

PLANNING APPLICATIONS COMMITTEE

Wednesday, 13th March, 2013

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 13th March, 2013, 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 - 12 February 2013 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. Planning Policy Guidance and Development Plan changes (Pages 7 - 8)

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/97/1064/R2, R5, R12 and R14 - Non-material amendments to allow revisions to approved details and timescales for the restoration of Margetts Pit Landfill Site, Margetts Pit, Burham; Aylesford Newsprint Ltd (Pages 9 - 16)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal MA/13/15 (KCC/MA/0427/2012) - Two classroom extension, internal alterations, playground area and fencing at St John's CE Primary School, Grove Green, Maidstone (Pages 17 - 34)

2. Proposal SW/12/1317 (KCC/SW/0342/2012) - Temporary change of use of land from agricultural to a 10 space car park for a period of 5 years at Tunstall CE Primary School, Tunstall Road, Tunstall; Governors of Tunstall CE Primary School (Pages 35 - 50)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 51 - 54)
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.)

Tuesday, 5 March 2013

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, 12 February 2013.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr A R Chell, Mr I S Chittenden, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr J F London, Mr S C Manion, Mr R F Manning, Mr R J Parry, Mrs P A V Stockell, Mrs E M Tweed and Mr A T Willicombe

ALSO PRESENT: Mr D A Hirst

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

UNRESTRICTED ITEMS

5. Minutes - 16 January 2013

(Item A3)

RESOLVED that the Minutes of the meeting held on 16 January 2013 are correctly recorded and that they be signed by the Chairman.

6. Site Meetings and Other Meetings

(Item A4)

(1) The Committee noted that the site visit to the waste transfer facility at Lakesview Business Park in Hersden originally scheduled for 12 February would now take place during the afternoon of Monday, 25 February 2013 followed by a public meeting at 6pm at Hersden Neighbourhood Centre.

(2) The Committee Members were also asked to keep two days free for a possible tour of school building application sites on either Wednesday, 27 March or Wednesday, 3 April 2013.

(3) The Democratic Services Officer undertook to write to all Members of the Committee setting out the meeting and site visit arrangements over the next two months.

7. Application CA/12/2121 (KCC/CA/0398/2012) - Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay; Southern Water

(Item C1)

(1) Mr D A Hirst was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(2) In agreeing the recommendations of the Head of Planning Applications Group, the Committee added an Informative encouraging Southern Water to take active involvement in the work of Canterbury CC in its preparation of the Canterbury District Local Development Framework.

(3) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the development being commenced within 5 years; the development being carried out in accordance with the submitted plans and any approved pursuant to the conditions attached to the permission; the external lighting proposed being implemented in accordance with the application documents; controls on the construction phase to minimise any impact on the public highway during this period, including precautions to guard against the deposit of mud and similar substances on the public highway; and controls on the hours of operation during the construction period; and
- (b) the applicants be informed by Informative of the Committee's view that they should be encouraged to take active involvement in the work of Canterbury CC in its preparation of the Canterbury District Local Development Framework.

8. Application SW/0089/2012 - Section 73 application to continue development without complying with conditions 3,21 and 24 of Permission SW/10/1436 at Ridham Dock Road, Iwade; Countrystyle Recycling Ltd
(Item C2)

(1) Mr A T Willicombe informed the Committee that although he was a Member of Swale BC, he had not taken part on any of that Authority's discussions on this application. He was therefore able to approach its determination with a fresh mind.

- (2) RESOLVED that permission be granted to the application subject to conditions, including conditions covering the development being carried out strictly in accordance with drawing number 11.09B.01 B (which also identifies an area for storage of unprocessed wood); a restriction on the times of use of external plant; noise; mitigation measures set out in the dust and odour management plans; restrictions on the wood waste throughput to 10,000 tonnes per annum and evidence to demonstrate compliance; and external stockpiles being restricted to 3m in height.

9. Application SH/12/1032 (KCC/SH/0333/2012) - Retrospective change of use from a Vehicle Crash Repair site to a metal recycling facility and parking of two skip hire delivery lorries at Unit 1, Park Farm Industrial Estate, Folkestone; Johnson's Recycling Ltd
(Item C3)

(1) The Head of Planning Applications Group asked the Committee to agree the hours of operation for potential noise generating activities to bring them into line with

the hours of opening except for a 30 minute period between 0730 and 0800 on Mondays to Fridays when only those activities unlikely to give rise to noise impacts could take place. This was agreed.

- (2) 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 submitted application and any subsequently approved details; a restriction on waste types to those described in the application; a limit on the annual maximum throughput to 5,050tpa; a prohibition on end of life vehicles (ELV) being accepted at the site for breaking and on general domestic and industrial/commercial skip hire waste from being delivered, stored, transferred or held within the site; hours of opening being restricted to between 0730 and 1700 Mondays to Fridays and between 0830 and 1200 on Saturdays with no operation on Sundays and Bank Holidays; hours of operation for potential noise generating activities (e.g. receiving waste, moving waste in the yard and operating machinery in the building) being limited to between the hours of 0800 and 1700 Mondays to Fridays and 0830 and 1200 on Saturdays; use of the bailer, shearer and cable stripper being only inside the building; storage of waste batteries being only within the building; outdoor storage for metal waste being limited to 4 skips at any one time and the skips being covered at night; the parking of skip delivery vehicles on site being limited to two vehicles and skip storage being restricted to specified locations; provision and permanent retention of the vehicle parking and cycle parking spaces on site; site drainage being contained and discharged to foul sewer; the containment and bunding of oil and fuel storage facilities; operational safeguarding measures in relation to dust, odour, lighting, mud and debris on the road; and the noise condition recommended by KCC's Noise Consultant.

10. Proposal CA/12/1681 (KCC/CA/0338/2012) - Partial demolition of Adult Education Centre (AEC), and erection of a new 2-storey building within the retained facade, at St John's Primary School, Canterbury; KCC Property Group (Item D1)

- (1) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 9 votes to 4 with 2 abstentions.

- (2) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally, including glazing; the submission of details of windows and doors; detailed drawings showing the junctions between the retained facades and the new build elements of the development; details of all external lighting; a scheme of landscaping, including hard surfacing, its implementation and maintenance; measures to protect those trees to be retained; details of fencing, gates and means of enclosure, including colour finishes; retention of the historic flint walls as well as the brick walls and piers at the school entrance via St John's Place; no tree removal taking place during the bird breeding season; the development according with the

recommendations of the ecological surveys; the submission of biodiversity enhancement measures; a programme of archaeological works; a programme of building recording; the submission of a detailed surface water drainage scheme; the submission of flood resistance/resilience measures; the submission of a flood evacuation plan; the submission of finished floor levels; land contamination; the submission of a revised School Travel Plan, its implementation and ongoing review; hours of working during construction and demolition being restricted to between 0800 and 1800 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; and measures to prevent mud and debris being taken onto the public highway; and

(b) the applicant be advised by Informatives that:-

- (i) account should be taken of the Environment Agency's advice relating to flood risk, land contamination, drainage, and the storage of fuel, oil and chemicals; and
- (ii) account should be taken of the County Council's Public Rights of Way Officer's general Informatives with regard to works that cannot be undertaken on or immediately adjacent to the footpath.

11. Proposal SW/12/884 (KCC/SW/0180/2012) - Four single storey extensions to main school building at Ethelbert Road Primary School, Ethelbert Road, Faversham; KCC Education Learning and Skills
(Item D2)

(1) The Head of Planning Applications Group informed the Committee of correspondence from Mr T Gates, the Local Member in support of the recommendations.

- (2) RESOLVED that permission be granted to the proposal (as now amended) subject to conditions, including conditions covering the development being commenced within 5 years; the development being carried out in accordance with the permitted details; details of all external materials being submitted for prior approval; the existing boundary wall being protected and maintained on site; precautions to prevent the deposit of mud on the highway; and controls on the hours of operation during construction work.

12. County matters dealt with under Delegated Powers
(Item E1)

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

- (a) County matter applications;

- (b) consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) Screening opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; and
- (e) Scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).

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Item B1

Planning Policy Guidance and the Development Plan Changes

A report by Head of Planning Applications Group to the Planning Applications Committee on 13 March 2013

Summary: Planning policy guidance and Development Plan changes

Recommendation: To note changes to Development Plan and policy guidance

Local Member: N/A

Purpose of the Report

1. This report draws attention to changes to the Development Plan and policy guidance that have implications for the determination of planning applications. These changes relate to the South East Plan and the National Planning Policy Framework.
2. Members will be aware that 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. Planning applications also need to be considered in the context of government guidance, including the National Planning Policy Framework (NPPF) and other material planning considerations arising from consultation and publicity.

South East Plan

3. The South East Plan, 2009 is currently part of the Development Plan. The Government has stated its intention to revoke the Plan and that this intention to revoke the Regional Spatial Strategies (the South East Plan in Kent) is a material consideration to be taken into account in the determination of planning applications. Members will also be aware that the weight to be accorded to this is a matter for the decision maker.
4. In February 2013, the Local Government Secretary Eric Pickles announced that the South East had taken a further step towards revocation. In doing so he confirmed that the abolition of the Regional Spatial Strategy will reinforce the importance of the Local Plan and where they exist neighbourhood plans as the keystone of the planning system. An Order to effect revocation with the exception of policy NRM6 and Policy H2 of the Oxfordshire Structure Plan was laid before Parliament on 28th February 2013 and will come into force on 25th March. Neither of the 2 saved policies are relevant to Kent. Policy NRM6 relates to the Thames Basin Heaths Special Protection Area and the Oxfordshire policy relates to the Upper Heyford RAF base. No other

policies are saved. In determining applications, Members will need to take this recent change into account, although the weight to be placed is still a matter for the decision maker.

National Planning Policy Framework (NPPF)

5. The NPPF was published on the 27th March 2012. It set out the government's planning policy guidance for England and as government guidance is a material consideration for the determination of planning applications. The Framework replaced the majority of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). Transition arrangements were included in the guidance to provide advice on policy interpretation in Local Plans where there was limited conflict with the guidance in the NPPF. These transition arrangements were for a 12 month period. These arrangements were set out in Annex 1 of the NPPF. Paragraphs 214 -215 of the NPPF states

' (214) For 12 months from the date of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF.

(215) In other cases and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'

6. Members will need to take this recent change into account in their determination of planning applications taken on or after 27th March 2013. They should also note that the above does not change the statutory status of the development plan which remains the starting point for decision making.

Recommendation

7. I RECOMMEND that Members NOTE the contents of this report and take into consideration in the determination of planning applications.

Sharon Thompson	01622 696052
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Background Documents : Statutory Instrument 2013 No 427 - Town and Country Planning, England - The Regional Strategy for the South East (Partial Revocation) Order 2013; Explanatory Memorandum to the Regional Strategy for the South East (Partial Revocation) Order 2013; Written Ministerial Statement on Regional Planning and the National Planning Policy Framework 2012

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Planning Permission: TM/97/1064/R2, R5, R12 and R14 – Application for a Non-Material Amendment to allow revisions to approved details and timescales for the restoration of Margetts Pit Landfill Site, Margetts Pit, Burham, Rochester, Kent.

A report by Head of Planning Applications Group to Planning Applications Committee on 13 March 2013.

TM/97/1064/R2, R5, R12 and R14 – Revisions to approved restoration contours and restoration planting together with extension of the timescales for completing infilling, final placement of soils, restoration together with details of proposed aftercare. Margetts Pit Landfill, Margetts Pit, Burham, Rochester, Kent. Aylesford Newsprint Limited.

Recommendation: Approval be given to allow revisions to approved details and timescales for the restoration of the site.

Local Member: Mr. Peter Homewood

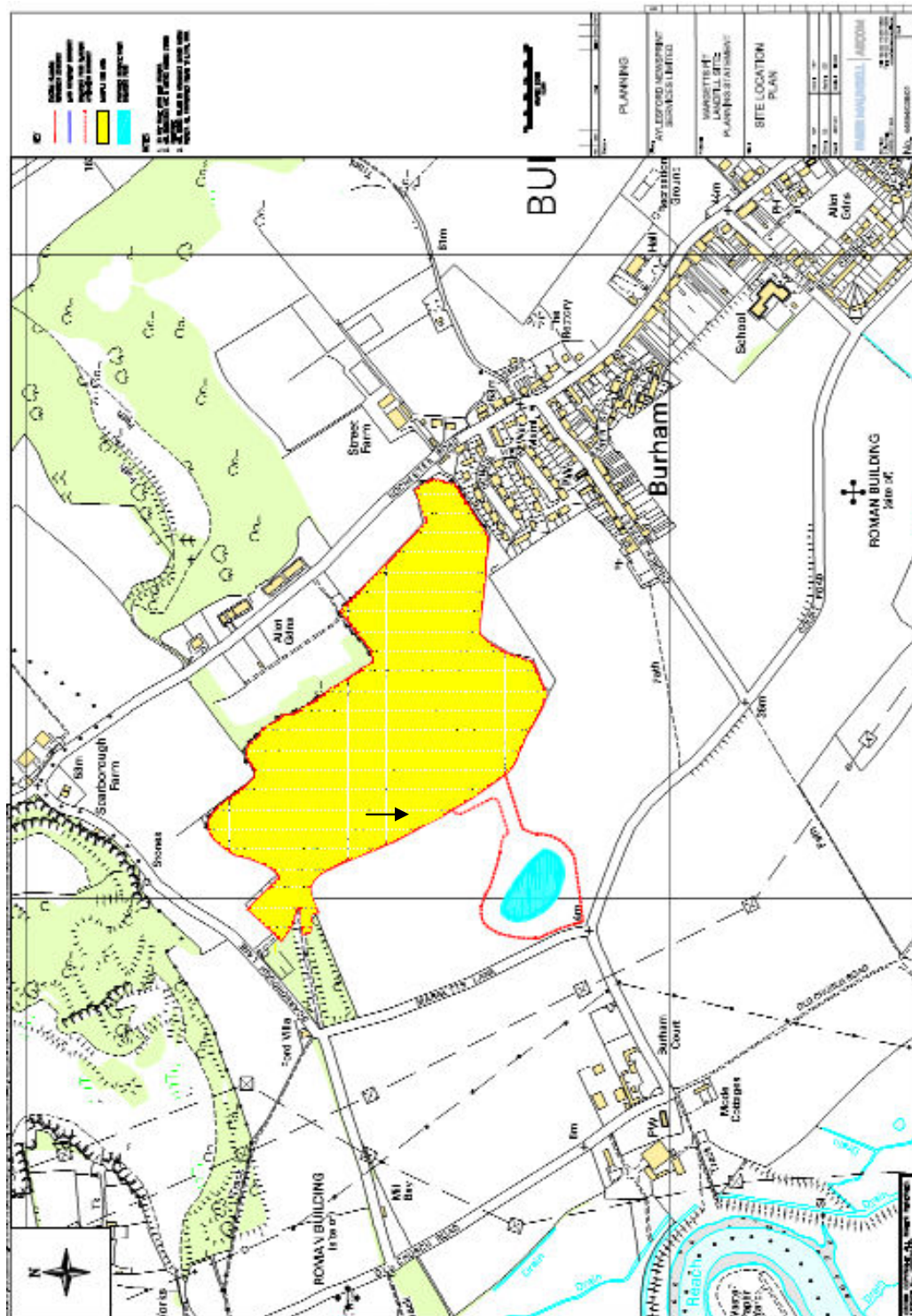
Unrestricted

Site Description and Background

1. Margetts Pit is situated approximately 3.5 km south of the centre of Rochester and is equal distance north of Maidstone. This former Chalk quarry is cut into the lower slopes of the North Downs in the Medway Valley with the surrounding landform sloping down from the north-east to south-west from the steeper hills of the North Downs to the River Medway. The landfill covers an area of approximately 15.9 hectares. It forms the northern boundary to the village of Burham with its northern, western and a large proportion of its southern edge lying adjacent to agricultural land.
2. The site is accessed via Margetts Lane from the junction of Margetts Lane and Scarborough Lane. To the east of the site Margetts Lane joins Court Road, with Court Road continuing east to its junction with Rochester Road. Rochester Road continues south, changing to Pilgrims Way to its grade separation junction with the A229. The A229 provides access to the motorway network, the M2 and M20.
3. Infilling at the site first commenced in the mid 1960's when Reed Paper Mills (now known as Aylesford Newsprint Limited (ANL)) were allowed by the then landowner, Blue Circle Cement, to deposit waste from their nearby waste paper recycling operations. ANL purchased the site in 1966. In February 1998 permission was granted (Ref. TM/97/1064) in respect of minor amendments to the approved restoration scheme which made provision for adjustments to final restoration contours and seed mixes which proposed a chalk grassland afteruse.

Planning Permission: TM/97/1064/R2, R5, R12 and R14 – Application for a Non-Material Amendment to allow revisions to approved details and timescales for the restoration of Margetts Pit Landfill Site, Margetts Pit, Burham, Rochester, Kent.

Site Location Plan



Planning Permission: TM/97/1064/R2, R5, R12 and R14 – Application for a Non-Material Amendment to allow revisions to approved details and timescales for the restoration of Margetts Pit Landfill Site, Margetts Pit, Burham, Rochester, Kent.

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Planning Permission: TM/97/1064/R2, R5, R12 and R14 – Application for a Non-Material Amendment to allow revisions to approved details and timescales for the restoration of Margetts Pit Landfill Site, Margetts Pit, Burham, Rochester, Kent.

4. The Waste Management Licensing Regulations under which the site originally operated as regulated by the Environment Agency (E.A.), were amended in 2000 by the new European Landfill Directive which required existing landfills to operate under a much tighter regime. Those landfills that could not comply with the Directive were required to close by July 2009. For Margetts Pit this meant that with the exception of Cell 1A which falls within the far eastern section of the site, the remaining Cells 1, 2 and 3 had to comply with this deadline. In order to achieve this ANL sought further amendments to the approved restoration scheme to allow the final restoration gradients to be further reduced and thus reduce the volume of materials required to be imported to the site in the hope that sufficient volumes could be imported to secure the closure of Cells 1, 2 and 3 by July 2009. Cell 1A was also proposed to be completed by December 2012. The County Council formally approved these variations in July 2008, allied to which separate permission was granted for the creation off site of a surface water balancing pond into which surface water from the restored landfill is designed to passively drain and disperse. This form of drainage system was stipulated by the Environment Agency. The rationale behind the approved scheme was to ensure that once the site is finally closed and restored surface water will naturally shed from the area avoiding rainwater percolating down through the waste into the underlying groundwater and thus avoiding the potential for pollution to the public water supply.
5. With the exception of Cell 1A, the infilling of Cells 1, 2 and 3 with waste was completed by July 2009, albeit they remain to be fully restored with final cover materials before being seeded. Under the currently approved scheme Cell 1A still has some 375,000 cubic metres of void remaining to be infilled in order to achieve the approved final restoration contours in this remaining area of the site. In support of their application the applicant's state that the reason for the delay in completing the infilling of Cell 1A together with the final restoration of the site has been due to the lack of availability of materials. This they claim has largely arisen as a result of the current economic recession where construction projects that generate waste suitable for restoring the site has slowed / stopped. Conditions 2, 5, 12 and 14 of planning permission TM/97/1064 address the following matters:-
 - Condition 2: Development to take place in accordance with permitted / approved details;
 - Condition 5: Final landform and surface restoration levels to accord with those approved;
 - Condition 12: Site to be restored to the proposed afteruse for nature conservation / chalk grassland in accordance with permitted / approved details;
 - Condition 14: Aftercare scheme including steps necessary to bring the land to the required standard for nature conservation use.

Proposal

6. As mentioned above, in order to avoid pollution to the underlying groundwater it is essential that suitable final restoration gradients are secured across Cell 1A to ensure surface water naturally sheds from the area. In order to secure this as soon as it is practicable the applicants propose further reducing the approved gradients across this

Planning Permission: TM/97/1064/R2, R5, R12 and R14 – Application for a Non-Material Amendment to allow revisions to approved details and timescales for the restoration of Margetts Pit Landfill Site, Margetts Pit, Burham, Rochester, Kent.

part of the site in order to reduce the volume of materials needing to be imported. As a result of the further reduction in gradients the total volume of fill needing to be imported has reduced from 375,000 cubic metres down to 160,000 cubic metres. This latest scheme has followed discussions between the applicant, E.A. and the County Council. The E.A. have stipulated that 160,000 cubic metres of fill is the minimum volume of material required to achieve a satisfactory gradient across the site, below which any shallower gradient created would not enable surface water to properly shed across the site and therefore would run an unacceptable risk of pollution to the underlying groundwater. Whilst based upon waste inputs over the past 12 months the proposed finished profile would be achieved within 3.5 years, in order to allow for flexibility the applicant has requested a further 4 year extension (i.e. until December 2016) to allow for the completion of infilling, along with a further 1 year for the completion of placing restoration materials across the whole site. However, should an opportunity arise to increase the rates of infill which would allow the completion of infilling and restoration within a shorter period (e.g. to take advantage of any short term availability of fill from local construction projects), the applicant has stated that this would also be undertaken within the previously accepted maximum number of daily lorry movements of 150 (75 in / 75 out). Other minor revisions are also proposed in respect of alterations to seed mixes and tree and scrub planting together with details of proposed aftercare.

Planning Policy Context and Government Guidance

7. The most relevant Government Guidance and Development Plan Policies against which this proposal should be considered are summarised below:

National Planning Policy Framework (March 2012) (NPPF)

8. The NPPF is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. Sustainable means ensuring that better lives for ourselves does not mean worse lives for future generations. Planning decisions should ensure that a site is suitable for a new use taking account of ground conditions or former activities such as pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment. Amongst other things, the NPPF also promotes the conservation and enhancement of the natural environment and requires that decisions prevent unacceptable effects on the natural environment and amenity.

Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management

9. PPS10 requires Waste Planning Authorities to work effectively with Pollution Control Authorities to ensure the best use is made of expertise and information, and that decisions on Planning Applications and Pollution Control Permits are delivered expeditiously. A key objective is to ensure the disposal of waste without endangering human health and without harm to the environment.

Planning Permission: TM/97/1064/R2, R5, R12 and R14 – Application for a Non-Material Amendment to allow revisions to approved details and timescales for the restoration of Margetts Pit Landfill Site, Margetts Pit, Burham, Rochester, Kent.

South East Plan (2009)

10. The most relevant policies are: NRM2 which seeks to avoid adverse effects of development on water quality, NRM5 which encourages local planning authorities to seek opportunities to achieve a net gain of biodiversity across the region and W14 which seeks to achieve high quality restoration and where appropriate, aftercare of waste management sites.
11. *Members will already be aware of the relevant South East Plan (SEP) policy considerations in relation to the proposals, 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 as material considerations. However, the weight to be accorded is a matter for decision makers. Members will note that the Localism Bill has now been enacted and whilst the SEP remains in effect, in a written Ministerial Statement the Secretary of State for Communities and Local Government has recently announced the Coalition Government's decision to revoke the Regional Strategy for the South East of England as of 25 March 2013.*

Kent Waste Local Plan (1998)

12. The most relevant saved policies are: W6 (consideration of need), W18 (Noise, Dust and Odour), W19 (Groundwater protection) and W31 (Visual Impact and Landscaping).

Tonbridge and Malling Borough Core Strategy 2007

13. The site falls within the Strategic Gap subject to which Policy CP5 applies which seeks to protect the area from development which would harm it's function.

Consultations

14. Consultation letters were sent out on 13 December 2012.

Tonbridge & Malling Borough Council)	
Aylesford Parish Council)	
CPRE (Protect Kent))	Have not commented.
South East Water)	
Biodiversity Projects Officer)	
Kent Downs AONB Unit)	
Burham Parish Council)	
Wouldham Parish Council)	
English Heritage)	
Environment Agency)	
Kent Wildlife Trust)	Raise no objection.
Natural England)	
Southern Water)	
Landscape Officer)	

Planning Permission: TM/97/1064/R2, R5, R12 and R14 – Application for a Non-Material Amendment to allow revisions to approved details and timescales for the restoration of Margetts Pit Landfill Site, Margetts Pit, Burham, Rochester, Kent.

Divisional Transport Manager) Raises no objection.

Local Member

15. The local County Member Mr Peter Homewood was notified on 13 December 2012.

Representations

16. Some 250 local residents were formally notified, as a result of which I received 2 letters of representation objecting to the proposals on the grounds of noise, dust and traffic impacts, one of whom also considered the applicant has had sufficient time to complete the restoration of the site. One has since removed their objection.

Discussion

17. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless other material considerations indicate otherwise. Material considerations include the NPPF which promotes sustainable development and the regional and local plan policies set out above together with PPS10.
18. As discussed in paragraph 4 above, the previously approved proposals which made provision for accelerating the rate of infilling and restoration at the site were originally driven by the need for the operator to comply with the requirements of the European Landfill Directive. Whilst with regard to Cells 1, 2 and 3 the operator completed their infilling within the set Directive deadline (i.e. July 2009), since then they claim that due to the economic recession they have not been able to attract a sufficient volume of material to the site in order to complete the infilling of Cell 1A in accordance with the currently approved restoration scheme. Neither have they managed to attract sufficient volumes of final cover material to date in order to complete the final restoration of any part of the site including any seeding or planting.
19. Whilst the most crucial part of the site operations was to complete the infilling of Cells 1, 2 and 3 in order to comply with the Landfill Directive, having regard to advice from the E.A., particularly in the context of the guidance set out in the NPPF and PPS10 regarding the need to prevent any impacts from pollution, the completion of Cell 1A to a suitable landform still represents a fundamental element upon which the surface water drainage scheme is reliant if it is to properly fulfill its function in the longer term. In order to achieve this the E.A. have advised that 160,000 cubic metres represents the minimum volume of material still required to be imported to this remaining Cell in order to secure the necessary gradient across the area which would allow surface water to naturally shed across the site. Anything less would pose an unacceptable risk of pollution to the underlying ground water and represent a threat to public water supplies contrary to the guidance set out in the NPPF and PPS10 where Waste Planning Authorities are advised that in determining applications they should take account of the need to ensure the disposal of waste without endangering human health and without harm to the environment.

Planning Permission: TM/97/1064/R2, R5, R12 and R14 – Application for a Non-Material Amendment to allow revisions to approved details and timescales for the restoration of Margetts Pit Landfill Site, Margetts Pit, Burham, Rochester, Kent.

20. As explained in paragraph 6 above, although the duration of operations would increase there would be a reduction in the overall number of HGV movements on the highway required to import the remaining fill materials. To ensure that HGV movements do not exceed those referred to in paragraph 6, I consider that it would be appropriate to make any approval conditional on HGV movements being restricted to a maximum of 150 per day (75 in / 75 out). On other matters regarding potential noise and dust impacts, I am satisfied that the controls imposed by condition under the terms of the existing permission are sufficient to ensure that they can be satisfactorily controlled. I am also satisfied that the minor revisions to the restoration and aftercare are acceptable.

Conclusion

21. Having regard to planning policy and government guidance together with advice from the E.A., I am satisfied that what is proposed represents the most appropriate means by which to secure the long term restoration of the site to the necessary standard in order to prevent any future risk to the underlying groundwater and public water supply and is therefore fully consistent with the principles of sustainable development.

Recommendation

22. I RECOMMEND that APPROVAL BE GIVEN pursuant to conditions 2, 5, 12 and 14 of Planning Permission TM/97/1064 to allow revisions to approved details and timescales for the infilling and restoration of Margetts Pit Landfill Site together with proposed aftercare scheme SUBJECT TO a condition limiting HGV movements to no more than 150 per day (75 in / 75 out) and an informative reminding the applicant that all other conditions imposed under Planning Permission TM/97/1064 remain in effect.

Case Officer – Mike Clifton	Tel no. 01622 221054
Background Documents - see section heading	

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Proposed 2 classroom extension, internal alterations, playground area and fencing at St John's CofE Primary School, Grove Green, Maidstone – MA/13/15 (KCC/MA/0427/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 13 March 2013.

Application by Kent Council Children Property and Infrastructure Support for the proposed construction of a 2 classrooms extension, internal alterations, new playground area and associated fencing, at St John's CofE Primary School, Provender Way, Grove Green, Maidstone – MA/13/15.

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Paul Carter

Classification: Unrestricted

Site

1. St John's CofE Primary School is a well established and high achieving Primary School serving the Grove Green estate, which lies to the east of the town of Maidstone. The school is accessed via Provender Way, a main route through the Grove Green development. The application site is approximately 2.45ha in total, and is entirely bound by residential development, with facing properties in Provender Way to the north, and a number of small residential 'closes' to the south, east and west. Built in 1987, the Primary School has undergone minor alterations in recent years, and has had a 2 classroom extension in 2008 to replace temporary mobile accommodation on site. Consisting mainly of mono-pitched roofs with shallow falls finished in copper and dark red/brown facing brickwork, the single storey school building has a contemporary appearance. The school building also hosts a joint Anglican and Methodist church congregation on Sundays, as well as the usual activities associated with a primary school during the week.
2. The school building is located to the north of the site, with playing fields extending to the south. Landscaping is well established, with many of the trees on site planted when the school was originally constructed. Hard play areas wrap around the building from the reception class onto a larger tarmac area, incorporating play equipment, located immediately to the south of the building. There are no Listed Buildings on the site, or in close proximity to it, and the site is not within a Conservation Area, or subject to any other Development Plan designations. A Public Right of Way runs along Provender Way, to the north of the site boundary.

A site location plan is attached.

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Wider Location Plan



Proposed 2 classroom extension, internal alterations, playground area and fencing at St John's Primary School, Maidstone – MA/13/15

Site Location Plan



Proposed 2 classroom extension, internal alterations, playground area and fencing at St John's Primary School, Maidstone – MA/13/15







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St Johns Maidstone
Two Classroom Extension



12-064/150
External Perspective

Proposed 2 classroom extension, internal alterations, playground area and fencing at St John's Primary School, Maidstone – MA/13/15

Background

3. The applicant advises that currently there is an increasing demand for school places in the Bearsted/Weaving area, as is the case in many urban and rural areas across Kent. St John's CofE Primary School has recently attained academy status and has been designated for expansion to a 2FE school. Although the County Planning Authority would not normally process planning applications for development at this type of academy school, the development proposed is part of the County wide Basic Needs Programme, funded and promoted by Kent County Council. As the County Council is the applicant in this particular case, the County Planning Authority was deemed to be the appropriate determining Authority.
4. This application proposes the first phase of a larger scheme which would complete the accommodation required for the 2FE expansion. The second phase of the development will propose 6 classrooms, an extended hall, group rooms and associated toilet facilities and circulation space. It is intended to provide this accommodation to the south of the existing building, and a planning application for these works is expected in the coming months. The second planning application will address highway and access issues, on and off site, arising as a result of the expansion to a 2FE Primary School.

Proposal

5. This application has been submitted by Kent County Council Property and Infrastructure Support and proposes the construction of a 2 classroom extension to the north of the school building, to the school frontage, and internal alterations. Externally it is proposed to create a new play area to the north of the proposed classroom extension, with associated fencing. The extension would accommodate 2 new classrooms, with associated toilet facilities, storage and circulation spaces, and internal alterations to improve existing toilet provision and circulation routes. The additional floor space proposed totals 184m². The brief for the extension is to provide permanent teaching accommodation which is compliant with Building Bulletin 99 to ensure that the school is compliant with the area requirements moving towards a 2FE school.
6. Due to the single storey nature of the existing primary school building, the extension proposed is also single storey. The site upon which the extension is proposed is currently amenity grassland, with a high flanking wall of an existing classroom to the east, and the windows of existing staff accommodation and a music room to the south. The proposed extension would not extend any further north than the existing classroom to the east of the application site, and seeks to mimic the scale and materials of the existing building, with additional contemporary features, such as coloured high level cladding panels. The proposed building would be of a timber frame construction, with facing brickwork to match the existing school building, and light weight high level cladding panels in various muted shades of green. The roof is proposed to be finished with a single ply membrane, with welded joints, coloured and textured to replicate copper, to match the existing building. The applicant advises that due to the current high level re-sale of copper, its use would not be possible within the building budget.
7. The two proposed classrooms would have a single external access point onto the proposed playground, which would be in the centre of the northern building elevation, demarcated by a new entrance canopy. The proposed playground area would be same width as the classroom extension, and would be almost triangular in shape. The western and northern boundaries of the play area are proposed to be secured with 1.8 metre high weld mesh fencing, finished in RAL 6005 which is dark green. The eastern

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boundary of the play area, which would be within the secure boundary of the school site, contained by the weld mesh fencing detailed above, would be demarcated with a timber picket fence, with rounded topped posts, at 0.9 metres high.

8. A total of 4 trees would require removal to accommodate the extension and additional playground space. The applicant advises that two of the trees are Acers and the other two Beech, and that the largest is 11 metres in height, and the smallest 7 metres.
9. The applicant advises that the current transport arrangements would remain unchanged for this phase of the works, but that the phase 2 application would address car parking and on/off site highway matters. However, the applicant is proposing to provide secure cycle storage for 10 cycles. The parking facilities are proposed to the western side of the school building, adjacent to existing car parking/turning areas. I am advised, however, that the cycle parking would be moved to a different location as part of the phase 2 application.

The application is accompanied by a Design and Access Statement.

Planning Policy

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

- (i) **The National Planning Policy Framework (NPPF)**

The NPPF is planning policy guidance and 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), although PPS10 relating to Planning for Sustainable Waste Management is currently retained.

The NPPF contains a presumption in favour of sustainable development. The Framework 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:

1. be genuinely plan-led;
2. a creative exercise in finding ways to enhance and improve the places people live their lives;
3. proactively drive and support sustainable economic development;
4. secure high quality design and a good standard of amenity;

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5. 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;
6. support the transition to a low carbon future, taking account of flood risk and costal change and encourage the reuse of existing resources and the development of renewable energy;
7. contribute to conserving and enhancing the natural environment and reducing pollution;
8. encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
9. promote mixed use developments;
10. conserve heritage assets;
11. 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;
12. 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:

The NPPF sets out the Government's objectives for promoting sustainable growth and prosperity, whilst planning for strong vibrant and healthy communities. Good design is identified as important for sustainable development, with the planning system expected to promote good design for all development. As part of the Government's objective to promote healthy and sustainable communities, paragraph 72 of the NPPF states that Local Planning Authorities should give great weight to the need to create, expand or alter schools, ensuring that a sufficient choice of school places is available to meet the demand of existing and new 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. The NPPF also sets out planning's important role in tackling climate change, protecting the natural environment, protecting and enhancing biodiversity, limiting noise and light pollution, and protecting the historic environment. Section 7 of the NPPF (in particular paragraphs 56-64) sets out guidance to achieve good design.

- (ii) **Policy Statement – Planning for Schools Development** (15 August 2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

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

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

Policy CC4 Refers to sustainable design and construction.

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

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- Policy T4** Refers to parking standards and the provision of adequate secure cycle parking.
- Policy NRM5** Requires Local Planning Authorities and other bodies to avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.
- Policy BE1** Local Authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment.
- Policy S3** States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities.
- Policy S6** Encourages the mixed use of community facilities, and requires community facilities to be located and designed appropriately.
- Policy W2** Encourages sustainable design, construction and demolition.

Important note regarding the South East Plan:

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members will be aware that the Localism Bill was subsequently enacted. At the time of writing, I understand that the South East Plan will be formally revoked on the 25th March 2013.

(iv) The adopted **Maidstone Borough Wide Local Plan 2000:**

- Policy ENV6** In appropriate cases the Borough Council will require a landscape scheme, including surfacing and boundary treatments, to be carried out as part of development proposals.
- Policy EN26** Planning permission will not be granted for development affecting any Public Right of Way, unless the proposals include either the maintenance or the diversion of the Public Right of Way as a route no less attractive, safe and convenient for public use.
- Policy CF9** The Borough Council will seek to ensure, where appropriate, the providers of educational facilities to make provision for dual use of facilities in the design of new schools and will encourage the dual use of educational facilities (new and existing) for recreation and other purposes. Development proposals which incorporate dual use will be permitted except where the increased level or duration of activities is incompatible with local residential amenity.
- Policy T13** Refers to appropriate parking standards.

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(v) Maidstone Local Development Framework: Core Strategy (2011) Public Consultation Policies

- Policy CS1 Seeks new development to be focused within and next to Maidstone's urban areas and infrastructure to be brought forward in a timely way to provide for the needs arising from development.
- Policy CS3 Seeks development within the urban boundary of Maidstone that contributes positively to the locality's distinctive character.
- Policy CS6 Seeks sustainable design and development that responds positively to and maintains local distinctiveness and townscape.
- Policy CS7 Seeks to guide the location of development in order to reduce the need for private transport and maintain highway safety, and ensure the highways, public transport, walking and cycling needs arising from development are satisfied.

Consultations

11. **Maidstone Borough Council** raises no objection to the application, and comment as follows:

'The loss of landscaping which would result from the proposed development is considered to be regrettable, and Maidstone Borough Council would seek compensatory planting to mitigate this loss to be secured by way of condition.'

Boxley Parish Council no comments received to date

The Divisional Transportation Manager comments as follows:

"The application proposes 2 additional classrooms with 2 additional members of staff to be employed. No alterations are proposed to the access arrangements and no additional parking spaces are proposed. The application forms the 1st phase in the expansion of the school to a 2 form entry school which will in effect double the size of the school. Pre application discussion have taken place and a Transport Statement has been requested to address the highway issues arising from the full expansion which should include additional parking and drop off facilities together with a revised Travel Plan. I had understood that additional parking would be provided for the phase 1 proposal. The Kent & Medway Vehicle Parking Standards recommend a maximum of 1 car parking space per staff +10% and 1 cycle space per 50 pupils. Therefore the phase 1 extension for the 2 new classrooms and 2 additional staff would require 2 additional parking spaces and additional cycle parking under this criteria. The application does not include details of existing cycle storage and I would recommend that if there is not any existing provision that facilities be provided. With regards to car parking, the provision of the additional spaces would be desirable however as the parking standards recommend a maximum of 2 for this size of expansion, the lack of additional provision would not be a reason for refusal. Therefore subject to the provision of cycle parking I would not wish to raise objection to this proposal, however I do have concerns relating to parking and the safe dropping off and picking up

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of children with the further expansion of the school and this should be addressed when this application is submitted.”

Environment Agency has no objection to the application, and no further comments to make.

Public Rights of Way Officer no comments received to date.

Local Member

12. The local County Member, Mr Paul Carter, was notified of the application on the 21 December 2012.

Publicity

13. The application was publicised by an advertisement in a local newspaper, the posting of 2 site notices and the individual notification of 15 neighbouring residential properties.

Representations

14. To date, I have received 2 letters of representation from local residents. A summary of the main issues raised/points made is set out below:

Highways/Access

- No additional car parking is proposed, despite the proposed increase in staff and pupils;
- Existing car parking and highway problems will be made worse by the expansion of the school;
- The school is positioned between two dangerous bends on Provender Way;
- The road is already dangerous;
- Parents park in local roads, which is a nuisance to residents, blocks driveways, and is very dangerous;
- Something drastic needs to be done to provide additional parking;

General

- The two phases of the development should have been submitted as one application;

Noise

- Increased noise pollution from increased pupils at play/break times. Residents will be stuck inside their homes with the windows shut.

DiscussionIntroduction

15. This application seeks planning permission for the construction of a 2 classroom extension, internal alterations, a new playground area, and associated fencing, at St Johns CofE Primary School in Grove Green, Maidstone. In considering this proposal regard must be had to the Development Plan Policies referred to in paragraph (10) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, this proposal needs to be

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considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include access and highway issues, and general amenity impacts.

16. In this case the key determining factors, in my view, are the impact upon the local highway network and local amenity, and the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increase choice and raise educational standards, subject to being satisfied on amenity and other material considerations. In the Government's view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in Circular 11/95.

Design, siting and massing

17. Development Plan Policies promote high quality design, sustainable development, and significant improvements to the built environment. Although no objections to the design and general principle of the proposed development have been received, it is important to discuss these matters to ensure that the proposal is in accordance with the general design principles expressed in Development Plan Policies. The proposed single storey extension would be located to the front of the existing school, to the north of the main building, and would provide an additional 184 m² of floor space. The extension would not extend any further north than the existing adjacent classroom to the east of the proposed building, and would be lower than the existing roofline of the adjacent classroom. The 2 classroom extension and associated playground would be built upon an area of existing amenity grassland, and would necessitate the removal of four trees (to be discussed below). However, the proposed location of the classroom extension would not be particularly prominent from Provender Way and/or surrounding residential properties and the scale and massing as proposed is, in my opinion, appropriate and acceptable, complimenting the existing school buildings. The location of the extension also links well with the existing building on site, with only minor internal alterations needed to modify the space to meet the accommodation requirements of the School. I therefore see no reason to refuse the application on the grounds of siting and massing.
18. The extension has been designed to respect the individual design features of the existing school building. The proposed mono-pitched roof would be finished in a single ply membrane, with welded joints, coloured and textured to replicate the copper of the existing building, with facing brickwork to match the existing and high level cladding panels in various muted shades of green. In my view, the extension would compliment the existing school, and would read as part of the original building when completed. Subject to the imposition of a condition requiring the submission and approval of all materials to be used externally, I see no reason to refuse the application on design grounds.

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Landscaping

19. As outlined in paragraph 8 of this report, a total of 4 trees would require removal to accommodate the extension and associated playground. The applicant advises that two of the trees are Acers and the other two Beech, the largest being 11 metres in height, and the smallest 7 metres. Although regrettable that 4 trees would be lost as a result of this development, the site would remain well screened from Provender Way, with a number of mature trees and a substantial boundary hedge retained. Maidstone Borough Council have raised no objection to this application but consider 'the loss of landscaping' to be regrettable. The Borough Council consider that compensatory planting to mitigate the loss should be secured by way of condition. I agree with this view, and consider it appropriate in this instance to require details of a scheme of landscaping and replacement tree planting to be submitted pursuant to condition, should permission be granted. I also consider that details of tree protection methods, to protect trees to be retained from construction activities, should be submitted pursuant to condition in order to ensure retained trees are not damaged or adversely affected by the development.
20. The proposed playground area would be secured to the north and west with 1.8 metre high weld mesh fencing, finished in RAL 6005 which is dark green. The eastern boundary of the play area, which would be within the secure boundary of the school site, contained by the weld mesh fencing detailed above, would be demarcated with a 0.9 metre timber round top picket fencing. I consider both of these fencing specifications to be appropriate and acceptable and, should permission be granted, a condition of consent should be imposed to ensure that the fencing is installed in accordance with the details provided.

Access and highways

21. Local residents have raised objection to this application on the grounds that the increase in staff and pupils would exacerbate existing highway and access problems. As outlined in paragraph 14 of this report, local residents consider that additional car parking should be provided as parking on local roads by parents at peak school times is both dangerous and a nuisance. As detailed in paragraph 4 of this report, this application is proposing the first phase of a larger scheme which would provide the accommodation required for an expansion from 1FE to 2FE. The second phase of the development would be subject to a separate planning application, which is due for submission in the coming months, and will propose 6 classrooms, an extended hall, group rooms and associated toilet facilities and circulation space. That application will address highway and access issues, on and off site, and is expected to include additional car parking and drop off facilities to accommodate the additional car journeys resulting from the increase in form entry.
22. This application for the first phase of the expansion proposes only a 2 classroom extension, with associated facilities. Although it is acknowledged that this application would result in an increase in pupil numbers and 2 additional staff, Kent County Council Highways and Transportation raise no objection to this application. As a result of the increase in staff, Kent Vehicle Parking Standards would require 2 additional car parking spaces and additional cycle parking. However, it is recognised that the more significant highway implications of the school expansion are to be addressed in the forthcoming phase 2 application, and that the requirement for 2 additional car parking spaces would not warrant refusal of this application without such provision. 10 secure cycle spaces are proposed as part of this application and that is more than sufficient to satisfy the requirements of Kent Vehicle Parking Standards.

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23. Although it is recognised that parents of pupils do park on the local highway, which is a nuisance for local residents, Kent County Council Highways and Transportation are of the opinion that this application would not significantly increase on street car parking over and above the existing. Unfortunately, parents' parking in local roads is an issue associated with all schools, and although considered by local residents to be dangerous and a nuisance, in this instance Kent County Council Highway's and Transportation do not consider it to be a highway safety concern. Therefore, in light of the views of the Highway Authority, I consider that subject to a condition requiring the provision of the secure cycle parking prior to occupation of the development, that the development would not have a significantly detrimental impact on the local highway network. I therefore see no reason to refuse the application on this ground.

Noise

24. A local resident has objected to this application on the ground of increased noise generated from additional children at play. First, it should be noted that outside play is only for short periods throughout the day, and is not a constant source of noise. In addition, in my view, the noise generated by additional pupils would not be detectable over and above the existing level. The new playground space to the front of the proposed 2 classroom extension is not adjacent to residential properties, and is separated from the nearest properties by landscaping and tree planting, and Provender Way in the case of facing properties. I do not consider that this application would lead to an increase in noise nuisance, and see no reason to refuse the application on this ground.

Construction

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

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Conclusion

28. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. In addition, the development is in accordance with the principles of the National Planning Policy Framework and the Planning Policy Statement for Schools (2011). I consider that, subject to the imposition of appropriate planning conditions, this proposal would not have a significantly detrimental effect on the local highway network or local amenity. In my view the development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

Recommendation

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

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the submission of details of all materials to be used externally;
- details of all external lighting;
- a scheme of landscaping, including hard surfacing, its implementation and maintenance;
- measures to protect trees to be retained;
- no tree removal during the bird breeding season;
- fencing to be installed in accordance with the submitted details;
- cycle parking to be provided prior to occupation of the development;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- construction management plan, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations;
- measures to prevent mud and debris being taken onto the public highway.

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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Item D2**Temporary 10 space car park, Tunstall Primary School, Tunstall Road, Tunstall – SW/12/1317**

A report by Head of Planning Applications Group to Planning Applications Committee on 13 March 2013.

Application by Tunstall CE (Aided) Primary School for the temporary change of use of land from agricultural to a 10 space car park for a period of 5 years, Tunstall CE Primary School, Tunstall Road, Tunstall, Sittingbourne (Ref: KCC/SW/0342/2012 and SW/12/1317)

Recommendation: Permission be refused.

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

Classification: Unrestricted

Members' Site Visit

1. A group of Planning Application Committee Members visited the application site on the 16 January to acquaint themselves with the proposals and the issues they raise. The Members were joined by the two Local County Members, plus representatives of the Borough Council, Tunstall Parish Council and from the School staff and governors. In addition, several local residents attended to hear the opening of the visit before Members headed off to inspect the site and local circumstances.

Site

2. Tunstall Church of England Primary School is located within the village of Tunstall, on the edge of Sittingbourne, along the main road from the town which leads southwards towards Bredgar. The school site lies wholly within the Tunstall Conservation Area, and is bounded by the main road to the south east, residences to the south west, and agricultural fields and the grounds of the village hall to the north east and west. The main building to the school is Grade II Listed, dating from the 19th Century. The adjacent residence 'The Oast', to the south and west, is also Grade II Listed.
3. The school is a one form entry with approximately 210 pupils and 30 staff members. The school grounds comprise of a number of buildings of varying age and size and the main building is a Grade II Listed Building. Additional teaching accommodation is provided in several temporary single storey mobile classrooms, which occupy playground space. The school grounds are at full capacity and there is little scope for additional development. There is no formal car parking provided within the school grounds for staff or visitors and therefore parking spaces are at a premium around the school site (please see paragraph 4 below). Parking occurs directly outside the school gates and overflows into the lay-by on the opposite side of Tunstall Road. Parents are allowed to park in the Memorial Hall car park, which is located behind the school, during school drop off and collection times

Background

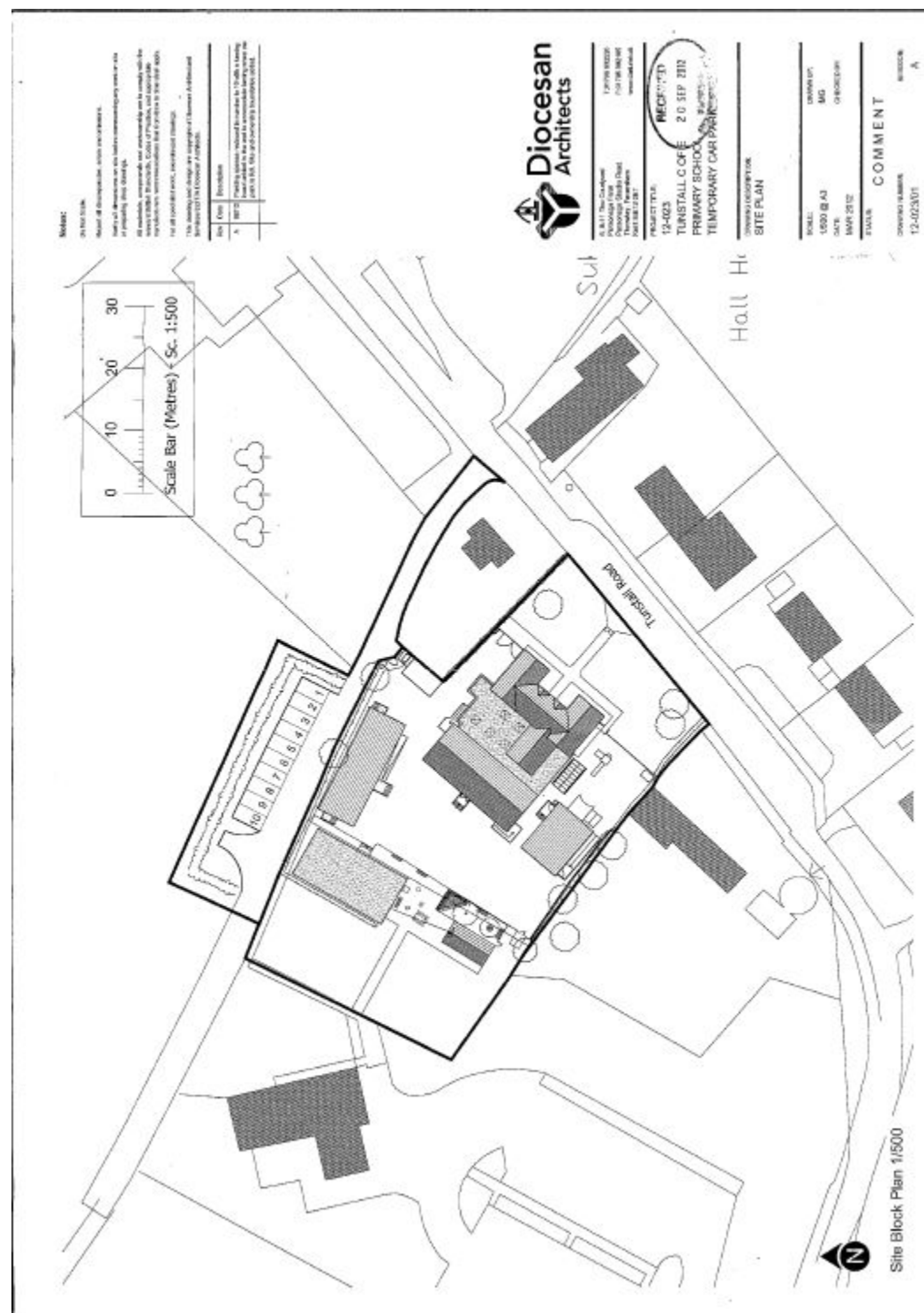
4. A planning application to create a new 6 space car parking area in the front of the school building was submitted in 2005, under planning reference SW/05/254. The application was subsequently refused as a number of objections were received on the grounds of the visual detriment to the Conservation Area and the setting of the Listed Building, together with the County Council's Highways and Transportation Manager, who objected to the application on the grounds of highway safety as visibility splays at the

Item D2

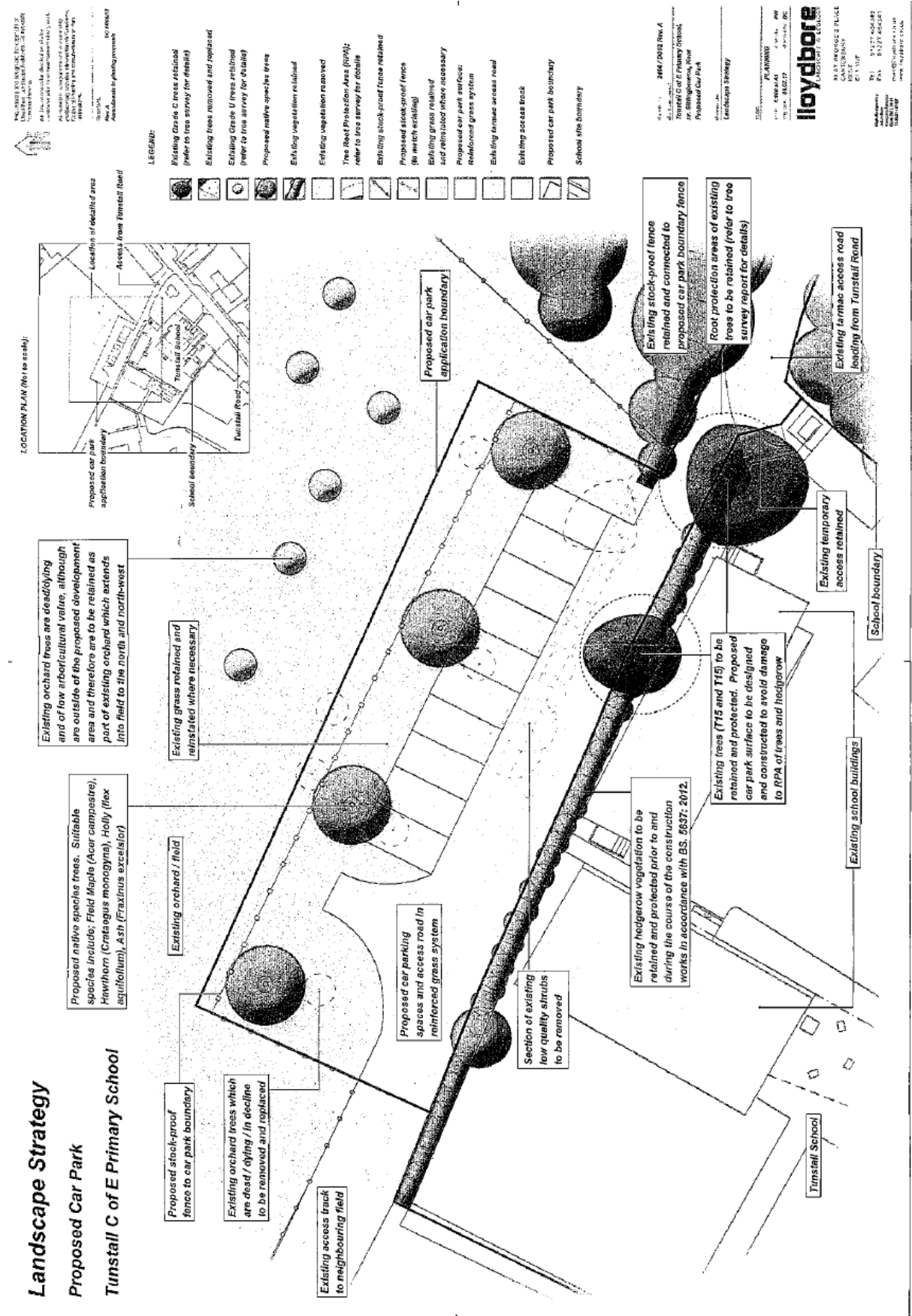
Application for a temporary 10 space car park, Tunstall CE Primary School, Tunstall – SW/12/1317.



Application for a temporary 10 space car park, Tunstall CE Primary School, Tunstall – SW/12/1317.



Application for a temporary 10 space car park, Tunstall CE Primary School, Tunstall – SW/12/1317.



Application for a temporary 10 space car park, Tunstall CE Primary School, Tunstall – SW/12/1317.

access point onto Tunstall Road were extremely limited. Please note that this is the same access point that would be used as part of this latest planning application.

5. Due to constraints on the site, staff have been parking unofficially on the grassed area in the front of the school building, which is within the curtilage of a Listed Building, even though the planning application for 6 parking spaces was refused. Planning permission is not required for this, since no engineering works have been carried out to enable this informal parking area. Under the circumstances, it does not constitute development, and whilst a better parking provision might be preferred, the current parking here is not within the Planning Authority's control. Staff gain access to the front of the school building via the track to the side of the school, which is a Public Right of Way and this is same access point as the current planning application and the refused planning application. The applicant has confirmed that up to 10 vehicles park at the front of the school, although residents have written in saying that it is usually 14 cars that are parked in this area. The current planning application did originally state that the proposed new car park was intended to remove the 10 staff vehicles from the front of the school by moving the vehicles to the new temporary car park, but in subsequent correspondence, it has been confirmed that the School cannot offer a permanent alternative to the parking on the front garden and would allow it to continue.

Proposal

6. A planning application has been submitted which proposes a temporary car park providing space for 10 vehicles and a turning head, for a period of 5 years. It is anticipated that a period of 5 years would be sufficient and would enable the School to put in place a viable and permanent solution to vehicle parking for staff, visitors and parents. The planning application seeks a change of use from agricultural land to car park for ancillary use associated with the school and would result in the loss of 6 existing orchard trees and other established hedgerow vegetation. A reinforced grass system is proposed for the surface of the car park which would allow grass to grow through whilst protecting it from damage or rutting. The application site is a small section of a field that was once used as an orchard but is now used for sheep grazing.
7. The site is located adjacent to the school boundary and is positioned so as not to extend further away into the countryside than the rear (north west) extent of the school grounds. It is on the outside edge of the Tunstall Conservation Area. The parking area would be partly screened along its north east, north west and south east facing boundaries by new trees. The proposed car park would be accessed off an existing track that runs from Tunstall Road along the north east boundary of the school to the Memorial Village Hall, which is located at the back of the school. This track is actually a Public Right of Way (ZR147) although the farmer and owners of properties The Cottage and The Stables drive their vehicles over this PROW to gain access to their properties and fields. This PROW is used regularly by pedestrians going to the village hall and parents walking their children to the school from the village hall car park, where they are allowed to park to drop off and collect their children.

Planning Policy

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

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- (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out in:

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);

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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.

(ii) Regional Planning Policy**The South East Plan (2009):**

- 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.
- Policy S6 States that local planning authorities, taking into account demographic projections, should work with partners to ensure adequate provision of pre-school, school, and community learning facilities.
- Policy BE1 Seeks new development to help improve the built environment with design solutions relevant to local character, distinctiveness and sense of place.

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 be aware that the Localism Bill was subsequently enacted. At the time of writing I understand that the South East Plan will be revoked on the 25 March 2013.

(iii) Local Planning Policy**The adopted Swale Borough Local Plan (Saved Policies) 2008**

- Policy SP1 Sustainable development:
Proposals should accord with the principals of sustainable development.
- Policy SP7 Community services and facilities:
- To satisfy the social needs of the Borough's communities, planning policies and development proposals will promote safe environments and a sense of community by:

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- Increasing social networks by providing new services and facilities;
- Safeguarding essential and viable services and facilities from harmful changes of use and development proposals.

Policy C1 Existing and new community services and facilities:

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

Policy E1 General development criteria, proposals should:

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

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

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

Policy E10 Trees and hedges:

- Development proposals should protect and retain trees as far as possible and provide new tree planting to maintain and enhance the character of the locality.

Policy RC2 Retaining and enhancing rural services and facilities.

Policy E14 Development involving listed buildings:

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

Policy E15 Development affecting a Conservation Area:

- Development should preserve or enhance the special character of the conservation area.

Policy E19 Design Criteria:

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

Policy T1 Providing safe access to new development:

- Development proposals should not decrease in the safety on the highway network.

Consultations

9. **Swale Borough Council:** raises no objection to the planning application provided conditions to control the following matters are imposed;

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- A five year temporary permission.
- Alternative landscaping of orchard species at appropriate spacing to reinforce the character of the orchard.
- The car park to be constructed in the reinforced grass system proposed, with no hard surfacing or kerbs.
- Re-instatement of the hedge to the side of the farm track upon removal of the car park.
- Not more than 5 cars may be parked on the school's front lawn at any time.

Tunstall Parish Council: The Parish Council raises no objection.

Highways and Transportation Manager: raises objection on highway safety grounds for the following reasons;

'My office commented on a similar planning application at this school in 2005 and recommended refusal based on poor visibility. Since this time the standards for visibility splays have reduced, but I still consider that sight line from the public footpath are poor in both directions. To the north east visibility is restricted by a hedge which is tight to the edge of the carriageway and which would mask a small child walking at the side of the road. To the south west visibility is currently available across the garden of The Cottage, but that land is outside of the control of the applicant. I acknowledge that this public footpath is already used by some vehicles, and that poor visibility features at many rural locations, but I do not consider that further traffic should be encouraged at use it.'

Public Rights of Way Manager: raises objection for the following reasons;

'I was very disappointed that there is no mention of the public footpath ZR147 in the application. The public footpath runs along the farm access track. The right of way will clearly be affected by more vehicles using and turning on this public right of way therefore I must object to the proposal in its current form. I am not happy that the proposal intends to install a reinforced grass system on the public footpath. I am not convinced that this is a suitable surface material as the proposed parked vehicles will be turning on it on a daily basis causing the infill to be removed leaving the reinforcing material exposed to pedestrian users. Should permission be granted, I would suggest a condition be applied that requires maintenance of the reinforced grass system to be maintained to the same standard as when first installed.'

Conservation Officer: raises the following comments:

'The applicant needs to confirm whether or not the proposal will enable the removal of cars from parking in the area at the front of the school. If this were the case then I would be in favour of the proposal. If however it were for additional off street parking then I would ask if the proposed number of spaces can be increased to allow removal of cars from the front area of the school.'

Landscape Officer: raises concerns for the following reasons:

'Whilst the 6 trees and a section of shrubs to be removed have been identified as being of low quality and value, this vegetation forms part of the wider orchard landscape which is a key characteristic of the landscape setting to Tunstall Conservation Area. Although localised, the proposal would adversely affect the landscape and rural setting

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of the Tunstall Conservation Area. Whilst views of the proposal would be limited, visual receptors are highly sensitive and I consider that the visual impacts would be significantly adverse given the inappropriateness of a car park within a rural setting. I do not consider that the proposal would be appropriate in terms of landscape and visual impact and suggest that an alternative solution, if possible, might be less detrimental.'

Ecological Officer: has noted that there were no bats recorded during the surveys and recommended that an ecologist is present if and when the trees are removed. The site has suitable habitat for breeding birds and that a survey for nesting birds is undertaken prior to works being carried out if the trees are to be removed during March and August.

Tunstall Village Memorial Hall Management Committee: raises no objection in principle, subject to the following conditions:

- The temporary permission be strictly time limited to 5 years with no extension.
- The parking spaces be locked and secured outside core school hours.
- The parking spaces be actively managed by the School during core school hours.
- The School incorporates an agreed methodology for dealing with the above mentioned items in an update of its Travel Plan.

Local Member

10. The Local County Members, Mr M. Whiting and Mr A Willicombe were notified of the application on 10 October 2012.

Publicity

11. The application was publicised by the posting of a site notice, the notification of 14 neighbouring properties and an advert was placed in the Kent on Sunday on 21 October 2012.

Representations

12. 43 letters of representation have been received. 10 of these representations were objecting to the application and 33 were in support of the application, although many of these letters of support were from parents and carers of the pupils at the school. The main points raised can be summarised as follows:

Objection

- On grounds of health and safety with the decrease in the safety on the highway network due to lack of visibility at the access onto the public highway and there could be reversing back out on the public highway.
- The previous application for 6 vehicle car park in front of the school was refused in 1995 using this same access.
- The track is actually a Public Right of Way (ZR147) and vehicles would need to drive along this footpath to gain access to the spaces and there is a need to consider the safety of pedestrians walking along this footpath.
- Is it not illegal to drive up and down a designated footpath?
- This footpath is used by the primary school who walk to and from the school as well as the sports field, and by many pedestrians going to the village hall, which is behind the school.

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- The track is narrow and only one car width.
- School's own School Travel Plan shows that they have 18 staff cars, so where are the other 8 cars going to park?
- The site is agricultural land and policy statements says that development will only be permitted if there is an overriding need that cannot be met firstly on land within the built up area boundaries.
- No management or control over the parking spaces out of school hours is proposed, which could result in vehicle movements at any time of the day or night.
- The owner of the Cottage has no turning point so reverses his car out onto the track.
- Too much loss of agricultural land over recent years due to the granting of planning permission for the new village hall and car park, overflow car park and school sports ground.
- Unnecessary application because adjoining the school there is a village hall which has over 53 vacant parking spaces.
- If the strained relationship between the School and Village Hall Trust could be resolved, the hall overflow car park, which is fenced and gated, would be the ideal solution.
- Creates a dangerous precedent for later possible applications which might involve the use of agricultural land to meet the perceived needs of Tunstall School.
- Will result in increased hazards between vehicles and pedestrians if cars allowed to move during the day and staff/visitors/parents will be driving up to see if there are any free spaces and down again if the area is full.
- Application for 10 cars seems insufficient at the outset as 14 cars are regularly parked on the front garden of the school, in addition to between 6-8 in the lay-by and at least 2 in front of the school on the road and more when the meal time staff arrive.
- Concerns about impact on the wildlife that this development would cause by the removal of vegetation and loss of tree canopy along the footpath.
- Concern about visual impact of 10 cars parked in a field upon the countryside and the setting of Listed Buildings.
- Contrary to various policies in the Swale Borough Council Local Plan.
- Removal of established tree canopy and other foliage along one side of this footpath would have a detrimental effect visually in the Conservation Area.

In support

- Parking on the grass at the front of the school is not ideal especially during the winter months when it is wet.
- The parking in front of the school does not look good from a village point of view and would be better relocated away from sight.
- New car park would take staff parking away from the front of the school grounds and away from the lay-by and make a much more pleasant outlook for the houses surrounding the school.
- Moving staff vehicles away from the front of the school and the lay-by opposite would not only benefit the visual impact of the area, but would also make life that little bit easier for the staff and the residents that live close to the school.
- The proposal would keep the lay-by opposite the school clear for longer periods of time and enable the School to return the front of the school back to a grassed area.
- Seems a suitable temporary solution to a long standing problem and one that should be welcomed since it should alleviate the concerns of some local residents.
- Cars already exit onto Tunstall Road from this entrance to the lane where the car park is proposed.

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- Would allow staff and visitors access to a car park that is away from the school grounds and which would also allow travelling along Tunstall Road to be much easier.
- Traffic is a real problem during school hours so this should make travelling along Tunstall Road easier and hopefully clear the lay-by for neighbours.
- The use of the field to park cars would have no impact on local residents and would only benefit them.
- The teachers deserve a decent parking area, where they do not end up 'knee deep' in mud or miles away.
- There would be very little impact on the footpath to the proposed parking area which already has solid foundations and is accessed by farm and business vehicles.
- Would provide a safer access for staff leaving the school during the school day to attend meetings and courses without having to cut across muddy fields posing health and safety hazards.

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, including the National Planning Policy Framework (NPPF) 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 objections from Kent Highways and Transportation Manager and the Public Rights of Way team, as well as ten local residents. Concerns have also been raised by the County Council's Landscape Adviser. The main issues relating to this application include siting; appearance and landscaping; access and sight lines; the impact on the Public Right of Way and the impacts on the Conservation Area. Whilst the National Planning Policy Framework generally presumes in favour of development by Schools, there is also a general presumption against development in the open countryside and outside the built confines of established rural settlements. Accordingly, it is necessary to balance the various issues in order to test whether the presumption in favour of school development would be outweighed by the issues relating to development in the countryside and this particular application site.

Siting, appearance and landscaping.

15. The proposed site of the temporary 10 space car park is located adjacent to the school boundary and is positioned so as not to extend further into the countryside than the rear (north west) extent of the school grounds. It is on the outside edge of the Tunstall Conservation Area and is currently used as agricultural land. The parking area would be partly screened along its north east, north west and south east facing boundaries by new trees. The proposed car park would be accessed off an existing track that runs from Tunstall Road along the north east boundary of the school to the Memorial Village Hall, which is located at the back of the school. This track is actually a Public Right of Way (ZR147) although the farmer and owners of properties, The Cottage and The Stables, drive their vehicles over this PROW, to gain access to their properties and fields. This PROW is also used regularly by pedestrians going to the village hall and parents walking their children to the school from the village hall car park, where they are

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allowed to park to drop off and collect their children (please refer to paragraph 24 for issues regarding the PROW).

16. Whilst this proposed location is close to the school, it would require the removal of some existing established vegetation that forms part of the wider orchard landscape which is a key characteristic of the landscape setting of this part of the Tunstall Conservation Area. The County Council's Landscape Adviser has stated that 'whilst this vegetation is localised and although of low quality and value, its removal would adversely affect the landscape and rural setting of the Conservation Area'. Furthermore, whilst views of the proposed car park from the main road would be limited, visual receptors are highly sensitive and the Landscape Adviser considers that the visual impacts would be significantly adverse given the inappropriateness of a car park within a rural setting. It is therefore considered by the Landscape Officer that the proposal is not appropriate in terms of landscape and visual impact.
17. It has been noted that the applicant does propose to carry out some tree planting to compensate the loss of existing vegetation and to restore the site after the 5 years temporary planning permission has expired. However whilst the loss of trees in this location is not ideal, the existing landscape in my view is not of significant landscape importance to refuse the application solely on these grounds. The area of the proposed temporary car park encroaches marginally onto neighbouring agricultural land, and therefore has an impact on the local landscape. However, the loss of farmland is almost negligible because it would not affect the overall viability of the field within which it sits, and would also only be temporary, pending the possible relocation of the school to a new site. Moreover, the impact on the local landscape is also very limited because of the existing tree and hedge cover, whereas the visual impact on the wider landscape is also negligible because of the general fold of the land and the limited views in this particular part of the landscape. The area of the proposed temporary car park is largely screened from the main road and so there would be only limited views of the car park. Nevertheless, the application is proposed for a temporary period of 5 years, so again the landscape impacts would also be restricted by time. Therefore I do not consider that there are sufficient grounds to justify refusal of planning permission solely on landscape grounds or the loss of agricultural land.

Access and sight lines

18. The application for a temporary 10 space car park is proposed to be accessed off an existing track that runs from Tunstall Road along the north east boundary of the school to the Memorial Village hall, which is located at the back of the school. This track is actually a Public Right of Way (Public Footpath ZR147), although the farmer and owners of The Cottage and The Stables drive their vehicles over part of this PROW to gain access to their properties and fields, presumably under private access rights. This PROW is used regularly by pedestrians going to the village hall and parents walking their children to the school from the village hall car park, where they are allowed to park to drop off and collect their children. This track and access is also currently used by staff who park in the front garden of the school.
19. As mentioned previously, a planning application to create a 6 space car parking area in the front of the school building was submitted in 2005 and was subsequently refused due to various objections, which included one from the County Council's Highways and Transportation Manager on grounds of highway safety and poor visibility splays, and the Conservation Officer's concerns at the visual detriment to the Listed Building. Please

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note that this is the same access point that would be used as part of this planning application.

20. The Highways and Transportation Manager has commented on this application and drew reference to this previous planning application for 6 car parking spaces within the school grounds. Whilst the location for this proposed temporary 10 space car park is different to the previous planning application, it does propose to use the same access point onto Tunstall Road, where the previous application was recommended for refusal on issues including on poor visibility splays. Since the previous planning application in 2005, standards for visibility splays have been reduced, but it is still considered that the sight lines from this track are still poor and therefore a recommendation of refusal could still be upheld on highway safety grounds. In particular, visibility is restricted to one side by a hedge which is tight to the carriageway, and which could conceal persons walking at the side of the road. To the other side, visibility is across the garden to The Cottage and is therefore across land outside the applicant's ownership.
21. Whilst this application proposes a temporary 10 space car park, it has to be noted that although the previous application for a 6 space car park at the front of the school was refused, the School has continued to allow members of staff to park informally within the school's former front garden without formally constructing a parking area or having permission to do so. The school is a Listed Building and so the parking is within the curtilage of a Listed Building. The applicant has confirmed that up to 10 vehicles a day park at the front of the school, but residents have written in advising that usually more vehicles are parked in this area. The current planning application did originally state that the proposed new car park was intended to remove the 10 staff vehicles from the front garden of the school and move them to the new temporary car park. However in subsequent correspondence it has been confirmed that the School cannot offer a permanent alternative to the parking on the front garden and would allow it to continue. Thus the number of vehicles travelling along the track and turning into and out of the junction onto Tunstall Road would increase rather than remain the same. As there is already concern about the number of vehicles using this junction, coupled with the potential for even more vehicles using this access, the intensification of traffic movements is deemed unacceptable and potentially unsafe to both motorists and pedestrians.
22. Members will note that as part of the consultation, Swale Borough Council raised no objection to the application and recommended that a condition be issued that allowed not more than 5 vehicles to be parked on the school's front lawn at any time. Whilst the option of allowing a certain number of vehicles to continue to park at the front of the school was not an option put forward by the applicant, this recommendation is solely from the outcome of the committee meeting at Swale Borough Council. To my mind, to allow a certain number of vehicles to continue to park at the front of the school is not workable or desirable, as there is no way of guaranteeing that the School would only allow up to 5 vehicles to park within the grounds of the Listed Building. I consider that this is an unenforceable recommendation, with no practical way of controlling adherence to the specified number on a day to day basis. Therefore this option has little merit as a solution to my mind.
23. Whilst they may not be sufficient reasons on their own to justify refusal of planning permission, the proposed intensification of use of the access route and the poor visibility splays onto Tunstall Road, do otherwise presume against planning consent.

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Public Right of Way

24. The proposed access road to the new temporary car park is actually along a track that is a Public Right of Way as a Public Footpath, which 2 local residents and a farmer travel over to gain access to their properties and farming land. Unfortunately the applicant had not referred to the fact that this track was a Public Right of Way in the supporting planning documents. The Public Rights of Way Officer has raised objection as the track would be affected by more vehicles using and turning into and out of it. The intensification of use of this track could also introduce increased potential conflict between pedestrians and motorists as the proposed car park is located further along the Public Right of Way than the side entrance to the school and could be accessed at any point during the school day. There is also added potential for this parking area to be used out of school hours, unless it is somehow securely managed with some form of a barrier. The Public Rights of Way Officer also had concerns about the proposed type of material for the car park and the general wear and tear upon the fabric of the track.
25. The track is only wide enough for one vehicle and so there is a potential conflict if two vehicles were to meet along this track. Pedestrians use this track to gain access to the Memorial Village Hall, which is located behind the school, as well as it being used for recreational purposes as a Public Right of Way. Given the road safety implications for pedestrians, especially school children, and vehicles travelling along this track, there is a concern about the increased number of vehicle movements along this track and at the access point. However, I could not justify refusal of planning permission purely on the intensification of use of the Public Right of Way by vehicles, since it is not uncommon for Public Rights of Way to share their route with routes also used by vehicles, and it is always possible to introduce some form of pedestrian segregation

Conservation Area impacts

26. The proposed new car park is immediately outside the Conservation Area, and not directly visible from it other than flanking one of the pedestrian approaches into it from the surrounding fields. Additionally, the site is well screened by existing mature hedging and orchard trees, so the visual detriment to the Conservation Area is extremely limited. However, the School has confirmed that they intend to retain the current parking at the front of the school building, which is within the Conservation Area, and which was previously hoped could be removed in favour of the proposed new parking area. The previous planning application raised concerns about the visual impact of the vehicles on the Conservation Area and its impact on the setting of the Listed Building. Hence the application was refused and one of the reasons for refusal was that it would be 'detrimental to the setting of a Listed Building and that it would not serve to preserve, protect or enhance its architectural and historic integrity and the character of its setting'. Whilst it is noted that this latest planning application site is not located within the curtilage of the Listed Building, it had originally intended to remove the parking from the front of the school site, thereby bringing about a visual benefit to the setting of the Listed Building. This benefit would have been balanced against the introduction of further development outside the built confines of the village, were it not now proposed to keep using the front garden of the school for parking. Whilst this use is not a component of the latest planning application, it is indirectly linked and therefore needs to be borne in mind as part of the assessment.

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Conclusion

27 In summary, none of the above issues in isolation are necessarily of sufficient weight to outweigh the National Planning Policy Framework's general support for school developments, and are mostly aspects where some detriment could be accepted if there was to be an overall gain with respect to the complete removal of the parking in the Conservation Area and to the front of the school building. However, if that parking is to remain, then I consider that when viewed cumulatively, the various issues discussed above warrant a recommendation of refusal of this planning permission. These reasons are the intensification of use of a junction with poor visibility splays at the entry point into Tunstall Road, that is also a Public Right of Way with some vehicles having a right to travel along it, the inconvenience and potential danger to users of the Public Right of Way, the impacts on the wider landscape and open countryside, including loss of trees and the continued intrusion into the Conservation Area of the unauthorised use of the front garden of a Listed Building for car parking. Whilst these are not sufficient grounds to warrant refusal of planning permission on their own, when taken together and in the light of the proposed continued use of the car park in front of the school building I consider that they tip the balance in favour of refusing the planning application.

Recommendation

28. I RECOMMEND that PERMISSION BE REFUSED on the following grounds:

- The proposal would result in the decrease in safety in the highway network due to a lack of visibility at the access onto the public highway, contrary to Policy E1 and T1 of the Swale Borough Council Local Plan (Saved Policies) 2008;
- The proposal would be detrimental to existing trees and produce unacceptable landscape and visual impacts, contrary to Policy E6 and E10 of the Swale Borough Council Local Plan (Saved Policies) 2008;
- The indirect visual detriment to the Conservation Area and the setting of the Listed Building, by the retention of vehicle parking to the front of the school site, contrary to Policy E14 and E15 of the Swale Borough Council Local Plan (Saved Policies) 2008.

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.

CA/12/2117	Upgrade to existing wastewater treatment works. Three walk-in kiosks to support treatment processes. Canterbury Wastewater Treatment Works, Sturry Road, Canterbury
SW/12/167/R12 & R13	Request for discharge of conditions 12 (landscaping scheme) and 13 (flood warning and evacuation plan) of permission SW/12/167. SEP Ridham Dock Facility, Ridham, Sittingbourne
SW/12/927/R16 & R17	Details of Dust Management Plan pursuant to condition (16) and details of external lighting pursuant to condition (17) of permission reference SW/12/927. Building 17, Ridham Dock, Iwade, Sittingbourne
TM/11/1632/R3	Request for prior approval of siting, design, specification and appearance of new exhaust stacks pursuant to condition 3 of planning permission TM/11/1632. Gas Utilisation Plant, Stangate Landfill Site, Quarry Hill Road, Borough Green
TM/12/3614	Upgrade to existing wastewater treatment works including two walk-in kiosks to support treatment processes. Tonbridge Wastewater Treatment Works, Sanderson Way, Tonbridge

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.

CA/13/21	Single storey ground floor staffroom extension. St Stephen's Infant School, Hales Drive, Canterbury
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DA/13/30	Temporary siting of two adjacent modular buildings to provide three teaching areas and a small office on an area of the existing hard play space for the duration of the construction works only. Wilmington Academy, Common Lane, Wilmington, Dartford
GR/08/229/R38	Details of a School Travel Plan pursuant to condition 38 of planning permission GR/08/229 for the development of Northfleet School for Girls. Northfleet School for Girls, Hall Road, Northfleet, Gravesend
SH/09/822/R13A	Amended gate details submitted as a formal amendment to the details approved under consent reference SH/09/822/RVAR dated 14 July 2010. Marsh Academy, Station Road, New Romney
SW/10/1332/R12	Mitigation and enhancement strategy with regard to roosting bats (in buildings to be demolished). Isle of Sheppey Academy (East Site), Minster Road, Sheerness
TH/08/307/R20	Sport Community-Use Statement – Erection of new sports hall and alterations and extensions to the eastern block together with associated hard and soft landscaping and provision of new car park area. Dane Court Grammar School, Broadstairs Road, Broadstairs
TW/12/1694/R	Non-material amendment application for minor changes to approved Academy elevations. Skinners Kent Academy, Blackhurst Lane, Royal Tunbridge Wells

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:-

Proposed single storey building to accommodate six classrooms with associated welfare facilities, extension to the existing hall to achieve a second hall space, extension to existing classrooms, extension of playground area, upgrading of existing pedestrian access path from the Leisure Centre, installation of a wall mounted canopy and existing bank adaptations to provide new emergency vehicle access to the rear of the school.

Lady Boswell's CE Primary School, Plymouth Drive, Sevenoaks

- (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

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

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None

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