that the size of the car park was too large for the School's own requirements, resulting in a greater visual impact that would otherwise result with a smaller car park. After further consideration, the applicant has reduced the size of the proposed car park by some 22 percent, down from the originally proposed 67 vehicle parking spaces to 52 spaces. A revised car park layout has been submitted which has resulted in an increase in landscape planting provisions along the north-eastern boundary of the car park towards the pasture area, in the area previously allocated for car parking. I would support the revised car park layout and size, which lessens its visual impact by adjusting the land take of parking to planting, within the same footprint of land.
89. The proposed school development would be set within new landscape planting, consisting of a mix of native trees and thicket planting together with native hedgerows. The indicative planting scheme, incorporating hedgerows with interspersed tree planting, would be generally consistent with other field boundaries within the area as identified as an important feature within the Borough Council Landscape Character Area Assessment (2nd Edition, 2011). Existing trees and shrubs along the boundary of the application site with the Village Hall recreation ground and Glebe Field would be maintained and protected during construction activities in accordance with the relevant British Standard and this could be appropriately secured by planning condition. Additional tree planting is also proposed near the northern boundary of the site with the recreation ground as well as within the car park and surrounding the surface water balancing pond located near Rolvenden Road.
90. As detailed above, the adjacent pasture land to the east of the new school and car park would be re-graded (some 600-700mm above existing ground contour levels) using 'cut' materials, with the land treated and seeded to create a late cut, species rich wildflower hay meadow. The re-grading of this land would help to soften views across the application site, specifically of the proposed new car park, from Rolvenden Road when entering the village from an easterly direction and from houses located at Pullington Cottages. That said, the County Council's Landscape Advisor considers that there would be some substantial adverse visual impacts from residential housing to the north east of the site (Pullington Cottages) and from housing along Rolvenden Road opposite the proposed access and car park. Currently, these properties afford rural views across hilly pasture and the proposals would cause a significant change in view, particularly where the proposed access, car park and vehicles would be visible. However, these views are already separated by the intervening highway and views of both the new car park and school buildings would be filtered by the proposed tree planting and re-contouring. Members should also note however that right to a personal view is not a material planning consideration, whereas a public view more generally across the landscape of the AONB is. As part of the applicant's supporting material, photomontage views of the proposed development have been prepared and will be displayed for inspection at the Committee Meeting itself.

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91. The site would be secured with a variety of fences, reflecting the school's rural village context. The school buildings themselves would be secured by 1.8m high green weldmesh fencing which would be located in between double rows of hedgerow planting to the south (adjacent to the re-aligned Public Right of Way WC325), hedgerow and tree planting to the east (adjacent to the pasture land) and tree and hedgerow planting to the north and west (facing the recreation ground and Glebe Field respectively). Whilst the height of the 1.8m high fencing has been questioned by the County Council's Landscape Advisor and a number of objectors, I consider that it is appropriate in this instance given the location of the site. Furthermore, an appropriate colour treatment and specification of this fencing (which would be secured by condition) together with strong landscape tree and hedgerow planting would help set any new fencing within the landscape. New 1.2 metre high post and rail fencing is proposed between the school and the village hall playing field, together with new 1.2 metre high timber post and wire fencing along the front boundary of the school with Rolvenden Road and the boundary of the new car park with the pasture land beyond.
92. A section of existing hedgerow (measuring some 50 metres in length) would be removed from the front boundary of the site with Rolvenden Road between the point adjacent to the recreation ground and the location of the new vehicular access. With the exception of the space necessary to facilitate the new vehicular access, a replacement native hedgerow (with interspersed tree planting) would be re-planted further inside the application site boundary. The need to remove and replant this section of hedgerow is in order to achieve acceptable highway visibility spays in an eastwards direction, measuring 2.4m x 66.8m.
93. I am satisfied that the final details of site landscaping, ground contour levels, building heights and levels, fencing (including specification and external appearance) and external materials of the school buildings themselves can all be secured by condition for later detailed consideration. However, in principle I am satisfied that the indicative details provided in all of these respects are acceptable and would assist in ensuring that the proposed built development would sit well within the landscape.
94. Overall, the County Council's Landscape Advisor considers that the proposals would cause a minor adverse impact on the landscape character of the area. She also considers that the proposals would have a slight adverse effect on the immediate vicinity of the AONB, but that the visual containment of the site and the attention to built form would mean that the impact on the wider High Weald AONB would be negligible. In my opinion, whilst I consider that there would be a degree of visual change in the locality, specifically in the form of new built development outside of the traditional village envelope, I do not consider that the impact on the wider landscape to be so significant in this case to warrant refusal of planning permission. Whilst I accept that there may be other sites within the village which may well be less visually prominent, this is just one factor in a number of important considerations: including the location of the school in respect of proximity to other important village features (such as the Church and Village Hall); the need to create safe pedestrian and vehicular access; the relative development costs; the availability of land; site topography; ecological constraints; and the provision or availability of building services. In this case, I consider that the school building design and footprint has been carefully considered to make the most of the site's sloping topography whilst responding positively to the sensitive landscape designation of the High Weald AONB. That said, it is also important to ensure that the Primary School development stands out as being an inspiring and positive community facility which adds to the village's economic and social viability in the long-term. In that sense it

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should 'stand out' to a certain degree within the village context and arguably should not be purposefully totally concealed from possible views as if it was some type of 'eyesore' development best hidden from sight. I would therefore not raise an objection to the proposals on either visual impact or in design terms.

Highway Considerations

95. The NPPF states that all developments that generate a significant amount of vehicle movements should be supported by a Transport Statement or Transport Assessment. It states that planning decisions should take into account the opportunities for sustainable transport modes and the need to provide safe and suitable access to the development site for all people. It also states that all development which generate significant amounts of transport movements should be required to provide a Travel Plan. Policy T4 of the South East Plan requires restraint-based maximum levels of parking provision for non-residential developments as well as ensuring the provision of sufficient cycle parking as part of new development proposals.
96. Policy TP4 of the Borough Local Plan states that proposals will only be permitted if a number of criteria are met. These include: that the road hierarchy and the function of routes have adequate capacity to cater for the traffic which will be generated by the development; a safely located access with adequate visibility which exists or could be created; outside of the Limits of Built Development, the development would not involve the provision of an additional access or the intensification of use of an existing access directly onto a Primary or Secondary route; and that the traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the roads by others. It also states that where a proposal necessitates highway improvements, the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development. Policy TP5 of the Borough Local Plan states that vehicle parking in connection with development proposals will be restricted to the maximum necessary, having regard to local highway conditions.
97. A number of highway concerns have been raised as part of the development proposals, primarily relating to safety concerns associated with the proposed new vehicular access from Rolvenden Road and the speed of traffic in the vicinity of the development site. Vehicular access is proposed directly from the B2086 Rolvenden Road to the north east of the site, with the access point and bellmouth to be sited between the junctions with Leybourne Dell and Pullington Cottages. This vehicular access has been designed to benefit from visibility splays measuring 2.4m x 66m to the south east and 2.4m x 66.8m to the north west. Concerns have been raised that the proposed new vehicular entrance would be located almost opposite a private driveway serving two houses (Broughton House and Camellia House) leading to highway safety and loss of privacy concerns. It has been claimed that the applicant has not taken into account this private access driveway and that residents would not be able to safely get in or out of their driveways during school arrival or departure times. Other highway concerns raised include the proposed new vehicular access point being positioned in the most dangerous part of any road in Benenden; that cars already travel in excess of 40mph along this part of the road (even though the speed limit is 30mph); that the proposals fail to take account of an existing bus stop located immediately outside of the application site; that no proper details of sight lines have been submitted; that during winter months residents of Leybourne Dell leave their cars on Rolvenden Road as they are unable to drive out of their roads because it is steep and icy; and that accidents which have occurred recently

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at the Leybourne Dell junction appear to have been 'overlooked' by the Highway Authority in this instance. It has also been suggested that instead of the proposed bellmouth junction, a mini roundabout should be created to serve the new school and Leybourne Dell.

98. I have specifically sought advice from KCC Highways and Transportation in respect of these development proposals. Contrary to what has been suggested by a local resident, KCC Highways and Transportation (as the relevant Highway Authority) have considered the highway implications of the proposed development on a completely independent basis. KCC Highways and Transportation has raised no objection to the proposed development subject to the imposition of conditions, noting that the general arrangements for the access with a priority junction are acceptable and provide appropriate clearance from other junctions (including the residential access) within the vicinity.
99. The Highway Authority has been in direct correspondence with the opposite residential property owner regarding his proposals for a mini-roundabout to serve the new Primary School development and Leybourne Dell. After careful consideration of the proposed suggestion for a mini-roundabout, the Highway Authority has concluded that this design solution would not be appropriate nor necessary for the location and the nature of the traffic flows. It has also concluded that existing access should not be significantly jeopardised to the private driveways serving both Broughton House and Camellia House, and that many other accesses are located in similar positions (i.e. two independent accesses opposite each other) without significant safety or capacity problems occurring. Likewise it is not uncommon for non-residential development, such as schools, shops and businesses to be similarly juxtaposed without undue highway safety risks. Moreover, the view of the Highway Authority is that whilst it may be possible to design an acceptable mini-roundabout for the location in question, such a scheme is likely to require additional third party land not within the control of the County Council.
100. KCC Highways and Transportation considers that the reduced level of parking (52 spaces, down from 67) is acceptable in principle and that the surface must be bound with no drainage over the highway. I consider that the reduced level of on-site parking is appropriate in this instance, taking into account the rural location of the school and the relatively wide pupil catchment area. KCC Highways and Transportation recommends that a number of conditions be imposed, as set out in paragraph (38), which in summary cover: cross sections of the car park; surface materials and drainage details of the car park; details of visibility splays to be provided and thereafter maintained in perpetuity for the life of the development; details of off-site traffic calming measures for approval and implementation prior to the first occupation of the new school; the submission of a Construction Management Plan; and a School Travel Plan to be submitted within six months of first occupation. I consider that all of these conditions are reasonable and relate appropriately to the proposed development and would therefore recommend that they be included on any forthcoming consent.
101. The issue of current vehicle speeds along the B2086 Rolvenden Road in the vicinity of the application site has been raised as part of the objections to the new Primary School development. The applicant's own Transport Statement identified through a traffic survey that vehicle speeds in the vicinity of the application site are currently in excess of the 30mph speed limit which is in force throughout the main built up area of the village. The 30mph speed restriction applies to the entirety of Rolvenden Road

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through the built up area, starting at a point west of the village and extending to a point east of the village. The applicant's traffic survey identified that 85th percentile speeds were (at the time of measurement) 40.19mph northwest bound and 40.53 southwest bound, with average speeds being 34.50mph and 34.63mph northwest and southeast bound respectively. Whilst not uncommon findings, these figures do not presume against the principle of a new school access here, nor indeed residential accesses, but as discussed below in paragraph (103) could justify some traffic calming measures.

102. The visibility splays which are proposed for the new vehicular access onto Rolvenden Road have been designed taking into account the current observed vehicle speeds (i.e. those in excess of the 30mph speed limit). Contrary to a point of objection made about a lack of sufficient visibility splays being provided, the applicant has submitted details of visibility splays measuring 2.4m x 66m to the southeast and 2.4m x 66.8m to the northwest. These visibility splays are considered to be acceptable by KCC Highways and Transportation. In order to ensure that these splays are provided from the first use of the school, and subsequently maintained thereafter, I propose that full details of replacement hedgerow planting to the front of the site be submitted for further technical consideration. I also recommend that a condition be imposed on any planning consent requiring these visibility splays to be maintained at all times for the operational life of the new school.
103. In order to address the issue of vehicle speeds in the vicinity of the application site, discussions have taken place between the Highway Authority, the applicant and the County Planning Authority. A package of traffic calming measures is proposed by the applicant as detailed in paragraph (32) which is expected to reduce 85th percentile speeds to 35mph or less in the site vicinity. The precise details of these off-site traffic calming measures is proposed to be secured by condition and would be agreed by both the Planning and Highway Authorities prior to implementation. The measures would be required to be implemented prior to the first occupation of the new Primary School and maintained thereafter. The costs associated with the delivery of the proposed traffic calming measures would be met by the applicant. I consider that this approach is reasonable in this instance, is inline with the professional and technical advice received from KCC Highways and Transportation, and should help reduce traffic speeds locally within the village.
104. Concerns have been raised about the proximity of an existing bus stop to the proposed new vehicular access. I have been advised by KCC Highways and Transportation that the proposed access is safe and in all respects acceptable and therefore do not consider that an objection on these grounds could be sustained. In the event that the existing bus stop may need to be slightly re-aligned, it would be the responsibility of the applicant (in agreement with the Highway Authority) to agree this with the relevant bus operator(s).
105. I note that concerns have also been raised over the number of road accidents which have occurred in the vicinity of Leybourne Dell and whether these have been 'overlooked' by the Highway Authority. I have sought advice on this matter from the Highway Authority, who have confirmed that over the relevant length of Rolvenden Road there have been no recorded crashes involving personal injuries. I therefore consider that grounds of objection of highway safety grounds can therefore not be sustained in this instance.

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106. The issue of resident parking on Rolvenden Road during winter months, when vehicles are unable to use Leybourne Dell, has been raised as a point of concern for the proposed new vehicle access. I would point out that whilst there are currently no parking restrictions on this section of Rolvenden Road (such as yellow lines), should there be any need for such restrictions to be imposed in the future then this would be a matter for the local Borough Council to consider in conjunction with the Highway Authority.
107. Questions have been raised from members of the public and during the Members' Site Visit as to whether a shared vehicle access, circulation and parking space could be developed jointly with the Village Hall, saving the need for the doubling up of facilities (such as car parking) in close proximity to each other. The issue of shared access and car parking has been explored by the applicant and the Village Hall Management Committee, however no agreement on this matter has been achieved at this point in time. Members will note that the Village Hall Management Committee have in fact objected to the current proposals as set out in paragraph (55), citing concerns over a potential abuse of the current village hall car park should the proposals be permitted. I therefore see no potential solution to developing a shared access and car parking facilities at this current point in time. However, should this situation change in the future, I would certainly encourage the applicant to hold further discussions and explore alternative options with the Village Hall Management Committee. In order to address this point, I propose that an informative be added to any decision requesting the applicant to hold further discussions with the Village Hall Management Committee on the possibility of shared access and car parking facilities prior to the implementation of any planning permission. Should an alternative means of access and/or car parking solution be agreed between both parties that might be considered preferable to the current proposals, an amendment could be considered to the planning permission in the future.
108. The current school benefits from a well-established and successful 'Walking Bus' which operate on a number of days each week, promoting sustainable transport measures to and from the school. These measures would be extended to cover the proposed new school site which could be accessed from a number of routes from the village green – either along Rolvenden Road following the highway footway or through the Churchyard and across the Glebe Field. As part of a package of measures to promote sustainable school travel, it is proposed to require the applicant to prepare and submit a School Travel Plan within six months of the first occupation of the new school. This Travel Plan should include measures to be implemented to encourage more sustainable patterns of travel to/from school, a timetable for the implementation of such measures and a mechanism for ongoing monitoring of the Plan thereafter.
109. Taking into account the technical and professional advice received from KCC Highways and Transportation, I am satisfied that the proposals are acceptable in all respects in highway terms, subject to the imposition of the conditions as discussed above. Whilst I recognise the concerns raised by local residents, specifically those located immediately opposite the proposed new vehicular access point, I do not consider that these grounds of objection could be sustained in planning terms.

Ecology

110. The application is accompanied by a Phase 1 Ecological Scoping Report. This report noted that the most of the application site comprises sheep-grazed grassland fields,

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which are of limited ecological value, with native tree lines and hedgerows to the site boundaries. Six ponds within 250 metres of the site were also recorded. Accordingly, it was recommended that detailed survey work be undertaken to establish the likely presence or absence of the following species (Great Crested Newts/other amphibians, Bats, Reptiles and Dormice), based on the habitat potential that the local ponds and site margins provide. Evidence of badger activity close to the site were recorded, however the location and nature of this rendered further survey work unnecessary, subject to appropriate mitigation during construction. Surveys were carried out throughout 2011 at the appropriate times of year in accordance with best practice. Detailed reports for Great Crested Newts, Bats, Reptiles and Dormice have all been submitted with the application.

111. In respect of Great Crested Newts (GCN), field surveys did not record any GCN, however desktop records indicate recent records of GCN within 300 metres of the site. It has therefore been recommended that a Natural England Licence be obtained for the development given the potential impact upon terrestrial GCN habitat. In addition to the licence, it is recommended that various mitigation measures be implemented, including grazing the field prior to the commencement of the development, undertake a destructive search of any hedgerow to be lost, the installation of GCN and reptile exclusion fencing around the perimeter of the site between November/December to February, prior to construction. Habitat enhancements in the form of the proposed pond and additional native hedgerow planting are also proposed.
112. In respect of Bats, desktop research did not indicate the presence of any known bat roosts within the site, but did identify 15 known roosts within 2km of the site. As such and given the proposed development and presence of trees exhibiting potential roost features, further survey work was recommended to establish the likely impact of the development upon bats. Three dusk emergence surveys and one dawn survey was carried out between April and June 2011. These surveys were supplemented by activity surveys during the same period and inspection of trees on and adjacent to the site. No evidence of bat emergence, re-entry or roosts was noted or detected on any of the trees within the site. Three species were recorded as foraging within the south west corner of the Glebe Field, but there was no prolonged or repeated periods of foraging within the application site and there was limited evidence that the site forms part of a valuable commuting route within the wider landscape. On the basis of these survey results, it has been identified that the proposed development may have limited impacts on a small number of bats. Mitigation is proposed in the form of construction management during key foraging periods, the retention of all mature trees, protection of the Glebe Field and the minimisation of artificial lighting across the site. All of these measures are incorporated within the application proposal, together with enhancements in the form of bat boxes and new native planting.
113. During the initial scoping survey, the site was considered to have high potential for reptiles and a slow worm was also found. Accordingly, detailed survey work was recommended and subsequently carried out between March and June 2011. The surveys involved distributing 40 artificial refugia across the site and comprised 15 separate visits. During the surveys, 4 slow worms and 2 common lizards were recorded, equating to a low population size. A juvenile grass snake was also recorded and desktop research has revealed the presence of grass snakes within the surrounding area. The results indicate that the site's marginal habitats provide suitable conditions to support reptiles, offering potential routes for migration and dispersal. On the basis of the field survey findings, it is recommended that the site be maintained as grazed

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pasture prior to development, that the field margins be preserved as far as possible, and that reptile exclusion fencing be installed around the perimeter of the site prior to the commencement of development. These measures, together with new native planting to enhance biodiversity are all provided within the scheme.

114. Given the need to remove and replant the existing frontage hedgerow west of the proposed access to provide improved visibility splays, field dormice surveys were carried out during 2011 and 2012. The surveys found no record of dormice and accordingly no additional mitigation or European Protected Species licence is required beyond the use of native hedgerow for the proposed realignment as detailed in the application.
115. The County Council's Biodiversity Projects Officer has no objection to the proposals and is satisfied with the ecological information submitted (as noted in paragraph 42 above). She considers that a number of conditions should be imposed on any consent requiring the applicant to undertake the relevant precautionary and mitigation measures as set out in the various reports contained within the application. Furthermore, she notes that the measures within the application proposed to offer biodiversity enhancements at the site, including a green roof, meadow areas and native hedgerows, are welcomed and accord with the principles of the NPPF which seek to encourage opportunities to incorporate biodiversity in and around new developments. She also considers that a biodiversity management plan should be required by condition to secure the successful management of these features.
116. I consider that ecological matters have been fully addressed in respect of this application and that the various mitigation and enhancement measures (as detailed in the various supporting reports), together with an additional biodiversity management plan could be reasonably secured by the use of planning conditions in this instance. I therefore consider that the proposed development conforms to the general thrust of development plan policy and the guidance contained in the NPPF which requires developments to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Other Issues

117. The proposed school development has been designed from the outset to achieve a minimum BREEAM rating of 'Very Good', as required by current DfE standards. South East Plan Policy NRM11 requires buildings of more than 1000 sq. metres of non-residential floorspace to secure a 10 percent reduction in CO2 emissions through the use of sustainable and renewable energy technologies. Various sustainable design technologies and techniques have been included as an inherent part of the design and fabric of the building, including good air tightness, improved U-values and energy efficient lighting design. Further passive measures such as natural ventilation, a green roof and solar shading have also been included in the design proposals. The green roof would deliver a number of sustainability benefits in addition to the wider landscape benefits, including improved insulation and water retention. Various renewable energy sources have been assessed for their suitability for the site and building and their financial payback. Three types were selected by the applicant as being suitable and viable, namely a Ground Source Heat Pump, Photovoltaic arrays and solar thermal hot water. Calculations undertaken by the applicant at the design stage have demonstrated that an annual CO2 reduction of at least 10 percent can be achieved by including a

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Ground Source Heat Pump (supporting approximately 50 percent of the heating load), 40 sq. metres of PV panels and 3 sq. metres of solar hot water heating. These measures have all been incorporated into the building and site design and I am satisfied that these measures should ensure that the development complies with South East Plan Policy NRM11 as well as other broader renewable and sustainable policies contained in the development plan and NPPF. I therefore recommend that such measures are required by condition and that the final details of each of these technologies are reserved out for later technical consideration.

118. Concerns have been raised about the maintenance costs associated with some of the proposed building materials used to create the new Primary School. The palette of materials chosen in this instance carefully respects the site's sensitive landscape setting, whilst ensuring that the chosen materials are not excessively expensive or would lead to major maintenance costs in years to come. Most of the school building (i.e. the 'U' shaped block) would be a fairly standard brick and block construction, faced with through coloured render. Some elements of the main 'U' block elevations would be treated with vertical hardwood timber boarding, whereas the main school hall would be entirely clad with horizontal hardwood timber boarding. This hardwood timber boarding would be chosen (as part of a final specification to be agreed with the County Planning Authority) on the basis of its aesthetic appearance, as well as its maintenance and durability properties. The roof of the main 'U' shaped classroom block would comprise a green roof, which once seeded and fully established, should require little on-going maintenance. The roof to the proposed school hall would be tile hung. Having considered the principal building materials proposed in this instance, I do not consider that any of these present an undue, significantly expensive or onerous maintenance cost or requirement on the end user of the new Primary School.
119. The size of the proposed new Primary School has been raised by some objectors who claim that the new school would not provide adequate teaching accommodation (as required by DfE standards) and that no long-term solution for a school playing field is proposed. The proposed school building has been designed to accommodate 210 pupils of statutory school age within seven classrooms. This is larger than the number of pupils which the current school takes (approximately 170 pupils), thereby allowing for some growth. The school has been designed to enable flexibility and shared use, a requirement set for new school developments generally, such that the buildings and external spaces could be used for out of hours lettings. It is rare for individual classrooms spaces to be offered for lettings, however facilities such the school hall and outdoor spaces would be the principle areas which could attract such use. The applicant is satisfied that the provision of space within the new Primary School is in line with most other new Primary Schools and would not expect to provide in excess of this, particularly given the existing provision of community facilities (such as the Village Hall) within the village that would complement the new school. I consider that the size of the proposed new Primary School is adequate for the use proposed and is in line with other new schools permitted within the county. Furthermore, I recommend that a condition be imposed on any consent requiring details of community use to be submitted for later consideration.
120. Reference has been made to the Glebe Field not being within the control of the school and applicant. This is a historical situation which has continued without problem for a number of years, on the basis that the current school provision which is split between two sites, does not have its own playing field. The applicant intends that a formal agreement would be entered into with the owners of the Glebe Field to ensure

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that the school has long-term use secured. I consider that this approach is acceptable and would not raise objection to the proposals on this basis. I further note that having consulted Sport England on the proposed development, it had no comment to make on the proposals.

121. Concerns have been raised regarding the need for site lighting and the subsequent urbanising impact that such lighting could have on the wider landscape. The application proposed a low key approach to lighting, avoiding column lighting and using low level bollards within the car park. Although no floodlighting is proposed for the Multi Use Games Area a condition could be imposed stipulating that no such lighting should be installed. I recommend that a condition be placed on any decision requiring details of any external lighting to be submitted to the County Planning Authority for approval. As part of this approval process, a mechanism could also be put in place to ensure that lighting could be timer controlled such that it is switched off when not in use.
122. It has been claimed that the new school being proposed on the current choice of site would experience worse climatic conditions than if it were located in a more sheltered position, such as that of Site 1 (New Pond Road). Whilst I accept that the proposed site may be more exposed to the elements, such as the prevailing wind, than other choices of site (for example New Pond Road), I do not consider that such issues are overriding to the decision making process in this instance. Furthermore, I consider that the careful layout of buildings and the proposed landscaping of the site will ensure that such climatic conditions do not cause any significant problems to the future operation of the Primary School. To this effect I note that the external play space, including the courtyard and MUGA, are tucked into the proposed built form, being located within the 'U' shaped main school building and between the new school buildings and the boundary screening of the Glebe Field.
123. Comments have been made that the proposed new Primary School development may lead to further 'harmful development' within the village. The point I would make here is that the new Primary School is intended to meet a proven and long-established case of need that the current school teaching accommodation is not fit for purpose. The new Primary School would provide the village with a modern 1FE school which would meet the needs of the existing village primary school and so arguably is not 'harmful development'. Any further development would of course need to be considered on its own merits and in accordance with the relevant development plan policies either by the Borough Council or County Council, whichever is the relevant Planning Authority. I do not therefore consider that an objection on the grounds of potential future development within the village could be sustained in this instance.
124. Concerns have been expressed regarding the proximity of the proposed new Primary School to adjacent areas of farmland located to the south of the application site. It has been claimed that the current farming practices (such as crop spraying) could pose a number of unacceptable hazards on children attending the new school. This particular issue is covered in the correspondence received from the National Farmers Union (see paragraph 55), in which it states that the NFU does not object in principle to locating schools or any other type of development next to farms, provided the farms are not then subjected to enforcement action constraining their legitimate commercial operations due to the proximity of the new development. I do not consider that locating a school next to adjacent farmland presents any grounds for which a material planning objection could be sustained. Instead, I am satisfied that any operations carried out by the adjacent farmer could be reasonably be done so in a manner which would not unduly

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affect school operations, through the joint management and discussions between the farmer and school management team (as necessary).

125. The issue of historic water runoff from the application site in a northerly direction towards Rolvenden Road (and the residential properties beyond) has been raised as a ground for objection to this application. As part of the supporting application documents provided, the applicant has undertaken a Flood Risk Assessment (FRA) as is required to do under the guidance of the NPPF. The FRA has been independently assessed both by the Environment Agency and by the County Council's Sustainable Drainage Engineer. The Environment Agency has no objection to the proposals noting that the revised proposals (i.e. a reduction in the size of the car park) represent a significant reduction in the hard surfaced area of the car park and an increase in natural draining land cover. The County Council's Sustainable Drainage Engineer (in an advisory role at present) does not raise objection to the proposals, noting that the applicant has incorporated sustainable drainage measures such as drainage swales and a surface water balancing pond. She has recommended that a detailed surface water drainage scheme be provided for further consideration prior to the commencement of the development. I am therefore satisfied that the issue of flooding has been adequately considered in this instance, ensuring that potential flooding impacts arising from the proposed development are safeguarded against both at the site and also the increased flood risk elsewhere. Subject to the imposition of a condition requiring the submission of a surface water drainage scheme prior to the commencement of construction works, I am satisfied that the proposed development is acceptable in terms of flood risk.

Conclusion

126. The application proposes a replacement Primary School within the High Weald AONB. Having considered the policy tests contained within the NPPF and other Development Plan Policies, I am satisfied that there is a strong case of need for replacing the existing school which is an important community facility, with modern, fit for purpose teaching accommodation. I am also satisfied that it is not possible to redevelop the existing Primary School site for the requirements of a new school owing to its constrained size and the building's Listed status. Following a search of developable land within the village, it has been proven that there are no previously developed sites available within the village 'built confines' which could be capable of accommodating a new Primary School. Accordingly, I conclude that a new suitable site would need to be located on the edge of the village, falling outside of the Limits of Built Development. I also note that any new site for the replacement Primary School would inevitably fall entirely within the High Weald AONB designation and developing a new school outside of the AONB is neither practical nor possible in this instance, and that there would undoubtedly be a negative impact on the community should this important community facility not be retained within the village itself.
127. Whilst I accept that there may be alternative site(s) within the village which could potentially accommodate a new Primary School in principle, the acceptability of the currently proposed site in planning terms has to be considered. I am satisfied that the proposed development would not result in an unacceptable or overriding harm to the character or appearance of the Benenden Conservation Area. I conclude that whilst there would inevitably be a degree of visual change to each of the various Public Rights of Way, I do not consider that their relatively limited re-alignment would unacceptably or seriously damage the enjoyment of users of these footpaths, such that planning permission should be refused on these grounds.

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128. In terms of the overall landscape impacts of the proposed development, I consider that whilst there would be a degree of visual change in the locality, specifically in the form of new built development outside the traditional village envelope, I do not consider that the impact on the wider landscape to be so significant in this case to warrant the refusal of planning permission. Whilst I accept that there may be other sites within the village which may be less visually prominent, I conclude that the proposed school building and footprint has been carefully designed to make the most of the site's sloping topography, whilst using a palette of materials which is wholly acceptable to the sensitive landscape setting in which it would sit. I am satisfied that the development is in the public interest and meets the exceptional circumstances test required for development in the AONB as set out in the NPPF. I would therefore not raise a landscape objection to the proposed location of the new Primary School within the AONB in this instance.
129. Having taken account of the various highway concerns received as part of this application and the professional and technical advice from KCC Highways and Transportation, I am satisfied that subject to the imposition of conditions, which include the provision of off-site traffic calming measures, the proposed new school access would be safe for users of the new facility and for other highway users, including those residential driveways which would be located opposite the new school access point.
130. Taking all matters into account which have been raised as part of the application consultation and publicity process, I am satisfied that the proposed development generally meets with the objectives of national planning policies, including Planning for Schools Development, together with more specific development plan policy, is sustainable, and that there are no overriding material planning considerations that mean that planning permission should be refused.

Recommendation

131. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:
- 5 year implementation period;
 - the development to be carried out in accordance with the permitted details;
 - details of all external materials submitted for approval;
 - submission of off-site traffic calming scheme measures and implementation prior to the first occupation of the new school;
 - submission of details of visibility splays (including details of hedgerow planting), implementation prior to the first occupation of the new school and maintenance in perpetuity thereafter; and
 - details of car park surface treatment submitted for approval;
 - vehicle and cycle parking (as proposed in the application) being provided prior to the first occupation of the new school;
 - details of all fencing (including specification and colour treatment) submitted for approval;
 - details of public right of way surface treatment(s) submitted for approval;
 - details of site levels, finished floor levels and building heights submitted for approval;

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- details of sustainable energy measures (including Ground Source Heat Pump, PV and solar thermal hot water) be submitted and thereafter implemented prior to first occupation;
- submission of School Travel Plan, its implementation and ongoing monitoring;
- submission of a Community Use Scheme (covering proposed hours use);
- details of reptile mitigation strategy to be submitted and thereafter implemented prior to the removal of hedgerow;
- erection of reptile fencing prior to the commencement of construction activities;
- removal of vegetation to be carried out outside of the bird breeding season (or to be supervised by a qualified ecologist);
- full implementation of ecological recommendations for precautionary mitigation carried out prior to commencement and during the construction of development;
- submission of site biodiversity management plan to cover the green roof, meadow areas and native hedgerows;
- submission of detailed landscape/vegetation planting and seeding scheme, implementation within the first planting season following the completion of the development and maintenance for a period of 5 years thereafter;
- tree protection details implemented (as detailed in the application) in accordance with British Standard 5837:2005 (as amended);
- submission of lighting details for car park/general areas for approval;
- no external lighting to be installed on or around the Multi Use Games Area;
- submission of foul and surface water drainage schemes for approval;
- submission of a Code of Construction Practice (including measures such as wheel cleaning equipment, parking and storage of materials during construction activities) for approval;
- hours of construction (08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturdays, with no working on Saturday afternoons, Sundays, Bank and Public Holidays);
- measures to prevent mud and debris being tracked out onto the public highway;
- parking being made available within the site for construction operatives vehicles during construction activities;
- removal of Permitted Development Rights.

132. I FURTHER RECOMMEND that the APPLICANT BE ADVISED, that notwithstanding the conclusions that access and car parking arrangements considered as part of this application are considered acceptable in planning and highway terms, there is merit in the applicant exploring further with Benenden Village Hall Management Committee the possibility of shared school access and parking arrangements within the Village Hall. The applicant is therefore requested to initiate further discussions with Benenden Village Hall Management Committee to consider again the options for such a possibility and to inform the County Planning Authority of the outcome before any development is commenced.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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APPENDIX 1**APPLICATION KCC/TW/0151/2012 – NEW PRIMARY SCHOOL WITH ASSOCIATED HARDCOURT PLAY AREAS, ACCESS, PARKING AND LANDSCAPING AND RE-PROFILING AND LANDSCAPING OF RESIDUAL LAND SOUTH OF ROLVENDEN ROAD, BENENDEN**

NOTES of a Planning Applications Committee Site Visit to the site of the proposed new Primary School, Benenden on Thursday, 27 September 2012.

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr C Hibberd, Mr P J Homewood, Mr J F London, Mr S C Manion, Mr R F Manning, Mrs P A V Stockell and Mr A T Willicombe.

OFFICERS: Mrs S Thompson, Mr J Crossley and Mr J Moat (Planning); Ms M Parker (KHS) and Mr A Tait (Democratic Services).

THE APPLICANTS: Mr C Gabriel (KCC Capital Projects) with Mrs J Reich (Head Teacher), Mr W Martin (Governor), Mr M Page (DHA Planning), Mr M Hanton (Clague, Landscape Architect)

TUNBRIDGE WELLS BC: Ms A Raymond (Planning)

BENENDEN PC: Cllr J Clarke and Cllr G Reynolds

(1) The Chairman opened the visit by explaining that its purpose was for the Planning Applications Committee Members to familiarise themselves with the site and the issues involved in the application. He added that he would not be chairing the Committee meeting when this application came forward as he had expressed his views on the subject.

(2) Mr Crossley introduced the application by saying that the current school was some 400 years old, located in the centre of Benenden village and not suitable for modern learning. He pointed out the house which was used for Foundation Stage teaching and the provision of hot meals as well as the memorial Hall, Village Hall and Church which were all part of the split site. The village green and Glebe Playing Field were also used by the School for outdoor activities.

(3) Mr Crossley went on to say that there had been no objections raised to the principle of erecting a new school. There had, however, been considerable discussion about its location and detailed layout. Twelve sites had been examined over a period of some 8 years. The Education Authority had eventually narrowed these down to two before applying for the application site.

(4) Mr Crossley then explained that the Committee's task was not to consider the alternative site which some people preferred. Nor should it consider the need for a new school, which was accepted by everyone. The key issues were the landscape impact of the proposed development within the AONB in the context of local, regional and national policies; the site layout including the design and appearance of the car park and the position of the access point; as well as the impact on trees, wildlife, lighting, drainage, residential amenity; and the impact on the local road network (including highway safety).

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(5) Members then walked to The Glebe Playing Field, the use of which was shared by the School and the Village. Mrs J Reich (Head Teacher) said that Village use of The Glebe Field consisted of activities such as dog walking and “Keep Fit” exercising. It belonged to the Church, which was happy for the school pupils to continue to use it for sports.

(6) Mr Martin (School Governor) said that the School intended to formalise arrangements for its use of the Glebe Field. Local events such as the Scouts’ bonfire would not be affected in any way.

(7) Members then walked to the site of the proposed new school, where Mr Moat set out the details of the proposals themselves.

(8) Mr Moat said that the application site lay approximately 250 metres east of the existing school, adjacent to the Village Hall playing field and south of the main Cranbrook to Tenterden Road (Rolvenden Road). It measured just over 2 hectares and was to the east of the village church and next to the Glebe Field (open pasture). Land to the south was in open agricultural use, whilst the village sports field was situated directly to the north. The application site was bordered by native hedgerow, with tree cover lining the western boundary with the Glebe Field and surrounding the sports field to the north. It had a sloping topography, rising southwards from Rolvenden Road. There was currently no dedicated vehicular access, however three Public Rights of Way crossed the site.

(9) Mr Moat went on to say that the application site was located wholly within the High Weald Area of Outstanding Natural Beauty (AONB). The Benenden Conservation Area covered a large part of the village, including the village green, St George’s Church. There was also a substantial number of Listed Buildings within the village.

(10) The application was for a new one Form Entry (1FE) primary school with associated facilities, together with a new dedicated vehicular access off Rolvenden Road. The proposed building would be ‘cut-in’ to the existing slope, reducing the overall height of the building in the landscape. The spoil taken from this ‘cut’ would be evenly distributed across the residual land to the east, retaining a natural topography some 600-700 mm above the existing field contours.

(11) The front (north) of the site would be occupied by the proposed new vehicular access onto Rolvenden Road and landscaped parking area. The parking area would be laid out in rows, interspersed by grassed drainage swales and new planting, with the main surface consisting of bonded gravel. A new pond was proposed for the roadside, which would act as a balancing pond for the site drainage and provide an enhanced area of habitat wildlife that could also be used by school staff as a teaching aid.

(12) Mr Moat then said that the proposed site boundaries would generally be marked out by new and existing hedgerow with interspersed tree planting. A mix of fencing design was proposed between the hedgerows to provide the necessary level of security whilst reflecting the site’s rural village context. The site fencing strategy would consist of a mix of 1.8m high green weldmesh fence in the area around the school itself; a 1.2m high timber chestnut post and rail fence between the school and village hall playing field boundary and a 1.2m high timber post and wire fencing along the front boundary of the school with Rolvenden Road and the boundary of the new car park with the pasture land beyond.

(13) No trees would be removed as part of the proposals. Proposed hard play areas would be contained within the area occupied by the buildings. There would be direct access

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out to The Glebe Field, which would continue to be used as playing field for the school. The outside area of the site would be laid out and treated to perform distinct functions, including: a growing zone, outside study areas, a courtyard zone with an amphitheatre seating area, an equipped play area, a Multi Use Games Area (MUGA) and a designated play area for younger reception class pupils, landscaped to provide natural shading. The remaining land to the east of the car park would be re-profiled as part of the wider 'cut and fill' operations proposed. The extent of the 'cut' proposed would follow detailed consideration of a number of alternative levels and would balance the visual effect with the need to retain sensible levels across the remainder of the site, so that a natural appearance would be retained, and the need to export materials off site would be avoided.

(14) Mr Moat continued by saying that adequate space would be retained on site to the south west of the proposed school building, allowing for the potential future provision of a nursery building (which does not form part of the application under consideration).

(15) The proposed building would be a 'U' shape in form and footprint, laid out around a central courtyard and hard play area. The main 'U' shaped school structure would be single storey, with the main teaching area exhibiting a modern design that utilised a mix of traditional materials and more contemporary building techniques. These would include a green roof with native species and sedum plug plants, sown with London seed mix containing a variety of native species grasses and flowers.

(16) The school hall had been designed to reflect the typical rural barn vernacular found in the area, utilising a tiled pitch roof with timber boarded elevations. The hall has been designed for assemblies and PE which would remove the School's existing reliance upon alternative accommodation provided by the village hall and Church.

(17) Mr Moat then said that the main school building would be 5 metres high to the ridge of the green roof, with a maximum ridge height of 103.5 metres AOD. The school hall would be just under 8 metres high to the ridge, with a maximum ridge height of 106.5 metres AOD. Mr Moat put these levels into context by saying that, in relation to existing ground contours the new school hall would extend approximately 8 metres above existing levels, whilst the main school building would extend between 3.5 metres and 3 metres above existing ground levels.

(18) Vehicular access would be directly from Rolvenden Road to the north east of the site, with the access point and bellmouth being sited between the junctions with Leybourne Dell and Pullington Cottages. Its design would enable it to benefit from visibility splays to the south east and north west. The existing hedgerow alignment to the north west of the new access would be amended and re-planted to ensure that these splays were secured from the outset.

(19) Parking on site would be provided for 58 cars, with an additional dedicated drop-off area for up to 7 cars aiding circulation and making the most efficient use of the space. This provision has been designed by the applicant to exceed the applicable standards in the light of the local rural context and likely demand. A service area to the west of the main hall would include access through to the play area for occasional maintenance and emergency vehicles.

(20) Mr Moat then informed Members that a formal diversion of the Public Rights of Way (PROWs) crossing the site would be pursued if planning permission were granted.

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(21) The application had been accompanied by studies covering landscape and visual impact, trees, transport, ecology, flooding, sustainability, educational need and community involvement.

(22) Mr Moat then said that as a result of initial consultation responses, the applicants had provided further/amended details of a scheme of off-site traffic calming measures for the B2086 Rolvenden Road in the vicinity of the proposed school entrance as well as further details of landscaping, site fencing; changes to the definitive PROW layout; and a summary of other issues raised.

(23) Mr Moat said that the proposed traffic calming measures for Rolvenden Road aimed to assist in lowering traffic speeds in the vicinity of the school access. The measures included a Red 'school zone' entry surface shading east and west of the school access which would incorporate the triangular school/parent child sign; edge and centre white thermoplastic gateway features within the red entry surfacing, which would give the effect of a gateway narrowing feature; white edge of carriageway line markings, giving a narrowing impression of the carriageway running lanes, thereby slowing vehicle speeds; modifications to the roadside 30mph repeater signs; and additional 30mph painted road marking roundels. The applicant had identified (based on evidence of other such schemes) that these types of scheme could reduce traffic speeds by between 3mph and 15mph.

(24) Mr Moat confirmed that the additional supporting information had been provided to the Borough Council, Benenden Parish Council and other statutory consultees for comment. All interest parties who wrote in expressing views on the application were notified of the further information submitted and had been offered the opportunity for further comment.

(25) Mr Moat then summarised the responses from consultees. Tunbridge Wells BC had objected at officer level on the grounds of the prominence of the building and car parking area, given the sensitive nature of the site and the access arrangements.

(26) Benenden PC had also objected on the grounds that there was an appropriate, less sensitive site available (supported in a Village Poll) which meant that the case could not be made that the need for the development outweighed the need to protect the AONB. The Parish Council had also objected to the size and scale of the building, the lighting proposals, road safety and the access point.

(27) KHS had raised no objection subject to the details of the visibility splays and other traffic calming measures and recognition of the need to tie the proposed pedestrian access with existing footways. They had also drawn attention to the need to update the Travel Plan and for a Construction Management Plan to be approved prior to operations commencing on site.

(28) The County Council's Landscape Advisor had advised that that the development was generally acceptable and that the impact on the AONB would be negligible.

(29) The High Weald AONB Unit had objected on the grounds that the proposed development would impact on the AONB and that it had not been demonstrated that the test of exceptional circumstances had been made (particularly with regards to alternative ways of meeting the need).

(30) KCC's Biodiversity Projects Officer had no objections subject to conditions.

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(31) No comment had been received from the KCC PROW Officer, the KCC Archaeological Officer, Sport England and the Kent Fire and Rescue Service. The KCC Sustainable Drainage Engineer and The Ramblers had commented but had not objected. These comments would be taken into account.

(32) CPRE did not consider that the site was suitable as it would be on a hill and detrimental to the character of the AONB by virtue of its prominence. This included the lighting arrangements which would increase the visibility spread of the built-up area.

(33) Mr Moat then said that 45 letters of objection had been received. These had raised issues including the sensitivity of the site (AONB); the urbanisation of the rural Weald by its construction on the Ridge/Pasture site; the greater suitability of the alternative location; road safety; and the access arrangements.

(34) Letters of support had been received from 150 local residents.

(35) Mr Moat then referred to representations from organisations. Benenden Village Hall Management Committee (on behalf of the Harmsworth Charitable Trust) had raised concerns that the proposed parking arrangements were too limited and would result in parents using the Village Hall car park as an overflow facility. The Open Spaces Society had strongly objected on grounds of site sensitivity and had raised concerns about the proposed PROW diversions. The National Farmer's Union did not object on principle providing that the neighbouring farms were not subjected to enforcement action constraining their legitimate commercial operations due to the proximity of the new development.

(36) Mr Moat concluded his presentation by setting out the determining issues. These were the principle of development of a new school within the AONB outside the built confines of the village; the impact of the development proposals on the Benenden Conservation Area, nearby Listed Buildings and the PROWs; the visual and other impacts of the proposals on the character of the wider landscape; the impact of the development proposals on the local road network, highway safety and the acceptability of off-road vehicle parking provisions; residential amenity considerations; ecological considerations; and any other issues.

(37) Ms Raymond (Tunbridge Wells BC) said that the Borough Council would be reviewing its position once the additional information requested had been received. *(Mr Moat undertook to provide this information to both the Borough and the Parish.)*

(38) Ms Parker (KHS) said that speeds along Rolvenden Road were generally higher than 30 mph. The proposed traffic calming measures would lead to a reduction in speeds, whilst the signage (when properly set up) would indicate to drivers that they were approaching the School.

(39) Mr Page (DHA Planning) asked the Committee to bear in mind the provisions of the National Planning Policy Framework in respect of AONBs. This set out that permission should be granted if it could be demonstrated that any substantial harm or loss was necessary to achieve substantial public benefits that outweighed that harm or loss. It was also ministerial policy that the information that should be required by those determining the application should be proportionate to the nature of the application itself.

(40) Mrs Reich (Head Teacher) said that three alternative access points had been considered. The School Governors had preferred the shared access option. The access

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point set out in the application had been chosen as a result of consultation with Benenden PC.

(41) Mr Manning explained that although he was the Local Member, he was also a Member of the Planning Applications Committee and had maintained an open mind throughout on the planning merits of the proposal. He said that he did not believe that there should be two large car parks in Benenden and asked why Benenden PC had opposed them being amalgamated.

(42) Cllr Clarke from Benenden PC replied to Mr Manning by saying that the reason for the Parish Council's stance on this matter was that they considered that this would lead to an unacceptable expansion of the car park and the loss of part of the football pitch.

(43) Mr Martin (Governor) confirmed that the contractors would use the proposed access when working on the site.

(44) Mr Moat responded to a question from Mr Willicombe by saying that the reason the application did not propose a separate entrance and exit was that there were already two other access points onto Rolvenden Road on the opposite site of the road to the application site and that the new school access had been designed to be located between these two road junctions. Ms Parker added that it was also necessary to have a separate vehicle and pedestrian access point as this would ensure that pedestrians and vehicles were kept apart from one another.

(45) Cllr Reynolds (Benenden PC) said that the Parish Council was split over the application. He said that there was huge support for the application in the Village and that he believed there would be scope to negotiate with the Harmsworth Charitable Trust over the car park.

(46) Cllr Clarke said he was opposed to the application because of its detrimental impact on the village and the countryside. He believed that it would harm the High Weald AONB.

(47) Mr M Hatton (Clague) showed members a number of montages giving the view of the proposed development and landscaping from various angles. The Chairman asked for these to be displayed in the Council Chamber at the determining Committee meeting.

(48) Members walked to the northern part of the site where they were shown the location of the proposed car park and new vehicular access. They then walked along Rolvenden Road in an easterly direction in order to observe the proximity of the site to the nearest properties as well as the view for drivers approaching the site from that direction.

(49) The Chairman thanked everyone for attending. The notes of the visit would be appended to the report to the determining meeting of the Committee.

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APPENDIX 2

Views of Benenden Parish Council

Benenden Parish Council Letter dated 6 September 2012

The school building itself is to be hidden in a 2.5m hole, thus admitting it would be an intrusion in the landscape.

The barn style hall is 8m to the ridge of the roof and very prominent and while the surrounding trees are in leaf it will be less so, but all are deciduous. It appears that the visual impact has been underestimated and may render mitigation unsatisfactory and possibly expensive.

There is no provision for team games to be played on the site. The Glebe Field has been mentioned but this is not in the ownership of KCC. We understand that legal discussions are on-going but this does not mean that team games will take place on the site and the same applies to the long established community events.

The entrance has been placed on a blind bend, just within the 30mph limit. Traffic would therefore be entering from a fast and busy stretch of road, the B2086, on which existing traffic calming has little effect. There are two entrances to housing estates opposite the proposed school entrance, domestic driveways and two bus stops. Dropping off and picking up from the existing school site causes congestion in the village and around The Green, so the proposed entrance to this site could cause a serious traffic problem and not ease the congestion; negotiating parked cars outside the shops with pinch points at The Bull Public House, Walkhurst Road and The Village Hall Car Park. The additional information document including Traffic Advisory Leaflet [TAL] received from the applicant, informed us of the proposed traffic calming measures and hedgerow realignment but they do not say how effective they have been at other similar rural sites in the county nor provided detailed drawings of visibility plays and hedgerow at the proposed entrance. The Parish Council would value the opportunity of engagement with Kent Highways on the final details of the scheme.

The proposed car park is sited in an area that is already prone to regular flooding. Siting the proposed pond at the entrance to the car park will aggravate the existing flood problem in this low lying area of the village. The present flooding issue is regularly reported to Kent Highways. Great care needs to be taken with the future disposal of surface water and general drainage of this area. The drains are extremely fragile along this whole stretch of road and will need extensive investigation and renewal. Suggest consultation with SE Water.

Lighting and security fencing are also causes for concern. Even if the building is concealed, to be effective, the lights and fencing will be visible on this prominent site. It should be noted that Benenden is a no street light village.

The proposed site is very well used by local people and groups visiting the village, to take advantage of the many scenic walks in a beautiful AONB. There are 3 public footpaths that cross the site and building here will take away much of the amenity value for all. The landscape scheme for this site shows part of PROW 325 having the existing 1.5m hedge on one side and a new 1.8m hedge on the other. Footpath users know that this has a negative impact and can have a restrictive effect when forced to use a corridor situation.

It should be emphasised that Benenden Parish Council fully support the pressing need for a new school however building a school within this special landscape area would be contrary to TWBC Planning Policies.

PARISH COUNCIL OF BENENDEN

Clerk

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Mr Julian Moat
KCC

Planning Applications Group

First Floor

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Maidsstone

Kent ME14 1XX

6 September 2012

Dear Mr Moat

Planning Application – KCC/TW/0151/2012

Proposal: Erection of new primary school building

Location: Land south of Rolvenden Road, Benenden, TN17 4DN

Further to my email dated 19 July 2012, advising at the Full Council meeting on 16 July 2012, Benenden Parish Council resolved to withdraw their comments dated 28 June 2012 and resubmit a revised response following the KCC public meeting held on 23 July 2012. Please find our fully revised report.

Benenden Parish Council is aware of the shortcomings of the existing village primary school and voted unanimously on 18 June 2012 in favour of a new school. However we could not support the planning application submitted by KCC for the Parish Council's comments and it was rejected by 5 votes to 3.

Public consultation did take place through the Parish Poll, organised by the Parish Council in conjunction with TWBC. The results of this were a majority in favour of Site 1 – The Orchard. However KCC chose site 8B – The Pasture/Ridge as their preferred site.

The Pasture / Ridge is within the TWBC Area of Outstanding Natural Beauty and is outside the Limits to Build Development, thus is not an exception site. For a development of this magnitude to proceed it would have to be shown that no alternative site was available. Clearly this was not the case. Building on this site is contrary to the TWBC Local Plan 2006 [EN25- Development control criteria affecting the rural landscape] and TWBC Core Strategy 2010 [CP4 - which seeks to preserve and enhance the Borough's rural landscape]. The proposed building has been placed in a sensitive area of the village, on a ridge at the highest visible point, on the approach to the village in open countryside. Building on this site will change the landscape forever and would have an unacceptable impact on the character of the AONB by virtue of its prominent location and the size of the proposed car park. The building and car park proposed will still be visible despite the Planners efforts to mitigate the impact. No mention is given to the proximity of the development to the Conservation Area.

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

The additional information received from KCC including document MB/7904 has been of limited use to us and has certainly given us no reason to change our opposition to the planning application.

Since the publication of the KCC planning application the tension between the supporters and opposers of the plan has increased. The application has generated wide public opinion with objection responses from TWBC EAPC, BPC, TWBC Landscape Officer, High Weald AONB Unit, CPRE, Open Spaces Society, Ramblers Association, & Parish Poll.

The majority of Benenden Parish Council feels that the only chance of bringing the village together again is if KCC considered an alternative site.

Yours Sincerely

Bonny Sullivan
Benenden Parish Clerk

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

Benenden Parish Council Letter dated 20 November 2012

DHA PLANNING

Choice of Site 8 over Site 1

We have not carried out a detailed point by point comment on this paper. However we wish comment on the following paragraphs:

Para 2.4 Issues around AONB

This paragraph deals with the impact of building a new school in an Area of Outstanding Natural Beauty. Nowhere does it say that the chosen site is on virtually the highest point in the parish. It acknowledges that building on the Pasture, Site 8, will change the visual landscape. In our opinion no matter what the claimed architectural merit of any building in this area, it will not enhance and improve the surrounding landscape. We believe that both the Borough Council and the County Council are failing to protect the AONB, which they are required to do.

Para 2.6 Ecology and Biodiversity

No detailed surveys of the Ecology & Biodiversity of the Orchard, Site 1, and therefore there is no evidence to support the claims in this paragraph.

Para 2.7 Benefits to the Community

We are fortunate in the parish to have three good halls. Any increase in the number of outlets will impact on the viability of the existing halls. We do not therefore see there being any benefit to the community in this respect.

Para 2.11 Construction

Cost comparisons were apparently prepared in 2008 as part of the site selection process. The conclusion was that the extra costs for developing the Orchard, Site 1, would be in the order of £630,000-00. This was justified by the items listed in 2.11.2. This list does not show the costs attributed to each individual item listed. Benenden Parish Council has never been shown the full construction costs including land acquisition for Site 1 v Site 8. The items justifying the increased costs, we believe, are open to challenge which we have been unable to do. We consider this omission to be a serious flaw in the selection process.

DHA TRANSPORT

Vehicle & Pedestrian Access

New Pond Road

Vehicle Access

In this section of the report it states amongst other things, the potential problems because of the national speed restriction and the speed of vehicles and that at the point of proposed access to the Orchard, Site 1 is quite dark at all times. This is a gross exaggeration and any problem caused by overhanging trees could quite easily be resolved. At no point in the paper, when referring to New Pond Road, does it talk about the potential for traffic calming measures.

Pedestrian & Cycle Access

The proposed pedestrian access from The Street is a little used drive which serves 3 properties. The amount of vehicle usage is minimal, is slow moving and the likelihood of there being any safety issues are small. In particular, there is no reason why the drive should not be used by cyclists.



PARISH COUNCIL OF BENENDEN

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KCC

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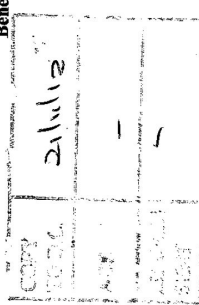
Dear Mr Moat

Planning Application – KCC/TW/0151/2012

Proposal: Erection of a new primary school building

Location: Land south of Rolvenden Road, Benenden, TN17 4DN

20th November 2012



The basis of our objection to this application remains as set out in our letter to you of 6th September 2012. Of the additional information sent to us with regard to the car park and footpaths we comment as follows:

1. Car Park

The reduction in the car park does mean slightly less detrimental impact on the landscape although there will be 15 or more cars parking elsewhere in the village. It had been our hope that the new school would have self contained facilities and would take away the twice daily chronic traffic congestion in the village and end the gradual erosion of the edges of the village green.

2. Footpaths

We have no comment to make on the diversion of the effected footpaths.

Regarding the papers from Mark Hanton Studios and DHA Planning/Transport on the site selection process our comments are attached.

Yours sincerely

Mrs Mary Kelett

Chairman

Benenden Parish Council

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

MARK HANTON STUDIO Design Notes on Site 1 [The Orchard] Key Landscape Issues

1. A new access would need to be created off New Pond Road. This would include a 215m x 2.4m x 215m visibility splay and a new 2.0m wide footpath from the entrance, along the eastern side of New Pond Road, to "The Street" [approximately 220m length]. The road is designated a country lane and is edged by hedges and mature trees. The result of the necessary highway works, which may not be achievable within owned or highway land, will impact on the existing rural lane character resulting in suburbanization of New Pond Road, and also result in the loss [or damage] of a considerable length of existing hedgerow and verges and a number of mature trees to the eastern side of the road.
New Pond Road is inaccurately described as a country lane. It is designated a C road but the width and the amount of traffic using it are more that of a B road. It is the main route from Rolvenden, Sandhurst & Benenden to Staplehurst. Any landscape issues regarding the entrance that would "impact on the rural lane character" are misleading.
2. A new pedestrian access is required off "The Street" along an existing access track or driveway. This is a dark narrow stretch of driveway at approximately 3m wide, with a blind corner and is used for vehicular access by a number of properties. It is likely that improvement works will be required if it is to be used as a primary pedestrian access and this may result in the loss of existing hedgerows and trees, potentially on third party land, and could open up the lane to existing properties resulting in a deterioration in the existing private and tranquil character of that access way.
The number of children walking to school is likely to be limited. To describe the drive as "a dark narrow stretch of driveway" is inaccurate. The difficulties set out in some detail are, we believe, greatly exaggerated.
3. The route further into the site to the building entrance [as shown on the proposal on the DPD] is long and appears to be set within a densely planted environment. This would have perceived safety issues if not actual ones. Although the design of the layout can be considered further, according to the DPD, the building is located to best minimize visual impact, and therefore the proximity of the building to "The Street" is fixed and this elongated pedestrian route into the site would remain.
The densely planted environment referred to is the disused overgrown orchard and has no particular merit. The design and layout of the site is open to further consideration and we are of the opinion that some of the negative points that have been raised could fairly easily be mitigated.
4. The development of this site would result in the loss of significant and valued landscape features [naturalized semi mature deciduous woodland] which can be seen to reinforce the strong character of the ghyll and shaw woodland of Brewers Shaw. This now inevitably increases the sensitivity of this site to development compared to the site when it was assessed in the DPD.
Further consideration to the layout of the site and its facilities could in our opinion, overcome the problems outlined.
5. The scheme would result in a loss of pasture/tall grassland features.

The loss of pasture applies equally to the alternative site, Site 8.

6. The scheme would result in the loss of some existing hedgerows and large mature hedgerow trees.

This comment applies equally to The Pasture, Site 8.

7. New accesses, access roads, car parking, playing fields and buildings over a wide area of existing countryside will have a significant impact on the existing landscape character and that of the adjacent Brewers Shaw ancient woodland.

The development of the Pasture, Site 8, including the car parking, the new school hall and the school building itself will have a greater impact on the character of the parish landscape.

8. The steep site will create problematic development and access issues. In landscape terms this will result in significant land re-profiling or terracing necessary to site a building and large expanses of car parking and sports pitches which will need to be relatively level. The extent of re-grading will be constrained by existing mature boundary vegetation and associated root protection areas, and which combined with access issues, the steep nature of this site may be considerable more significant than shown on the DPD proposed layout option.

We acknowledge that the terrain is steep and less than ideal from a building perspective. However, we have been advised that modern plant and building techniques do not pose any major problems or cost implications.

9. "There are limited views into the site and no Public Rights of Way over the site"... "The site is well contained by vegetation to the south, but some more distant views are possible across the ghyll valleys to the north and east". DPD

We confirm that there are no Public Rights of Way or footpaths on this site.

10. There would be significant visual and amenity impacts on the adjacent properties to the south and around the new access locations.

The visual and amenity impact would be no greater than those on the Pasture, Site 8. The proposed entrance and car park will have a significant visual impact on the properties overlooking the site.

11. The site is physically separated from the "The Street" and visually hidden behind existing properties along the southern boundary of the site resulting in little noticeable impact on the conservation area. However it does mean that the school will be detached from, and not be seen in the context of the village. The school is an important public building and historically would have a high status in the hierarchy of the urban form and be clearly seen. The current school building lies at the heart of the village and lack of association if located on Site 1 will result in the deterioration of the urban legibility and urban social structure of the village.

Contrary to what is frequently stated, the Pasture, Site 8 is not in the heart of the village. It is on the south west extremity of the built up area. The Orchard, Site 1, is approximately the same distance from the centre of the village as the proposed site. Times have moved on and today most newly built schools in local villages are not clearly seen and have been sited away from the centre of the village.

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

12.

The site is detached from the church and in fact will fall outside the 400m radius of this building if the school is located as shown in the proposals drawing in the DPD. A busy main road will also separate the two. This will impact on the strong historical association of the school with the church.

None of the recently built schools in local villages have been sited close to the church. Whilst in an ideal world continuing the close physical association of a church and school would be ideal, it should not in our opinion, be done at the expense of the parish as a whole. The scattered existing school buildings require crossing of The Street on a daily business and this has been the case for many years.
13.

The site is equally detached from the village hall which is regularly used by the school.

One of the principal objectives of the new school development was to avoid the time wasting requirements for pupils to travel between various educational locations during the school day. As the proposed development includes a school hall, we believe that the need to use the village hall will be much reduced, if used at all.
14.

The impact to the designated "Areas of Landscape Importance" [EN22] to the south of the site, and the setting of the "Historic Parks & Gardens" on the adjacent side of New Pond Road needs further consideration.

The proposed entrance to Site 1, the Orchard, is not opposite the "Historic Parks & Gardens" setting which only adjoins New Pond Road further to the north. We believe this to be an irrelevance.
15.

The sites would require considerable mitigation in terms of new planting to reduce the impact of the substantial ground profiling works, large expanses of parking, access roads and playing fields. 'There is little that can be done to mitigate the impacts on New Pond Road' [DPD]

The requirement for new planting on New Pond Road is arguable as it is a wide, well used road and the only impact of the proposed development adjoining the road, would be the entrance. With regard to the needs for new planting on the site itself, it is unlikely to equal that required to mitigate the development on the Pasture, Site 8.
16.

The landscape features of the site including the woodland, mature hedge and tree planting, grassland habitats, ponds in and around the site, provide substantial biodiversity and scope for ecology on the site. 'Ecology is likely to restrict development in some areas and mitigation measure before, during and after construction are likely to be required. Land within the identified site may be required for long-term mitigation/compensation measures' [DPD]. That impact is now likely to be greater than previously envisaged by the earlier DPD when the site was a disused orchard with scrub.

In para 2.6.2 of the DHA Planning document on choice of alternative sites it states that no detailed surveys have been undertaken for the Orchard, Site 1, on ecology and biodiversity. The contents of 16 are supposition and not based on factual information.

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

Views of Four Supporting Benenden Parish Councillors

As from:

**MIDDLE STANDEN . STANDEN STREET . BENENDEN . KENT
TN17 4LA**

23 November 2012

Mr Julian Moat
KCC Planning Applications Group
First Floor Invicta House
County Hall
Maidstone
Kent ME14 1DE

Dear Mr Moat

Planning Application – KCC/TW/0151/2012

Proposal: Erection of new primary school building

Location: Land south of Rolvenden Road, Benenden, TN17 4DN

1. We are a minority of four Parish Councillors who fully support this application. We have examined the plans in detail and know both the site and the school well.
2. Our fellow Parish Councillors, who number five, wrote to KCC on 6 September and again recently, objecting to the planning application. We believe their objections are outdated and therefore effectively invalid, and respond to the main points below:

Location

3. The key consideration in favour of the application site is that it maintains the close proximity of the school, the recreation ground, the playground, the village hall, the church, the village green, the Memorial Hall and two pubs. Benenden is seen by its residents as a special village largely because all community assets are close together and, importantly, on the same side of the B2086.

4. A look at satellite or large scale maps makes clear that the site is close to the most densely populated part of the village: it is not "disconnected from the built form" as an objector's letter suggests. Taking the school out of the centre of the village would affect the economic and social balance, reducing support for village business and the involvement of young people in village activities, and

making Benenden a less viable community. One of the aims of planning policy under the NPPF is to "promote the retention and development of local services and community facilities in villages".

5. In addition the application site would enable the Iden Green walking bus to continue. This would be unlikely with the Orchard site because the distance would double and a busy road would have to be crossed. Because the Orchard site is in a frost pocket solar heating could be less effective. Under the NPPF sustainable transport, healthy communities and low carbon buildings are all encouraged.

An Alternative Site

6. The application site was considered more suitable because it presented fewer potential problems in terms of existing gradients/slopes; reduced the potential conflict between pedestrian and vehicle movement which might occur along the shared pedestrian route/ private road forming the principal pedestrian access to the Orchard site; and appeared to work better in terms of access/proximity to other amenities in the village.

Costs

7. In 2006 KCC indicated that the additional costs associated with the Orchard would present problems in assigning additional funding. The more detailed cost analyses since 2006 confirm the significantly higher costs of the Orchard site. These amount to £633,000 at early 2009 prices equivalent to some £700,000 today. The ecological value of that site is markedly higher than that of the Pasture because it has lain undisturbed for so long and mitigation would add to the costs. In addition KCC would have to find the money to fund the cost of a new planning application. So the additional cost would be of the order of £800,000 to £1 million, a significant proportion of the total costs of the school.

The AONB

8. In September 2006 TWBC Planning Services stated that the application site fulfilled the exceptional circumstances and public interest criteria necessary for any development within the AONB. A new school was clearly needed; and two sites were considered to be the best (least damaging) options of the 12 sites originally considered, all being in the AONB. This test appears to be identical to that in paragraph 116 of the NPPF. In March 2008 KCC chose the Pasture (application) site.

The Car Park and Access

9. Our fellow Parish Councillors, in their capacity as Harnsworth Memorial Trustees, have always opposed sharing the village hall car park. We (also as HMT Trustees) disagree as we believe, do most of the village, and feel that sharing an enhanced car park would be in the interests of both the village and the Trust. Correspondence with the Charity Commission confirms our view that it

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

BENENDEN PARISH COUNCIL - NEW PRIMARY SCHOOL RESPONSE TO OBJECTING COUNCILLORS

Objection	Response
Parish Council (BPC) First objection letter sent 28 June 2012; withdrawn after PC meeting on 16 July to await results of KCC public meeting on 23 July. Second objection letter sent 6 September 2012, ignoring public opinion demonstrated at that meeting.	
Parish Poll	The 2007 poll is out of date, was biased by the intervention of BPC, and was based on negative, indeed scare-mongering, campaigning drawing on factually unsound information. The 2010 by-election, two public meetings and six BPC meetings since the planning application was published, show very clear support for the Pasture site. Parishioners have proposed a new poll but the Councillors who oppose the Pasture do not support this.
AONB & outside LBD	Applies to all sites considered. Sequential search site <i>has</i> been carried out.
On ridge at highest visible point, prominent location	Untrue, the site is <i>below</i> the ridge and hardly visible from Rolvenden Road
Size of proposed car park	The applicant has agreed to reduce the size by 22%; further reduction possible if village hall car park shared
Conservation Area	Only relevant if car park shared, when it could be landscaped to improve approach to Conservation Area
Hidden in hole.	A silly statement. A building has to sit on level ground and this entails digging into the slope.
Mitigation unsatisfactory and possibly expensive.	No evidence. Expense is not a planning issue.
No provision for team games.	A silly statement. Negotiation under way to enshrine practice in law & allow use of Glebe for both school and community events - as now.
Entrance on blind bend	BPC acting as Harnsworth Memorial Trust (HMT), who own the village hall car park, refused any alternative access. KHS do not see a problem.
Traffic & congestion	Car park designed to prevent this; no worse than at present; most villages cope with twice a day extra traffic on weekdays during term time.
Traffic calming & hedgerow realignment	Email to Julian Moat 24.08.12: KHS happy with proposals and would ensure by condition.

is possible to open discussions with Kent County Council on this matter. Sharing would reduce the size of the car park given in the application, would reduce the need to re-route footpaths and, with landscaping, could improve the eastern approach to the Conservation Area.

Public Opinion

10. The opposing Parish Councillors and their supporters refer repeatedly to the parish poll held in March 2007 in which voting favoured the Orchard over the application site by about 55% to 45%. However the detailed proposals for the application site have greatly altered since then and, crucially, residents have never been given the opportunity to vote on the application site in isolation.

11. We are convinced that public opinion has materially changed in the five years since that poll. This view is supported by the results of subsequent by-elections, opinions expressed at public meetings, emails and letters to the Parish, Borough and County Councils, and the large numbers of people attending Parish Council meetings to support the current proposal.

12. Not only does the village now appear overwhelmingly to support the plans but they are clearly concerned that, if the application is not approved, it might lose the opportunity of getting a new school at all, with all the concomitant effects on village life and assets

Conclusion

13. We recognise that, as with most planning applications of this magnitude, there will be differences of opinion but we believe that the opposing Parish Councillors are now substantially out of touch with the views of the village and that approval of the plans will be very widely welcomed. The school will improve educational facilities, connect with existing community facilities, and is a high quality, sustainable, energy efficient design which interrelates well with the natural landscape. In summary we believe the construction of a new school will enhance and improve the village and support our thriving rural community and we urge you to support the application.

14. We attach appendices covering, in more detail, why we disagree with the opposing Councillors' letters to KCC, and on public opinion in Benenden.

Yours sincerely

Benenden Parish Councillors

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

**BENENDEN PARISH COUNCIL - NEW PRIMARY SCHOOL
RESPONSE TO OBJECTING COUNCILLORS**

Objection	Response
Ecology & Biodiversity	
Disused overgrown orchard with no particular merit; loss of pasture/hall grassland no greater than for Pasture.	Considerable merit for wildlife with ponds, ancient woodland and successional tree growth. Pasture site not distinguished for fauna and farming history has degraded topsoil. Greater land take on Orchard to provide playing field, bigger school hall and longer access route.
Design and layout of site could be changed to overcome problems	Already considered five years ago by joint BPC/KCC working party.
No detailed surveys done so no evidence to support assertion that biodiversity will be reduced with development of Orchard	Not true. Obvious even to the layperson that flora and fauna more important on Orchard, but surveys were done and publicly cited, first for 12 sites then at a more detailed level for the Orchard & the Pasture. Orchard has potential for reptiles, especially slow-worms, nesting birds, dormice, bats, badgers This criticism shows fundamental misunderstanding of how site selection is done. It is not cost effective to look at two sites in the same level of detail. This is reserved for the planning application.
Pedestrian Access from The Street	
Problems with pedestrian access off The Street exaggerated because limited numbers of children walking to school	The NPPF encourages walking/cycling. 60-70 children currently on 'walking bus'; more than a third of the pupils.
Impact on Neighbouring Properties	
Visual & amenity impacts on adjacent properties no greater than for Pasture	Not true. more properties affected at Orchard Site at both the vehicle and pedestrian accesses.
Impact on Village	
Impact on parish landscape of Pasture greater than Orchard; school at virtually the highest point in the parish.	Greater land take on Orchard; school designed to fit into Pasture landscape and good design enhances the AONB; key is not whether the site is the highest in the parish but whether it can be seen. The Pasture site can only be seen from some footpaths and the eye of most people is drawn to the architecturally undistinguished village hall; school building set below high point of Pasture and shielded by recreation ground hedge; only the Kentish barn-style hall visible from Rolvenden Road.

**BENENDEN PARISH COUNCIL - NEW PRIMARY SCHOOL
RESPONSE TO OBJECTING COUNCILLORS**

Objection	Response
Pond may exacerbate flooding	Flooding in the road is not close to the application site. Pond designed to prevent flooding. A planning application is not the place to sort out a perceived existing problem. The Environment Agency has no objections.
Lighting & security fencing	Can be controlled by condition.
Adverse impact on PROWs	Under negotiation. The PC's own 'footpath officer' was quite happy with the proposals.
Tension within village	A totally subjective assessment.
"Objection responses"	TWBC EAPC does not object. BPC is writing the objection letter! High Weald AONB Unit, CPRE, Open Spaces Society have not visited the site and are not familiar with the application. The Parish Poll cannot make an 'objection response'!!
An alternative site	The applicant has demonstrated, to the satisfaction of TWBC EAPC, that there is no alternative site.
Further letter sent 20 November 2012 commenting on additional information	
In addition to points made above: Erosion of edges of village green	BPC are responsible for putting kerbstones round the green which do not allow space for cars to pass. Parents are not the <i>only</i> drivers who use the green.
Landscaping Issues - Appendix 1 and Site Selection - Appendix 2	
Site Entrance	
New Pond Road not a country lane; entrance not close to Benenden School Park (historic); loss of hedgerows & trees for entrance no greater than at Pasture site.	A designated rural lane edged with mature trees and hedges; close to Benenden School; no trees to be cut down at Pasture site. For the Orchard it might be necessary to construct a footpath to the village crossroads, perhaps with street lighting.
Entrance not dangerous	Approach from both directions is downhill on a straight stretch of road; visibility reduced from north by overhanging trees.

New Primary School with associated infrastructure works at Land South of Rolvenden Road, Benenden, Cranbrook – TW/12/1442 (KCC/TW/0151/2012)

NOTE ON PUBLIC OPINION IN BENENDEN

This Note shows the evolution of public opinion in Benenden with regard to the location of the primary school.

May 2006

- A contested election for a new parish council was held.
- Eight candidates grouped together to form an unannounced 'party' to oppose the Pasture site
- They coordinated the production and distribution of election leaflets.
- These did not make their views clear.
- The eight were elected to the Council so it comprised eight opposed to the Pasture and only one in favour; in percentage terms 90% opposed and 10% in favour.

January 2007

- Concept plans for a new school on the pasture just to the east of the Glebe were exhibited
- 330 visitors attended; 262 returned questionnaires with 90% supporting the plans.

March 2007

- A village poll asked villagers to choose between site 8, the Pasture, with options for building on either the Glebe or the pasture part of the site; and site 1, the Orchard.
- The poll was initiated by Benenden Parish Council and conducted by TWBC.
- BPC's reason for holding the poll was "to get the views of the parish so that the Parish Council could properly represent them at the next consultation period."
- BPC did not wait to establish the views of the parish. They set out to influence them *before the poll* by distributing a four page campaigning leaflet against the Pasture. Their intervention obviously biased the poll in favour of the Orchard site.
- The school campaigned positively, emphasising the public response to the exhibition of its concept plans.
- BPC and a self appointed group of parishioners calling themselves the Glebe and Ridge Protection Group campaigned negatively.
- Most of their reasons against the Pasture site were either wrong at the time or have since proved to be so
 - mature trees would be cut down;
 - the Glebe would no longer be available for the villagers;
 - the school would be sunk in a hole in the ground;
 - the concept plans might not be developed and were therefore misleading;
 - the village hall car park would be compulsorily purchased;

BENENDEN PARISH COUNCIL - NEW PRIMARY SCHOOL RESPONSE TO OBJECTING COUNCILLORS

Objection	Response
Pasture site not at centre of village.	The Pasture site is close to the recreation ground, the village hall, The Bull pub, the village green, the Memorial Hall and the church. Those are the centre of the village.
No benefit to the village from the new school hall.	Too early to make a judgment on this. The Village Hall was controversial in its time - thought to be a white elephant!
Overall impact	Not mentioned. The benefit of a new school to the community will be enormous. It will ensure the long-term future of the school and hence the popularity of the village for young parents and their families. This will help ensure the future of local businesses and village assets such as the village hall, and keep a good social balance.
No neighbouring village has built a new school close to its church	No evidence for this assertion. Neighbouring Sissinghurst had no site suitable for a new school close to its church.
Cost Implications of Building on Orchard site	
"Items justifying the increased costs, we believe, are open to challenge which we have been unable to do.....a serious flaw in the selection process."	BPC minutes show six months of meetings of a joint KCC/BPC working party in 2007/08 that looked in detail at costs and designs for the two sites. The Councillors on this group deny that they have ever seen costings. Either their memories are faulty, or they have lost them, or they did not receive them and failed to request them.
"BPC has never been shown full construction costs including land acquisition for both sites."	Not true – see above. Acquisition costs are confidential but would be greater for the Orchard because of the greater land take. Again, a fundamental misunderstanding of the site selection process. Complete costings not justified at this stage. All these questions should have been asked five years ago.

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distribution of election leaflets. The eight worked together leaving the other four to fend (individually) for themselves.

- Not surprisingly the four achieved less coverage of the parish than the eight, who were duly elected.

November 2010

- A Councillor resigned for personal reasons.
- The Chair and Vice Chair encouraged and helped 17 parishioners to write to the electoral authority (TWBC) to claim a by-election, presumably to avoid being under pressure to co-opt a new Councillor from the 'runners up' in the May election, who were assumed to support the Pasture site.
- In the by-election one candidate supported the Pasture site, the other the Orchard.
- The Pasture site candidate won with 55% of the votes cast, a reversal of the 2007 poll result.

June 2011

- A public exhibition showing detailed plans for the new school was held by the school.
- It was widely advertised with public notices; leaflets were hand delivered to every house in the parish. The exhibition ran for five days.
- 286 comment cards were returned with 97% explicitly supporting the plans. Only four were entirely negative.

May 2012

The planning application was submitted by KCC.

8 June 2012

- Benenden Parish Council called a public meeting, advertised throughout the village and in the press.
- Although it was school half term about a hundred people came. They were encouraged to give the Council their opinions by speaking, by filling in slips of paper and by emailing.
- More than 100 responses were eventually received, with 80% in favour of the application.
- The then Chair of the Council refused a request for a show of hands because the meeting was 'not representative of the village'. This was wrong: 80% of the people present were from the parish of Benenden.

18 June 2012

- At the monthly Parish Council meeting the Council objected to the application, by a majority of five to three.
- Councillors were clearly not familiar with the detail of the application; no joint site visit was made; no plans discussed with the applicant; and there was no discussion. Indeed four Councillors, including the Acting Chair, came with pre-prepared, written statements.
- The opinion of villagers, shown at the public meeting on 8 June, and by letters and emails to the Council (BPC received 73 expressions of support and just 23 objections), was ignored. The Acting Chair said

- estimated cost differences between the two sites were grossly exaggerated.

- No one campaigned on behalf of the Orchard. Just two points were made in its favour, neither substantiated: that a school could be built there more quickly, and that it would be 'an imaginative new school'.

- The opposing Parish Councillors and their supporters repeatedly invoke this poll in order to justify their opposition to the Pasture: "the democratic will of the village should be respected".

- The poll showed:

- most of the village was not concerned about where the new school should be (522 people or 36% of the electorate voted);
- voters were fairly evenly divided: 57% for site 1 (the Orchard); 41% for the Pasture; 2% for the Glebe (in total over 43% for site 8).

- Without the bias introduced by the Parish Council the result would have been much closer; without negative and scare-mongering campaigning closer still.

- The poll showed clearly that the Parish Council, divided 90:10 in favour of the Orchard, did not reflect the division among villagers - more like 50:50.

March 2008

- KCC made their decision on the choice of site - the Pasture.
- The Parish Council refused to accept the decision.
- They resisted attempts to be involved with looking at, or influencing, the plans for the school.
- On the very few occasions when they *did* meet with KCC they appeared to go along with the school plans and never revealed their total opposition to the site. They thereby wasted both people's time and taxpayers' money.

Our democracy mandates elections every four years for local government. This is because both populations and opinions change over time. A poll that is nearly five and a half years old cannot be taken as a measure of opinion without being re-tested. An opportunity to do this occurred in 2010. *It was not taken.*

May 2010

- Council elections were held. Twelve candidates stood for nine vacancies.
- Eight candidates grouped together to oppose KCC's chosen site but only two mentioned their views – in a veiled reference. They both saw their vote drop by 25 - 30% compared with 2006.
- At a late stage the Council leadership reneged on an informal agreement among the twelve candidates to coordinate the printing and

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- Four Councillors came to the meeting, three against and one in favour (two were on holiday). The Acting Chair was extremely reluctant to speak and did not explain her views well, claiming the village already knew what they were, to which the majority of those present objected. Only one other opposing Councillor spoke: again not well and refusing to stand.

The opposing Parish Councillors have now decided to attack this meeting, dismissing it in the following terms: "A hall full of baying parents, orchestrated by the school, is hardly representative of the parish of Benenden." And complaining about "no publicity in the village apart from a notice in the shop and the parish notice boards."

4 September 2012

- At an Extraordinary Council meeting to agree a new letter to KCC (written by two Councillors) the only amendments proposed were by two of the Councillors supporting the application. Nearly all of these were rejected.
- The opposing majority admitted:
 - that the 2007 poll was out of date;
 - that, although not saying so openly, they had always opposed the Pasture site;
 - that they did not accept the applicant's written evidence on lighting, security fencing, drainage, traffic calming or use of the Glebe field;
 - that they did not understand sectional drawings.
- They insisted that alternative sites had to be considered without knowing clearly where these would be or who could finance a planning application for a new site.
- They maintained that a majority in the village opposed the Pasture site but had not come to either public meetings or Council meetings because they were scared of debate. They did not explain why this 'majority' had been unable to send letters or emails to demonstrate their views.
- They asserted that it did not matter what they said because neither TWBC nor KCC would take account of their views.
- They resisted a suggestion that they should test their opinion in public through an election.
- They were unable to define their own use of the term 'pressing need'.

7 September 2012

The vacancy left by the Chair's resignation in July was filled, without a contest, when only one candidate was nominated for the by-election that had been claimed by ten electors who support the application. The new councillor is also in support of the planning application. Those opposing the application could either find no one to represent them, or feared that they might lose an election because public opinion supports the school plans.

that the Council already knew the opinion of the village because "we have lived here a long time". The only Councillors who mentioned the effects of a new school (or its lack) on the village as a whole were those in favour of the application.

- The objection letter sent to KCC on 28 June implied that the Parish Council was unanimous in its objection. In fact it was written by two Councillors without reference to the others and was not cleared with them either in draft or in its final form. It did not reflect the little that was said at the meeting, included points that had not been made, and even gave as an objection something that related to another school.

Several members of the public then wrote to the BPC Chair, to the County Council and to our MP, to express both their disgust that public opinion had been ignored and their dismay that the application had been rejected with less thought than would have been given to an application to build a garage.

16 July 2012

- At the next Parish Council meeting the Chair resigned.
- It was then agreed that the objection letter should be withdrawn and new comments sent to KCC after a second public meeting that was being organised by the County Councillor, Roger Manning, specifically to test public opinion on the location of the school.
- The clear implication of this decision was that the planning application had not been properly handled and that public opinion would now be taken into account, after Roger Manning's meeting.
- The Acting Chair welcomed the County Councillor's meeting "I do feel your meeting is a good idea, it would calm things and improve the atmosphere, and we need peace in the parish. We all agree we desperately need a school and we do need to some form of equilibrium back into the village." (sic)
- No mention was made about notice for the meeting being too short. It was not. Formal notice was ten days, enough time to put notices in the press and on parish notice boards.
- The first person to have notice of the meeting would have been the village hall bookings secretary who is a Parish Councillor opposed to the application.

23 July 2012

- The County Councillor's meeting was extremely well attended, with 200 people present (although it was during the school holidays and many parents were unable to attend).
- The overwhelming sense of the meeting was in favour of the planning application. Of the 24 people who requested to speak, 19 spoke in favour of the application, three spoke against (not including BPC members).
- The County Councillor had asked each Parish Councillor to be prepared to address the meeting to give his or her individual views on the planning application.

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17 September 2012

At the Parish Council meeting the Chair accepted that public opinion favoured the planning application and agreed to discuss an 'addendum' to their objection letter to reflect this. The suggestion that villagers might call another parish poll was not welcomed by either the opposing majority on the Council or the leaders of two small groups in the village that oppose the application.

15 October 2012

At the Parish Council meeting the 'addendum' proposed at the September meeting was defeated by 4:3. Parishioners present at the meeting started a petition to call a parish poll. This was not signed by the two leaders of the opposing group and was described as 'blackmail' by one of the opposing Councillors.

19 October 2012

Following the resignation of another Councillor there was an uncontested by-election. A new Councillor, who supports the application, has been elected.

19 November 2012

At the Parish Council meeting a response to new information sent by KCC to TWBC was agreed by four votes to three. None of the key reasons for KCC choosing the Pasture site was accepted.

In summary:

- Benenden has had, since May 2006, a Parish Council majority who oppose the Pasture site. (This was 8:1 and is now 5:4.)
- The 2007 poll, which they initiated and biased, showed that the balance of opinion on the Council did not reflect the more evenly divided village.
- They chose not to re-test public opinion at the May 2010 elections but a by-election in November 2010 showed a balance of opinion in favour of the Pasture site.
- Two public meetings, and letters and emails received since the planning application, clearly show a majority of the village in favour of the planning application.
- The majority on the Parish Council has dismissed these, saying the meetings were not representative of the village and inadequate notice was given for the second meeting.
- Both assertions are demonstrably untrue.
- They have refused to accept any of the statements made by the applicant that do not agree with their predetermined views.
- They have not put up candidates in two recent by-elections.
- They have resisted calls from the public for a new parish poll.

In both the first and second objection letters sent to KCC the statement "We are unanimously in favour of the pressing need for a new school in Benenden" (sic) is impossible to reconcile with the obvious implications of rejecting the planning application. Realistically there will be no resurrection of the Orchard

site – the current planning application has cost some £175,000 and taken four and a half years. A rejection of this planning application will put the new school on hold indefinitely.

Sadly, the majority of the Parish Council has shown itself to be out of touch with the views of the village, impervious to rational argument, and deeply undemocratic.

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Item D2**Extensions and alterations at St. Katherine's School, Snodland - KCC/TM/0273/2012 (TM/12/2777)**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 December 2012.

Application by St. Katherine's School for extensions and alterations to existing office, swimming pool and nursery buildings at St. Katherine's School, St. Katherine's Lane, Snodland, Kent, ME6 5EJ - KCC/TM/0273/2012.

Recommendation: Permission be granted subject to conditions.

Local Member: Mrs Sarah Hohler

Classification: Unrestricted

Site

1. St Katherine's School is a primary school located in St Katherine's Lane to the west of Snodland. The school site is shared with a nursery to the east of the site. Holmesdale Technology College is to the south east of the site and residential property adjoins other areas of the school field. A map showing the location of the site in relation to its surroundings is included.

Background

2. This application seeks to improve existing facilities at the site and to modernise the teaching environment. There are three elements to the current proposal: an extension to the existing school office allowing revisions to internal layout, reconfiguration of the reception area, provision of a lobby, meeting / office area, kitchen and toilet facilities; an extension to the existing swimming pool allowing a starter pool, improved toilet and changing facilities and an extensions to the existing nursery buildings. The existing nursery block, external play area and car park with new vehicular access was permitted in 2004 (TM/04/02277).
3. Other recently approved planning applications at the school site have included the erection of a staff planning preparation and assessment building and an extended hours activity centre (TM/09/00263) which according to the applicant was completed in 2011; a canopy (application reference TM/05/3666) and double garage (application reference TM/06/4009).
4. The location of each of these three elements of the proposal is as shown in figure 2.

Proposal

5. It is proposed to extend the existing staff office block. The existing building is a single storey flat roof building finished in brown brick and white UPVC windows with UPVC weatherboard cladding above. The proposed extension would be approximately 7.5m wide by 8.5m deep with a curved outer wall and would result in an additional footprint of 55m² which would also be single storey with a flat roof designed to match and naturally assimilate with the existing building.

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Figure 1 General Location Plan

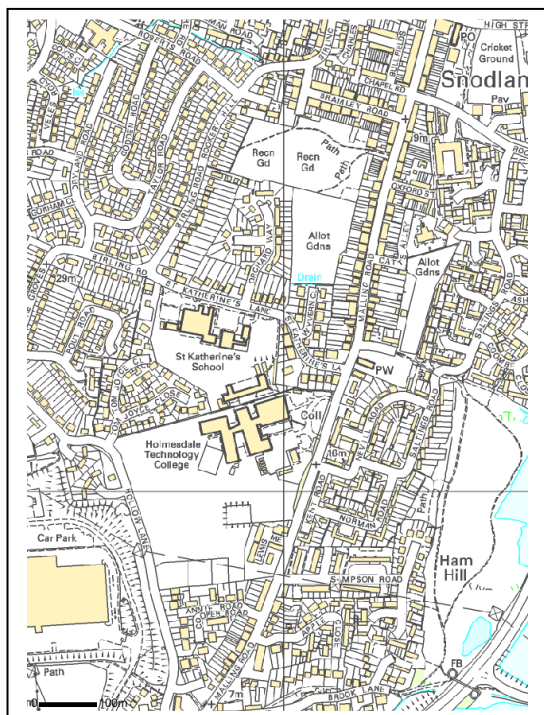
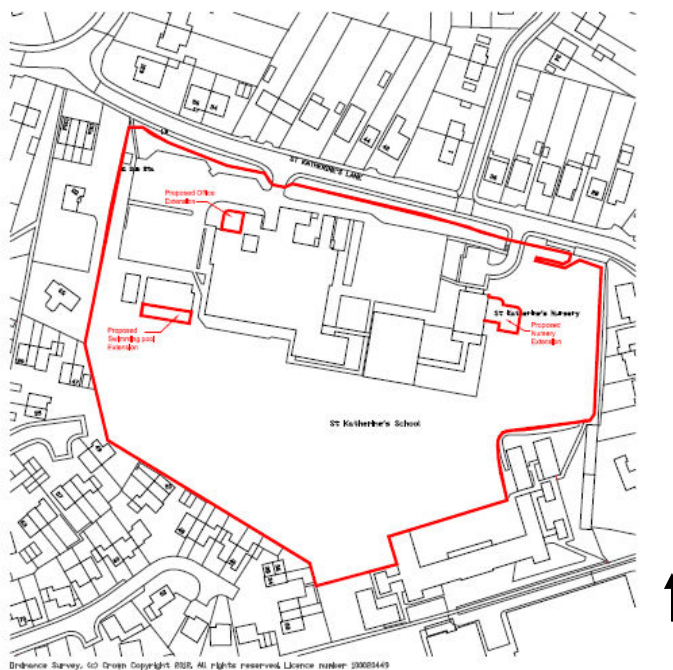


Figure 2 Location of proposed development



6. It is also proposed to extend the existing swimming pool. The existing pool is detached, single storey and a predominantly a white rendered building with red brick columns, white UPVC windows and a gable end corrugated roof. It is proposed to extend this extending approximately 5m from the south facing elevation across the full length of the existing building (approximately 20m), thus providing an additional 100m² floor area in a style designed to appear as a natural extension of the existing building.
7. It is also proposed to extend the existing nursery building. The existing building is purpose built, single storey building with a mix of red and yellow brick, white UPVC windows and gable roof with grey concrete tiles. It is proposed to extend the existing building to the east onto a grassed area which is part of the school field. The extension would provide additional internal floor space of 50m² for the nursery area which would lead to a new glazed link allowing access to a new external play area (90m²) and also to a further extended nursery area (80m²) which would include additional toilet facilities. The proposed extension would protrude 14m from the east elevation of the existing building and would measure 13.5m from north to south. The ridge height proposed would be 4.3m and it is proposed that the building would use matching materials, massing, form and architectural design to the existing nursery building with the exception of a glazed link at the rear and two curved feature windows extending from the floor to the ceiling at the front of the proposed extended areas.
8. The application originally proposed that part of the nursery extension would be a community hall for community use. The community use aspect is no longer proposed and the description of the proposal has been amended accordingly. That part of the proposal is now referred to as an "extended nursery area". However, in relation to that part of the proposed nursery extension it is intended by the applicant that the facility be used during on weekdays only and not after 6.30pm. The applicant stated that during

Extensions and alterations at St. Katherine's School, Snodland - KCC/TM/0273/2012 (TM/12/2777)

school hours it would be used by the School, serving as a dining space for the nursery at lunch time and that it would also be used for reading groups and existing school clubs and by the existing mother/toddler groups run at the school. The applicant states that these activities are not new and already occur at the school.

9. No increase to the existing school roll or teacher numbers is therefore being proposed by the applicant. There are 28 part time staff and 55 full time staff and the applicant states that the majority of these walk to school, whilst some get the bus and a minority drive. The on-site parking provides for 25 spaces (including 1 disabled space) for staff car parking in the upper school and 8 spaces (including 1 disabled space) at the nursery (33 in total). There is no on-site car parking for parents to drop off or pick up.
10. There is a school roll of approximately 530 pupils (ages of 3 and 11). The proposal does not include alteration to existing parking or access arrangements at the site.
11. Elevations have been submitted for each of the three elements of the proposal. However, only elevations showing the proposed nursery element are included in this report to aid discussion and consideration of the key issues raised by the proposed nursery extension. Additional elevational details will be displayed at the Committee meeting.

Figure 3 - Views of the front (northern elevation) and rear (southern and eastern elevation) of nursery



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Figure 4 Existing and proposed north and south nursery elevations

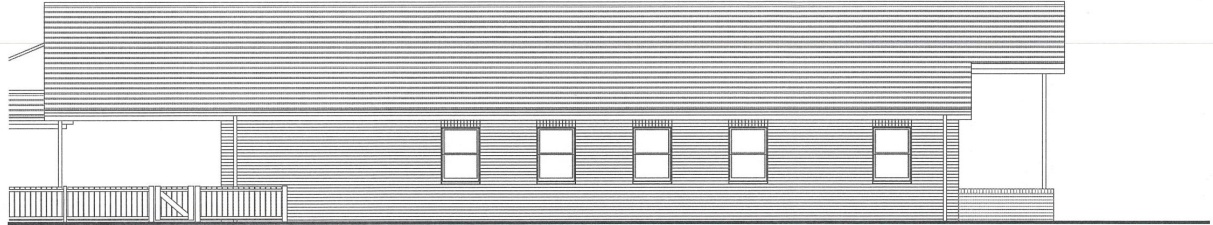


Figure 5 - View of the eastern elevation also showing the front of the building

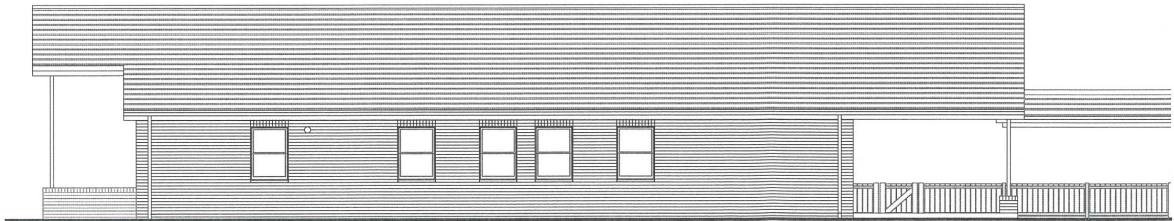


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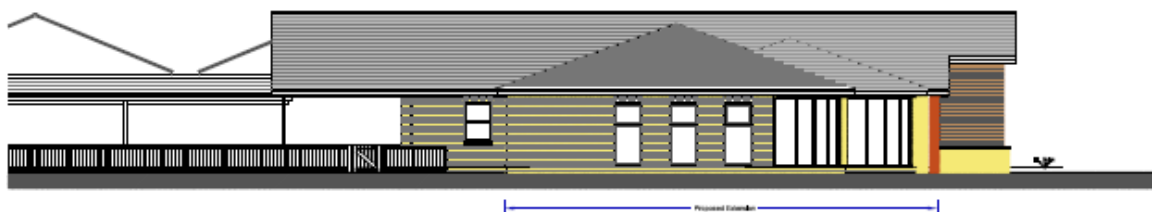
Figure 6 Existing and proposed east and west nursery elevations



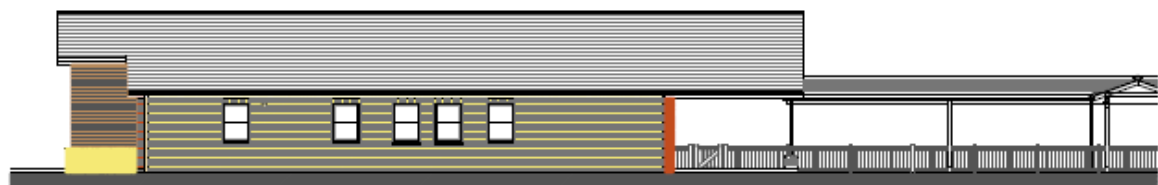
Existing east elevation



Existing west elevation



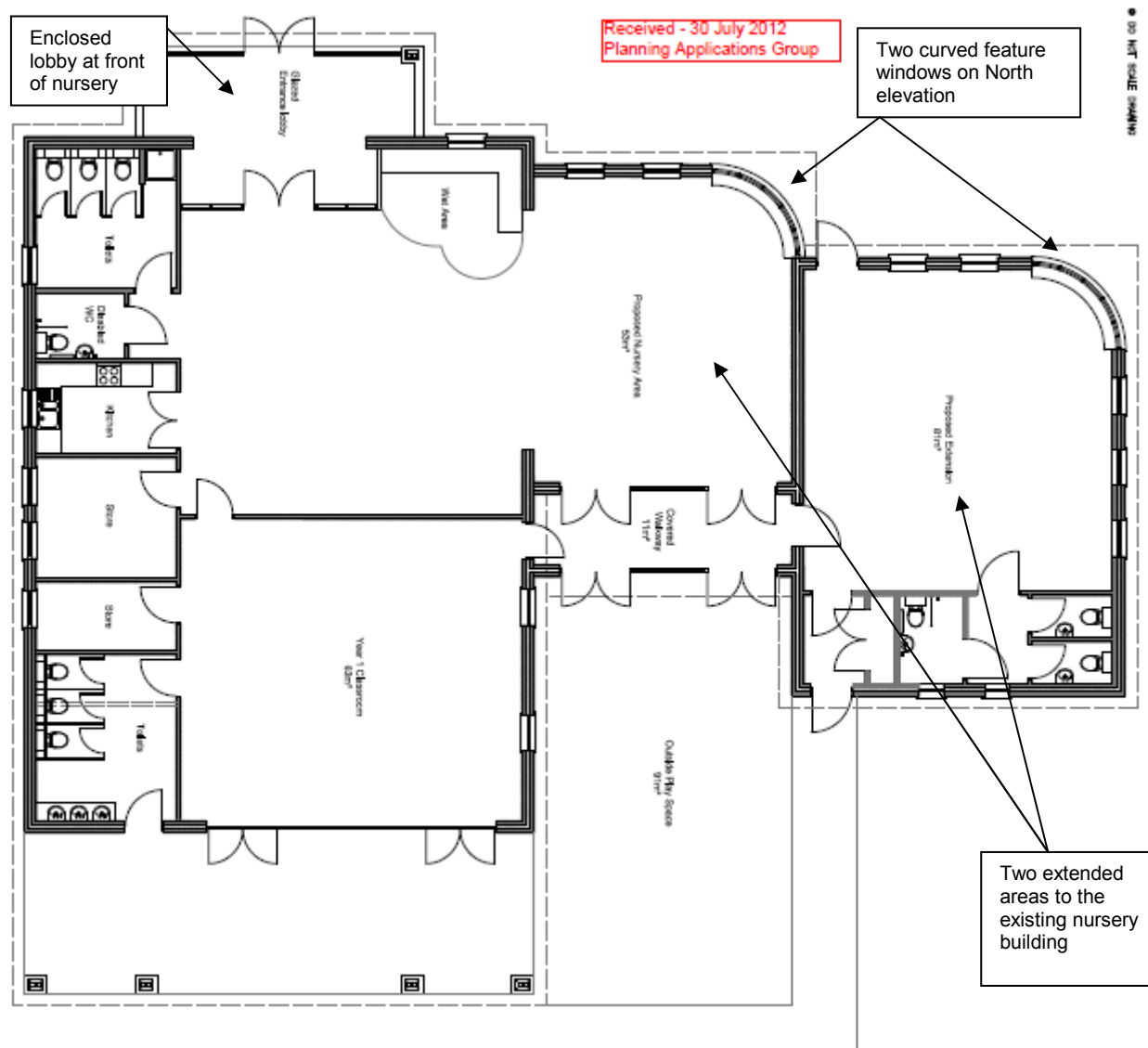
Proposed East Elevation



Proposed West Elevation

Extensions and alterations at St. Katherine's School, Snodland - KCC/TM/0273/2012 (TM/12/2777)

Figure 7 Proposed nursery floor plan



Planning Policy

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

- (i) **National Planning Policy and Guidance** – the most relevant National Planning Policies are set out in the **National Planning Policy Framework (NPPF)** where there is a presumption in favour of sustainable development. In relation to this particular development proposal the following NPPF guidance is particularly relevant:
 - Chapter 1 – building a strong, competitive economy
 - Chapter 4 – promoting sustainable transport
 - Chapter 7 – requiring good design
 - Chapter 8 – promoting healthy communities

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Chapter 11 – conserving and enhancing the natural environment

Planning Statement on planning for schools development - where there is commitment for planning to work in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools and that there should be a presumption in favour of the sustainable development of state-funded schools as expressed in the NPPF.

- (ii) **Regional Development Plan policies**, contained in the adopted South East Plan (2009):

Policy CC1 Seeks to achieve and maintain sustainable development.

Policy CC4 Seeks to encourage development that incorporates sustainable design and construction

Policy CC6 Seeks to create sustainable and distinctive communities

Policy BE1 Seeks to promote development that contributes to local character and sense of place.

Policy S1 Supports the development of healthy communities.

Policy S3 Supports adequate provision and access to education facilities.

Policy C5 Seeks to encourage increased and sustainable participation in sport and recreation.

Policy C6 Seeks to encourage mixed use of community facilities where appropriate.

- (iii) **Borough/ District Local Plan / Local Development Framework policies**, contained in the Tonbridge and Malling Borough Local Development Framework development plan document (2010) and the Core Strategy (2007)

Policy OS1a Seeks to prevent the loss of recreational open space.

Policy CP1 Encourages high quality development.

Policy CP2 Seeks to encourage more sustainable transport patterns.

Policy CP24 Encourages development designed to respect the site and surroundings.

Policy CP26 Safeguards land for provision of community needs and recreation.

Consultations

13. **Tonbridge & Malling Borough Council (TMBC)**: Raises objections to the proposals due to concerns about exacerbating existing traffic concerns in the vicinity.

Snodland Town Council: Requested the deletion of the wording for community use of the hall from the application and raised concerns about lack of parking. (Note the community use is no longer part of the proposal).

Kent Highways and Transportation: Does not object to the proposal subject to conditions regarding the provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction; provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction; provision of measures to prevent discharge of surface water onto the highway; and provision of wheel washing facilities

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prior to the commencement of work on site and for the duration of construction.

Sport England: No objection.

Biodiversity: Comment that the proposal has limited potential to impact protected species and that there are small trees on site which may be used by breeding birds which are protected under the Wildlife and Countryside Act. Works would need to take account of that. They also suggest enhancements to biodiversity might be incorporated such as bat bricks or tiles, bird boxes.

Environment Agency: No objections

Force Crime Prevention Design Advisor: No comments received.

Public Rights of Way (West Kent PROW Team): No comments received.

Local Member

14. The local County Member, Mrs Sarah Hohler was notified of the application on 21st September 2012. Mrs Hohler responded that in her opinion parking is an issue which she would like to see addressed and that the application is an opportunity to address traffic congestion in St Katherine's Lane. Mrs Hohler also requested that the community use of the proposal be clarified. Further information on the proposal from the applicant and the removal of community use, have clarified the matters raised by Mrs Hohler.

Publicity

15. The application was publicised by the posting of two site notice(s), and the individual notification of 56 neighbouring residential properties. It has also been advertised on the County Council's website. Following additional clarification and information from the applicant, further neighbour notification was carried out to those that originally responded.

Representations

16. In response to the original publicity, 6 neighbour letters of representation have been received. A response was also received from the Borough Councillor for Snodland West. All neighbour responses expressed concerns about the traffic, congestion, parking and highway safety. Three responses also related to the original proposed community use. One response also had further concerns about visual impact of the proposed community hall and one additionally had concerns about the extent of public consultation. That is addressed above.
17. With regard to traffic and highways matters, neighbour concerns were about traffic congestion; volume of traffic and the potential for increased impacts from the development (in particular community use); the need for additional car parking on site and off road and before further buildings are allowed on site; inconsiderate parking and congestion; adequacy of current on site parking arrangements for the number of site personnel and use of on site street parking for this; emergency services access to the school; effectiveness of parking enforcement.

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18. With regard to the community use of the proposed hall, concerns were about the need for the facility, potential impacts of noise, anti-social behaviour, hours, usage and impact on highway.
19. With regard to visual impact the concern related to the need for the proposal, the change in view and the adequacy of screening of the proposed extension to nursery building.
20. In addition, the Borough Councillor for Snodland West regarded the proposal as an opportunity to look at current and future parking issues at the school and alleviate the very worst of the problems, including by provision of a child drop off point within the school or creation of a lay-by in St Katherine's Lane.
21. Following amendments to the application further notifications were carried out which resulted in further comments from the Borough Councillor regarding the appropriateness of addressing parking and highway issues, and urging KCC to address these issues at the same time as improving the school environment and to use this application to improve highway safety at the site.
22. One further comment was received as a result of further neighbour notification following amendments to the application. That related to the visual impact of the development from the properties at 32 and 34 St Katherine's Lane.

Discussion

23. In considering this proposal regard must be had to the Development Plan Policies outlined in **paragraph 12** above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key planning considerations in this particular case can be summarised within the following headings:

Need

24. The overall proposal aims to improve the existing facilities at the school to allow continual improvement of what the applicant describes as "outdated" facilities and to improve the teaching environment. The School seeks cost effective, attractive and durable development which improves upon the existing accommodation at the site and which therefore contributes to improvements of the teaching and learning environment.
25. The original proposal included community use (by community groups and non school affiliated groups) as part of the proposed extension to the nursery building. That aspect of the proposal has been removed from the application and so addresses neighbour concerns regarding the need within Snodland for an additional community hall. The proposal does not include wider community use of the proposed swimming pool extension, beyond the current school use.

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26. Planning policy seeks to encourage Schools to adapt and improve their facilities and for the planning system to operate in a positive manner when dealing with school applications. In my view, this objective needs to be balanced against the likely impacts of the proposal in the decision making process.

Location

27. Planning policy seeks to promote healthy communities and open space together with opportunity for sport and recreation as this contributes to the health and well being of communities. Planning policy also seeks to prevent the loss of recreational and open space. In particular, TMBC planning policies seek to prevent the loss of outdoor sports facilities and parts of the St Katherine's School site fall within the scope of this policy. However, TMBC do not object to the proposal on these policy grounds. Sport England has also considered the proposal in the context of playing field policy which also seeks to protect playing fields and outdoor sports facilities from development. Their view is that the proposed office extension is on a small site area not big enough to accommodate playing pitch and that an appropriate policy exception applies in this case in relation to the proposal to extend the swimming pool and nursery buildings. The benefit to sport provided by the proposed swimming pool extension in their view would outweigh any detriment caused by loss of potential sports facility where the proposed nursery extension is located. Sport England therefore does not object to this proposal.
28. Balanced against policy which seeks to protect open space from development is the need to support healthy communities and to provide adequate educational facilities. In my opinion, this proposal contributes to both of these policy objectives and the location of each of the three aspects to this proposal is acceptable in these policy terms.
29. The location of the proposed extension to the existing school office and swimming pool has not attracted any neighbour objection. However, the location of the proposed nursery extension has attracted neighbour concern in relation to visual impact of the proposal and screening. The impacts of the proposal are further discussed below.

Impact of this proposal on the highway

30. St Katherine's Lane is a busy suburban road running between Malling Road and Birling Road. It is also a bus route. Figure 8 below shows the general setting and illustrates that travelling west from Malling Road along St Katherine's Lane there is a bend in the road beyond which there are double yellow lines, "on road" parking areas, the nursery entrance where there are yellow zig zag lines. Further beyond there is another "on road" parking area, the main school entrance, further zig zag lines, a bus stop and keep clear signage on the road.
31. Figure 9 shows that from the west travelling towards the Malling Road there is a mix of single yellow and double yellow lines, a bus stop and the junction for Orchard Way, close to the nursery entrance.

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Figure 8 Views of St Katherine's Lane from the east to the west**Figure 9 Views of St Katherine's Lane from the west to east and the main school entrance**

32. Inconsiderate driving and illegal parking issues are well illustrated by neighbour representations received, which also describe issues such as poor access for buses and emergency services. Neighbours indicate concerns about the potential increase to traffic impacts including congestion, access difficulties and concerns that the existing situation would be made worse with this proposal. Some of these concerns were expressed at the early stages of the application when it included proposals for community use of part of the nursery extension (referred to at that stage as a “proposed hall”) although other concerns related to traffic and congestion generally at the school and as such represented what neighbours perceive as the existing situation, which in their view would be worsened by the proposal.
33. TMBC raised objections to the proposals because in their view there is potential for the traffic concerns in the vicinity to be exacerbated and there was insufficient information about the use. However, in response to these concerns the applicant has amended the proposal and confirmed that it would not be used as a community hall by the general public. The applicant therefore proposes that the development would have negligible impact on the existing parking situation and traffic generation at the site and that the existing on site car parking spaces together with the existing on street car parking provision would comfortably accommodate this. In responding to the concerns about highways issues, the applicant has stated that the proposals are not intended to

Extensions and alterations at St. Katherine's School, Snodland - KCC/TM/0273/2012 (TM/12/2777)

accommodate any increase in pupils, teacher or other staff at the school and that the existing school and nursery roll would not change.

34. The School is already well aware of current issues in relation to parking at the beginning and end of the school day and of complaints from residents about their driveways being blocked by inconsiderate parking, difficulties with using the footpaths and also the reliance on the car. The updated school Travel Plan submitted describes these issues which appear to have been ongoing for a number of years.
35. The Travel Plan also includes general aims to reduce the volume of vehicles on the school run, improvement of the safety of children as they walk to school and to raise awareness of the benefits of walking. It includes targets and monitoring for the reduction of car use and to increase walking and cycling to school. This seeks positive and ongoing improvements.
36. It has been suggested by the Borough Councillor for Snodland West that this planning proposal provides an opportunity for addressing the existing parking issues at the site and to explore new ideas so as to alleviate the very worst of the likely future parking problems. Suggestions have been made that a safe child drop off point might be provided within the school grounds or that that a lay-by could be formed outside the school so as to allow two way traffic to use the road at peak times. These additional works would involve significant additional engineering works and are not part of the current proposals.
37. The applicant in considering these suggestions submits that it would be unreasonable in planning terms to request construction of new car parks or drop off zones within the school grounds as part of this particular proposal as the proposal has no bearing on pupil or staff numbers or on increased traffic generation. The applicant has not therefore included any amendments to the existing parking regime at the school within the proposal. The application will therefore need to be decided on this basis.
38. National planning policy guidance on promoting sustainable transport is that development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe.
39. Local planning policy CP2 seeks to ensure that new development likely to generate a significant number of trips is well located and is compatible with the character and capacity of the highways network in terms of the volume and nature of traffic generated and provides any necessary enhancements to the safety of the highways network. Whilst this proposal is new development it relates to existing use as a school site and is not likely to generate a significant number of trips. This proposal would not lead to any long term increase to the number of highway users to and from the site and the existing access arrangements (ie design and function) have already been granted permission by virtue of previous development.
40. In my opinion, in deciding this application, consideration needs to be given to whether it is reasonable to withhold planning approval based on a desire for the proposal to be much more proactive in addressing concerns regarding the existing traffic and highways environment. This needs to be balanced against national planning policy to deliver facilities needed by the community, such as improvements to schools and policy encouragement for planning to look to solutions rather than problems; seeking to

Extensions and alterations at St. Katherine's School, Snodland - KCC/TM/0273/2012 (TM/12/2777)

approve applications for sustainable development where possible and working proactively with applicants to secure developments that improve the area. In this context, the applicant has amended the proposal to exclude any additional traffic that may have been created by community use of the hall and provided an updated School Travel Plan.

41. The advice from the Development Planning Manager (Highways and Transportation) is that whilst there is already significant congestion and indiscriminate parking at the start and end of the school day on St Katherine's Lane and neighbouring roads, the proposal is unlikely to lead to any substantial increase in traffic flows during the peak school start and finish times. That is because the information within the application indicates that there would be no increase to the school roll, the school numbers or the visitors arising from the proposal. Furthermore the advice is that there would not be sufficient grounds to recommend refusal on highway grounds because of this and that conditions could be used to control the provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction; provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction; provision of measures to prevent discharge of surface water onto the highway and provision of wheel washing facilities prior to the commencement of work on site and for the duration of construction. Should the school numbers increase additional information on the parking and access arrangements for parents and guardians would be required.
42. On balance therefore, the proposal would not be likely to result in a material increase to traffic needing to access the site, other than for the short term duration in relation to site construction works and I am satisfied that this can be adequately controlled via condition. The applicant has made amendments to the proposal removing community use; clarified the purpose of the proposal and provided assurances that there would be no impact to the school roll and therefore no additional long term traffic generation as a result of this particular proposal.
43. In considering the scale of the proposal in this location and the potential for additional impact, together with the technical advice from the Development Planning Manager (Highways and Transportation), I am satisfied that the proposal is in accordance with Development Plan policy and that it would not be reasonable to refuse permission on the basis of the highway impacts of the proposal in this particular case.

Impacts in terms of good design, healthy communities, visual and residential amenity

44. The visual impact of the proposed extension to the existing school office and swimming pool has not attracted any neighbour objection. However one neighbour indicated concern about its visual impact and adequacy of screening of the proposed nursery extension. This issue relates to good design, visual and residential amenity.
45. The existing school and nursery buildings are set back from the highway and are largely screened by a mature hedge and tree line, although in places particularly at the newer entrance to the nursery which was permitted in 2004, screening is less well established and there are clear views to the existing nursery and entrance arrangement.
46. The proposed extension to the east of the existing nursery is single storey and would be set back from the current principal elevation. It would protrude 14m in two staggered

Extensions and alterations at St. Katherine's School, Snodland - KCC/TM/0273/2012 (TM/12/2777)

sections (6m and 8m). The ridge height would be lower than the existing nursery and the proposal uses matching materials, and design in massing and form. The two floor to ceiling curved feature windows would be modern but well positioned. The existing nursery porch would be enclosed by a new lobby which would update the appearance of that building.

47. To the east of the proposed nursery extension, the nearest properties are approximately 40m from the proposed building. However, between the school field and these properties is close board fencing and a mature tree line which in my view provides adequate screening to the east elevation.
48. To the north, the nearest properties are numbers 36, 34, 32, and 30 St Katherine's Lane. These are approximately 45m from the proposed buildings (measured to the front of the building). Numbers 34 and 32 are directly opposite the existing nursery entrance and the current views would change as a result of this proposal. The main effect would be to reduce the extent of open school playing field visible beyond the existing access gate. The current view of a relatively open green school field would need to also incorporate the proposed nursery extension building. However, planning policy does not provide a right to keep an unaltered view. The proposed extension would be largely within the same line of vision of the existing drop kerb and access and in my view would not be out of keeping with the street scene.
49. National planning policy requires good design and positive contributions to making better places for people and this includes making developments visually attractive as a result of good architecture and appropriate landscaping. In my opinion, care has been taken to ensure that the proposal is well designed. It incorporates the existing building form as well as introducing a more modern appearance by use of curved glass windows. It would be set back and subservient to the existing frontage and would not result in a bringing forward of the current building line.
50. However, no new planting has been proposed by the applicant as part of this proposal. In response to concerns about screening, the applicant has advised that whilst it would be willing to implement further natural screening in the form of hedges and trees along the boundary of the field with St Katherine's Lane, in their view it is not necessary as the proposal would not detract from the visual amenity of the area. However, given the change in aspect, and also the apparent failure of previous planting in the bank of the school field alongside the nursery access, in my view additional screening should be encouraged as a positive improvement to the proposal. This can be dealt with by condition requiring further submission.

Extensions and alterations at St. Katherine's School, Snodland - KCC/TM/0273/2012 (TM/12/2777)

Figure 10 View of school field from the corner of Orchard Drive near to number 36 St Katherine's Lane, looking south east towards the existing nursery building



Figure 11 View from the school field toward property on St Katherine's Lane



51. Concerns have also been expressed about increased potential for increased anti-social behaviour as a result of the proposal. This relates to planning and promoting healthy communities. Given the location within the school grounds and the removal of community use from the proposal, in my opinion the amended proposal would not undermine the quality of life or community cohesion as a result of increasing the potential for crime and disorder.

Conclusion

52. In summary, I consider that on balance the proposal accords with the general aims and objectives of national and local planning policy in relation to transport, requiring good design, and promoting healthy communities. It respects the character and quality of the area and the location, scale, design and quality of each element of the proposal would not, in my view, be significantly detrimental to the built environment, highway network or to residential and visual amenity. The parking and highway congestion in the area is an

Extensions and alterations at St. Katherine's School, Snodland - KCC/TM/0273/2012 (TM/12/2777)

ongoing issue of concern but one which in my view should be addressed outside the determination of this particular planning proposal as the development would not result in an increase in the existing school roll or teaching staff. I consider that this proposal accords with the development plan and that there are no material planning considerations that indicate that planning permission should be withheld. I would however recommend the inclusion of various planning conditions.

Recommendation

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

- The standard 5 year time limit,
- That the development be carried out in accordance with submitted details,
- That a scheme of landscaping be submitted prior to commencement of the nursery extension,
- Restriction on the hours of operation of the proposed nursery extension from 07.30am to 6.30pm Monday to Friday only,
- Restriction on the hours of working during construction to between 0800 and 1800 Monday to Friday and between the hours of 0900 to 1300 Saturdays with no operation on Sundays or Bank Holidays,
- Restriction of the development to school use only as described in the application,
- Submission of details of construction access, construction vehicle loading, unloading, turning, circulation and parking for the duration of the construction works, prior to commencement of work on site,
- Restoration and making good of any disturbed areas of field or planting,
- Provision of parking facilities for site personnel and visitors for the duration of construction works, prior to commencement of work on site,
- Provision of measures to prevent the discharge of surface water onto the highway prior to the commencement of the development,
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction,
- Implementation of the School Travel Plan, and
- Protection to breeding birds.

Case Officer: H Mallett	Tel. no: 01622 221075
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Background Documents: see section heading

Item D3

Retrospective application for two chalet style buildings - Cliftonville Primary School, Margate - KCC/TH/0291/2012 (TH/12/755)

A report by Head of Planning Applications Group to Planning Applications Committee on 11 December 2012

Application by Cliftonville Primary School for the provision of two timber framed chalet style buildings for the specialised mentoring of pupils away from the main stream teaching environment at Cliftonville Primary School, Northumberland Avenue, Margate – TH/12/755 (KCC/TH/0291/2012)

Recommendation: Permission be granted subject to conditions

Local Member(s): Mr C Wells and Mr M Jarvis

Classification: Unrestricted

Site

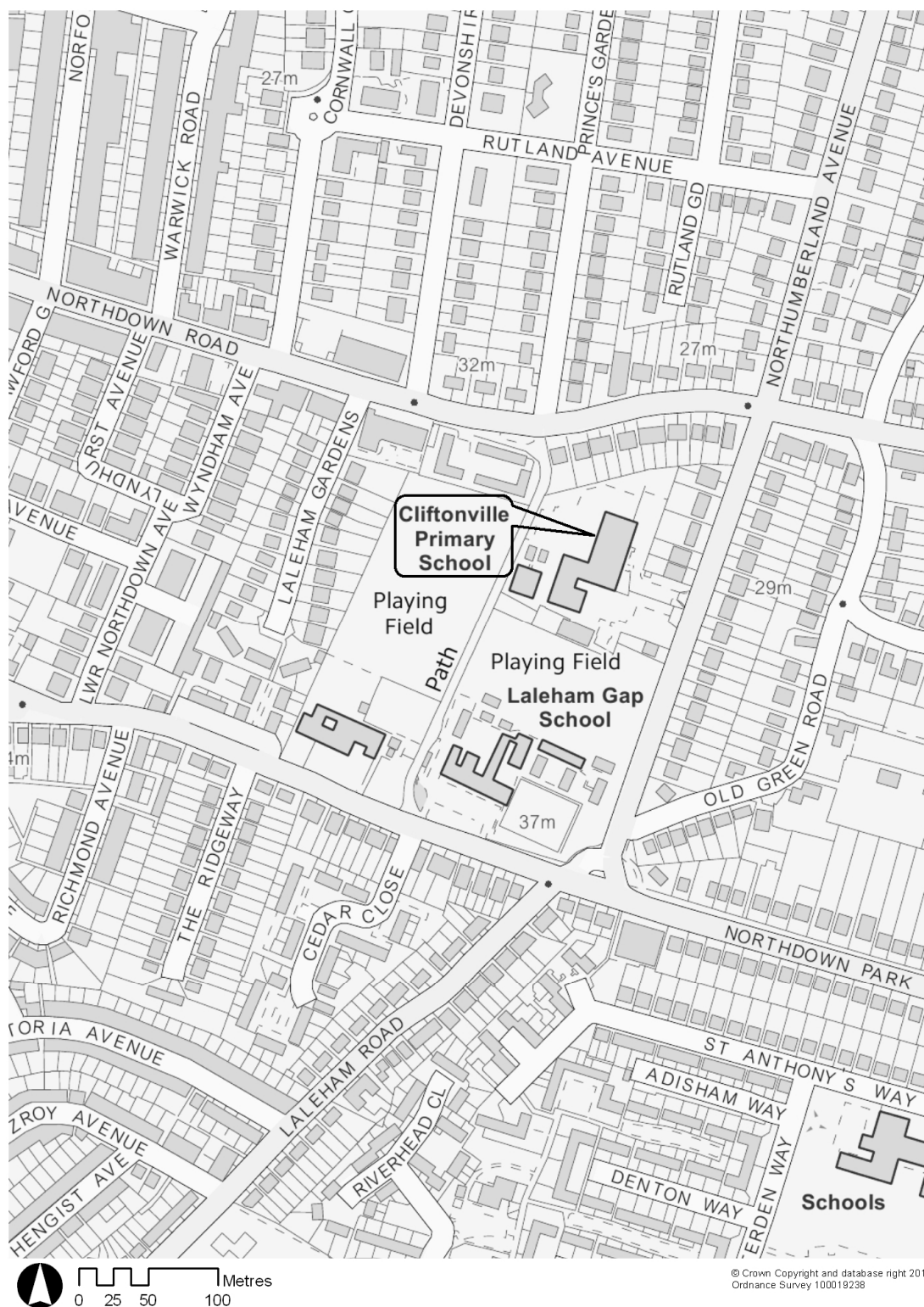
1. Cliftonville Primary School is located off Northumberland Avenue, which in turn is located off Northdown Road, to the east of Margate Town Centre. The school opened in January 1976 and now has 630 pupils and 52 children in the nursery. The school site is surrounded by residential properties to the north and east and to the south is located Laleham Gap School. To the west of the school site is the school's playing field which is effectively split by the old Margate tram track, which is now a path used by pedestrians.
2. The school buildings are located to the middle of the school site with the juniors playground located to the north of these buildings. The distance from the residential properties in Northdown Road to the school's boundary is between 18 and 20 metres. However there is a high boarded fence and mature trees and other vegetation, including evergreens, which provides a good level of screening between the rear gardens of the residential properties and the school.
3. There are no site specific land designations within the Development Plan in association with the site.

Background

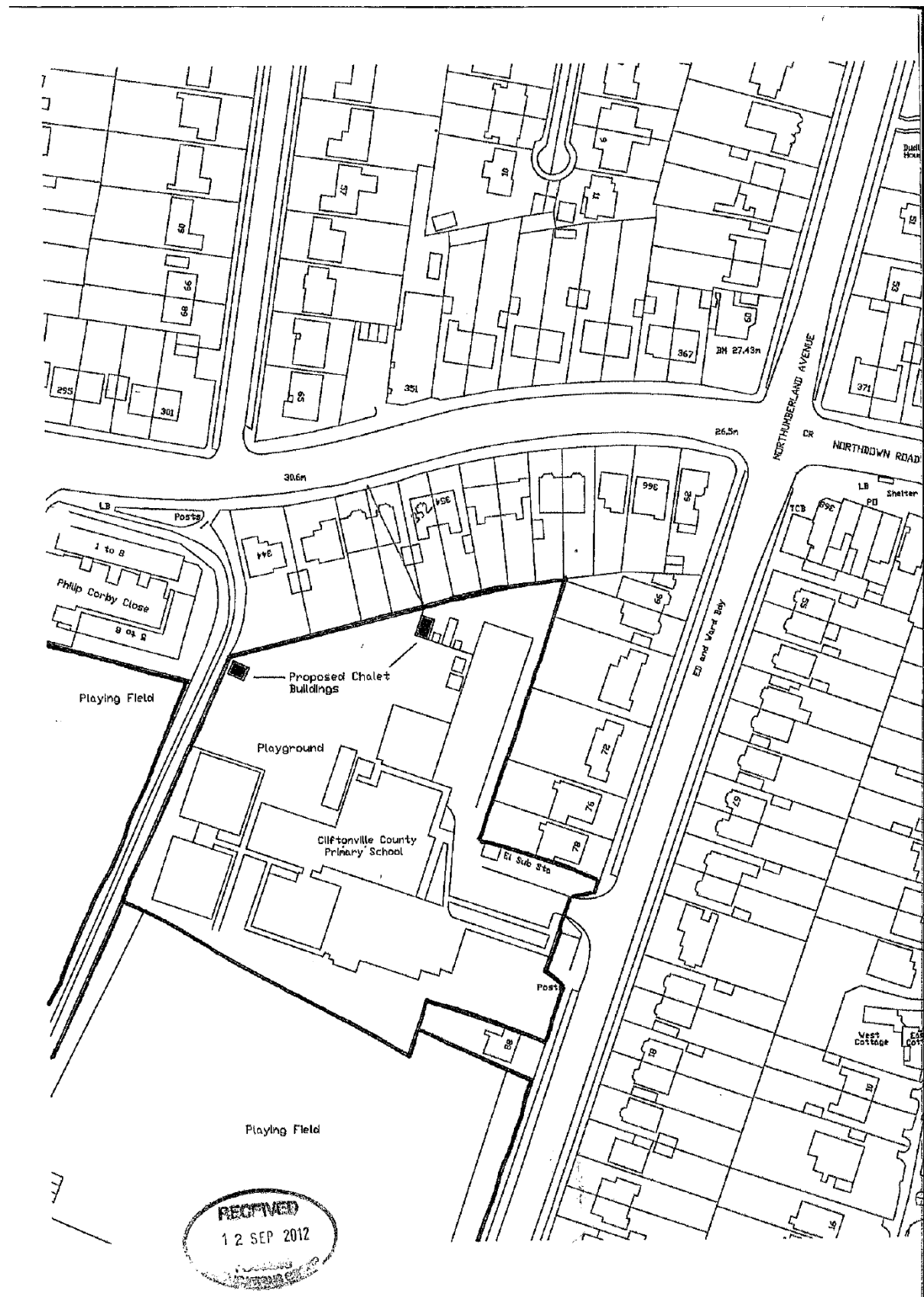
4. An email was originally sent to Thanet District Council regarding the number and quality of out-buildings that had been erected at the school, seemingly without planning permission. This email was forwarded to Kent County Council's Planning Applications Group, where this query was investigated. It was found that the School had indeed erected in total seven such buildings, albeit incrementally (one in the north-west corner and six in the north-east corner), without applying for planning permission.

Application for two timber chalet style buildings at the Cliftonville Primary School, Margate- TH/12/755

Cliftonville Primary School, Margate



Application for two timber chalet style buildings at the Cliftonville Primary School, Margate- TH/12/755



Item D3



Application for two timber chalet style buildings at the Cliftonville Primary School, Margate- TH/12/755

5. However, it must be pointed out that Schools do have certain permitted development rights, which means that some buildings can be erected without the need to obtain a specific planning permission, subject to certain parameters. Those include (in this particular case) that no building should be within 5 metres of the school boundary; should not exceed 5 metres in height and the cumulative gross floor area of any buildings erected should not exceed 100 square metres. There are other parameters but they do not apply in this particular case.
6. Therefore, out of the seven buildings that have been identified on site, four of the buildings would fall under the permitted rights as they are located more than 5 metres away from the school boundary and consequently do not require planning permission. These four buildings include one small sectional garage, one small sectional concrete store and two small timber buildings. These four buildings measure approximately between 9.3 square metres and 16 square metres and therefore do not exceed the gross external floorspace of 100 square metres. One building, a small sectional concrete garage was granted planning permission under planning permission TH/07/681 and was relocated from another location within the playground. The remaining two buildings are located within 5 metres of the school boundary and are therefore not covered by the *general* planning permission bestowed by the permitted development rights. These two buildings are both timber framed chalet style buildings and a *specific* planning permission has now been sought for them.

Proposal

7. Cliftonville Primary School is applying for retrospective planning permission for the installation on site of two timber framed chalet style buildings. One chalet is known as the 'Behaviours Mentors' building and measures 3 metres by 4 metres and is 3 metres in height to the apex of the building. At its closest point it is located only 2 metres away for the school's boundary, which backs onto the pedestrian path to the west of the school site. The other chalet is known as the 'Learning Mentors' building and measures 4.5 metres by 6.5 metres and is 3.3 metres in height to the apex of the building. At its closest point it measures 3.3 metres from the playground fence but beyond this fence there is a further 1 metre or so to the residential boundary that backs onto the school site. The additional accommodation is required by the School as there is insufficient space within the main school to provide specialised mentoring to address learning and behaviour of challenging pupils away from the main stream teaching environment. The chalets have been installed on the site for a period of over 3 years, having been installed on site during February and July 2009. Both timber framed chalet style buildings are of similar appearance and are constructed in sustainable materials and blend in with other surrounding features. The location of the chalet buildings behind high boarded fencing and mature trees was chosen so as not to be visible from the residential areas which border the school.

Planning Policy

8. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:
 - (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out in:

Application for two timber chalet style buildings at the Cliftonville Primary School, Margate- TH/12/755

National Planning Policy Framework (March 2012) sets out the Government's planning policy guidance for England and as guidance is a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. The NPPF replaces the majority of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs).

The NPPF contains a presumption in favour of sustainable development. The new Framework also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system - economic, social and environmental. These roles are mutually dependent. Within the over-arching roles there are 12 core principles that planning should achieve. These can be summarised as:

- be genuinely plan-led;
- a creative exercise in finding ways to enhance and improve the places people live their lives;
- proactively drive and support sustainable economic development;
- secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
- support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
- contribute to conserving and enhancing the natural environment and reducing pollution
- encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
- promote mixed use developments;
- conserve heritage assets;
- manage patterns of growth to make fullest use of public transport, walking and cycling; and focus significant development in locations which can be made sustainable; and
- take account of strategies to improve health, social and cultural well being, and deliver sufficient community and cultural facilities and services to meet local needs.

In terms of delivering sustainable development in relation to this development proposal, the following NPPF guidance is particularly relevant:

- Chapter 4 (Promoting sustainable transport);
- Chapter 7 (Requiring good design);and
- Chapter 8 (Promoting healthy communities);

The Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

Application for two timber chalet style buildings at the Cliftonville Primary School, Margate- TH/12/755

Policy Statement on Planning for Schools Development (August 2011) is also relevant, in so far as it identifies that there should be a presumption in favour of the development of state funded schools.

(ii) **Development Plan Policies**

The South East Plan (2009) Policies:

- Policy CC1 Seeks to achieve and maintain sustainable development in the region.
- Policy CC4 Seeks new development to adopt sustainable construction standards and techniques.
- Policy CC6 Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy S3 Seeks to ensure the adequate provision of pre-school, school, and community learning facilities.

Important note concerning the South East Plan:

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

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.

Consultations

9. **Thanet District Council:** Raises no objection.

Local Members

10. The local County Members, Mr Michael Jarvis and Mr Chris Wells, were notified of the application on the 14 September 2012. Mr Jarvis has written in confirming that he is in support of the planning application.

Publicity

11. The application was advertised by the posting of a site notice and the notification of 19 neighbours.

Application for two timber chalet style buildings at the Cliftonville Primary School, Margate- TH/12/755

Representations

12. One letter of representation has been received, objecting to the application. The letter is summarised below:
- No objection to the use of the chalets but the objection is with the location.
 - Planning parameters have obviously not been adhered to.
 - With one timber building only being 2 metres from the boundary and the other having a footprint of approximately 6.5 metres by 4.5 metres and standing over 3 metres high to the apex these buildings are quiet imposing structures to be in such close proximity to neighbouring boundaries.
 - Parameters for building size and location have obviously been set for a good reason and would like the parameter regarding 'distance from a school boundary' to be upheld as it is currently unacceptable.
 - If the School were to agree to have these structures relocated the correct distance away from neighbouring properties then the objection would be withdrawn.

Discussion

13. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (8) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, 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.
14. This application has been reported for determination by the Planning Applications Committee following the receipt of an objection from one local resident. The main issue relating to this application is that the two chalet style buildings have been erected within 5 metres of the school's boundary without planning permission.
15. The application has been submitted as retrospective, as the two chalet style buildings have already been on the school site for over 3 years. Both of these locations are to the perimeter of the school site and are mostly obscured from view by the boundary treatment and high boarded fencing.

Location and design

16. The two chalet style buildings have been erected on this school site because there is insufficient space within the main school to provide specialised mentoring to address learning and behaviour difficulties of challenging pupils away from the main stream teaching environment. The locations of both buildings was chosen by the School so as to limit the impact on the playground and its capacity to provide the maximum hard surface area to afford its use by 360 junior pupils during designated periods (there are a further 270 infant aged pupils at the school who use the designated infant playground). Indeed the 'Learning Mentors' chalet is located next to the group of five small buildings and garages that are mentioned in paragraph 6. This group of buildings have been located in an unused area of the playground and have been bunched together to reduce the overall impact of them within the juniors playground. However as mentioned previously, it is only the 'Learning Mentors' building within this group of buildings that is the subject of this planning permission and backs directly onto the residential between the school and the residential properties to the north of the site. The other chalet style

Application for two timber chalet style buildings at the Cliftonville Primary School, Margate- TH/12/755

building, the 'Behaviour Mentors', is located to the north west corner of the site and backs onto the pedestrian path that runs to the west of the school site. There is a housing development on the other side of the pedestrian path, which is located some 15 metres away from this chalet building.

17. The one objection letter that has been received does not object to the usage of these chalet style buildings, but to their location, and if these two buildings were to be moved to beyond 5 metres of the school boundary, then the objection would be withdrawn. The School was asked to comment on whether these building could be moved beyond this distance but concluded that it would be difficult to find another suitable location that did not compromise the use of the junior play ground. If the two buildings were to be moved forward then they would require additional supervisory staff during play time to ensure potential hidden areas behind the buildings are continuously observed at all times of the day, for health and safety reasons of pupils. The School also concluded that it would also hinder, if not prevent, access by emergency service vehicles that would be required to travel the playground when approaching the teaching blocks on the school site. More importantly, the playground is currently set out and used for netball practice and matches with other Schools. Should the buildings have to be relocated then the netball court would be compromised and matches could no longer take place. Additionally PE and other ball games would also be affected.
18. The School has confirmed that it carefully chose these two positions so that the buildings were well protected from view by the boundary's semi mature trees and hedging, and that they did not affect the visual amenity of the surrounding area beyond the school site nor reduce the playing area of the juniors' playground. The School concluded that there is no other suitable location for the buildings, which are an important aid in providing small group teaching areas and if removed they would seriously affect the support presently given to pupils with special needs.
19. Given the constraints of the site in terms of playing space, the high number of school pupils that attend this school, the lack of a suitable alternative site to move the two chalet style buildings to, and the fact that the boundary between the school and the adjoining residential properties is already heavily planted with mature vegetation (even during the winter period, therefore affording very limited views of the chalet style building I see no substantive reason to refuse the application on the grounds of siting and design.

Conclusion

20. The retrospective planning application is for a relatively minor development which has been brought about due to circumstances and the constraints of the site. Both the chalets buildings are well screened from the neighbouring properties offering very limited views of the buildings, even during the winter months and the School has confirmed that there are no other suitable places within the school grounds for these chalets to be relocated to without seriously affecting the playground and emergency access routes. The chalet style buildings have been in place for over 3 years without causing undue detriment to the area in terms of any visual effect and I see no planning land use reasons to move them from their current locations.

Application for two timber chalet style buildings at the Cliftonville Primary School, Margate- TH/12/755

Recommendation

21. I RECOMMEND that PERMISSION BE GRANTED subject to the following condition:

- The chalet buildings to be removed from the site in the event of these buildings no longer being needed for the use applied for.

Case officer – Lidia Cook	01622 221063
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Background documents - See section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT
PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS -
MEMBERS' INFORMATION**

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

Background Documents - The deposited documents.

AS/12/813/RVAR	Details pursuant to conditions 10 (sustainable design and construction), 12 (dust and odour controls), 13 (site waste management plan) and 14 (construction management plan) of planning permission AS/12/813 for a Household Waste Recycling Centre and Waste Transfer Station. Ashford HWRC, Cobbs Wood Industrial Estate, Brunswick Road, Ashford
CA/12/606	Infilling of open lagoons formally used for the disposal of tannery waste. Oldridge Wood Lagoons, Swanton Lane, Off Canterbury Road, Littlebourne, Canterbury
SW/10/774/R6	Details of a plan for the protection and mitigation of protected species pursuant to condition (6) of planning permission SW/10/774. Land at Ridham Dock, Ridham
SW/10/774/R16(i)	Archaeological evaluation details pursuant to condition 16(i) of planning permission SW/10/774. Land at Ridham Dock, Ridham
SW/10/774/R20	Details of a bird collision plan pursuant to condition (20) of planning permission SW/10/774. Land at Ridham Dock, Ridham
SW/12/1001	Formation of improved access road and associated development to serve Kemsley Sustainable Energy Plant. Land at Kemsley Paper Mill, Kemsley, Sittingbourne
SW/12/1132	Extension to wood storage area and improvements to site access at the approved Ridham Biomass power plant (planning permission SW/10/774). Ridham Dock, Iwade, Sittingbourne
TM/09/3231/R16	Request for the approval of the Waste Planning Authority to open the facility on 26 December (Boxing Day) 2012 for the receipt of waste deliveries and the shredding of incoming material pursuant to condition 16 of planning permission TM/09/3231. New Earth Composting Facility, Blaise Farm Quarry, Kings Hill, West Malling

TM/11/2275/RVAR	Details of noise assessment, hard and soft landscaping and lighting pursuant to conditions 17, 18, 19, 25 and 27 of planning permission TM/11/2275 for a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot. Land at Sanderson Way, Tonbridge
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E2 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/11/994/R15 & R21	Details of a surface water drainage scheme and details of a construction management strategy pursuant to conditions (15) and (21) of planning permission AS/11/994 Goat Lees School Site, Between Hurst Rd & Guernsey Way, Kennington, Ashford
AS/12/1061	Proposed new 144sqm school hall, constructed within an internal courtyard adjacent to the existing school hall. Willesborough Junior School, Highfield Road, Willesborough, Ashford
CA/10/1790/R18 & R22	Details of a community use plan and a school travel plan pursuant to conditions 18 and 22 of planning permission CA/10/1790. Spires Academy, Land off Bredland's Lane, Canterbury
DA/12/14/R	Application for a non-material amendment including; tree removal and soft landscaping details; hard landscaping details; changes to the elevation details; material alterations and changes to escape stairs. Wilmington Academy, Common Lane, Wilmington
DA/12/14/RVAR	Details of all materials to be used externally (condition 4); reptile survey and any subsequent mitigation (condition 11); scheme to deal with the risks associated with contamination (condition 18); programme of archaeological work (condition 24); historic landscape assessment (condition 26); and construction management strategy (condition 31) pursuant to planning permission DA/12/14. Wilmington Academy, Common Lane, Wilmington
DA/12/14/R10, R15 & R25	Details of fencing, gates and means of enclosure, biodiversity management plan and details of foundation design and below ground excavations. Wilmington Academy, Common Lane, Wilmington

GR/08/229/R36 & R37	Details of Community Use Agreement and hours of community use pursuant to conditions 36 and 37 of planning permission GR/08/229 for the redevelopment of Northfleet School for Girls. Northfleet School for Girls, Hall Road, Northfleet, Gravesend
GR/12/803	8 metre high fibreglass flagpole (white) installed within the school grounds. Northfleet Technology College, Colyer Road, Northfleet, Gravesend
TH/11/587/RVAR	Details of a sustainable surface water drainage scheme (condition 22); a programme of archaeological work (condition 23); below ground excavations (condition 24); and a construction management strategy (condition 26) pursuant to planning permission TH/11/587. (Ursuline College Sports Pitches), Sports Field between Ursuline College and King Ethelbert School, Canterbury Road, Westgate-on-Sea

E3 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/AS/0384/2012 - Planning application for reorganisation of the academy site to include the demolition of part of the existing main academy building (Hall and Gym), erection of a new two storey assembly/theatre building and a separate three storey teaching building, reorganisation of hard and soft landscaping and provision of 127 vehicle parking spaces and 104 cycle parking spaces at The John Wallis Academy, Millbank Road, Kingsnorth, Ashford.

KCC/SCR/DA/0378/2012 – Request for a Screening Opinion as to whether the importation of materials from major contracts to provide the foundations to create a Community Park requires an Environmental Impact Assessment at Stone Pit 1, Cotton Lane, Stone, Dartford

KCC/DA/0409/2012 - Application for variation of condition 26 of planning permission DA/11/1043 to amend the hours of operation from 07:00 to 18:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturdays to 06:00 to 19:00 hours Monday to Friday and 06:00 to 13:00 hours on Saturdays at Pinden Quarry, Green Street Green Road, Dartford

KCC/GR/0379/2012 - Application for Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for replacement of existing pipeline and supporting jetty and removal of the old one at Northfleet Wharf, Botany Marshes, Manor Way, Northfleet, Gravesend

KCC/MA/0344/2012 – Relocation of waste treatment building, revised site layout and storage of inert and semi inert waste. Change of use of units 13 and 14 to allow the acceptance, treatment and storage of waste at Units 6, 13 and 14, Detling Airfield Industrial Estate, Detling, Maidstone

KCC/TW/0386/2012 - Planning application for external floodlighting proposed to All Weather Pitch on Site 2 at Skinners Kent Academy, Blackhurst Lane, Tunbridge Wells

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

None.

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

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