

PLANNING APPLICATIONS COMMITTEE

Wednesday, 8th April, 2015

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 8th April, 2015, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **03000 416749**

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

Membership (19)

- Conservative (10): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),
Mr M J Angell, Mr N J D Chard, Mr T Gates, Mr S C Manion,
Mr R J Parry, Mr C Simkins, Mrs P A V Stockell and
Mr J N Wedgbury
- UKIP (4) Mr M Baldock, Mr L Burgess, Mr T L Shonk and Mr A Terry
- Labour (3) Mrs P Brivio, Mr T A Maddison and Mrs E D Rowbotham
- Liberal Democrat (1): Mr I S Chittenden
- Independents (1) Mr P M Harman

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 - 11 March 2015 (Pages 7 - 10)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application SE/15/315 (KCC/SE/0025/2015) - Section 73 application to vary Conditions 3 (to allow additional time for completion of landfill to enable restoration to appropriate levels) and 10 (a) (to update the phasing scheme to reflect the amended operational period) of Permission SE/10/3111 at Greatness Quarry, Bat and Ball Road, Sevenoaks; Cory Environmental Ltd and Istock Brick Ltd (Pages 11 - 32)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal TM/15/121 (KCC/TM/0435/2014)- Change of use from agricultural land to recreational playing field to serve The Judd School, together with associated ancillary development, including access, parking and hard landscaping works at Land off Lower Haysden Lane, Tonbridge; Governors of The Judd School and KCC Property and Infrastructure Support (Pages 33 - 60)
2. Proposal DO/14/01067 (KCC/DO/0361/2014) - New sports hall including changing rooms, disabled changing rooms, fitness suite, sports office, plant room, viewing galleries, storage and additional on-site parking at Dover Grammar School for Boys, Astor Avenue, Dover; Governors of Dover Grammar School for Boys and KCC Property and Infrastructure Support (Pages 61 - 84)
3. Proposal MA/14/504946 (KCC/MA/0319/2014) - Refurbishment of existing school and construction of a new two storey extension to existing school, extension to dining hall, relocation of existing car parking facilities and additional car parking with improved access and drop-off circulation within the site and new fenced multi-use games area and associated landscaping at Five Acre Wood School, Boughton Lane, Maidstone; KCC Property and Infrastructure Support. (Pages 85 - 110)
4. Proposal TH/15/0027 (KCC/TH/0451/2014) - Conversion of existing store (former garage) and extension to the rear to provide a new nurture room at Holy Trinity and St John's CEP School, St John's Road, Margate; Governors of Holy Trinity and St John's CEP School and KCC Property and Infrastructure Support (Pages 111 - 126)
5. Proposal TM/15/0500/CR3 (TM/14/1929/R) - Amendment of junction configuration at Junction of new access road and Gibson Drive at Land at Gibson Drive, Kings Hill, West Malling; KCC Education and Young People's Services (Pages 127 - 134)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 135 - 140)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011
4. 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
03000 416647

Friday, 27 March 2015

(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.)

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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 Wednesday, 11 March 2015.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr M Baldock, Mrs P Brivio, Mr L Burgess, Mr A D Crowther (Substitute for Mr A Terry), Mr T Gates, Mr P M Harman, Mr T A Maddison, Mr R J Parry, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins, Mrs P A V Stockell and Mr J N Wedgbury

ALSO PRESENT: Dr M R Eddy

IN ATTENDANCE: Mr M Clifton (Principal Planning Officer - Waste Developments), Mr J Crossley (Principal Planning Officer - County Council Development), Mr A Pigott (Strategic Transport and Development Planner) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

14. Membership
(Item A2)

The Committee noted the appointment of Mr N J D Chard in place of Mr M A C Balfour.

15. Minutes - 11 February 2015
(Item A4)

RESOLVED that the Minutes of the meeting held on 11 February 2015 are correctly recorded and that they be signed by the Chairman.

16. Site Meetings and Other Meetings
(Item A5)

(1) The Committee noted that there would be no site visits on 8 April 2015. It agreed to set aside the afternoon of Tuesday, 13 May 2015 for a site visit to Wrotham Quarry, Addington and that there would be a tour of permitted developments on Monday, 29 June 2015.

(2) Mr M Baldock requested a public meeting at the appropriate time in respect of the proposal for the repair and maintenance of the environmental control systems at Cryalls Lane, Sittingbourne.

17. Application GR/14/0615 (KCC/GR/0217/2014) - Ecological and landscape enhancement of Alpha Lake and Chalk Lake, including re-profiling and creation of new island features at Alpha Lake and Chalk Lake, North Sea Terminal, Salt Lane, Cliffe; Brett Aggregates Ltd
(Item C1)

(1) The Committee noted that it was not proposed that the unloading of barges, boats and rail wagons would be the subject of restricted hours of operation. This would allow the providers of the materials to deliver as required and would also allow for tidal variations in the case of delivery by boat or barge and timetable restrictions in the case of delivery by rail.

(2) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the completion of the development within 10 years of commencement; the submission and prior approval of a Construction Environmental Management Plan; the submission and prior approval of a scheme of post infilling monitoring of birds, habitat and water environment for a period of 5 years including any further mitigation requirements in respect of designated sites; details of an assessment of the condition of the tunnel connecting Chalk Lake to Buckland Lake being submitted and approved prior to the deposition of materials in Chalk Lake; prior approval of the type of materials to be deposited in Chalk Lake; prior approval of details of the new tidal inlet sluice at the northern end of Alpha Lake prior to the deposition of materials in Alpha Lake; prior approval of the type of materials to be deposited in Alpha Lake; prior approval of a scheme for the provision of a temporary weir/bund in the vicinity of Cliffe Fort prior to the deposition of materials in Alpha Lake; the submission of a scheme of landscaping within 12 months of the commencement of infilling; fill materials only being imported by the River Thames or by rail; plant maintenance; the restriction of the height of material stockpiles to a maximum of 3m; prior approval of any site offices or other buildings before their installation on site; the removal of plant, equipment and buildings upon completion of operations; restriction on the hours during which materials are transported to the Lakes along existing haul roads to between 0730 and 2000 on Mondays to Fridays and between 0730 and 1400 on Saturdays and Sundays; daytime and night time noise limits measured at noise sensitive receptors; and
- (b) the applicant be requested to discuss their proposals with the Port of London Authority to ensure that the operations are covered within the existing River Works Licence.

18. Proposal SW/15/500171 (KCC/SW/0442/2014) - Renewal of permission for retention of three mobile buildings for a further period of five years at St George's CE Primary School, Chequers Road, Minster-on-Sea, Sheerness; Governors of St George's CE Primary School
(Item D1)

(1) Mr A D Crowther advised the Committee that he was the Local Member for this item. He clarified that he had not pre-determined the planning merits of the application and that he was able to approach its determination with a fresh mind.

(2) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the development being carried out in accordance with the permitted details; and the removal of the modular building at the expiration of 5 years from the date of the decision; and
- (b) the applicant be advised by Informative to investigate the feasibility of providing permanent accommodation for the nursery and breakfast and Afterschool Club.

19. Proposal DO/15/38 (KCC/DO/0458/2014) - Removal of Condition 15 of Permission DO/14/521 to remove the provision of car parking spaces and manoeuvring area at Land adjoining the Deal Leisure Centre, Tides Park Avenue, Deal; Kent Integrated Adolescent Support Services
(Item D2)

(1) Dr M R Eddy was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(2) Mrs E D Rowbotham informed the Committee that she was a Member of Deal TC which had commented on the proposal. She had not, however, taken part in the Town Council's discussions of the proposal and was therefore able to approach its determination with a fresh mind.

(3) The Principal Planning Officer (County Council Development) informed the Committee of further correspondence from Deal TC reaffirming its objection to the proposal.

(4) On being put to the vote, the recommendations of the Head of Planning Applications Group were lost by 13 votes to 3.

(5) RESOLVED that the proposal be refused on the grounds that:-

- (a) the previously permitted dedicated parking provision should be retained in the interests of the efficient operation of the new Youth Centre, especially in respect of the disabled parking space and the secure parking of the minibuses; and
- (b) the proposal is contrary to the provisions of the NPPF, which promotes high quality design and a good standard of amenity, together with safe and suitable access for all people in the interests of sustainability.

20. 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) County Council developments;

- (c) Screening Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).

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

Section 73 application to vary conditions 3 (to allow additional time for completion of landfill to enable restoration to approved levels) and 10(a) (to update the phasing scheme to reflect the amended operational period) of planning permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks, TN14 5BP – SE/15/315 (KCC/SE/0025/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 8 April 2015.

Application by Cory Environmental Ltd & Ibstock Brick Ltd for a section 73 application to vary conditions 3 (to allow additional time for completion of landfill to enable restoration to approved levels) and 10(a) (to update the phasing scheme to reflect the amended operational period) of planning permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks, TN14 5BP – SE/15/315 (KCC/SE/0025/2015)

Recommendation: Permission be granted, subject to conditions and a s106 Agreement.

Local Member: Mr. N. Chard

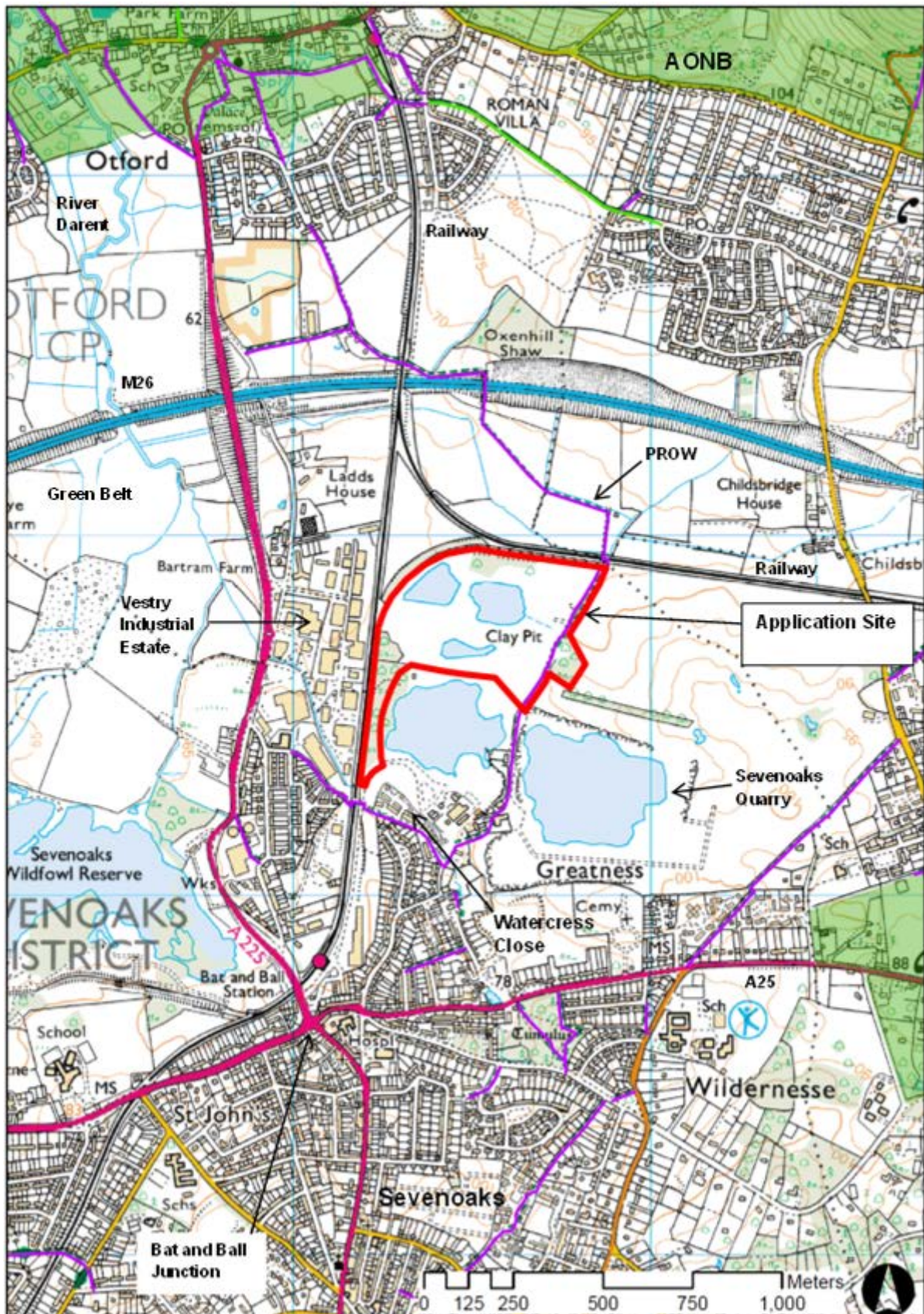
Classification: Unrestricted

Site

1. Greatness Quarry is located approximately 2.5km (1.5miles) north-east of Sevenoaks town centre. The site was formerly a clay quarry and brickworks that now has permission as an integrated waste management facility, including progressive restoration of the land through landfill of non-hazardous municipal, commercial and industrial waste. The site covers an area approximately 20 hectares (ha) (49acres). The main Maidstone to London railway line runs immediately to the north of the site and the Sevenoaks to London line to the west. The A225 (Otford Road), linking Sevenoaks with Otford in a northerly direction, passes approximately 300m (328yards) further to the west, with the Vestry Industrial Estate occupying the land between the A225 and the railway line. The A25(T) runs east-west approximately 1 km (1093yards) to the south and provides connections to the M25 motorway and the primary road network. The M26 motorway passes 0.5km (546yards) to the north. Access to the site is via an estate road off the Bat and Ball Junction on the A225 near its junction with the A25(T). The nearest residential properties to the site are those located in Watercress Close approximately 350m (382yards) to the south.
2. To the south and east of the site lies Sevenoaks Quarry, which comprises an extensive area of active mineral extraction (operated by Tarmac), with associated processing plant, stockpiling areas, offices and workshops. Sevenoaks Quarry is situated between the application site and the northern residential areas of Sevenoaks, which include Greatness and Wilderness, and Seal Village.

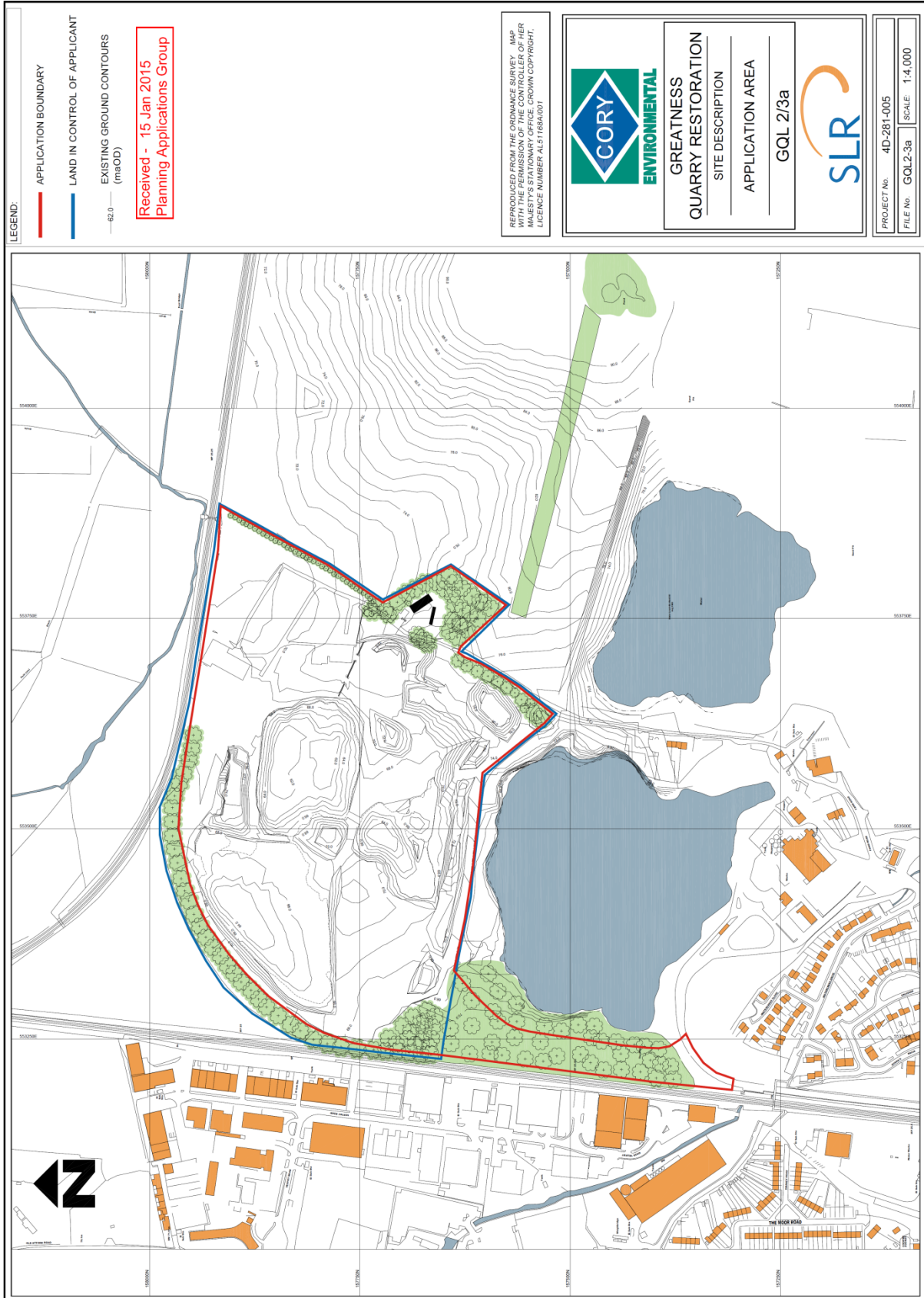
Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks – SE/15/315 (KCC/SE/0025/2015)

General Location Plan



Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks – SE/15/315 (KCC/SE/0025/2015)

Site Location Plan



Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks – SE/15/315 (KCC/SE/0025/2015)

3. Land to the north (beyond the railway line) and to the east of the site is within agricultural use. The River Darent passes approximately 1km (1093yards) west of the site, a tributary of which flows from east to west and passes 50m (54yards) north of the site. A railway embankment immediately to the north of the site divides the application area from the flood plain.
4. A Public Right of Way (Footpath SU3) passes north to south inside the eastern boundary of the site. The entire application site lies within the Metropolitan Green Belt. The Kent Downs Area of Outstanding Natural Beauty (AONB) lies approximately 1.4km (0.87miles) to the north. A section of the site is designated as a Site of Special Scientific Interest (SSSI) for its geological interest. The entire site falls within the catchment area of a Groundwater Source Protection Zone, with land immediately to the south falling within protection Zone 1, which is at increased risk of contamination from any activities that might cause pollution in the area. The Bat and Ball junction to the south of the site is designated as an Air Quality Management Area (AQMA) by Sevenoaks District Council.
5. There are no other relevant site-specific designations, although more general development plan policies are set out in paragraphs (21) to (24) below.

Background and Recent Site History

6. The application site and the adjacent Sevenoaks Quarry were originally one large site, owned by Sevenoaks Brickworks. This land benefited from planning permission for the excavation of clay for brick manufacture and quarrying of sand that underlies the clay. In the mid to late sixties, the site was split into two operations. To the south, Sevenoaks (sand) Quarry is run by Tarmac under a modern extraction consent, the quarry area to the north (the application site) was developed as a brickworks run by Ibstock. The Ibstock brickworks were subsequently removed upon completion of quarrying activities.
7. In December 2001, planning permission (SE/00/2739) was granted for the restoration of the application site through development of an integrated waste management facility, comprising landfill, inert waste recycling and composting operations. This permission provides for the restoration of the former quarry to approved contours by phased landfilling with non-hazardous commercial, industrial and municipal wastes. The final restoration plan allows for creation of a mixture of grassland, tree planting, small ponds and associated wetland habitat to be used for agricultural and nature conservation purposes (see approved restoration plan included below). The original application was subject to an Environmental Impact Assessment, which considered various aspects of the development in detail, including geology, hydrogeology, landscape and visual impact, transport, noise, air quality and amenity considerations. Planning permission was granted by the Planning Applications Committee, subject to 26 conditions and a Section 106 (s106) Agreement.
8. The original conditions imposed on SE/00/2739 include (amongst other matters): the cessation of activities by December 2011 and restoration by December 2013, hours of operation 0700 and 1800 Monday - Friday and 0700 - 1300 Saturday, no more than a maximum of 180 HGV movements per day (90 in / 90 out), with no more than 16 movements (8 in / 8 out) during the hours of 0800-0900 and noise controls. The s106 Agreement signed by the applicants, Kent County Council and English Nature (now

Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks – SE/15/315 (KCC/SE/0025/2015)

Natural England) provides for: the relinquishment of previous mineral permissions; the protection of geological interests by establishing a protected area on site (in relation to the Site of Special Scientific Interest (SSSI)); the establishment of a research fund with English Nature; the funding of highway signs on the A25; and HGV routing agreements. The applicant has since addressed the relevant obligations under the s106, however the agreement remains relevant as it includes ongoing obligations relating to HGV routing and maintenance of the area of geological interest associated with the continued operation of the site.

9. The above permission (SE/00/2739) was implemented in August 2005, after a delay in the issuing of the Environmental Permit that covers the development. Following this initial delay a Section 73 (s73) application to amend the operational end date to allow landfill to continue until 15 August 2015, with final restoration completed by 17 August 2017, was approved in January 2010, under reference SE/08/2141.
10. In March 2009, planning permission was granted, under reference SE/08/3170, for the relocation of the environmental compound to accommodate a landfill gas utilisation facility. Subsequently, 2 of the 3 permitted landfill gas engines have been installed. These gas engines produce approximately 2 Mega Watts of renewable energy each year from landfill gas generated on site; the energy produced is fed into the national grid. In August 2011, permission was granted under reference SE/10/3111 to amend the pre-settlement contours to accommodate an expected landfill settlement rate of 25%. This permission was subject to a Supplemental s106 Agreement carrying the obligations of the original legal agreement forward. In February 2014, the County Council approved two non-material amendments to the permitted operations, these related to the landfill gas compound (SE/08/3170/R) and the restoration, pre and post settlement contour plans, drainage and phasing plans (SE/10/3111/R).
11. To date, the landfill has been engineered into 9 cells (cells 1 – 7, 8a and 8b) with a final cell (8c) to be engineered during 2015. Cells 1 to 7 have been completely landfilled with approximately 65% of the site capped and a large part of which restored to grassland. During the recent planting season approximately 5,000 tree and shrub saplings have been planted on the western end of the landform, with restoration due to continue across the completed cells. The remaining cell has been subdivided into 3 smaller cells (8a, b and c) within the same permitted footprint and overall capacity. This approach follows Environment Agency guidance and best practice (and will be expanded upon further later in the report). Cell 8a is approaching capacity in terms of void space, leaving only cells 8b and c left to be landfilled. The inert waste recycling and composting operations permitted as part of the waste management facilities have never been implemented.
12. Land immediately to the south and east of the site forms Sevenoaks (sand) Quarry operated by Tarmac Ltd. The final restoration of Sevenoaks Quarry, to a combination of grassland, tree planting and a large lake, involves use of site won materials and does not include the use of imported landfill. An application for an extension to Sevenoaks Quarry on land to the east of Greatness Quarry was permitted under reference SE/08/675. This permission covers (amongst other matters) extraction and processing of sand; mortar plant (which can also be used for the production of ready mixed concrete); bagging plant; storage of bagged materials; manufacture of topsoil; importation of soils to mix with sand for the production of rootzone and top dressing; and restoration, aftercare and long term management of the site.

Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks – SE/15/315 (KCC/SE/0025/2015)

Proposal

13. The Section 73 application seeks to modify an existing planning permission (SE/10/3111) for an integrated waste management facility at Greatness Quarry. The proposals seek to vary condition 3 to allow additional time for completion of the permitted landfill to enable restoration to approved levels, and condition 10(a) to update the phasing scheme to reflect the amended operational period.
14. The application is being proposed due to a fall in the volume of waste material imported to site since 2011. The applicant attributes this to two main factors: a national fall in the volumes of waste being sent to landfill due the success of waste minimisation, re-use and recycling measures and, the expiry of a municipal waste disposal contract the applicant held with Kent County Council until early 2011.
15. The application indicates that rate of infilling is no longer at the level necessary to enable completion of the landfill operation to the approved restoration contours by the permitted end date (15 August 2015) and subsequently the final restoration by August 2017. The application states that the remaining void space available at the site (required to achieve the approved top of waste contours) is approximately 330,000m³. Based on recent input rates the applicant anticipates that realistically approximately 90,000 - 100,000 tonnes of waste would be imported to the landfill each year. Using these assumptions, the applicant proposes that landfill to the approved levels could be completed during 2018, with the remainder of the restoration then taking place before the end of September 2019.
16. Planning permission is therefore being sought to extend the period available to complete landfill operations and restore the site in accordance with the approved plans by no later than 30 September 2019
17. During this extended timeframe the applicant would continue to progressively restore the remainder of the site at the earliest opportunity in accordance with the approved plans. This work would include planting of a significant proportion of the trees and hedgerows proposed within the approved restoration plan; this would be in addition to the planting achieved to date.
18. To ensure that progress is maintained throughout the proposed extended period, the application also seeks to amend the wording of condition 10(a) to include updated phasing plans that reflect the revised approach (please see included below). Due to the proposed amended timescales for restoration, the application documents also include an updated version of the permitted Ecological Management Tasks Table to reflect the revised timetable.
19. The application confirms that there would be no other changes to the permitted operations or the controls placed on the planning permission. This includes the permitted footprint of the landfill, the site area, the landform, permitted waste types or volumes, hours of operation, the number of vehicle movements and that there would be no additional built development associated with this application. The proposals solely relate to the amount of time required to finish the landfill operations, and the amount of time required to restore the site in accordance with the approved scheme.

Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks – SE/15/315 (KCC/SE/0025/2015)

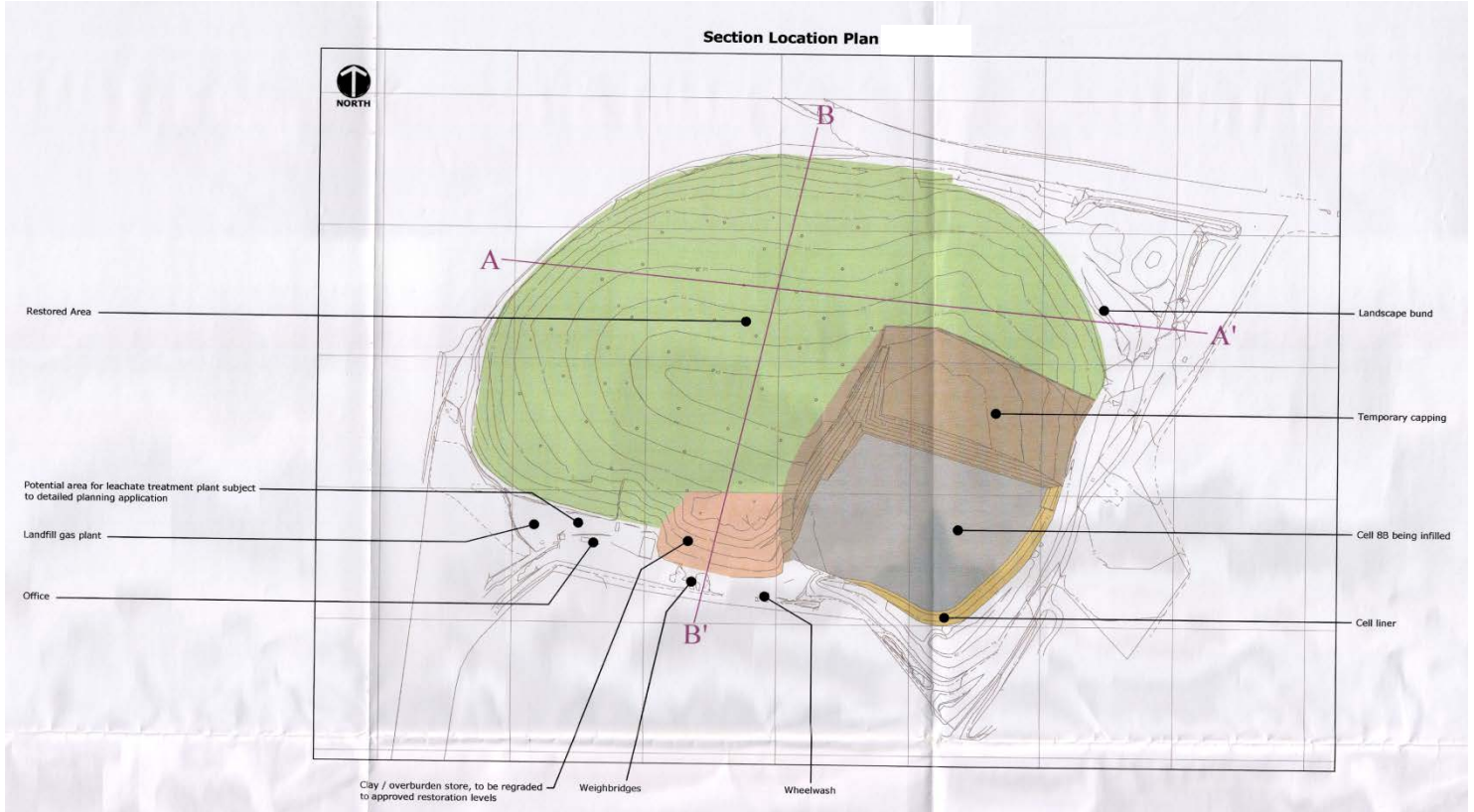
- 20. The application is accompanied by a draft Supplementary s106 Agreement that seeks to maintain the legal obligations imposed in connection with the original planning permission.

Updated Phasing Plan – Phase 1

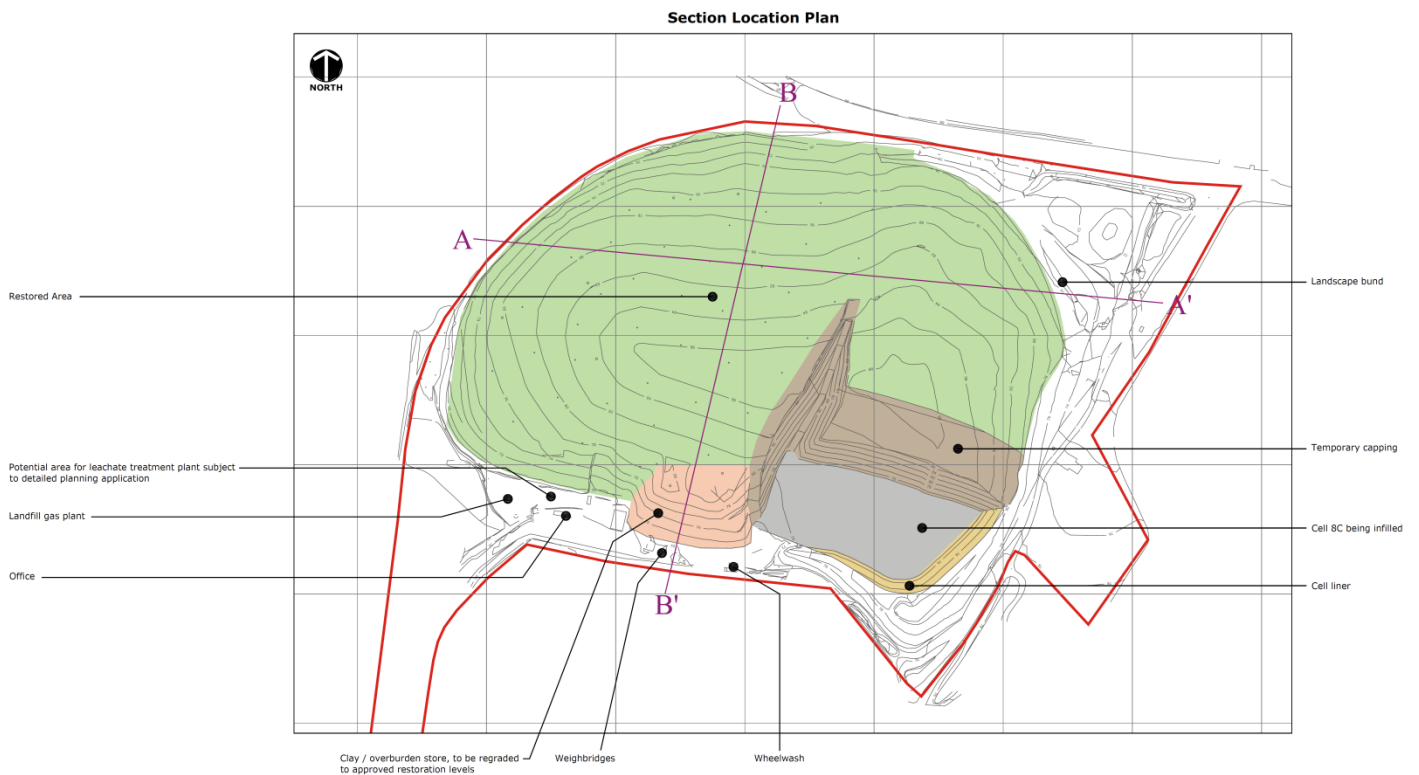


Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks – SE/15/315 (KCC/SE/0025/2015)

Updated Phasing Plan – Phase 2



Updated Phasing Plan – Phase 3



Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks - SE/15/315 (KCC/SE/0025/2015)

Approved Restoration Scheme (included as background information)



Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks – SE/15/315 (KCC/SE/0025/2015)

Planning Policy

21. The Government Policy and Guidance and Development Plan Policies summarised below are particularly relevant to the consideration of this application:
22. **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out within the following documents:

National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making.

The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 9 (Protecting Green Belt land), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment), 13 (Facilitating the sustainable use of minerals) and accompanying Technical Guidance are of particular relevance.

The NPPF seeks local planning authorities to look for solutions rather than problems and to approve sustainable development that accords with the development plan, unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, the Framework seeks that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against NPPF policies.

National Planning Policy Guidance (NPPG) (March 2014) supports the NPPF including guidance on planning for air quality, minerals, natural environment, planning obligations and waste (amongst other matters).

In the case of waste related development, the NPPG requires that applicants be able to demonstrate that their proposals will not undermine the waste planning Strategy through prejudicing the waste hierarchy. Specifically, in relation to landfill sites the guidance states that,

“Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England's waste.

The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed in some circumstances, provided this is in accordance with the Local Plan and having taken into account all material considerations”.

National Planning Policy for Waste (NPPW) (October 2014) sets out Government policy on waste.

Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks – SE/15/315 (KCC/SE/0025/2015)

The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country's waste ambitions through:

- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;
- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of in line with the proximity principle;
- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and
- ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

The NPPW includes policy support, *“to ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary”*.

Waste Management Plan for England (December 2013) is a high level document (non-site specific) which provides an analysis of the current waste management situation in England, and evaluates how the objectives and provisions of the revised European Waste Framework Directive will be supported and implemented.

23. Development Plan Policies:

Kent Waste Local Plan (KWLP) (1998) – the most relevant Policies include: W3 (Locational criteria), W6 (Need), W9 (Waste Separation and Transfer), W10 (Composting and Digestion), W12 (Landfill of Mineral Voids), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Rights of Way), W31 (Landscaping) and W32 (Aftercare).

Sevenoaks District Local Development Framework: Core Strategy (2011) – the most relevant Policies include: LO 1 (Distribution of Development), LO 8 (The Countryside and the Rural Economy, including Green Belt), SP 1 (Design of New Development and Conservation), SP 2 (Sustainable Development) and SP 11 (Biodiversity).

Sevenoaks District Local Plan: Allocations and Development Management Plan (ADMP) (February 2015) Policies: SC 1 (Presumption in Favour of Sustainable Development), EN1 (Design Principles), EN2 (Amenity Protection), EN5 (Landscape), EN7 (Noise Pollution), T1 (Mitigating Travel Impact)

Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks – SE/15/315 (KCC/SE/0025/2015)

24. **Emerging Policy**

Kent Minerals and Waste Local Plan (MWLP) 2013-30 Submission Document (July 2014) – the most relevant draft Policies include: CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Non-Strategic Waste Sites), CSW10 (Non-hazardous Waste Landfill in Kent), CSW17 (Safeguarding of Existing Waste Facilities), DM1 (Sustainable design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM4 (Green Belt), DM5 (Heritage Assets), DM9 (Water Environment), DM10 (Health and Amenity), DM11 (Cumulative Impact), DM12 (Transportation of Minerals and Waste), DM13 (Public Rights of Way), DM16 (Planning Obligations), DM17 (Land Stability), DM18 (Restoration and Aftercare) and DM19 (After use).

Members will be aware that following endorsement by the full Council on 12 December 2013, the draft Kent Minerals and Waste Local Plan 2013-2030 was submitted to the Secretary of State at the beginning of November 2014. The submission document is now with the Planning Inspectorate, with an independent Examination in Public (EiP) of the Plan to take place later this year. On the basis that this document has not been formally examined or adopted, the draft Plan and its policies carry limited weight as material planning considerations.

Consultations

25. **Sevenoaks District Council:** raise no objections to the application.
26. **Sevenoaks Town Council:** recommend approval.
27. **Otford Parish Council:** no comments received.
28. **Kemsing Parish Council:** recommend approval.
29. **Seal Parish Council:** raise no objections.
30. **Environment Agency:** raise no objections to the proposed variation of conditions. Advises that the Agency will liaise directly with the applicant concerning matters that fall under the Environmental Permitting regime.
31. **Natural England:** raise no comments on the variation of condition 3 and 10a.
32. **Health and Safety Executive:** no comments received.
33. **Network Rail:** raise no objections to the application.
34. **Kent County Council Highways and Transportation:** raise no objections to the proposed additional time for completion of landfill or the updated phasing plans.
35. **Kent County Council Public Rights of Way:** raise no objections to the application. Confirms that Public Right of Way Footpath SU3 runs north to south inside the eastern boundary of the site, however advises that the proposed extension to the timescales to enable restoration of the site would not impact on the Right of Way.

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36. **Kent County Council's Landscape Advice Service:** raise no objections to the application and is satisfied that the proposals would not produce additional impacts upon landscape or visual amenity.
37. **Kent County Council's Ecological Advice Service:** raise no comments.

Local Member

38. The local County Member for Sevenoaks East, Mr. N Chard and the adjoining County Member for Sevenoaks Central, Mrs. M. Crabtree were notified of the application on 30 January 2015.

Publicity

39. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 178 nearby properties.

Representations

40. In response to the publicity, 3 letters of representation have been received. The key points raised can be summarised as follows:
- Objects to the application, considers that the landfill site has had an adverse environmental impact on the local community since becoming operational.
 - Raises particular concern regarding extremely unpleasant fugitive odours, which mainly appear to occur during the evenings and at weekends.
 - Notes that on certain days (particularly in warmer weather), the odours reaching Vestry Industrial Estate (to the west) are awful, making staff feel sick and forcing companies to close windows even in the height of summer.
 - Raises concern that when the development was originally proposed, the applicant indicated that there would be no discernible odours emanating from the proposed landfill; considers that this has not been the case.
 - Considers that the landfill is situated too close to densely populated areas (particularly during work hours).
 - Considers that the current controls appear to be inadequate, with odour problems persisting into 2015. If granted, asks that any permission be subject to stringent conditions that are properly enforced.
 - Considers that despite numerous complaints over the years, the landfill contractor has failed to manage the appalling odours emanating from the site from time to time. Indicates that there is no confidence in the situation changing and strongly objects to an extension to the working life of the landfill site.

Discussion

41. The application seeks planning permission to vary conditions 3 (to allow additional time for completion of landfill to enable restoration to approved levels) and 10(a) (to update the phasing scheme to reflect the amended operational period) of planning permission SE/10/3111. The applications are being reported to the Planning Applications Committee following 3 letters of objection received from nearby

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properties. Please see paragraphs (25) to (37) and (40) for details of all representations and consultee views received.

42. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the proposals need to be considered in the context of the Development Plan Policies, the National Planning Policy Framework, other Government Policy and any other material planning considerations. In considering this proposal the planning policies outlined in paragraphs (21) to (24) above are particularly relevant.
43. The key determining considerations in this particular case can be addressed under the following headings:
- Need
 - Visual and Landscape Considerations
 - Surface Water Drainage
 - Local Amenity Considerations
 - Highway Considerations
 - Biodiversity
 - Legal Agreement

Need

44. The principle of the landfilling operations to restore the former clay and sand quarry void through progressive infill with non-hazardous municipal, commercial and industrial waste is established by planning permission SE/00/2739 (subsequently amended by SE/10/3111). The extant planning permission includes approved restoration contours and a final restoration scheme (included above) incorporating a mixture of grassland, tree planting, ponds and wetlands. The scheme is designed to ensure a high standard of restoration is achieved, which is commensurate with the sensitivity of the surrounding landscape.
45. As indicated above the landfilling operations have progressed to a point where there is a single cell remaining to infill (Cell 8), which the applicant has been subdivided into 3 smaller cells (8a, b & c) within the permitted footprint. The application indicates that the volumes of waste material received on site are not at a level that would enable the full restoration of the quarry site to the approved contours within the permitted timeframes. In seeking an extension of time to complete the permitted operations, the proposals are looking to ensure the full and proper restoration of the site to the high standards previously approved and considered necessary as part of the extant landfill consent.
46. In the case of waste related development, the NPPG requires that applicants be able to demonstrate that their proposals will not undermine the waste planning Strategy through prejudicing the waste hierarchy. Specifically, in relation to landfill sites it states that,

“Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England’s waste.

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The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed in some circumstances, provided this is in accordance with the Local Plan and having taken into account all material considerations”.

47. The NPPW includes policy support, *“to ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary”*. Kent Waste Local Plan (1998) Policies W12 and W32 also provide support for landfill where it assists in restoration and return of mineral workings to a suitable afteruse at the highest possible standard and as quickly as possible. Emerging draft Minerals and Waste Local Plan (2014) Policy CSW10 supports extensions to non-hazardous waste landfills, subject to proposals securing environmental benefits, avoiding unacceptable adverse impacts on the local environment or communities and only accepting wastes that cannot be managed through alternative methods higher up the waste hierarchy. The draft MWLP makes clear that, whilst it is anticipated that there will be a transition of waste management to the higher end of the waste hierarchy, there would be a continued need to plan for disposal of wastes that cannot be managed through alternative methods.
48. The application indicates that the reasons behind the request for a short extension of time are the success of waste minimisation, re-use and recycling measures (i.e. the Waste Hierarchy), a situation recognised in recent national policy documents, and in part the expiry of a municipal waste disposal contract that the applicant held with Kent County Council. In my opinion, having previously accepted landfilling as an appropriate method of restoring the quarry site there is a clear need to ensure that the final landform, restoration and afteruse are successfully completed to a high standard. The remaining void space would also continue to provide valuable landfill capacity to the County, which would accept waste that cannot be managed higher up the waste hierarchy. Whilst it would be preferable for the landfill to be completed within the permitted timeframes, I am satisfied that there is policy support in principle for a short time extension to ensure that the site is restored in an appropriate and sustainable fashion; making the most of the remaining permitted void space whilst ensuring the permitted restoration is completed to the high standards approved.
49. In determining this application, ‘need’ for a development becomes a material consideration if (demonstrable) harm could be caused by the proposals. Further consideration of issues relating to visual and landscape concerns, surface water drainage, local amenity, highways and biodiversity, together with any other material planning considerations, are set out within the sections below.

Visual and Landscape Considerations

50. The application confirms *“the proposed amendments to the extant permission do not seek to alter the approved restoration contours of the site, nor do they change the approved restoration scheme”*. As background information, please find a copy of the approved restoration plan included above. The current proposals purely seek to extend the time required to complete the restoration work. This would mean that, in

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the short term, the open section of the landfill would be visible for a longer period (potentially until September 2019 at the latest, instead of August 2017).

51. In considering the visual impact, it should be noted that the remaining void represents a small section of the overall landfill area and, due to the progressive restoration of the wider site, would become less visible from outside the site (particularly to the north and west) as the operations continue. A large part of the site area has now been capped and seeded with the approved landscape planting being progressively completed from the west. Work to cap and restore the remainder of the completed landfill cells would continue during the proposed extended period, as and when the weather and the phasing of the remaining operation allows (see attached phasing plans). The applicants have reaffirmed a commitment to continue the progressive restoration work alongside infilling the remaining landfill cell(s) to ensure the remaining planting and restoration measures are implemented and delivered at the earliest opportunity.
52. Should the current application be refused, the applicant would potentially be forced to cease operations before the approved restoration contours are achieved. This arrangement would not be acceptable in the long-term as it would potentially leave an alien landform and would limit future use of the site. In this instance, the planning authority would need to secure a revised program of restoration, which would require discussions with the applicant to attempt to secure a compromise position. Any revised approach would likely require significant engineering work to create a suitable revised landform from the material available on site. The process of re-contouring the land could generate similar amenity considerations to those raised in relation to the continued operation of the site, and could also lead to a less desirable landform from a visual perspective.
53. The site falls within a sensitive location being in the Green Belt and located close to the Kent Downs Area of Outstanding Natural Beauty (AONB). The central reason for the development is to restore a former quarry site back to an acceptable landform, the principle of which is established through the existing planning permission. The proposed operations are of a temporary nature and once the land is fully restored to the approved restoration contours the final landform would blend with the landscape and with the restoration scheme approved for the adjacent Sevenoaks Quarry site. I am satisfied that the remaining landfill and restoration operations would not impact on the open character of the landscape, nor with the purposes of including land in Green Belt. In my opinion, the full and successful restoration of the quarry void to a high standard is vital in ensuring that the site has a positive impact on local views and in the longer term maintains the character of the wider landscape.
54. I note that no objections have been received concerning the potential visual considerations of the proposed development, including from the County Council's Landscape Advice Service, Sevenoaks District Council nor the surrounding Parish Councils. On the evidence of the restoration work completed to date, which has had a positive impact on wider views of the site, I am satisfied that the proposed extension of time to allow completion of the restoration is justified and crucial to the overall success of the scheme. In my opinion, a short extension of time would be the most sustainable way of achieving and maintaining an acceptable high quality landform that preserves the landscape character and ensures that the land is returned to a suitable after use. I am content that the proposed development would accord with the relevant

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development plan and Government policies in terms of visual and landscape considerations

Surface Water Drainage

55. In a similar way to the visual considerations set out above, the success of the approved surface water drainage scheme is tied into the full restoration of the whole site to the gradients, contours and landform originally permitted. On completion of the restoration work, the permitted drainage scheme is designed to manage surface water on-site in a controlled and sustainable way, through a network of drainage ditches and surface water ponds that would lead to a single discharge point.
56. The application confirms that, *“if the approved landform were not delivered, as a consequence of the reduced waste inputs over a limited period of time, and part of the quarry void were to remain un-filled, then the site gradients and surface water drainage strategy would need a significant level of re-design (or re-profiling) to ensure that the landform could drain appropriately”*. Should this be the case, the applicant would need to seek approval for the revised approach, which could involve revising the landform within areas of the site that have or are reaching completion in terms of the landfill and restoration operations. Given the nature of the site and the sensitivity of the nearby groundwater resources, it is important to ensure that the long-term surface water drainage is able to cope with the run-off generated and is able to protect surrounding groundwater resources.
57. In my opinion, the proposed extension of time to allow the landfill operations to create the approved landform and surface water drainage scheme would be the most appropriate and sustainable way of ensuring the long-term quality restoration of the land.

Local Amenity Considerations

58. Policies W18 of the Kent WLP and EN2 of the Sevenoaks District Local Plan seek to safeguard the amenities of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements (amongst other matters). Policy DM10 of the draft Kent MWLP states that waste development will be permitted if it can be demonstrated that it is unlikely to generate significant adverse impacts on the quality of life of communities or on the environment.
59. The NPPF requires planning authorities to ensure that proposals do not result in unacceptable adverse effects on the natural or historic environment or on human health, including noise, dust, visual intrusion, traffic and surface and groundwater quality. Paragraph 122 also states that in making planning decisions, local authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that local planning authorities should assume that these regimes will operate effectively.
60. The publicity carried out as part of the consideration of this application has attracted three letters raising objections to the proposals. These letters originate from residential properties to the south of the application site and a commercial property to

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the west. The objections primarily relate to concerns about unpleasant odours periodically generated by the existing operations (particularly in warmer weather).

61. The original permission for this waste management facility establishes that the development is an acceptable use of the land in this location and that the impacts of the activity could be suitably control through conditions imposed on the planning permission, obligations under an associated legal agreement and the environmental permitting regime.
62. The Environment Agency has raised no objections to the application, confirming that it would liaise with the applicant concerning matters that fall under the Environmental Permitting regime. The Agency has also confirmed that the Environmental Permit for the site includes controls relating to odour (amongst other matters). On the subject of odour the Permit reads as follows, *“emissions from the activities shall be free from odour at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, to prevent or where that is not practicable to minimise the odour”*. Accordingly, any odour arising from the operations on site would be subject to control by the Environment Agency through its own legislative powers under the pollution control regimes.
63. In response to the concerns raised, the applicant has emphasised its commitment to reducing fugitive odours. Confirming that it manages potential odours from the site through best practice, daily management and provision and maintenance of on-site infrastructure, which are audited by the Environment Agency and controlled through the Environmental Permit. These measures include (amongst other matters): daily checks by the site manager to ensure appropriate controls are in place, progressive compaction of waste as it is tipped throughout the day, use of inert material to cover the waste at the end of each working day, provision of a landfill gas management system and leachate recirculation, collection and removal (critical in reducing potential odour emissions). The applicant advises that the site’s Environmental Permit does not allow malodorous waste to be accepted unless there is an approved procedure in place. Once the operational area of the landfill site is completed to the approved (pre-settlement) restoration contours it is then capped at the earliest opportunity. This reduces direct odour from the waste, allows efficient collection of landfill gas and controls the amount of leachate produced.
64. In the event of a complaint, the applicant advises that management procedures are in place that require the company to record and investigate each incident, with a member of staff visiting the reported receptor location to establish if the source of the complaint is likely to be as a result of the landfill operations. Where it is found that the site is the source of the odour, appropriate action is taken to remediate the issue. To ensure complaints are actioned as soon as possible the applicant provides the Environment Agency with an out-of-hours contact and encourages members of the public to either call the Environment Agency, or the site directly at the time of the incident in order that any issues can be properly investigated as early as possible and if necessary appropriate action taken. The applicant notes that the Environment Agency visits the site several times per year to ensure that it operates in accordance with the Environmental Permit, and that to date, no non-conformance issues have been raised in relation to the release of odour from the site.

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65. It is also worth noting that the applicant organises a regular community liaison meeting, including representatives from Sevenoaks Town Council, Otford Parish Council, the Local Authorities Environmental Health department, the Environment Agency and the County Council. This meeting has (and would continue) to represent an ideal forum to air and resolve any concerns regarding operations on site. On reviewing the minutes from the last two meetings (held on 13 June 2013 and 12 June 2014) there were no concerns raised regarding potential odour problems at the site.
66. I note that the majority of the site has now been capped with the western areas closest to local receptors restored. The remaining operational area would be limited to the centre and south-eastern corner, which would increase the distance to the closest receptors. It should also be noted that, in line with Environment Agency guidance and best practice, the remaining cell (Cell 8) has been subdivided into three smaller cells (Cells 8a, b & c). This revised approach to the remaining landfill has been undertaken to reduce any potential environmental impacts associated with larger working areas (previously used), including the potential for fugitive odour and dust release, bird control and to minimise the generation of leachate (generated by rainfall infiltrating any uncapped waste).
67. The Planning Applications Committee considered the potential environmental and amenity impacts of the proposals in October 2001 and found them to be acceptable subject to the conditions imposed on permission SE/00/2739, and subsequently re-imposed on permission SE/10/3111. Given that there would be no changes to the footprint of the development, the proposed volume or type of waste material being imported to site, the number of HGV movements, the type of plant that would be used and no other material changes in so far as they relate to the proposed development, I am content that local amenity concerns would not present a significant barrier to the development. In my opinion the development would be adequately controlled and regulated by the re-imposition of conditions imposed on SE/10/3111 and the controls imposed on the Environmental Permit (including ongoing compliance checks and management required under the pollution control regime). I am therefore satisfied that the proposed development would be acceptable in amenity terms and would accord with the relevant development plan and Government policies detailed above.

Highway Considerations

68. The application confirms that there would be no additional vehicle movements generated because of the proposed amendments to the application. This is on the basis that there would be no change in the quantity of waste material needed to complete the restoration of the final landfill cell. The existing controls imposed on the extant permission would remain in force. These include: restrictions on the hours of operation including vehicle movements to 0700 – 1800 Monday to Friday, and 0700 – 1300 Saturday, wheel and chassis cleaning facilities and a maximum of 180 HGV movements per day (90 in / 90 out), with no more than 16 movements (8 in / 8 out) during the hours of 0800 – 0900.
69. The original application considered the potential impact of the permitted number of HGV movements in detail, including in terms of impacts on the local highway network and local amenity. The current application does not seek to change the permitted arrangements, only increase the length of time over which the movements would continue. Given that the volume of fill material required is established by the

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remaining void space available, the number of vehicle movements would not change if this application were approved. Potentially, the proposals to increase the timescales could lessen the impact of the operations on the local highway network by spreading the same number of vehicle movements over a longer period (i.e. potentially generating fewer movements per day than the level originally assessed). This would include any impacts resulting from HGV movements on local amenity, air quality or congestion at the Bat and Ball junction. It should also be noted that once the remaining void has been in-filled vehicle movements to and from the site during the remainder of the time allowed to complete the restoration would significantly reduce. The applicant has given a general indication that the period of final restoration work is likely to take most of the final year.

70. Kent Highways and Transportation has considered the application and raised no objections to the proposed extension of time. I also note that no comments have been received from any of the other consultees or the local community in relation to highway considerations. Taking all of the above into account, subject to the re-imposition of the existing conditions and retention of the legal obligations (discussed below), I am content that the application would accord with the development plan and Government policies set out above that relate to highway and transport issues.

Biodiversity

71. Due to proposed revisions to the timeframes to complete the landfill and restoration of the quarry, the application includes an amendment to the approved Ecological Mitigation Scheme. The amended Ecological Mitigation Scheme includes revised timescales for the approved tasks relating to habitat creation and maintenance. Beyond the updated schedule, there are no changes to the ecological work proposed, the changes relate solely to the timing of the various actions.
72. Both the County Council's Ecological Advice Service and Natural England were consulted on the application and neither has raised any concerns over the proposed variation of conditions 3 and 10a, nor the accompanying amended Ecological Mitigation Scheme.
73. Taking this advice into consideration, I am satisfied that the application would not impact on any on-site ecology and would be in accordance with the relevant development plan and Government policies. In coming to this conclusion, I note that the site is already fully operational, and measures to safeguard any protected species, were implemented prior to commencement of waste operations. In addition, the applicant has confirmed that the mitigation measures currently employed would continue throughout the proposed extended period, with the proposed ecological enhancement measures to be delivered in accordance with the submitted scheme.

Legal Agreement

74. The original planning permission (SE/00/2739) was subject to a legal agreement, which included on going obligations relating to the abandonment of the mineral permissions, protection of the geological interests on site, and HGV routeing to ensure the applicant's vehicles primarily use the Strategic Highway Network when travelling to and from the site. This agreement has been maintained in connection with previous amendments to the base permission through supplementary s106 agreements. The

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present application is accompanied by a draft supplementary legal agreement that seeks to further indorse the existing legal agreement and obligations. I am content that, if permission were granted, a further supplementary agreement would serve to preserve the legal obligations in connection with the continued operation of the site.

Other Considerations

75. Part of the site is designated as a Site of Special Scientific Interest (SSSI) for geological reasons. This aspect of the development was considered in detail as part of the environmental assessment carried out in connection with the original planning application. In agreement with Natural England the geological interests were preserved within a dedicated area on site, away from the permitted landfill. This area is preserved and maintained by the applicant under the obligations of the above-mentioned s106 agreement. The current application does not include development of any additional land outside the approved footprint and therefore would have no impact on the preserved geological interests. The supplementary s106 agreement proposed by the applicant would enable the continued protection of this resource. I am therefore satisfied that this arrangement would continue to accord with current development plan and Government policies.

Conclusion

76. I am convinced by the applicant's argument that the landfilling rate has been affected by the success of the general policy of reducing the volume of material going to landfill. Indeed this situation is recognised in recently drafted national policy guidance. Given that there is no longer sufficient time to complete the restoration of the site to approved levels under the existing permission, I consider that there would be environmental benefits in allowing a short extension of time (as detailed above). The proposed variations would not significantly alter the permitted development and would ensure that the site is restored to a high standard that maintains the character of the wider landscape. On this basis, I am content that the proposals would not give rise to significant adverse impacts, and that any impacts that may arise could be satisfactorily mitigated and controlled by re-imposing the conditions placed on the base permission, and through controls on the process and emissions (including odour) under the existing Environmental Permit. Consequently, I am satisfied that the proposed variation of conditions 3 and 10a of permission SE/10/3111, to extend the period available to complete landfill operations and restore the site in accordance with the approved plans by no later than 30 September 2019, would accord with the relevant development plan and Government policies. Subject to all other conditions imposed on SE/10/3111 being updated (as necessary) and then re-imposed, alongside the satisfactory completion of a supplementary S106 agreement, I recommend that permission be granted.

Recommendation

77. SUBJECT TO the applicant entering into and the satisfactory completion of a Section 106 Agreement as set out above, I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- the re-imposition of conditions previously imposed on permission SE/10/3111

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- updated and amended as necessary;
- a variation of condition 3 to allow additional time for completion of landfill and restoration operations until 30 September 2019; and
 - a variation of condition 10(a) to update the phasing schemes to reflect the amended operational period.

Case Officer: James Bickle

Tel. no: 03000 413334

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

Change of use from agricultural land to playing field, for
Judd School, Tonbridge – TM/15/121 (KCC/TM/0435/2014)

A report by Head of Planning Applications Group to Planning Applications Committee on 8 April 2015.

Application by Kent County Council as Education Authority and The Judd School for the proposed change of use from agricultural land to recreational playing field to serve The Judd School, together with associated ancillary development including access, parking and hard landscaping works at land off Lower Haysden Lane, Tonbridge – TW/15/21 (KCC/TM/0435/2014).

Recommendation: Permission be granted subject to conditions.

Local Member: Mr C. Smith and Mr R. Long

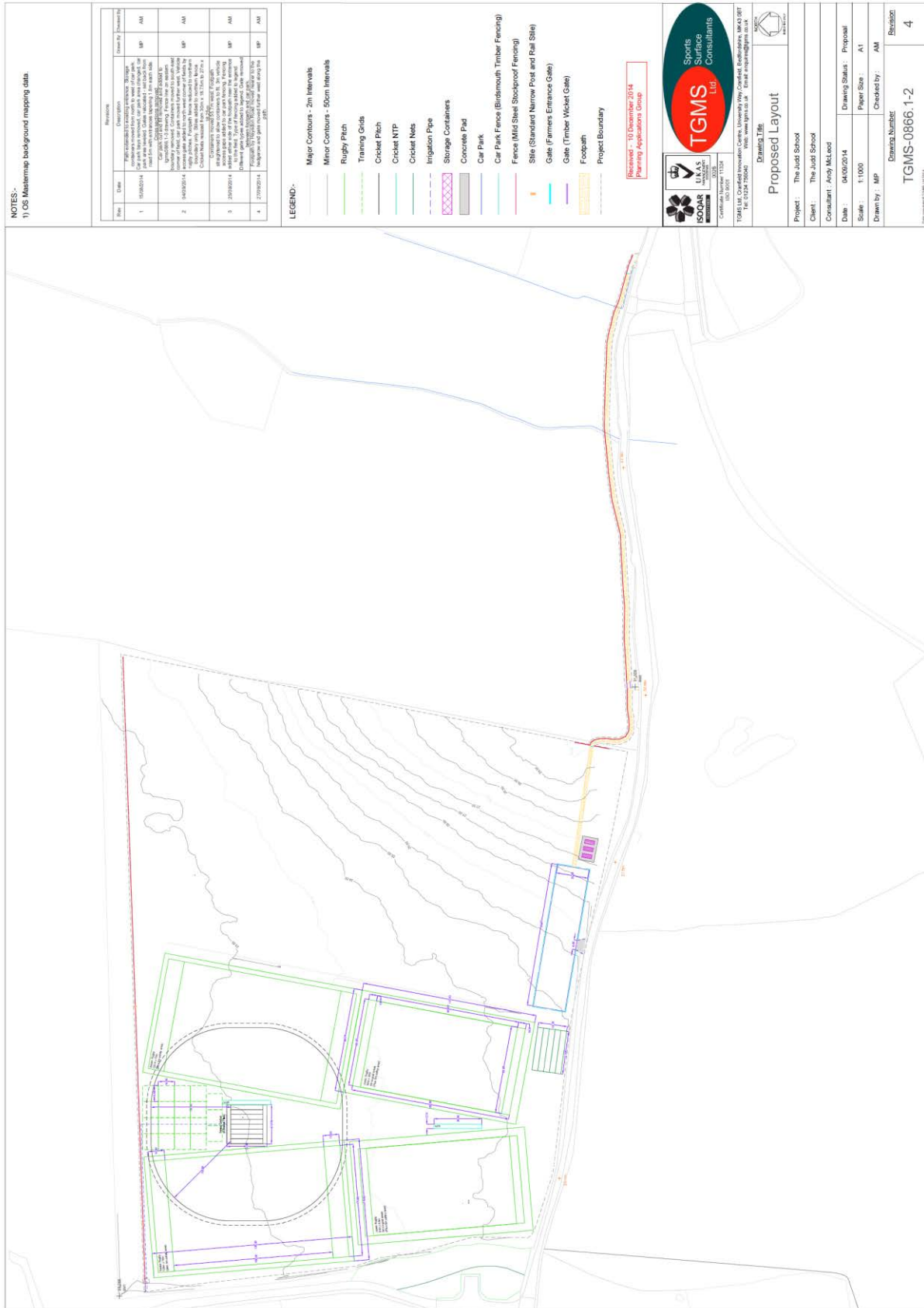
Classification: Unrestricted

Site

1. The Judd School is located to the north of Brook Street, to the south west of Tonbridge town centre. The school is a voluntary aided Boys Grammar School, with 1038 students at the current time.
2. The application site is located approximately 850 metres to the west of Judd School, accessed via Lower Haysden Lane, and measures approximately 10.5 hectares in area (26 acres). The application site, which is roughly square shaped and relatively flat, comprises agricultural land (pasture) entirely within Judd School's freehold ownership. The site boundaries are formed of mature hedgerows, with further open agricultural land to the east, Lower Haysden Lane and further agricultural land to the south, and the access road to Haysden Country Park to the west. To the immediate north of the application site lies Haysden Country Park, a designated Local Nature Reserve, which incorporates fishing lakes and parkland. The hamlet of Lower Haysden lies to the west of the application site, with the closest residential property being approximately 100 metres away from the western site boundary. The closest properties to the east of the application site are approximately 300 metres from the eastern site boundary.
3. The application site is within the Metropolitan Green Belt. In addition, the entire site (excluding the south east corner) falls within Flood Zone 2, and a small area of the north west of the site falls within Flood Zone 3. The River Medway lies 200 metres to the north west of the application site at its closest point, and sites within Flood Zone 2 and 3 represent locations where there is a 'medium' and 'high' risk of flooding respectively. The application site is not subject to any other landscape/planning designations, and there are no Listed Buildings or Conservation Areas in close proximity to the site. It should be noted that a large proportion of the fields to the east of the application site, between the site boundary and the boundary the urban area of Tonbridge, are designated as 'Safeguarded Land' under Policy CP4 of the adopted Core Strategy. 'Safeguarded Land' is excluded from the Green Belt so that they could remain available to meet the long term development needs of the area. In this case, the sites will not be released before 2021, and only then if there is a shortfall in housing land relative to housing targets. *A site location plan is attached.*

Change of use from agricultural land to playing field, for Judd School, Tonbridge – TM/15/121 (KCC/TM/0435/2014)

Proposed Site Layout



Change of use from agricultural land to playing field, for Judd School, Tonbridge - TM/15/121 (KCC/TM/0435/2014)

Proposed Storage Containers



Change of use from agricultural land to playing field, for Judd School, Tonbridge – TM/15/121 (KCC/TM/0435/2014)

Background and Relevant Planning History

4. Judd School currently make use of its on-site playing field, as well as an off-site playing field known as Yeomans located approximately 850-900 metres to the south west of the school. The Yeomans playing field belongs to Kent County Council and has been used by Judd School since the 1930's to provide additional outdoor recreation space. I am advised by the applicant that the School has been actively seeking to acquire additional playing fields since 1996, an aspiration which is reflected in Tonbridge and Malling Borough Council's Local Development Framework within which land adjacent to Yeomans is allocated for additional playing field for Judd School under Policy S1. However, I am further advised that all approaches to land owners have been re-buffed until now.
5. The applicant advises that the Department for Education (DfE) minimum area for 'team game playing field' for a school with a 1200 students is 52,000m² (5.2 hectares/12.8 acres). However, the DfE further consider that pitches should not be used for more than 7 hours each week. Since the School uses its existing 59,400m² (5.94 hectares/14.6 acres) of total playing field area at least twice that amount in the winter and 6 times as much in the summer, more playing field space is required. It is estimated that a total playing field area of 178,000m² (17.8 hectares/43 acres) would be required to meet the requirements of the DfE, leaving a shortfall of 118,000m² (11.8 hectares/29 acres).

6. Recent planning applications at the Judd School include the following:

TM/12/629 – Construction of a new car park and refuse/recycling enclosure.

TM/09/1913 – Widening of western vehicle access and replacement gates.

TM/07/3622 – Two mobile classrooms at the back of the Sports Hall.

TM/06/3847 – Two metal storage units at one office unit.

TM/06/3682 – New mathematics and geography building containing 12 classrooms.

TM/06/1325 – Synthetic surfaced multi use games area.

TM/05/3315 – Widening of existing driveway and repositioning of existing car parking.

The application site itself does not have any planning history.

7. I am also in the process of separately considering an application for the expansion of Judd School from 4 to 5 forms of entry (application reference KCC/TM/0038/2015). The application proposes the demolition of an existing kitchen and part of the dining space and reinstatement of the former external facade, erection of a part two and part three storey building, provision of 9 additional car parking spaces and associated landscaping works. It is likely that that application will be reported to Members for consideration at the May 2015 Planning Application's Committee meeting.

Proposal

8. This application proposes the change of use of an area of agricultural land (currently pasture) to form a recreational playing field to serve the Judd School. As outlined above, the application site is located approximately 850 metres/929 yards to the west of Judd School, accessed via Lower Haysden Lane, and measures approximately 10.5 hectares in area (26 acres). Ideally, the applicant would wish to acquire an area of land equivalent to the shortfall referred to in paragraph 5 above, but the application site is only 1.3 hectares/3 acres under the desired total area. It is proposed to develop the western half of the application site initially, with the eastern half to be developed in the future

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(possibly subject to a separate planning application). It is proposed to provide the following within the western half of the site:

- 2 senior rugby pitches;
- 2 junior rugby pitches;
- 1 cricket pitch (capacity for up to 8 wickets); &
- Cricket nets.

The cricket nets would comprise 5 lanes, with total dimensions of the facility being 4 metres (height) x 17.5 metres (width) x 20.7 metres (length). It is proposed to locate the nets close to the southern site boundary, to the west of the proposed car parking area.

Access and car parking, including pedestrian access

9. A new vehicular access to serve the playing field is proposed to be created off Lower Haysden Lane with a visibility splay of 2.4 metres by 59 metres (7.8ft by 193.5ft). The access is proposed to enter the eastern half of the application site, and would lead to a car park which would cater for approximately 60 cars and 3 minibuses. The car park is proposed to run along the southern site boundary, and would measure 20 metres (65.6ft) in width and 90 metres (295 ft) in length. A gravel surface is proposed, with a low level fence rail to demarcate the edges of the car park and contain vehicles within its boundaries. Coaches would not be permitted to use the car park at any time. The School are considering allowing sixth formers to use the car park during exam periods (summer months only) in order to minimise the demand for on street car parking around the main School site.
10. A dedicated footpath link is proposed, running from the junction of Lower Haysden Lane with Brook Street/Upper Haysden Lane to the car parking area within the application site. The footpath would run across the southern end of the adjoining fields to the east of the application site ('Safeguarded Land') to the north of the existing hedgerow/boundary. The footpath would enable pupils to walk to the site without having to walk in Lower Haysden Lane itself, and there is a potential for a future upgrade and extension of the footpath to provide a pedestrian link between Brook Street and Haysden County Park for members of the public (when the 'Safeguarded Lane' is developed). The footpath would be surfaced with road plainings, and would be bound by the existing hedgerow to the south and a 1.1 metre (3.6ft) high steel stock proof fence to the north. Timber gates would secure access at each end of the path.

Level/Frequency of Use

11. The proposed playing fields would be used by the school for rugby from September to April, and cricket from May to July. In general, the fields would be used during the week for P.E (games afternoons), and for matches against visiting schools on mainly Wednesday afternoons and Saturdays. There would be no community use of the playing fields, with the pedestrian and vehicular accesses secured when the site is not in use by the school. The proposed playing field would be used in addition to the existing Yeoman's field, although it is not expected that the level of use would increase by extending the sports facilities - except that there may be two additional rugby matches on a Saturday on 1 or 2 occasions a year. The additional facilities would enable a rotation of pitch use, rather than the overuse that currently occurs.
12. The use of the existing Yeomans field, and therefore the expected use of the proposed playing fields at the application site are as follows:
 - Games Afternoons
 - maximum of 150 pupils;
 - no vehicular traffic (no spectators or visiting teams);

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Wednesday afternoon Cup Games

- Up to 200 spectators for a senior match, 100 maximum for a junior match;

Saturday Matches

- 4 games with a maximum of 160 players, with less than 100 spectators. This occurs approximately 11 times a year;
- 1st XV match against Skinners School (main rivals) can attract 1000 spectators and about 200 cars but this only occurs once every 2 years.

It should be noted that these figures are maximum figures and relate solely to rugby fixtures/use. Cricket fixtures/use in the summer months involves much lower numbers of players and spectators.

13. The School estimate that the Saturday matches (160 players, less than 100 spectators) attract 60 cars and 3 minibuses, hence the car parking provision proposed. It should be noted, however, that the existing Yeoman's playing field has no parking facilities, with vehicles parking in nearby residential streets or at the school grounds.

Storage

14. It is proposed to provide three green metal storage containers to the east of the car parking area. Each container would measure 2.4 metres (7.8ft) in height, 2.4 metres in width and 6.1 metres (20ft) in length, and the three containers would be located on a concrete base.

Landscaping and Fencing

15. A small amount of hedgerow would need to be removed to facilitate the creation of the vehicle access, visibility splays and footpath link. It is proposed to provide replacement native hedgerow planting elsewhere on the site boundaries where the hedgerow needs to be maintained/enhanced. A traditional agricultural metal 5 bar gate is proposed at the vehicle site access, set back from the highway verge, to prevent unauthorised use. 1.3 metre (4.2ft) high timber gates are proposed at each end of the footpath link. 1.1 metre (3.6ft) high stockproof fencing is proposed to the north of the footpath link, and to the full extent of the northern boundary of the application site. No further fencing is proposed, with existing hedgerows demarcating and securing the site boundaries.

Earthworks and Drainage

16. As stated above, the site is relatively flat and is currently left to pasture. The applicant would mow the site, rotivate the topsoil and thereafter grade the topsoil to minimise undulations and depressions. Stone separation would remove all stones greater than 2cm in diameter from the upper 10cm of soil. Stones and any plant waste/excess soil would be disposed of off-site. Lateral and catchment drains would thereafter be installed across the site, with sand drains and pipework covered and concealed, draining from south to north. A soakaway would be installed to the north of the site in addition to a pump and sump system which, in combination, would provide sufficient storage such that a combination of surface water drainage and groundwater could be stored and discharged at appropriate flow rates. The site would thereafter be seeded with a suitable drought tolerant seed mixture. Irrigation, fertilization and management (weeding, mowing etc) would thereafter be undertaken by the applicants.

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Lighting

17. For the avoidance of doubt, no floodlighting is proposed, nor is lighting to the car park or footpath link proposed.

The application is accompanied by a Planning, Design and Access Statement, Transport Statement, Preliminary Ecological Appraisal, reptile Survey, Dormouse Survey Report, Hedgerow Survey, Flood Risk Assessment and a Specification for Construction & Drainage.

Planning Policy Context

- 18.(i) **National Planning Policies** – the most relevant National Planning Policies are set out in the **National Planning Policy Framework (March 2012)**, and the **National Planning Policy Guidance (March 2014)**, which set out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

The NPPF states that, in determining applications, local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- the great importance the Government attaches to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open;
- minimising impacts on biodiversity, and protecting and enhancing valued landscapes, contributing to the Government's commitment to halt the overall decline in biodiversity;
- promoting sustainable transport;

In addition, Paragraph 72 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools, and works with schools promoters to identify and resolve key planning issues before applications are submitted*

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(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) **Tonbridge and Malling Borough Core Strategy September 2007:**

Policy CP1 Sustainable Development: 1) All proposals for new development must result in a high quality sustainable environment; 2) provision should be made for housing, employment and other development to meet the needs of existing and future residents of the Borough; 3) the need for development will be balanced against the need to protect and enhance the natural and built environment; 4) locations for development should seek to minimise waste generation, water and energy consumption, reduce the need to travel and where possible avoid areas liable to flooding; 5) new housing development should include a mix of house types and tenure and mixed use developments promoted where appropriate; 6) development to be concentrated at the highest density compatible with the local environment, and be well served by public modes of transport; 7) that development should minimise the risk of crime and make appropriate provision for infrastructure to serve the new development including social leisure, cultural and community facilities and adequate open space accessible to all.

Policy CP2 Sustainable Transport: New development that is likely to generate a significant number of trips should (a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres; (b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities; (c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking; (d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated; (e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and (f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

Policy CP3 Metropolitan Green Belt: National Green Belt policy will be applied generally to the west of the A228 and the settlements of Snodland, Leybourne, West Malling and Kings Hill, and to the south of Kings Hill and east of Waterringbury.

Policy CP6 Separate Identity of Settlements: 1) Development will not be permitted within the countryside or on the edge of a settlement where it might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside or from adjoining settlements; 2) Any development that is considered acceptable in terms of this policy should maintain or enhance the setting and identity of the settlement, and in the countryside, be consistent with Policy CP14.

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Policy CP11 Urban Areas: States that development should be concentrated within the confines of the urban areas which include Tonbridge. Development adjoining these urban areas will only be permitted where there is an identified need and there are no suitable sites within the urban areas/ Priority will be given to the use of previously developed land.

Policy CP14 Development in the Countryside: In the countryside development will be restricted to (a) extension to existing settlements in accordance with Policies CP11 or CP12; or (b) appropriate replacement or extension to an existing dwelling; (c) necessary development for the purposes of agriculture or forestry; (d) limited expansion of an existing employment use; (e) development that secures the viability of a farm; (f) redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability; (g) affordable housing which is justified as an exception under Policy CP19; (h) open recreation uses together with associated built infrastructure; or (i) any other development for which a rural location is essential.

Within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy will still need to be justified by very special circumstances.

Policy CP24 Achieving a High Quality Environment: 1) All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance, be designed to respect the site and its surroundings; 2) All development should accord with the advice contained in Kent Design, By Design and Secured by Design, and other supplementary Planning Documents and, wherever possible, should make a positive contribution towards the enhancement of the appearance and the safety of the area; 3) Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted; 4) The Council will seek to protect and enhance existing open spaces; 5) The environment within river corridors will be conserved and enhanced.

Policy CP25 Mitigation of Development Impacts: Development will not be permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. Development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.

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(iv) **Tonbridge and Malling Managing Development and the Environment Development Plan Document April 2010:**

Policy CC1 Sustainable Design: Requires all proposals for new development, building conversions, refurbishments and extensions to incorporate passive design measures to reduce energy demand.

Policy CC3 Sustainable Drainage: Requires the provision of sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions and drainage regimes. Where SUDS are not practical the proposal should incorporate alternative means of surface water drainage to ground watercourses or surface water sewers.

Policy NE2 Biodiversity: The biodiversity of the Borough, and in particular priority habitats, species and features, will be protected, conserved and enhanced.

Policy NE3 Impact of Development on Biodiversity: 1) Development that would adversely affect biodiversity or the value of wildlife habitats will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement; 2) Proposals for development must make provision for the retention of habitat and protection of its wildlife links; 3) Where development is permitted the Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance ecological conservation, contribute towards the objectives of Kent Biodiversity Action Plan, ensure appropriate management and monitoring, and the creation of new or replacement habitats.

Policy NE4 Trees, Hedgerows and Woodland: The extent of tree cover and the hedgerow network should be maintained and enhanced.

Policy SQ1 Landscape and Townscape Protection and Enhancement: Proposals for development are required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD. All new development should protect, conserve and where possible enhance (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity; (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.

Policy SQ8 Road Safety: 1) Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure is in place or is certain to be provided; 2) Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network; 3) Development proposals should comply with parking standards; 4) appropriate mitigation measures shall be provided where required before a development is occupied.

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Policy DC6 Rural Lanes: In the consideration of development proposals which are in the vicinity of, or served by, rural lanes, permission will only be granted where: (a) the development conserves and enhances the value of the lane in terms of its landscape, amenity, biodiversity, historic or archaeological importance; and (b) any proposed alterations to the lane are the minimum necessary to serve the proposal in terms of highway safety.

Consultations

19. **Tonbridge and Malling Borough Council** raises no objection subject to:

- The 'alternative footpath option' to be pursued to provide a safe pedestrian route along the entire length of Lower Haysden Lane, to the entrance of haysden Country Park, with full public access;
- Further discussion needs to take place between the TMBC Leisure and the School regarding access to the toilet facilities at Haysden Country Park. It is understood that this would be on a trial basis to start with to monitor the situation, and an agreement needs to be reached with regard to possible increased cleaning and maintenance;
- The proposed alteration to local water management by the installation of an active drainage system should not have a negative impact on the lake to the north of the site and, in turn, the adjoining Country Park;
- The effect of the development on any trees on the boundary with Lower Haysden Lane should be addressed;
- The possibility of using the existing access to Haysden Country Park, as opposed to creating an alternative access should be addressed; and
- The School should be made aware that the part of the proposed footpath that runs along the southern boundary of the adjoining safeguarded land may need to be altered in the future depending on how the land is developed.

Kent County Council Highways and Transportation raises no objection to the proposal and comment as follows:

"I note that essentially for normal day to day operations this proposal will provide alternative sports facilities for Judd School games periods with access being undertaken via a proposed new off-road footpath. I also note that coaches would not be permitted to use the car park and community use is not expected. I consider should this application be approved that it would be helpful to include the exclusion of coaches and community use as conditions to any approval notice. It is further considered that construction of the off road footpath proposed should be completed and available for use prior to any sports field activity commencing.

I confirm that I consider that the location of the access proposed is acceptable providing acceptable visibility splays. Maintenance of boundary hedges for the benefit of users may periodically be necessary although it is considered that the location of the access with the alignment of the road provides naturally available visibility splays. Gates should be set at least 5.5m back from the edge of the carriageway. The bound apron surface proposed should be at least 6m back from the edge of the carriageway to reduce migration of loose materials (gravel) onto the highway.

Should this application be approved the applicant would need to contact the Highway Authority in order to establish appropriate construction details for the access including its integration with the existing Lower Haysden Lane carriageway. On Wednesday afternoons and Saturdays (off-peak periods) it is anticipated that

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spectators would attend matches and a 60 space car park, previously not available elsewhere, would be available to accommodate car parking. On occasions larger attendance would be expected when Judd School competes with particular rival teams. It is expected that for matches and periods where high attendance is anticipated, Judd School would manage and make arrangements with opponents and parents as necessary in order to ensure that alternative provisions are available which prevents overspill and/or obstruction on Lower Haysden Lane. To this end it is considered that it would be helpful if Judd School could submit a Management Plan or elaborate on any procedures that may already be practiced for extraordinary events. It is further considered that to allow for any necessary enforcement the implementation of a rural clearway (no stopping or waiting) on the section of Lower Haysden Lane between its junction with Upper Haysden Lane and the access to Haysden Country Park, should be implemented.”

The applicant has subsequently submitted a Management Plan for traffic and parking arrangements, and has confirmed acceptance of the conditions outlined above in the views from Highways and Transportation.

Highways and Transportation further comment as follows:

“I am grateful for the further information that has been provided regarding the current and intended management of spectators at Judd School sporting fixtures. It is understood that during the week and for the majority of Saturday fixtures attendance would be self-contained within the facilities proposed. I am grateful for the confidence given however regarding the school’s communication and management systems to monitor and control larger attendance to higher profile fixtures. I note the expected use of the school car park which is available on Saturdays and the policy to permit mini-buses only on Lower Haysden Lane with full size coaches restricted to Brook Street only where there are suitable lay-bys available for picking up and dropping off. I also note the proposed use of parking monitors when needed.

In the light of the recognition of these responsibilities and the school’s excellent communications and directions for spectators, I am satisfied that implementation of a rural clearway zone, funded by the School, will not be required as part of any approval to this planning application. I note from other documentation the School’s acceptance of other conditions proposed and on behalf of the Highway Authority I write to confirm therefore that I have no objection to this application.”

Environment Agency raises no objection to the proposal and further considers that, as it is understood that no land-raising is proposed in the floodplain, no further comments are required.

Kent Wildlife Trust raises no objection to the principle of the proposal, but considers that for harmful impacts on local wildlife to be avoided, a series of measures must be implemented. These measures include:

- Action to avoid disturbance to breeding birds;
 - No floodlights to be installed;
 - Introduction of an ecological management regime for all field margins;
 - Positive managements of all hedgerows and, given the presence of dormice, a 5m buffer zone between the development and the hedgerows;
 - Avoidance of the roots of the mature Oak Tree alongside the proposed site access.
- If the County Council is minded to grant planning permission then these measures should be secured by planning conditions.

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Natural England advises that the proposal is unlikely to affect any Nature Conservation Sites, and has no comment to make with regard to impact upon ‘protected landscapes’.

The County Council’s Biodiversity Officer raises no objection to the application and comments as follows:

“We are satisfied that the mitigation detailed within the planning application is sufficient to determine the planning application. However if planning permission is granted we advise that a detailed mitigation strategy is required as a condition of planning permission.

The hedgerow survey identified that the hedgerows are classed as important under the hedgerow regulations. If planning permission is granted, sections of the hedgerow will be removed to enable access to the site. To mitigate for this impact it is suggested that gaps within the hedgerows are planted up - we advise that only plant species recorded within the existing hedgerow are used. We also suggest that dormouse bridges are created across the access points to minimise the loss of connectivity across the site.

Bats

The proposed development site is adjacent to Haysden Country Park which is known to be used by foraging/commuting bats. As such it is likely that bats will be present within the proposed development site. From reviewing the submitted information it appears that no artificial lighting (including floodlighting) is proposed for the development. Based on the understanding that no artificial lighting is proposed for the development we are satisfied that there is no requirement for bat activity surveys to be carried out.

Enhancements

As a result of reviewing the site plan it appears that there is limited space to incorporate ecological enhancements. However we recommend that bird and bat boxes could be included within the hedgerows.”

The County Council’s Landscape Advisor comments as follows:

“Where development is needed within a sensitive site, such as Green Belt, an expectation upon the applicant to produce a high quality application in terms of landscape and visual amenity is not unreasonable. Furthermore appreciating the reasons underpinning Green Belt designation and the surrounding land uses of this site – a country park, where people go to experience the countryside, it’s views and wildlife – also supports, in our view to the need to consider landscape and visual amenity at this site.

Whilst we do not see a significant negative impact being derived at this site, opportunities remain to minimise impacts that are undoubtedly created, and these have not all been realised.

In particular the containers being used, which by their very nature will look incongruous, whether painted green or not. Painting any structure green almost never helps it to ‘blend in’ as green paint can never reflect the variety of greens found in nature nor how they change. A simple agricultural-inspired storage building would be a much more suitable. The storage containers do not ‘enhance

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landscapes or visual amenity’ and they have the potential to negatively impact upon local visual amenity.

Ensuring the appropriate location of replacement hedgerows will help to alleviate any impacts – importantly ensuring they contribute to wider connectivity.”

Public Rights of Way (PROW) confirm that PROW MU48 runs up the western boundary of the application site, but would not affect/be affected by the proposed development.

The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the highway Authority. Should any temporary closures be required, then the PROW team would process such requests on the basis that;

- the closure is paid for by the developer;
- the duration of the closure is kept to a minimum;
- alternative routes are provided for the duration of the closure; and
- six week’s notice of the requirement of a closure is given by the developer.

The County Council’s Country Parks Team no comments received to date.

The Upper Medway Internal Drainage Board has also commented on this application. Their views are as follows:

“Despite that applicant indicating on the application form that surface water would be disposed of by means of Soakaways, the proposal actually includes plans to discharge surface water runoff into an adjacent ditch. As the Board’s consent is likely to be required for this, I would be grateful to receive further information in respect of this. Should the Council be minded to approve this application, it is requested that details of drainage be made subject to an appropriate condition requiring separate approval. In order to ensure that downstream flood risk is not increased by this development, runoff rates from the site must be restricted to no greater than those of the existing Greenfield site.”

Local Member

20. The local County Members, Mr Chris Smith and Mr Richard Long, were notified of the application on the 9 January 2015.

Publicity

21. The application was publicised by the posting of 4 site notices, advertisement in a local newspaper, and the individual notification of 25 neighbouring properties.

Representations

22. To date, I have received 4 individual letters of representation from local residents. A summary of the main issues raised/points of objection is set out below:

Highways/Access

- Object to an increase in traffic flow as the lane was not built for excess traffic;
- Cars already speed up and down the lane to reach Haysden Country Park;

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- The Transport Assessment has not taken into consideration the traffic flow to Haysden Country Park at weekends;
- Dogs walkers and horse riders use the lane, and increased traffic would be a danger to pedestrians and others;
- Wide deep ditches run along the side of the lane, making it hard to pass in places;
- The lane would be turned into a muddy lane of vehicles going backward and forward whilst the development was in progress;

Landscape

- The proposed development is adjacent to a Country Park and the site is within the Green Belt. It is also [*wrongly*] suggested that the site is within an Area of Outstanding Natural Beauty;
- The development would be an eyesore and would completely alter what is now a beautiful entrance to Haysden Country Park;
- Lower Haysden is a rural hamlet, and this application would change for worse the hamlet, and the lane that leads to it;
- Such a shame to ruin this area of natural countryside, which is loved and used by all the residents of south Tonbridge and many more visitors from miles around;

General Matters

- Where will the water run-off go when the fields are covered in concrete? The area is already prone to flooding;
- The loss of more fields and hedgerows would have a catastrophic impact on local wildlife;
- Surely there is a site closer to Judd School that could be used?
- The development would have a detrimental effect on all fields surrounding the site, used for livestock including sheep and horses;
- There would be an increase in human noise and potentially light pollution should this development go ahead.

A Local Borough Councillor, Mr David Cure, has also commented on the proposals, forwarding views to various Local and County Councillors, in addition to Officers at Tonbridge and Malling Borough Council and the County Council. His views are as follows:

“This application for an additional Four Rugby Pitches on land off Lower Haysden Lane, Tonbridge and the Country Park is incomplete, by which I mean, can one imagine 120 players plus referees, linesmen and spectators having no toilet facilities nearer than the school building? There is a suggestion that as a temporary measure they could use the Country Park’s public toilets. Just imagine public reaction when they confront this problem?

This application should have made provision for a pavilion and floodlighting, and not the stealth planning application which is before you. I ask you to take a close look at this application.

I am also concerned at the lack of notice to users of the Country Park and the band of hard working volunteers.”

Discussion

23. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 18 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the

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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. Issues of particular relevance include impact upon the Metropolitan Green Belt and wider landscape, highway implications and access, and whether the development is sustainable in light of the NPPF.

Green Belt and wider landscape considerations

24. Tonbridge and Malling Borough Core Strategy Policy CP1 seeks to conserve and enhance the environment and requires developments to be sustainable, well designed and respect their setting. This is particularly relevant to this development site which is identified within the Local Plan as being within the Metropolitan Green Belt. Core Policy 3 of the Tonbridge and Malling Core Strategy seeks to resist inappropriate development within the Green Belt, unless justified by exceptional circumstances. Core Policy 14 also states that development within the countryside should be restricted to certain acceptable uses only.

25. The NPPF, section 9, paragraph 80 states that the Green Belt serves five purposes:

- a. to check the unrestricted sprawl of large built up areas;
- b. to prevent neighbouring towns merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF goes on to state (paragraph 89), that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, but lists a number of exceptions to this assumption. One such exception is the provision of appropriate facilities for outdoor sport and outdoor recreation, so long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. This is supported by Core Strategy Policy CP14 which states that open recreation uses, together with associated built infrastructure, are an appropriate form of development within the countryside.

26. This application proposes to provide facilities for outdoor sport, on an area of existing pasture. The development proposals include the provision of a gravel car park for 60 cars and 3 minibuses, 3 storage containers, and a limited amount of 1.1 metre high stock proof fencing. The existing hedgerows that bound the site would be retained and maintained as the site boundary, and once graded and seeded, the site would be open grassland, much as it is now. I consider that the development would preserve the openness of the Green Belt, and would not conflict with the purposes of including land within the Green Belt, as listed in paragraph 25 above. In my view the development falls within the exceptions listed in paragraph 89 of the NPPF, in that the proposals seek to provide facilities for outdoor sport and outdoor recreation, whilst not conflicting with the purposes of including land within the Green Belt. For these reasons, the County Planning Authority considers the development to be an appropriate land use within the Green Belt, as defined within the NPPF.

27. Notwithstanding the above, the applicant (although having also concluded that the proposals fall under the definition of appropriate development within the Green Belt) have set out a case of Very Special Circumstances to justify the development in case of any perception that the proposal represents inappropriate development. These special circumstances will be briefly outlined and discussed in the following paragraphs.

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28. First, the applicant considers the educational need to be an overriding special circumstance to justify development within the Green Belt. Great emphasis is placed within the NPPF and the associated Policy Statement – Planning for School Development on the need to ensure that adequate measures are made by local authorities to support the provision of adequate school facilities where a need is identified. 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 and reflected in the Policy Statement for Schools. 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.
29. As evidenced in paragraph 5 of this report, there is a strong case of need for the school to secure additional playing field provision. The applicant advises that the Department for Education (DfE) minimum area for 'team game playing field' for a school with a 1200 students is 52,000m² (5.2 hectares/12.8 acres). However, the DfE further consider that pitches should not be used for more than 7 hours each week. Since the school uses its existing 59,400m² (5.94 hectares/14.6 acres) of total playing field area at least twice that amount in the winter and 6 times as much in the summer, more playing field space is required. It is estimated that a total playing field area of 178,000m² would be required to meet the requirements of the DfE, leaving a shortfall of 118,000m² (11.8 hectares/29 acres).
30. In addition to the need for the additional playing field, the applicant further considers that the proposals would reduce the pressure on the need to (over)use and expand the playing field at Yeomans. That existing playing field possesses several limitations, whereas the application site represents a fresh site with sufficient opportunity to adequately cater for the shortfall in playing field provision. Other than the poor quality of the playing pitches, the most sufficient limitations at the Yeomans site relate to land ownership and car parking. The Yeomans site is currently leased by the County Council, and the neighbouring land which is allocated within the Local Development Plan as land for expansion of the Judd playing fields is privately owned and not available on the market, meaning that there is no realistic or viable prospect of expanding that site. In respect of car parking, there is no car parking at the Yeomans site, meaning that parking occurs in local residential roads which has consequences on local traffic flow, in addition to being a nuisance for local residents. In considering the above, I am satisfied that releasing the pressure on using and expanding the Yeomans site represents a valid 'Very Special Circumstance' in the justification of this proposal.
31. Lastly, I, and the applicant, accept that the proposals would lead to an intensification of use of the site and that the ancillary development would introduce some new structures into the site. In this regard, it is acknowledged that the proposals may lead to, albeit on a very small scale, increased impact on the openness of the Green Belt compared to the existing situation. However, a carefully thought out site layout is proposed, with new 'build' elements comprising the cricket nets, storage containers and car park confined to as close as practicably possible to the southern boundary of the site. The wider landscape implications of these built structures will be discussed later in this section of this report, but in Green Belt openness terms, the structures would be contained within

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a small area of the site, and be well screened by existing vegetation. In addition, the built elements are essential infrastructure to support the proposals but have been kept to a minimum. I therefore consider that the proposals have been sensitively considered to have a minimal impact of the functioning and openness of the Green Belt.

32. Having accepted that the proposed development is, by definition, appropriate, and having further accepted that the proposals would not conflict with the purposes of including land within the Green Belt, I consider that an objection to the proposals on Green Belt grounds would not be warranted in this case. Nevertheless, the applicant has further set out a case of very Special Circumstances which supports the needs for the proposals, and further supports to the acceptability of the development within the Green Belt. However, the general landscape implications of the proposals need to be considered and discussed.
33. Local residents have expressed concern that the proposed development would be an eyesore and would completely alter what is now a beautiful entrance to Haysden Country Park. It is important to note that it was suggested by a local resident that the application site is within an Area of Outstanding Natural Beauty, this is not correct. With regard to the visual impact of the proposals, I would advise that these would be minimal. The site is currently left to pasture, and is a green open field. Upon completion of the development, the open nature of the site would be retained, and the site would remain as a green field, albeit more managed and with a different use. In addition, the proposals seek to minimise any changes to the surrounding hedgerow, with only 2 small areas removed to create appropriate entrance points for vehicles and pedestrians. The boundaries of the site would therefore remain as existing, again minimising any visual impact.
34. As outlined in paragraph 15 of this report, a traditional agricultural metal 5 bar gate is proposed at the vehicle site access and 1.3 metre high timber gates are proposed at each end of the footpath link. 1.1 metre high stockproof fencing is proposed to the north of the footpath link, and to the full extent of the northern boundary of the application site. No further fencing is proposed, with existing hedgerows demarcating and securing the site boundaries. These gates and fencing types are agricultural in nature, and completely appropriate for the environment within which they are proposed. The fencing along the northern site boundary would be viewed against the existing vegetated boundary beyond, and would be barely visible when viewed from Lower Haysden Lane. In addition, the fencing to the north of the footpath link would be set behind an existing hedgerow, and at 1.1 metres (3.6ft) in height would be significantly lower than the hedge.
35. With regard to the car park and new vehicular access, the access is proposed to enter the eastern half of the application site, and would lead to a car park which would cater for approximately 60 cars and 3 minibuses. The car park is proposed to run along the southern site boundary, and would measure 20 metres in width and 90 metres in length. A gravel surface is proposed, with a low level fence rail to demarcate the edges of the car park and contain vehicles within its boundaries. A tarmac/bound surface would link the car park to Lower Haysden Lane (as required by the Highway Authority), but this would link naturally to the road surface and would not, in my view, look out of character with the lane, which already has access points to various properties and fields extending from it. The gravel/permeable type 1 car park surface would be fit for purpose, appropriate for the rural location and, in addition, temporary in nature and naturally draining. The car parking area would be screened by the existing hedgerow and, in my view, would have a limited visual impact, especially when not in use.

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36. Lastly, the applicant is proposing 3 storage containers on the site. It is this element of the proposal that has met with concern from the County Council's Landscape Advisor. It is suggested that the containers would look incongruous, whether painted green or not. It is suggested that a 'simple agricultural inspired storage building' would be more appropriate. The applicant advises that the storage containers are a necessary practical requirement. Storage at the site needs to be able to withstand the elements with minimum maintenance, and be secure and vandal proof as the site is remote from the school and only in use at limited times. To this end, the containers are fit for purpose. The applicant advises that they would provide a sheltered area on-site for 1st aid, in addition to storage for rugby posts, balls, cricket equipment and ground maintenance equipment. Although a permanent building maybe more desirable in visual and landscape terms, the Green Belt implications would need to be assessed, and such a building may not provide the secure storage that is required. The storage containers proposed by the applicant would be well screened by existing vegetation and of a scale appropriate for the site. Although not ideal, on balance and in this instance I consider that the storage containers would not have a significantly detrimental impact on the wider landscape.
37. In summary therefore, I consider that the proposals represent appropriate development within the Green Belt, and I further accept that the proposals would not conflict with the purposes of including land within the Green Belt. An objection to the proposals on Green Belt grounds would not be warranted in this case. Even so, the applicant has set out a case of Very Special Circumstances which supports the need for the built components of the proposals, and further supports the acceptability of the development within the Green Belt. In addition the development, in landscape terms, would have a limited visual impact and would not have a detrimental impact on the approach to Haysden Country Park or the wider landscape. Built development has been kept to a minimum, and what is proposed is appropriate to the rural location of the application site. I therefore conclude that the proposals are acceptable in Green Belt and also wider landscape terms, and see no reason to object to the proposals in these regards.

Landscaping and Biodiversity

38. In addition to the wider landscape implications of the proposals, as discussed above, the localised impact of the proposals on existing trees and hedging needs to be considered. A Hedgerow Survey was submitted with this application, which confirms that only 2 small sections of the hedgerow surrounding the application site are proposed to be removed, one section to create the vehicular access and one to create the pedestrian access link. An Oak Tree next to the proposed site entrance would be retained and protected throughout the works, and should permission be granted such protection would be covered by a condition of consent. In addition, the hedgerows would be maintained and enhanced, and a 5 metre buffer between the development and the hedgerow would be maintained, as required by Kent Wildlife Trust.
39. The hedgerows are important in terms of their ecological value, as well as their landscape value, and the County Council's Biodiversity Officer and Landscape Advisor both recommend that any gaps within the hedgerows are planted up, and that bird and bat boxes could be included within the hedgerow. The County Council's Biodiversity Officer is satisfied that the mitigation detailed within the planning application is sufficient to determine the planning application. However, should planning permission be granted, it is advised that a detailed mitigation strategy is required as a condition of planning permission. Therefore, should permission be granted, I recommend that conditions of consent require the submission of a detailed planting scheme to include replacement hedge planting and species, and the submission of an ecological mitigation and

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management plan for the site, which should detail management of the hedgerows to maintain and enhance their ecological value, including the provision of bird and bat boxes, and possible dormice bridges. Further conditions of consent would require the development to be undertaken in strict accordance with the recommendations of the submitted hedgerow survey and ecological surveys. Subject to the conditions outlined above, I see no reason to refuse this application on the grounds of impacts on trees/hedges and consider that the proposals would not have a detrimental impact on Protected Species and wider ecological matters.

Parking and Highway issues

40. As outlined in paragraph 22 of this report, local residents have raised objection to the proposal on the grounds of increase traffic flow in Lower Haysden Lane. It is further stated that the Lane could not accommodate additional traffic in considering its use as an access to Haysden Country Park, and its use by pedestrians and horse riders. Before commenting on the proposals before us, it should be noted that Tonbridge and Malling Borough Council state that the possibility of using the existing access to Haysden Country Park, as opposed to creating an alternative access, should be considered. First, the Country Park access road is also off of Lower Haysden Lane, so its use would not change the amount of traffic using Lower Haysden Lane as a result of these proposals. Secondly, such an access would need to extend into the application site from the Country Park access road, which would result in the removal of a significant number of trees which would not be acceptable. In addition, moving the access point would result in the relocation of the car park, and a complete redesign of the pitch layout. This would not be acceptable in my view, as the car parking area would be far more visually prominent in such a revised location. Lastly, the adjacent land that would be required to create such an access is not in the applicant's ownership. Given that Highways and Transportation have no objection to the access point as proposed, and in considering the planning issues that such a revised access point would generate, I see no overriding reason to pursue this suggestion further.
41. As detailed in paragraphs 11, 12 & 13 of this report, the proposed playing fields would be used by the school for Rugby from September to April, and Cricket from May to July. In general, the fields would be used during the week for P.E (games afternoons), and for matches against visiting schools on mainly Wednesday afternoons and Saturdays. There would be no community use of the playing fields, with the pedestrian and vehicular accesses secured when the site is not in use by the school. The use of the existing Yeomans field, and therefore the expected use of the proposed playing fields at the application site, is as follows:
- Games Afternoons
- maximum of 150 pupils;
 - no vehicular traffic (no spectators or visiting teams);
- Wednesday afternoon Cup Games
- Up to 200 spectators for a Senior match, 100 maximum for a Junior match;
- Saturday Matches
- 4 games with a maximum of 160 players, with less than 100 spectators. This occurs approximately 11 times a year;
 - 1st XV match against Skinners School (main rivals) can attract 1000 spectators and about 200 cars but this only occurs once every 2 years.
42. It should be noted that the figures above are maximum figures and relate solely to Rugby fixtures/use. Cricket fixtures/use in the summer months involves much lower numbers of players and spectators. The School estimate that the Saturday matches (160 players, less than 100 spectators) attract 60 cars and 3 minibuses, hence the car

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parking provision proposed. It should be noted, however, that the existing Yeoman's playing field has no parking facilities, with vehicles parking in nearby residential streets or at the school grounds.

43. As can be seen from the above, and as noted by Highways and Transportation, normal day to day use of the site would be for school games lessons, and would not attract vehicular movements, with pupils accessing the site via Brook Street (as they currently do to access the Yeomans site) and the proposed footpath link. Should permission be granted, a condition of consent would require the completion and availability of the footpath link prior to first use of the facility, and its subsequent retention. That would ensure safe pedestrian access to the site.
44. With regard to vehicular access, and use of the car park, this would only occur on Saturdays and Wednesday afternoons in general. The School are also considering allowing sixth formers to use the car park in summer months (during exams) in an effort to alleviate existing issues with pupils parking in local roads. The car park proposed would provide sufficient car parking spaces to accommodate the number of vehicles expected at the site, and Highways and Transportation have no objection to the parking facilities proposed. Further, it is noted that the School currently play the same number of matches proposed at the application site at their existing remote playing fields, Yeomans. However, that site has no parking facilities at all, with visiting teams and spectators parking at the school site or in neighbouring residential streets. In addition, the School have a Management Plan in place to ensure that any matches that generate significant numbers of spectators, such as the match against Skinners School, do not result in parking on Lower Haysden Lane. This plan has been accepted by Highways and Transportation, who further consider that the School provides excellent communication and directions for spectators. The submission of the Management Plan has negated an initial recommendation from Highways and Transportation that the applicant implement a 'Rural Clearway' to prevent parking on Lower Haysden Lane. In addition, such large events occur very rarely, with the Skinners School match for example being once every 2 years.
45. In considering the limited amount of days that vehicles would access the site, the fact that on site car parking is proposed which is a significant improvement over the existing situation, and that the applicant manages events to a very high standard, I do not consider that the proposal would have a detrimental impact on the local highway network, specifically Lower Haysden Lane. I would further suggest that the application would improve the existing situation, as cars would no longer park on local residential roads when attending matches as they currently have to do when visiting the Yeoman's site.
46. With regard to the car park itself, Highway and Transportation consider the location of the access point to be acceptable, subject to a condition requiring the provision and maintenance of appropriate visibility splays of 2.4 metres by 59 metres. In addition, Highways and Transportation consider that the access gates should be set back at least 5.5 metres from the edge of the carriageway, and that the bound apron surface should be at least 6 metres back from the edge of the carriageway to avoid the migration of loose material (gravel) onto Lower Haysden Lane. The applicant has designed the scheme in accordance with these requirements. I therefore consider the siting and design of the car park to be acceptable and fit for purpose. Should permission be granted, a condition of consent would require the car park to be provided and operational prior to first use of the playing fields, which would ensure that vehicles associated with the development would not park on local roads, specifically Lower Haysden Lane.

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47. Highways and Transportation also note that coaches would not be allowed to access the car park, and should permission be granted that would be controlled by planning condition. Further, the applicant is happy to accept a condition excluding any community use of the facility, as requested by Highways and Transportation. Should permission be granted, conditions of consent would cover these matters. Subject to the imposition of the conditions outlined above, I do not consider that the proposals would have a detrimental impact on the local highway network, and further consider the on-site facilities to be designed to the appropriate and required standards.

Pedestrian Access

48. As detailed in paragraph 10 of this report, a dedicated footpath link is proposed, running from the junction of Lower Haysden Lane with Brook Street/Upper Haysden Lane to the car parking area within the application site. The footpath would run across the southern end of the adjoining fields to the east of the application site ('Safeguarded Land') to the north of the existing hedgerow/boundary. The footpath would enable pupils to walk to the site without having to walk in Lower Haysden Lane itself, and there is a potential for a future upgrade and extension of the footpath to provide a pedestrian link between Brook Street and Haysden County Park for members of the public (when the 'Safeguarded Lane' is developed). The footpath would be surfaced with road plainings, and would be bound by the existing hedgerow to the south and a 1.1 metre high steel stock proof fence to the north. Timber gates would secure access at each end of the path.
49. Tonbridge and Malling Borough Council state that the School should be made aware that the part of the proposed footpath that runs along the southern boundary of the adjoining safeguarded land may need to be altered in the future depending on how that land is developed. As can be seen from the application details, the applicant is well aware of the safeguarded land and, having proposed a temporary footpath surface, is also well aware of a potential future need to realign the footway. The Borough Council also suggest that the upgrade and extension of the footpath to provide a pedestrian link between Brook Street and Haysden Country Park for members of the public be pursued. However, the applicant cannot be expected to provide a Public Right of Way, and the upgrade and extension of the footpath is something that the School have suggested could be undertaken at such time as the neighbouring safeguarded land is developed, subject to agreement with all relevant landowners. That option can be pursued in the future as and when further residential development occurs, and is not something that is proposed or should be provided as part of this application.

Drainage

50. The Environment Agency raises no objection to the application and further consider that, as no land-raising is proposed within the floodplain, no further comments are required. However, the Borough Council states that the installation of an active drainage system at the site should not have a negative impact on the lake to the north of the site, and the Country Park. Local residents have further stated that the area is already prone to flooding, and query where rain water would go when the site is 'covered in concrete'. First, as outlined in paragraph 3 of this report, the entire site (excluding the south east corner) falls within Flood Zone 2, and a small area of the north west of the site falls within Flood Zone 3. The River Medway lies 200 metres to the north west of the application site at its closest point, and sites within Flood Zone 2 and 3 represent locations where there is a 'medium' and 'high' risk of flooding respectively. It is therefore accepted that the site is prone to flooding, it is in the floodplain, and subsequently a Flood Risk Assessment has been submitted in support of the application.

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51. The development, as an open recreation area, is defined as a functional flood plain compatible use. I therefore have no objection to the principle of the development within the floodplain. With regard to the application exacerbating flooding, the whole site, apart from the small concrete pad under the storage containers and the apron at the car park entrance, would be permeable. The site would be grass in the main, with a small area of gravel in the case of the car park. The applicant is proposing to install drainage in the site to ensure that the pitches do not become waterlogged, and to prevent pooling of water on the site. Lateral and catchment drains would be installed across the site, with sand drains and pipework covered and concealed, draining from south to north. A soakaway would be installed to the north of the site in addition to a pump and sump system which, in combination, would provide sufficient storage such that a combination of surface water drainage and groundwater could be stored and discharged at appropriate flow rates. The proposals under normal conditions would not have any impact on the Country Park to the north, as drainage would be to ground as is currently the case.
52. However, the sump and pump system would have an outfall to the ditch on the western side of the application site. The drainage system would, under intense rainfall conditions, result in an increase in the flow of water in the ditch. However, the applicant advises that there is a holding chamber in the pump and sump system, and a large storage capacity within the system itself. The Upper Medway Internal Drainage Board note the proposals to discharge surface water runoff into the ditch, in addition to the soakaway, and state that their consent is likely to be required for this. I therefore advise that an informative be added to any planning permission requiring the applicant to undertake discussions with the Upper Medway Internal Drainage Board, and seek any necessary approvals from them. In addition, to further satisfy the recommendations of the Drainage Board, should permission be granted further details of drainage, specifically any outfall to the adjacent ditch, should be submitted for the written approval of the County Planning Authority, in consultation with the Upper Medway Internal Drainage Board. This would ensure that downstream flood risk would not be increased by this development by ensuring that runoff rates from the site would be no greater than the existing. Subject to that condition, I am satisfied that the drainage of the site is acceptable.

General Matters

53. Suggestion is made by objectors that there would be lighting on the site, specifically floodlighting. I can confirm that there would be no artificial lighting on the site, including lighting of the car park. For the avoidance of doubt, should permission be granted I consider that a condition of consent should be imposed to ensure that no floodlighting and/or car park/security lighting could be installed on site without the prior written permission of the County Planning Authority. It is also suggested that noise generated by use of the site would impact on residential amenity. However, the hamlet of Lower Haysden lies to the west of the application site, with the closest residential property being approximately 100 metres away from the western site boundary. The closest properties to the east of the application site are approximately 300 metres from the eastern site boundary. These properties are, in my view, a sufficient enough distance away from the site, further separated from it by planting and screening, to not be significantly adversely affected by any noise generated from use of the site.
54. Tonbridge and Malling Borough Council (TMBC) suggest that further discussion needs to take place between TMBC Leisure and the School regarding access to the toilet facilities at Haysden Country Park. The Borough Council state that they understand that such use would be on a trial basis to start with to monitor the situation, and agreement

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needs to be reached with regard to possible increased cleaning and maintenance. This is not something which is outlined within the planning application, but the applicant has advised that a trial use of the toilets has been agreed, and further discussion would be undertaken regarding cleaning and maintenance. A Local Borough Councillor has suggested that use of the adjacent Country Park toilets would not be acceptable, and provision should be made on site for a pavilion with such facilities. However, this is not a matter for the Planning Authority, and is an agreement that the applicant and TMBC Leisure has come to as a separate issue. It has been agreed to trial and monitor the situation, and should TMBC Leisure wish to cease such an agreement then that is for the School to manage.

Construction matters

55. Given that there are nearby (not directly adjacent) residential properties, and Haysden Country Park to the north of the site, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect local 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. In addition, given the rural nature of Lower Haysden Lane, and its use as an access to Haysden Country Park, I consider it appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods and hours of working, location of site compounds and operative parking, details of wheel washing/cleaning facilities, details of how the site access would be managed to avoid conflict with vehicles on Lower Haysden Lane and details of the construction access. Therefore, 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. In addition, 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.

Conclusion

56. This proposal has given rise to a variety of issues, including the appropriateness of the development within the Green Belt, the impact of the proposed development on the openness of the Green Belt, the impact on the wider landscape, plus highway and access implications and general amenity issues. However, I consider that the development constitutes appropriate development within the Green Belt, as defined in the NPPF, and that the playing field and its associated facilities would not have a significantly detrimental impact on the openness of the Green Belt. I do not consider that the development would conflict with Green Belt Policy and/or the functioning of the Green Belt. In addition, subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the wider landscape, the local highway network or residential amenity, and would accord with the principles of sustainable development as set out in the NPPF. Therefore, subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF. Therefore, I recommend that permission be granted subject to appropriate conditions

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Recommendation

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

- the standard time limit for implementation;
- the development to be carried out in accordance with the permitted details;
- the completion and availability of the footpath link prior to first use of the facility, and its subsequent retention;
- the completion and availability of the vehicular access and car park prior to first use of the facility, and its subsequent retention;
- provision and maintenance of the visibility splays;
- no coaches to use the car park;
- no community use of the facility;
- tree/hedge protection measures and the development to be undertaken in accordance with the recommendations of the Hedgerow Survey ;
- the submission of a detailed planting scheme to include replacement hedge planting and species;
- the development to be undertaken in accordance with the recommendations of the Ecological Scoping Survey;
- the submission of an ecological mitigation and management plan for the site, which should detail management of the hedgerows to maintain and enhance their ecological value, including the provision of bird and bat boxes, and possible dormice bridges;
- further details of drainage, specifically any outfall to the adjacent ditch, to be submitted for the written approval of the County Planning Authority, in consultation with the Upper Medway Internal Drainage Board
- no floodlights or car park/security lighting to be installed on site without the submission of a full detailed planning application;
- 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;
- the submission of a Construction Management Strategy, including the location of site compound and operative parking, wheel washing/cleaning facilities, and details of the construction access & management of the site access to avoid conflict with vehicles using Lower Haysden Lane;
- measures to prevent mud and debris being taken onto the public highway.

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

- The applicant's attention is drawn to the letter from Highways and Transportation in which it is noted that it is the responsibility of the applicant to ensure that all necessary highway approvals and consents where required are obtained.
- The applicant is to undertake discussions with the Upper Medway Internal Drainage Board, and seek any necessary approvals from them with regard to surface water drainage.

Case officer – Mary Green	03000 413379
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Background documents - See section heading
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New sports hall & fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

A report by Head of Planning Applications Group to Planning Applications Committee on 8th April 2015.

Application by Kent County Council Property and Infrastructure for new sports hall, including changing rooms, disabled changing rooms, fitness suite, sports office, plant room, viewing galleries and storage at Dover Grammar School for Boys, Astor Avenue, Dover, Kent, CT17 0DQ – KCC/DO/0361/2014 (DO/14/01067).

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr G Cowan & Mrs P Brivio **Classification: Unrestricted**

Site

1. Dover Grammar School for Boys is located off Astor Avenue approximately 1.7km (1.1 miles) northwest of Dover town centre. The school is located to the south of the Tower Hamlets residential area and to the north of the Astor College for the Arts. To the north of the school there is a Local Nature Reserve and to the south and south west of the site there are school playing fields.
2. The application is on land to the south of the existing school gymnasium. The application is on school playing fields and is served by the site access road between Astor Avenue and Noah's Ark Road. The application site includes an area of existing parking within the school site and an area of proposed parking.
3. The nearest residential properties to the proposal are approximately 18m (59ft) north east of the existing car park screen bund in Anselm Road and to the north east of the site access road in Hamilton Road, Chamberlain Road and Anselm Road.

Background

4. The application describes how the existing sports hall at the site is in poor condition and does not adequately meet the needs of the School for sports activity within the curriculum. Consequentially the School considers that it is not delivering the required provision in order to promote and encourage healthy lifestyles. The existing facilities dates back to c.1930's and houses one netball court size court in a hall approx 165sq.m (1776 sq.ft) with a mezzanine level providing an additional 25sq.m (269 sq. ft) for basic fitness machines. The hall is connected to a changing room by a link corridor and the applicant has provided photographic information showing the poor state of repair of these facilities.
5. The School currently allows some community use of their sports hall and the playing field pitches at the site.

Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

Planning History

6. The main school was opened for use in 1931 and the building fabric is relatively unchanged. The most recent applications are detailed below:

DO/14/551 - Application to provide a 60 month extension to the existing planning permission for the single mobile classroom unit (allowed by permission reference DO/09/1003) to the north east of the proposed sports hall was granted. This allows the mobile classroom to be in place until 31/09/2019.

DO/13/624 - Proposed installation of a five bay mobile classroom unit to provide 2 additional classrooms plus entrance lobby, storage and/or teacher office space to the north west of the school site.

DO/09/548 - Provision of one two bay mobile classroom and one 6-bay mobile classroom on land to the north east of the proposed sports hall. Permission was granted for a period up to 31st August 2014. The 6 bay classroom is still on site.

DO/05/6 - Improvement to the external security (fencing) to the site and to improve the access road and parking provision to lower third ground floor level of the school. This proposal related to the access into the site from Astor Road and the creation of parking bays to the south east of the main school building set behind the steep bank.

DO/04/113 - Erection of 1 two bay mobile classroom.

Proposal

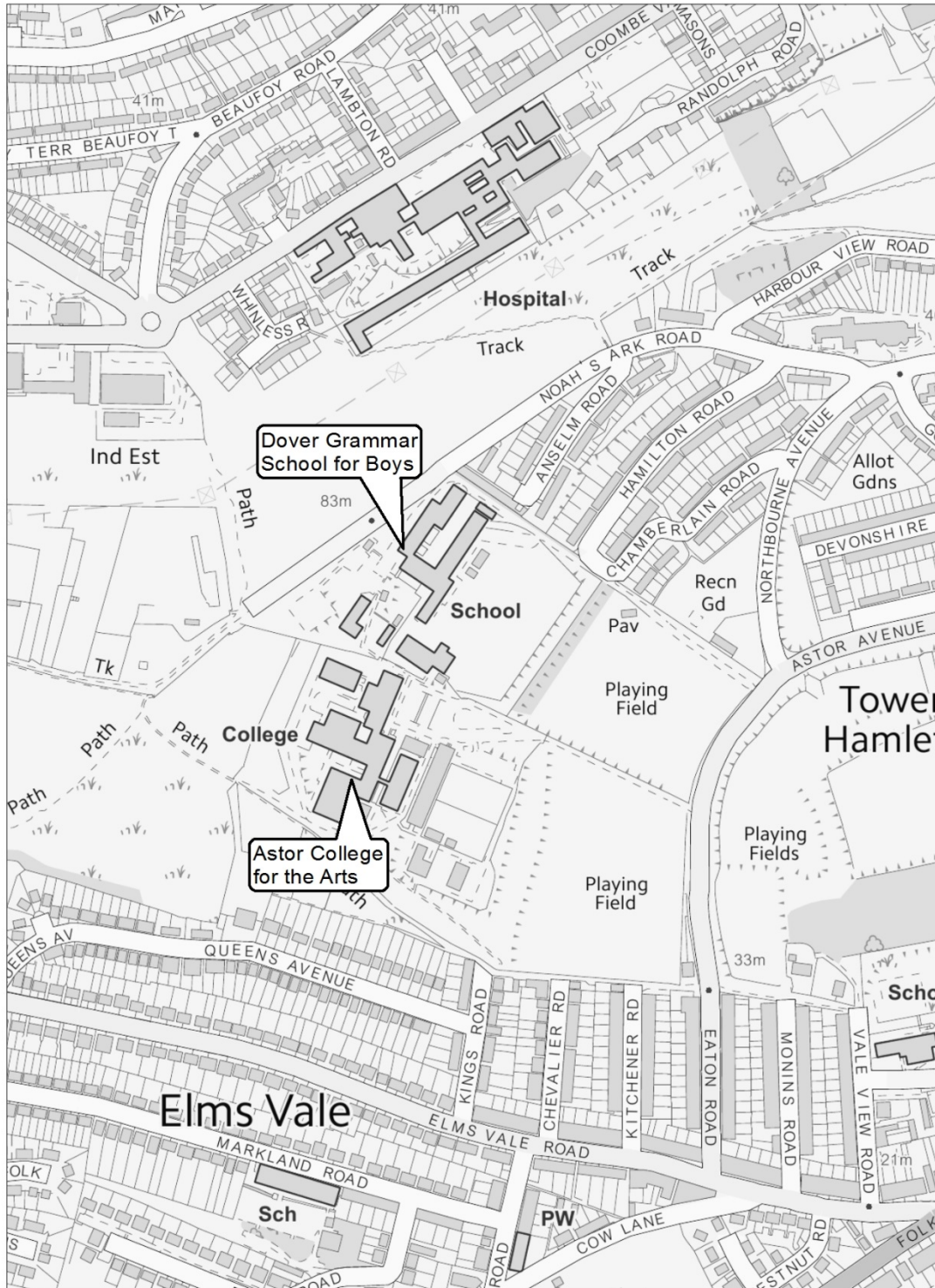
7. The application is for a mono pitch sports hall, located approx. 75m (246ft) from the site boundary to the north east of the site with the nearest properties in Anselm Road. It is proposed that the ground floor would include the main sports hall (702sq.m/7556 sq.ft) providing 4 courts with a 7.5m (24.6ft) internal height and ancillary accommodation such as changing room, medical room, cleaning facilities, boiler room and sports equipment storage and the first floor would provide a health and fitness suite (57.2 sq.m/615.6sq.ft) and plant room, a sports coordinator office, internal and external viewing galleries, an external spectator balcony to extend the full length of the south facade and emergency access.
8. The proposed total ground floor gross area is 1054sq. m (11345sq.ft) and the first floor area is 350 sq. m (3767sq.ft). It is proposed that the building be sited between approx. 5m (16ft) and 7m (23m) to the south east of the existing hall (measured without the roof overhang). The footprint of the building measures 44m (144ft) by approx. 25m (82ft), excluding the overhang from the monopitch roof which if included would measure approx. 29m (95ft) by 48m (157ft).
9. The proposed structure utilises vertical columns and mono-pitched steel beams with the most visible southern elevation being lower (at 7.8m/26ft) than the northern elevation (at 11.35m/37ft high).
10. An external viewing balcony has been provided along the southern elevation. The balcony and roof eaves overhang in order to prevent solar gain to the internal viewing gallery and both are supported by angular steel columns that run along the south elevation. The columns would encase the rainwater management system in order to remove the rain from the low side of the mono-pitch.
11. The applicant proposes the installation of photovoltaic panels on the mono-pitch roof which would allow the school to generate its own electricity. The specification and arrangement detail has not been included within the application.

Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

12. The applicant proposed that all of the elevations would be of brick and render construction. The roof is proposed to be Kingspan XL Forte which is embossed with a traditional leather grain finish to minimise light reflectivity. The proposed colour is Merlin Grey (18B25) or similar. The proposed eaves fascia colour is Diamond RAL 9023 Metallics; proposed soffit colour is Silver RAL 9006 metallics. Trim colours are proposed to be grey. The applicant proposes walls with a mix of brick types with blue bricks (Ibstock Fireborn Natural Blue Riven (0307); white bricks (Ibstock Fireborn Clazed IBS WT10) brown bricks (Ibstock Ashdown Crowborough Multi Stock to suit existing) and an off white render (Sto Lotusan self cleaning render system). The proposed windows are polyester coated aluminium and the windows and external columns are proposed to be dark grey.
13. In addition the applicant proposes an additional 12 car parking spaces including 2 disabled parking bays, and 3 motor cycle parking bays and secure cycle racks for 12 cycles beneath the roof overhang of the proposed building and close to the main entrance to the proposed sports hall. The car parking provision is approx. 28m (91.8ft) to the south west of the site boundary and properties in Anselm Road. Some additional landscaping work is proposed in the main car parking area. The applicant states that all of the school's existing parking bays would be available for community use outside of the school hours making the total parking 103 spaces. Two points of access would be used to the site.
14. The applicant proposes that the sports hall and the existing sports pitches would be available for use by the community out of school hours and that a community use agreement would be drawn up in order to formalise any agreements made. The applicant proposed that the sports hall and pitches would be used for the School's own use between the hours of 0830 and 1730 Monday to Friday in term time. They also proposed that the sports hall would be available for community use between 1730 and 2200 hours Monday to Friday and 0900 to 1730 on Saturday and Sunday and that the pitches would be available for community use 1730 to 2000 Monday to Friday and 1000 to 1230 on a Sunday during term time. Outside of term time the applicant proposes that the community use of the sports hall would be between 0900 and 2200 hours Monday to Friday and 0900 to 1730 hours Saturday and Sunday and that the pitches would be available 0900 to 1730 Monday to Friday and 0900 to 1730 on a Sunday. The applicant states that these times are the potential window of opportunity for pitch use and that within that the use of the pitches would need to be carefully managed to ensure that they are in good condition for the School's own use.

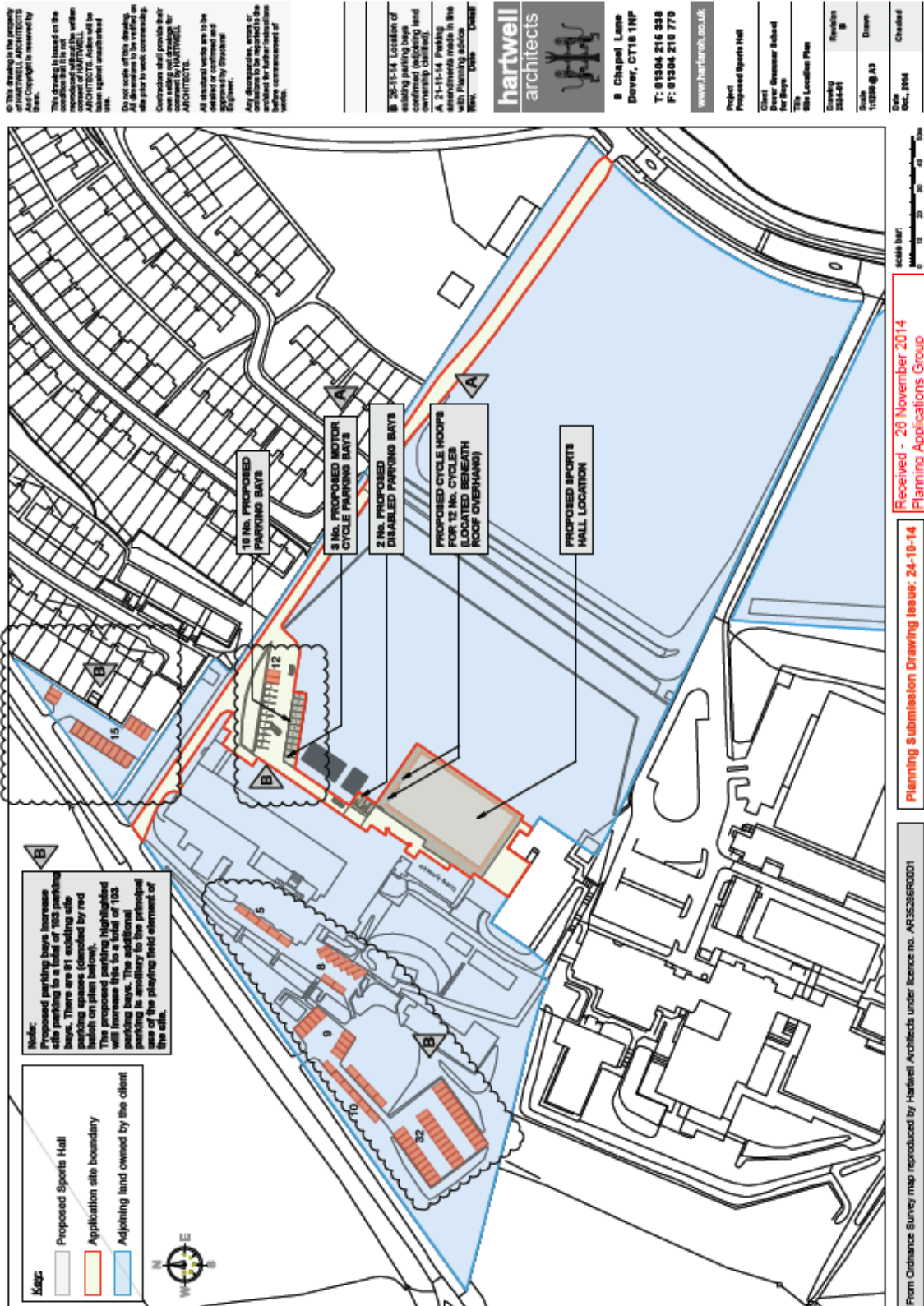
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Location



Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

Proposed Site Plan including location of existing parking



Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

Proposed South elevation

Received 24 October 2014
Planning Applications Group

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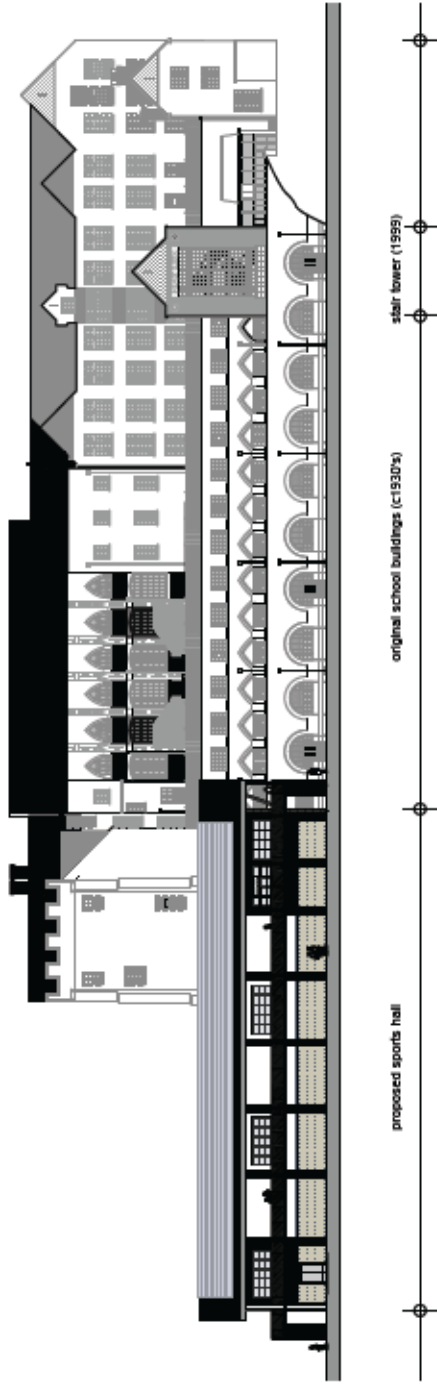
Rev.	Date	Detail



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Project Proposed Sports Hall	
Client Dover Grammar School for Boys	Title Contextual South Elevation
Drawing 2524-47	Revision -
Scale 1:500 @ A4	Drawn
Date Oct. 2014	Checked



CONTEXTUAL ELEVATION (SOUTH)
scale 1:500



Planning Submission Drawing Issue: 24-10-14

Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

Proposed south and east elevations

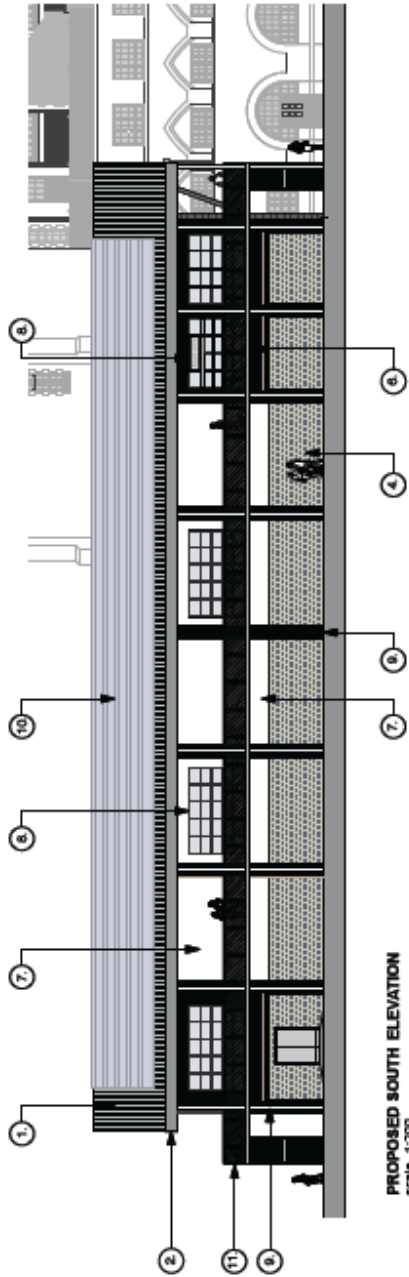
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Rev.	Date	Detail

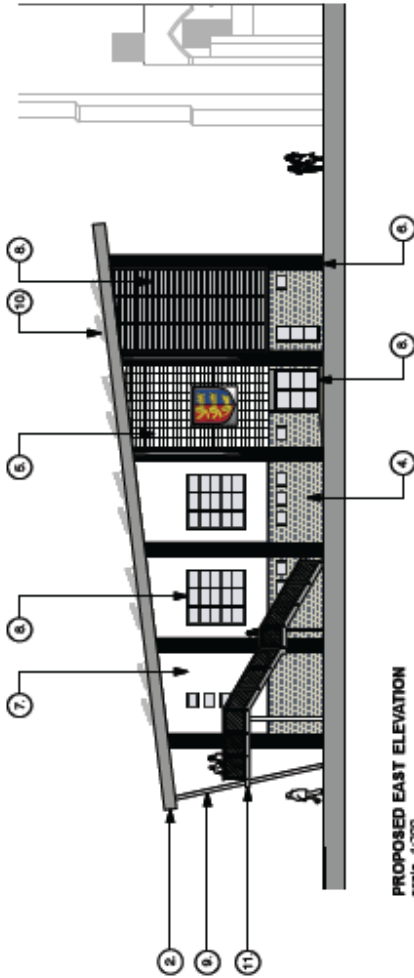


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Project	Proposed Sports Hall
Client	Dover Grammar School for Boys
Drawn	Proposed south & east elevations
Scale	1:200
Date	04.10.14
Checked	



PROPOSED SOUTH ELEVATION
 scale 1:200



PROPOSED EAST ELEVATION
 scale 1:200

- Materials key:
- 1. Roof: Kingspan Insulated Roof System. Colour: Chalk/White (to be confirmed)
 - 2. Kingspan stone facing colour: Chalk/White (to be confirmed)
 - 3. Goff colour: Silver-RAL 9005-Aluminium (to be confirmed)
 - 4. Insulation: Natural Blue Fibre (0007)
 - 5. Insulation: White (105 WT-10)
 - 6. Insulation: Ashdown Concrete - Multi Stud (to suit existing)
 - 7. Window: 600 Lx1800 self-cleaning window system - Colour: Chalk/White
 - 8. Windows, doors and louvers: Polyester powder coated Aluminium. Colour: Dark Grey (RAL colour to be confirmed)
 - 9. External steel columns: Colour: Dark Grey (RAL colour to be confirmed)
 - 10. Photovoltaic panels
 - 11. Galvanneal steel balcony and belvedere with Meranti hardwood handrails

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Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

3D visuals



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Planning Submission Drawing Issue: 24-10-14

3D VISUALS OF PROPOSED SPORTS HALL (NTS)

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Project: Proposed Sports Hall
Client: Dover Grammar School for Boys
Title: 3D Visuals of Proposed Sports Hall - 01
Drawn: 2014-09
Scale: NTS @ A3
Date: Oct. 2014

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Rev.	Date	Detail

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Project: Proposed Sports Hall
Client: Dover Grammar School for Boys
Title: 3D Visuals of Proposed Sports Hall - 02
Drawn: 2014-09
Scale: NTS @ A3
Date: Oct. 2014

Planning Submission Drawing Issue: 24-10-14

3D VISUALS OF PROPOSED SPORTS HALL (NTS)

Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

Planning Policy

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

National Planning Policy Framework (NPPF) March 2012, and the 2014 guidance sets out the Government’s planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- achieving the requirement for high quality design, optimising the potential of the site to accommodate development, responding to local character and history, create safe and accessible environments and a good standard of amenity for all existing and future occupants of land and buildings;
- the promotion of healthy communities, including that great weight that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools and that there is opportunity for sport and recreation and that existing open space, sport and recreation land including playing fields are protected;
- and conserving and enhancing the natural and historic environment.

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

Local Plan/Local Development Framework policies are contained in the Dover District Local Plan 2002 and the Adopted Core Strategy (2010).

Dover District Local Plan 2002 Saved Policies

POLICY OS6 seeks to guide the location of proposals for indoor sports and recreational facilities to town centre locations in Dover or, if no such site is available, located on the edge-of-centre with good pedestrian and cycle links to the centre, or if no such site is available, is located

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elsewhere in the urban area on a site which is or can be made accessible by a range of transport modes, including public transport.

- POLICY OS7 seeks to guide the location of proposals for outdoor sports and recreational facilities or for the expansion/enhancement of existing facilities in Dover in order to enable a significant proportion of users the opportunity to access the facility by public transport, cycle and on foot. Seeks to ensure that development will not be permitted if it would cause harm to residential amenity through noise or illumination and where floodlighting is permitted conditions will be imposed to regulate operation, including hours of use.
- POLICY ER6 Seeks to ensure that proposals for external lighting will only be permitted where full cut-off lanterns are used, unless Historic Environment interests indicate otherwise.

Adopted Core Strategy 2010 Development Management Policies

- Policy DM11 seeks to guide the location of development in order to manage travel demand and require that development that would generate high levels of travel would only be permitted within the urban areas in locations that are or can be made to be well served by a range of transport means.
- Policy DM13 seeks to ensure that there is adequate parking provision based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives.
- DM16 seeks to protect the character of the landscape.
- Policy DM17 seeks to ensure groundwater source protection.
- Policy DM25 seeks to guard against the loss of open space space.

Consultations

Dover District Council

Initially raised objection to the height, size, and site of the proposal, whilst accepting the need for improved indoor sports facilities. However in response to additional information provided by the applicant with regard to the proposed design height, size and siting these objections were subsequently resolved.

Kent County Council Highways and Transportation

Has no objections in respect of highway matters subject to conditions for the provision of new vehicle and cycle parking spaces and parking being available for use for the sports hall and sports pitches and provision of a construction management plan and an informative with regard to the access/egress for construction traffic from Astor Avenue and that deliveries are restricted to between 09.30 and 2.30pm.

Environment Agency

Requires a preliminary risk assessment, as the site is in a vulnerable groundwater location ordinarily this should be with the application. However the applicant request extenuating circumstances because of funding and up front spending when funding is not yet secured. The EA suggest that because of this they would be willing to have pre-commencement conditions in this case although the conditions would be more stringent as they are not informed and focussed from the findings of a preliminary risk assessment. The Agent has confirmed that they would prefer this approach.

Sport England

In relation to the proposed sports hall with changing rooms, disabled changing rooms, fitness suite, sports office, plant room, viewing gallery and storage, Sport England states that this aspect of the proposal would appear to be sited on an area of existing playing field and although the playing field would be reduced in size, it would still be capable of accommodating a football pitch. They state that the development is considered to meet exception E5 and do not wish to raise an objection to the application subject to a condition for a community use agreement in order to secure well managed safe community access to the sports facility to ensure sufficient benefit to the development of sport. Sport England states that the proposal would provide additional car parking to serve the proposed sports hall and remaining playing field which would appear to be clearly needed. It considers that the additional car parking would be ancillary to the principal use of the site as a playing field and is therefore satisfied that the proposal for additional car parking meets exception E2 in that the development includes new facilities that are ancillary to the principal use of the site as playing field and does not adversely affect the quantity or quality of pitches or adversely affect their use.

Sport England states that if a condition for a community use agreement is not attached to any decision in order to secure well managed safe community access to the sports facility to ensure sufficient benefit to the development of sport they would wish to maintain / lodge a statutory objection which would require referral to the National Planning Casework Unit should the Authority be minded to approve the application.

Kent County Council Biodiversity

Advised that the footprint of the proposed new building is on short amenity grassland and that there is limited potential for direct ecological impacts. However they comment that the existing sports hall is in a poor state of repair with potential for roosting bats and have concern that if bats are using the existing building the proposed new building would prevent or disturb bats from entering and exiting their roost (if one is present). In response to their initial advice the applicant provided an assessment of the existing sports hall's potential for roosting bats. In response to submission of further information Biodiversity advise that they are satisfied that there has been an adequate assessment for the potential for bats and their roost to be present and that the proposed development is not likely to result in ecological impacts. They advise that no lighting associated with the proposed development is directed to the area identified as having bat roosting potential. They also advise that if subsequent works are proposed relating to the existing sports hall storage room, further consideration of the potential for bat presence will need to be undertaken. They advise that the provision of swift nest boxes along the eaves of the north

Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

eastern elevation of the proposed sports hall would be appropriate and could be secured condition if permission is granted.

Local Member(s)

16. The Local Members Mrs P Brivio and Mr G Cowan were notified of the application on 6th November 2014 and 15th December 2014. In response to the earlier notification Mr Cowan confirmed that he supports the application.

Publicity

17. The application has been advertised by the posting of site notice in two locations, newspaper advertisement and by the individual notification of 66 properties in relation to the initial application and amended details in clarification of proposed hours and community use.

Representations

18. One neighbour representation has been received in objection to the proposal from a resident in Anselm Road, with concerns about increased use and new parking facilities; noise during construction; noise during use; traffic and congestion and pollution impacts given limited parking on site; extended hours and extra noise and anti-social behaviour. There are also concerns with regard to alcohol use associated with the proposal and alcohol related anti-social behaviour. There is also a suggestion for the School to avoid disruption by sharing the facilities of the neighbouring Astor College for the Arts.

Discussion

19. In considering this proposal regard must be had to Development Plan policies outlined in paragraph (15) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
20. This application is being reported to the Planning Applications Committee because of a neighbour representation objecting to the proposal.
21. I consider that the key determining issues in relation to this application are the need for the development; the location of the proposal and the impacts in relation to design, amenity and highway matters. These matters are discussed further below.

Need

22. The existing sports hall and changing room facilities are in need of repair and modernising. It is understood that the School have recently replaced the floor and are intending to continue using the existing facility in addition to the new proposal. In addition, the existing facilities do not meet Sport England's criteria for safe indoor sporting activities (eg a requirement for flush internal wall finishes "without sharp edges, projection or abrasive surfaces that could cause injury to users". The current facilities have protruding brick columns, recessed double doors, and single glazed

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doors. There is no mechanical ventilation and it is understood that this results in overheating and condensation. The teaching environment is therefore considered uncomfortable. The applicant states that the School is restricted from offering its pupils a number of indoor sporting activities because of the substandard condition and size of the facility. The School are unable to teach more than one class at a time and substandard provision means that the school falls behind in objectives to promote and encourage healthy lifestyles. Given the condition and extent of the existing indoor sports facility and the limitations to sports provision, I am satisfied that there is a need for modern sports facility to provide education in this regard and to support the promotion of healthy communities as advocated by the National Planning Policy Framework and Government guidance.

23. Neighbour representation questions whether the facility is needed if the school can share the facilities of the neighbouring Astor College for the Arts. It is understood that the existing sports facilities at the neighbouring Astor College of Arts are not available to the Dover Grammar School during the school term time and that the respective schools are of a size that require their own dedicated facility.
24. The community use of the sports hall is being proposed in response to current enquiries from the community for use of the existing school hall, which it is understood are currently being turned down by the School. Community use of the proposal is a requirement of Sport England and is linked to funding for the scheme.
25. Given the national planning context relating to promoting healthy communities and a presumption in favour of the sustainable development of state-funded schools in order to meet the needs of existing communities I accept that there is a need for new indoor sports facilities within the school for the school's own use. The external pitch facilities already exist.
26. However the extent of need for community use of the proposed sport hall needs to be considered. The Dover District Council Sport and Recreation Strategy 2008-2018 indicates that the supply of sports hall facilities open to the community is limited by restricted availability of access and that community use agreements that contribute to sufficiency of supply are to be encouraged. The Strategy document indicates that the Astor College has a 4 court sports hall but there is limited access and not full community use.
27. In relation to the outdoor pitches, the applicant advises that there is already community use taking place at the site. The draft Dover District Playing Pitch and Outdoor Sports Strategy 2014 indicates that existing community use of the Dover Boys Grammar School playing fields for rugby and football is "non secure" (ie not formally managed). The Strategy indicates there are 2 senior football pitches available at the school for football use and that the maximum carrying capacity is 2 times per week (the number of games the pitch can withstand in a week before affecting pitch quality). There is 1 senior rugby pitch with a carrying capacity of 1 game per week. The Strategy also indicates that there is a current shortfall of publically accessible ("secure") football and rugby pitches in Dover. The Strategy indicates that the Astor College of Arts does not have football facilities available for community use and that community use of the rugby pitch is "non-secure". The draft strategy therefore leads me to conclude that there is a current need in Dover for community use of the existing 3 pitches.
28. The community use agreement required by Sport England would allow the pitches to move from the existing "non-secure" use to "secure" use and would require more

Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

formal management arrangements covering such matters as hours of availability, management arrangements and pricing policy to be in place. It is intended to secure well managed and safe community access to sports facilities on educational sites. Given that Dover District Council in their initial response to the proposal also accept that there is a need for the facility, I also conclude that there is a need for an indoor sports hall at the proposed site which cannot be met by shared use of the Astor College site given the restricted availability of that site to the School's own use. I accept that there is a need for community use of new facilities given that planning policy encourages shared use of facilities and the promotion of active healthy communities and also a need for sufficient car parking to be included within this proposal in order to meet highways requirements. I also conclude that the pitches are already in informal community use and that formalising this with the inclusion of the pitches within a community use agreement would not in itself require separate planning permission.

29. Planning policy encourages the shared use of facilities in promoting healthy communities. The need for such facilities must however be balanced against the location impacts of this proposal on playing field land and the wider amenity impacts that the development may create. That is discussed below.

Location

30. Development Plan Policy OS6 and DM11 indicates that the location within Dover is generally acceptable for a new indoor sports hall, and I see no objection in principle from the development plan policy viewpoint.
31. The application indicates that a number of alternative location options within the school site have been considered, two of which were discounted as a result of pre-application discussion with Sport England, and one of which was discounted because the location was further away from the main school building and therefore attracted increased cost, travel distance between the school building and security issues. The final location proposed by the applicant was intended by them to respond to the exceptions to playing field policy; to minimise the impact of pupil movement around the school site; to allow use of the proposed new changing rooms in conjunction with the existing gym; to limit the impact of construction on the existing school activities; and to take advantage of the views across the playing fields in the viewing gallery design.
32. In their initial response, Dover District Council suggested that consideration should be given to utilising the space on which the existing sports hall is located to allow the proposal to be sited closer to and be better related to the main school building and also to reduce the footprint of the proposal. The applicant advised that the option of demolition and construction of a realigned building was considered but not favoured by the School due to the additional cost of demolition and risks of excavation so close to the existing tower and chalk cliff behind the gymnasium. The applicant also advised that the proposal has the benefit of continued use of the existing building during the construction period which is important to the provision and continuity of sports education.
33. The applicant states that a number of locations were initially considered as part of the design process and that the proposed location chosen was as a result of consultations with a number of relevant bodies, including Dover District Council, Kent County Council Planning and Sport England. They state that proposed location has been carefully considered in relation to the scale of the existing school buildings,

Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

proximity and aesthetic of neighbouring properties, landscape and potential impact on views from the surrounding area and provide additional information with regard to a height and massing analysis for the proposed location.

34. The school is located in an elevated and prominent location. However, in their initial response Dover District Council raised objection to the proposal because of height, size and siting which in their view would appear overly dominant and obtrusive in the context of the school and the wider area, particularly given the elevated and prominent position of the school. In their response to these views the applicant has provided additional supporting information seeking to justify the design and the proposed location for the proposal. As a result of the additional information, Dover District Council withdrew their objection accepting the justification that the proposed site is the most appropriate within the school grounds. The information submitted by the applicant shows that the proposed location would be generally masked from views by trees and foliage when viewed from the south east of the site and that the proposal would be partially visible when viewed from across the valley from Dover Castle and that the mono-pitch design allows the proposal to sit comfortably within the gradient of the land.
35. In my opinion, the proposed location of the sports hall which is primarily for the School's own use is appropriate within the school's own site and that the proposed location at a school site for community use is also acceptable in planning terms in this location, given the planning policies DM25, OS11 and OS6 which support sports facility provision within Dover, and the national planning policy which encourages shared use of public facilities in the promotion of healthy and sustainable communities.
36. Within the site, the proposal is located to the south west of the school buildings and is near to and grouped with the existing buildings on and around the site and takes advantage of the levels below the main school buildings and the existing screening which is provided by the tree belt further south of the site. Views from Astor Avenue are therefore screened and, given the height of the proposal in relation to the existing buildings, I consider that the applicant has demonstrated that the proposal sits appropriately within the wider landscape subject to the further consideration of design and materials impacts and amenity impacts which is discussed further below. I consider the location within the school site to be appropriate given the grouping near to other school buildings and furthest away from residential property. Furthermore, the location of the proposal within the school site on school playing field does not prejudice the number of pitches at the site and Sport England does not object to the proposal. The additional car parking spaces are located close to existing car parking at the site and are screened by an existing steep bank. Additional landscaping has been proposed to the south of the proposed landscaping.
37. I therefore conclude that the location and site for this Sports Hall proposal is acceptable in planning terms on this school site.

Design Impacts

38. National planning policy requires good design and positive contributions to making better places for people and this includes making developments visually attractive as a result of good architecture and appropriate landscaping. Policy DM16 requires consideration of the design of the proposal requiring development locations to be carefully selected and the design and scale of buildings to be crafted to fit the circumstances.

Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

39. The applicant states that a sports hall by definition will have considerable mass and that the size of the proposed building is linked to the requirements of Sport England, as failure to adhere to Sport England guidelines for such proposals would jeopardise funding of the proposal and damage the ability of the School to attract community use to the facility. Minimum court sizes and floor to ceiling heights are set out by Sport England. Provision of a fit for purpose sports hall facility is important in planning terms, in relation to longevity of proposals and provision of sustainable facilities that encourages differing levels of participation. The provision of more than one court allows for a number of sports activities to take place at the same time, which is of benefit to the provision of sports education at the school.
40. The applicant indicates that the mono-pitch roof design was chosen in order to respond to the site context given the elevated position of the site, rather than the vaulted roof design that has been used elsewhere. The design height for the proposed 4 sports hall courts is 7.5m (25ft) internal height. Externally the building to the north of the site would be 3.55m (11.6ft) higher (excluding the height of the proposed pv panels) than to the south of the site which would be 7.8m (25.6ft) high.
41. In my opinion, care has been taken to ensure that the proposal is well designed and would incorporate the existing building form and function. It would be set back against the existing building and the height of the building is at an appropriate level within the context of the tower and arches of the southern elevation. I consider that the proposed design although modern would not detract from the appearance of the existing building at the site. The site is currently well screened by a vegetation belt between the pitches although there are views towards the site from other elevated positions, such as from Dover Castle. The nearby Astor College is also prominent to that view. The roof line of this proposal would be lower than that of the “yellow” building of Astor College and the colours for external materials proposed take account of the need to fit in to the existing site context.
42. The detail of the pv panels proposed has not been included within the submission and, should Members decide to grant permission, a condition can be used to require details of the PV panels design, colour and orientation to the building prior to installation. The principle of PV panels on the building is acceptable and in accordance with planning guidance.
43. Having regard to the development plan policies, and also the comments received from the statutory consultees, I therefore consider that the design is appropriate for the location and that the design and scale has been crafted to fit the site context and surroundings.

Highway impacts

44. The NPPF suggests that developments should only be refused on transport grounds where the residual cumulative impacts of development are severe. The applicant has clarified that both access points would be available for use when the proposal is open and that the existing school parking would be available for use at the site, in addition to the proposed new vehicle and cycle parking spaces. There are no objections from the Highways Authority with regard to parking and highway matters subject to provision and retention of the new cycle and vehicle parking at the site, and to the provision of a construction management plan with regard to the access route for construction traffic, parking and turning areas for delivery vehicles, parking for site

Application for a new sports hall and fitness suite at Dover Grammar School for Boys – DO/14/01067 (KCC/DO/0361/2014)

personnel, wheel wash facilities and proposed working hours. I am satisfied that these matters can be required via planning condition.

45. The neighbour representation raises a concern about congestion arising from limited parking availability at the site and an escalation of noise and vehicular pollution with increased use.
46. Use of the proposal during school time would be for educational use and not generate any additional traffic. The community use of the proposal would be formally managed and at times which are outside school hours, resulting in extended hours of use at the site. The football and rugby pitches are currently used for community use on an informal basis and planning permission would not be required for this activity to continue under a community use agreement. Such an agreement would require the pitches to be managed so as to ensure that the quality of the pitch surface is not damaged by over or misuse and this would influence the level and regularity of use and the consequential level of increased use.
47. Given that there is no objection from our Highways Advisor, subject to conditions requiring that on-site vehicle and cycle parking being made available, I conclude that there should be sufficient on-site parking at the site within existing and proposed parking, totalling 103 spaces provided within the school to avoid off site impacts from increased traffic and congestion.
48. The proposal also includes additional parking spaces and cycle and motor cycle parking. The nearest parking for the proposed sports hall would be the additional parking area proposed to the south of existing parking behind an earth bund. This is located close to housing in Anselm Road and Hamilton Road. However, I am satisfied that the additional on-site parking is appropriately located in relation to the existing onsite parking and would be largely screened from views by the existing earth bund, and by additional proposed landscaping to the south.
49. The neighbour representation indicates concern with regard to increases in noise at the site. In response, the applicant acknowledges that noise from vehicles using the access drive could have increased impact and offers installation of an acoustic fence to show the applicant's willingness to respond to the concerns of the School's neighbours. That would guard against additional noise impacts from the use of the additional car parking spaces proposed, ie from manoeuvring. The fence proposed would be constructed with timber having a density of 12 kg per sq.m, 2m (6.5ft) high and imperforate, installed along a 34m (111.5ft) length of access road nearest to residential properties in Anselm Road. The applicant has provided an indicative location for this and has also suggested willingness for a condition also to be used to require the monitoring of noise levels at appropriate intervals along the site access road during construction with the installation of further acoustic fencing along the site access should it be deemed necessary. I am satisfied that this matter can be addressed by use of a planning condition to require the installation of a 34m section of acoustic fence prior to construction works commencing and to also require monitoring of the noise environment during construction work along the site boundary with the construction of further sections of fencing should it be deemed necessary. Given that the installation of fencing to 2m (6.5ft) height would be permitted development, I would also suggest that the applicant also engages with neighbouring property with regard to the proposed locations and timings for the installation of fencing, and also in relation to the on-site construction activity should members decide to grant permission.

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50. I also consider that a condition can be used to require a community use agreement, including the requirement for all parking at the site to be available for the proposed community use outside of normal school hours. I also consider that the applicant be advised via Informative of the need to ensure that parking on site is appropriately managed during community use and to provide appropriate details to users of the facility.
51. A construction management plan should be required to be submitted to address access route for construction traffic; parking and turning areas for delivery vehicles and parking for on-site personnel; wheel wash facilities and proposed working hours during construction in order to address the short term impacts during the construction period. As requested by the Highways Advisor, the restriction of construction traffic access/egress to the Astor Avenue entrance and the restriction of deliveries to between 09.30 and 2.30pm can be addressed via planning condition and informative.
52. I am therefore satisfied that the proposal including these measures would not give rise to unacceptable adverse impacts arising from highways and parking issues within the existing site context, and that the proposal accords with the planning policy in relation to access, pedestrian safety and highways matters.

Amenity Impacts

53. The pitches are not floodlit and no additional lighting is proposed for the pitches and therefore the hours of use would be restricted in any event to daylight hours. I would intend to impose a condition preventing the use of floodlighting in this location. I also would intend to request details of any external lighting proposed around the building and car park areas at the site, and am satisfied that that could be required by condition, if Members are minded to grant permission.
54. The neighbour representation expressed objection to noise during construction and noise during use. The temporary disruption arising from building works needs to be balanced against the longer term need for developing and modernising school facilities, and in providing shared facilities for community use and ensuring that community facilities meet the needs of existing and new communities. I am satisfied that noise during construction can be controlled to the standard construction hours of 0800 and 1800 Monday to Friday and 0800 to 1300 Saturday with no work on Sundays and Public Holidays by condition, in order to ensure that these additional temporary impacts can be managed to an acceptable level for the duration of the construction work on site. The applicant states that they can ensure in their tendering process that the contractors are members of the Considerate Constructor's Scheme and that any enabling work can include construction of an acoustic fence along the site boundary in the appropriate locations. The submission of a construction management plan can include such matters in addition to responding to the Highways requirements and can be required by a condition. The construction of a 34m (111.5ft) section of acoustic fence along the site boundary can also be required by a condition if Members are minded to grant permission.
55. The existing sports pitches are already used by the community on an informal basis and permission would not be required for this to be formalised. However a Community Use Agreement would formalise the management arrangements for this use and provide restrictions on use which would assist in managing the noise environment. Sport England would require submission of a Community Use Agreement before the use commences and their response to the proposal is subject

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to the provision of that. I would therefore suggest that that can be required by condition if Members are minded to grant permission.

56. The proposed sports hall is 75m (246ft) away from the nearest properties. With the exception of the spectator viewing gallery, activities would take place indoors in a purpose built facility, designed to meet all Building Regulation requirements in relation to containment of noise within the building. Whilst there would be a viewing gallery on the south elevation overlooking the playing field pitch and at first floor level with access steps to the eastern elevation, the gallery is set under the overhang of the roof. The applicant states that they would not expect this design feature to result in unreasonable levels of noise when compared to the levels of noise being created elsewhere on the school field when the pitches would be in use, or from spectators viewing from ground level. Use of the sports hall would not therefore be expected to result in unacceptable noise amenity impacts.
57. The applicant states that noise associated with the indoor use of the sports hall would have a negligible effect on the School's neighbours, although noise from cars using the access could have a marginally increased impact on neighbouring properties. Given the commitment to monitor and provide an acoustic fence where required along the boundary fence, I see no reason to refuse the application on the grounds of noise.
58. The neighbour representation also expresses a concern about anti-social behaviour, alcohol use associated with the proposal and alcohol related anti-social behaviour. The applicant states that no alcohol will be available at the site as that would not be compatible with a school location, and I would expect the community use at the school site to be closely managed by the School. Moreover, the Community Use Agreement arrangements would need to be submitted in order to meet Sport England requirements, and therefore I suggest inclusion of this consideration within the proposed condition requiring Community Use Agreement.
59. The guidance within the NPPF encourages planning decisions which aim to achieve places that promote safe and accessible environments and developments which deliver social and recreational facilities which the community needs. It also encourages decisions that ensure that established facilities and services are able to develop and modernise in a way that is sustainable and are retained for the benefit of the community. Given also the strong policy support for school development, and taking into account the comments received from the statutory consultees, I do not consider that there are sufficient grounds for the refusal of this proposal on the grounds of amenity impacts with regard to noise, lighting or the fear of anti-social behaviour.

Biodiversity and other matters

60. Taking into account comments received from Kent County Council Biodiversity, I consider the impacts in terms of biodiversity to be acceptable in planning policy terms.
61. The site is however in a vulnerable position with regard to ground water as it is on a major aquifer and an inner source protection zone. The Environment Agency would require a preliminary risk assessment to be carried out prior to any development at the site. The applicant has requested that the groundwater risk assessment be required by condition and taking into account comments received from the

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Environment Agency, I am satisfied that conditions can be used in relation to groundwater protection matters should Members be minded to grant permission.

Conclusion

62. Planning policy seeks to promote healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation are also considered to be important contributions to health and wellbeing of communities. However, planning policy also seeks to require good design so that developments function well and add to the overall quality of the area, optimise the potential of the site to accommodate development and are visually attractive. It also seeks to ensure development proposals are acceptable in terms of amenity impacts which are also relevant to promotion of healthy communities.
63. In this case, where it is accepted that there is a need for appropriate sports facilities at the school, and at the same time an opportunity to meet the wider community sports needs with regard to sports facilities, I consider the location of the proposal to be acceptable. I also consider the proposed design to be acceptable in that it responds appropriately to the site context and location.
64. Having taken into account the responses from the statutory consultees, in particular from Kent Highways and Transportation in relation to highways matters, I conclude that the proposal is acceptable in terms of location, need, design and amenity impacts, and I therefore conclude that the proposal would be acceptable in this location.

Recommendation

65. I RECOMMEND that, PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including:
- The standard 5 year time limit for implementation;
 - That the development be carried out in accordance with submitted details;
 - Submission and approval of a Community Use Agreement, before the use commences;
 - Installation of a 34m section of acoustic fence prior to construction work commencing and monitoring during construction work with provision for construction of further sections of acoustic fencing if required;
 - Submission and approval of external lighting details to the proposed building and car park area prior to installation;
 - That no external floodlighting to existing pitches be installed;
 - Submission and approval of samples of materials for the external building materials prior to commencement;
 - Submission and approval of details of pv panels including colour, manufacturer, size and orientation;
 - Remediation strategy should contamination not previously been identified be found to be present;
 - Restriction of construction working hours to between 0800 and 1800 Monday to Friday and 0800 to 1300 Saturday with no work on Sundays and Public Holidays;
 - Restriction of construction vehicles delivering materials to between the hours of 09.30 and 1430 Monday to Friday;

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- Submission of details of construction management plan to include access routes, vehicle loading, unloading, turning, circulation and parking and details of the location of the construction compound prior to commencement of work on site;
- Provision of additional vehicle and cycling parking on site;
- Restoration and making good of any disturbed areas of field or planting;
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction;
- Provision of swift nest boxes along the eaves of the north eastern elevation.

I FURTHER RECOMMEND THAT the applicant BE ADVISED of:

- Inclusion of appropriate management measures within the Community Use Agreement to ensure that parking on site is appropriately managed during community use and provision of appropriate details for users of the facility.

Case officer – Hazel Mallett

03000 413411

Background documents - See section heading
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Extension at Five Acre Wood School Boughton Lane, Maidstone – KCC/MA/0319/2014 (MA/14/504946)

A report by Head of Planning Applications Group to Planning Applications Committee on 8th April 2015

Application by Kent County Council Property and Infrastructure Support for refurbishment of existing school and construction of a new two storey extension to existing school, extension to the dining hall, relocation of the existing car parking facilities and additional car parking with improved vehicular access and drop-off circulation within the site, and provision of a new fenced multi-use games area and associated landscaping at Five Acre Wood School, Boughton Lane, Maidstone, Kent, ME15 9QF

Recommendation: Permission be granted subject to conditions.

Local Member: Mr B Clark

Classification: Unrestricted

Site

1. Five Acre Wood School is a District Special School for children and young people aged between four and nineteen with profound, severe and complex learning difficulties including Autistic Spectrum disorder. It is located south of Maidstone town centre to the south east of the Maidstone South Ward.
2. The School is located to the north of the New Line Learning Complex in Boughton Lane, off Loose Road. Access to the school site is from Boughton Lane, which connects onto Loose Road, one of the main routes into Maidstone from the South. The proposed development site is bordered in the east by Public Right of Way KB26.
3. The school is inside the Maidstone Urban Area and within the North Loose Neighbourhood Area. There are residential properties located to the west of the site, a cemetery to the north and north east, the New Line Learning Academy to the south and the Mangravet play area to the east. The New Line Learning Complex contains the New Line Learning Academy, the Tiger Primary School, a private nursery, a gym, the Loose Baptist Church.

Background

4. The application is made within the context of increasing pressure and demand for school places in the Maidstone District and in particular for school places for children and young people with profound, severe and complex learning difficulties. Increasing the capacity at the Five Acre Wood School by 50 places by September 2015 would take the number of places at the school to from 210 to 260. The refurbishment of the existing buildings and works required for expansion to accommodate the increase are designed to secure the County Council's ambition to "ensure that every child will go to a good school where they make good progress and can have fair access to school places".

Extension at Five Acre Wood School, Maidstone

Recent Site History

5. There has been a number of recent planning applications at the Five Acre Wood School. Permission references MA/11/32; MA/09/2048; MA/07/1265; MA/05/1118; MA/05/160 and MA/04/263 all relate to the provision and retention of mobile classrooms at the site. This latest proposal would result in removal of the mobile classrooms at the site. Other more recent applications related to the provision of water storage (MA/12/763) and a hydrotherapy pool (MA/03/748).
6. Elsewhere on the New Line Learning Complex, in 2008, permission was granted by Kent County Council for the demolition of old school buildings (known as *Oldborough Manor School*) and erection of a new Academy (known as the *New Line Learning Academy*) including sports hall, indicative footprint of a vocational centre, playing pitches, MUGA, car parking and circulation access. Since the school became an Academy planning applications including MA/14/343 for a temporary classroom for 12 months (during construction works allowed by permission MA/08/2098); MA/12/1989 for outline permission for a new primary school; MA/12/13 for retention of temporary buildings at New Line Learning Academy and MA/12/1994 for a new studio school have been made to Maidstone Borough Council.
7. There has also been a planning application by Kent County Council, Future Schools Trust and BDW Trading Ltd to Maidstone Borough Council for housing and new playing fields for New Line Learning Academy (MA/13/2197) on land to the south of the New Line Learning Complex. This was refused by the Borough Council and an appeal is in progress.
8. A new application (reference KCC/MA/0385/2014) has also been received by Kent County Council on land within the New Line Learning Complex for the erection of a modular classroom block with 2 classrooms, an office and toilets, along with a small agricultural style barn with 2 store rooms and use of land as school farm including creation of paddocks and horticultural teaching area. This application has not yet been determined.

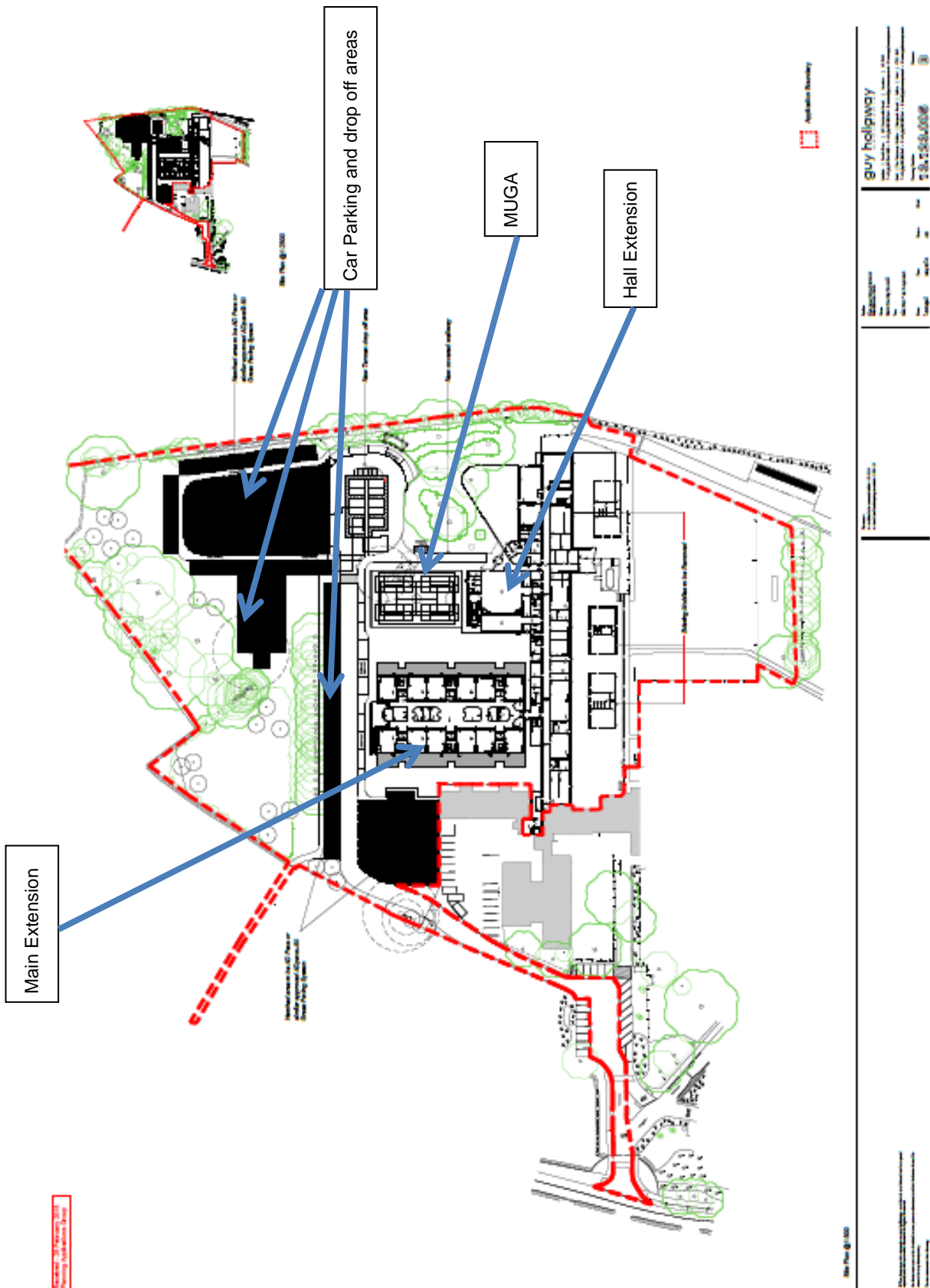
Extension at Five Acre Wood School, Maidstone

Location Plan



Extension at Five Acre Wood School, Maidstone

Proposed site layout



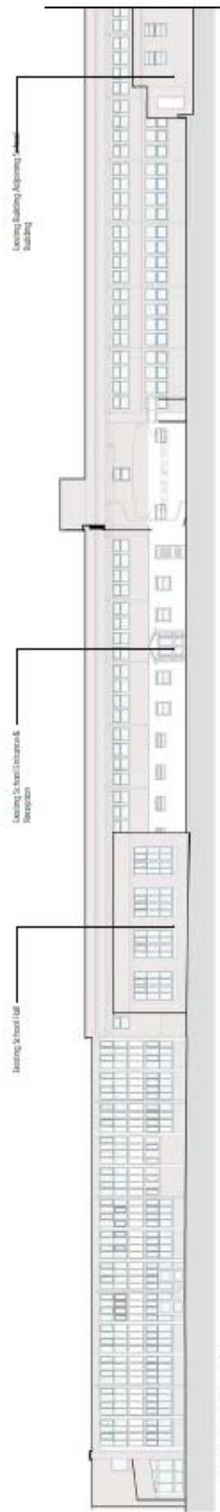
Extension at Five Acre Wood School, Maidstone

Proposed landscaping

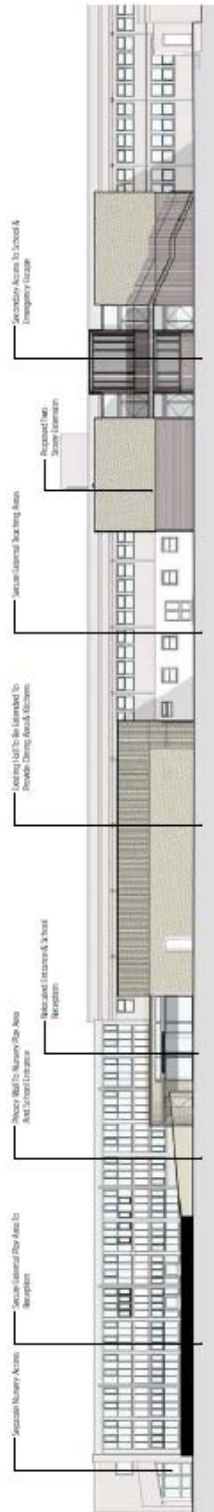


Extension at Five Acre Wood School, Maidstone

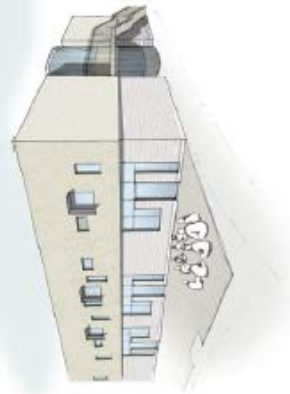
Proposed Elevations



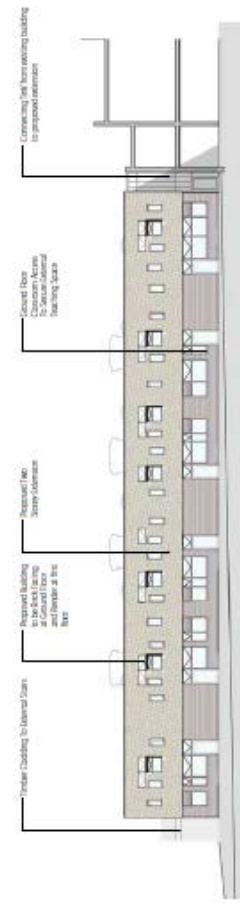
Existing North Elevation



Proposed North Elevation



guy hollaway
ARCHITECTS



Proposed West Elevation

Extension at Five Acre Wood School, Maidstone

Proposal

9. The proposal is for refurbishment (with minor and non structural internal alterations) of the existing school buildings and construction of a new two storey extension to the north of the existing building on an area of the site currently used for car parking. The proposed extension would create 24 additional classrooms across two storeys along with associated hygiene and toilet facilities, ICT, library, sensory areas and soft play facilities.
10. It is proposed to extend the hall and add kitchen facilities to separate the eating areas from the PE areas. It is also proposed to relocate the entrance to the school building from the existing location to the northern elevation to a new location to the eastern end of the northern elevation to the east of an enlarged hall and to have a new covered walkway between the drop off area and the relocated school entrance.
11. It is proposed to relocate the existing car parking facilities at the site to allow these works to happen. The applicant proposes to relocate the car parking to the north east of the site onto land which is currently used for the New Line Learning Academy Farm. The applicant states that the farm facility is proposed to stay within the school complex and that it is hoped to relocate it to new land should that become available, with no change to the size of the farm. A planning application has recently been received for the proposed relocation of the school farm to land to the south east of the New Line Learning Academy as referred to in paragraph (8) above.
12. Additional parking is also proposed to the spaces currently available at the school and an improved on site vehicular access and drop-off circulation within the Five Acre Wood school site. This includes a new drop off area to the east of the site, new staff parking areas and a new mini bus parking area. The original proposal included provision for 168 parking spaces on the site with 121 designated for staff, 7 mini bus spaces and 40 drop off/pick up spaces, and 35 drop off bays. However, as a result of amendments to the proposal to accommodate tree protection arrangements, the parking and drop off/pick up layout proposed was reconfigured and the revised proposal would result in 4 fewer drop off bays. There would be no change to the access arrangements from the highway into the site from the wider New Line Learning complex off Boughton Lane or leaving the school. However, the access routes within the Five Acre Wood site would be amended to the proposed new parking and drop off areas within the site.
13. A new 4m (13.1ft) high fenced multi-use games area is proposed to the north of the extended hall. The proposal also includes associated landscaping and removal of existing mobile classrooms to the south of the Five Acre School site.
14. The applicant states in its Planning Statement that the design strategy is to create a larger school which provides flexible and functional spaces to learn and which provides for the needs of all users whilst creating an innovative and inspiring environment. The design aspiration is to achieve a durable, low maintenance building which is modern in form, function and aesthetics. The ground floor of the main extension is proposed to be brick facing with powder coated (or similar) aluminium windows) and at first floor a mixture of sand-cement render system. The applicant proposes use of hit and miss vertical timber cladding for solar shading and screening. The extension to the hall and proposed new reception is proposed with a sand-cement render system which will be used to overclad the existing building to create a single appearance. Hit and miss timber cladding would be used to screen kitchen

Extension at Five Acre Wood School, Maidstone

plant. The applicant aims to achieve a layout that makes good use of space within the site, minimises the impact on the operation of the school during the proposed construction phases and to have no impact on the sites surrounding context.

15. The application form details the proposed hours for the facility as being between 0730 and 2200 hours Monday to Friday and 0900 and 2200 hours at weekends and bank holidays. The proposal includes an intention for community use in the future although there are no current plans included within the proposal.

Planning Policy

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

National Planning Policy Framework (NPPF) March 2012, and the 2014 guidance sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;

achieving the requirement for high quality design, and a good standard of amenity for all existing and future occupants of land and buildings;

the promotion of healthy communities, including that great weight that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools;

and that there is opportunity for sport and recreation and that existing open space, sport and recreation land including playing fields are protected; and

conserving and enhancing the natural environment, including valued landscapes and minimising the effects on biodiversity.

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

Maidstone Borough Local Plan 2000 Saved Policies:

Extension at Five Acre Wood School, Maidstone

- ENV6 Seeks to incorporate the retention of existing trees, woodland, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area and requires provision of a new scheme of planting.
- ENV21 Seeks new development to be accessible with good access to existing public transport points, making provision for cyclists and pedestrians.
- ENV22 Seeks to protect open areas within urban areas and village settlements and the visual contribution to the urban or village landscape and the need to uphold and improve the appearance of the locality and to conserve wildlife habitats.
- ENV26 Seeks to protect Public Rights of Way.
- ENV32 Seeks to protect the rural settlements surrounding Maidstone from coalescing with the urban area and with each other. Development which significantly extends the urban area or the built up extent of any settlement, or which, as a result of infilling, consolidates existing areas of development within the Southern Anti-coalescence belt is resisted.
- ENV49 Seeks to control external lighting to ensure that it is the minimum required and to minimise light spillage.
- T3 Requires adequate provision for public transport and pedestrian access routes and for disabled access within development proposals.
- T13 Seeks compliance with adopted parking standards.
- T23 Requires the impact of development proposals on the transport system and on the environment to be considered and seeks to ensure that new developments are adequately serviced by the Transport Network.
- CF3 Requires provision of acceptable replacement community facilities where proposals for development would lead to significant loss of community facilities.
- CF9 Seeks to encourage the dual use of educational facilities where appropriate.

Emerging Maidstone Borough Local Plan Policies 2014 (Consultation)

- DM2 Sets sustainable design standards for non residential development of 1000m2 (gross) and above to meet BREEAM Very Good rating where feasible.
- DM4 Concerns the quality of design of proposals and seeks design criteria which takes account of accessibility, permeability and linkages to the surrounding area; the natural and historic character of the area; design materials; the amenities of occupiers of neighbouring properties and users and by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion and that the built form would not result in unacceptable loss of privacy or light; incorporate natural feature worthy of retention within the site; consider sustainability, biodiversity within the design; safely accommodate vehicular and pedestrian movement generated by the proposal on the local highway

Extension at Five Acre Wood School, Maidstone

network and through the site access; create a safe and secure environment ; provides for adequate vehicular and cycle parking and incorporates waste storage facilities and is flexible towards future adaptation in response to changing life needs.

- DM6 Requires external lighting to be only the minimum necessary to achieve the required purpose and to not be visually detrimental to the immediate or wider setting.
- DM10 Concerns the protection and enhancement of the historic and natural environment including the protection of positive historic and landscape character, areas of ancient woodland, veteran trees, trees with significant amenity value, important hedgerows, features of biological interest and the existing public rights of way network from inappropriate development and to ensure that these assets do not suffer any adverse impacts as a result of development. DM10 also seeks to control pollution to protect water resources and to enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented ancient woodland and enhance and connect habitats. The policy seeks to protect and enhance the character, distinctiveness, diversity and quality of Maidstone's landscape and townscape by careful, sensitive management and design of development.
- DM11 Concerns the impact of proposals on open areas within the urban area and the contribution of the existing site in relation to the character, amenity and biodiversity of the area.
- DM12 Concerns the adequate provision of community facilities including education facilities and the provision of replacement facilities where proposals would lead to loss of facilities, unless demand no longer exists in the locality. Also encourages the dual use of facilities.
- DM13 Concerns the highways impact of proposals and demonstration of the impact of trips generated to and from the development and the impacts on air quality.
- DM16 Concerns the impact of development proposals on air quality.
- SS1 The focus of development would be within the Maidstone urban area with best use being made of available sites within the urban area.
- SP2 Seeks to make Maidstone a good place to live and work by development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character; ensuring that development positively contributes to the setting, accessibility, biodiversity and amenity value of the town's green spaces and the River Medway and the River Len; supporting development that improves the social, environmental and employment well-being of those living in identified named areas of deprivation.

Note that emerging Policies within the Local Plan Policies are not formally adopted and should have less weight in the decision making process than adopted policies.

Emerging North Loose Neighbourhood Plan (2014) Policies:

The North Loose Neighbourhood Plan has been submitted to Maidstone Borough

Extension at Five Acre Wood School, Maidstone

Council and there has recently been a period of public consultation. Emerging policies within the North Loose Neighbourhood Plan are not part of the Development Plan until they are formally adopted and they should therefore have less weight in the decision making process than adopted policies.

HWTA Policy 2 concerns contribution toward improvement of air quality in North Loose.

HWTA Policy 3 concerns cumulative impacts to transport capacity and requirements to be taken account of at local junctions and for existing congestion problems not to be made worse.

HWTA Policy 4 concerns convenient, safe and direct pedestrian and cyclist links to local facilities and Maidstone Town Centre.

HWTA Policy 7 seeks to preserve green wedges to maintain and improve quality of life, manage air quality, biodiversity and encourage recreation with health and sport. *Green Wedges are identified as ancient woodlands, school farm, Mangravet recreation fields, the cemetery and the New Line Learning playing field.*

GSSR Policy 2 seeks to protect and improve open space and ancient woodland, and seeks to ensure a buffer zone of a minimum of 15m around ancient woodland.

SD Policy 2 seeks preference to the use of durable, attractive and locally available or reclaimed materials.

SD Policy 3 there is a presumption in favour of development incorporating the use of solar panels and other energy generation technologies for new and existing buildings and for surface water run off to be managed using sustainable drainage techniques.

SD Policy 4 seeks to manage the use of lighting.

Consultations

Maidstone Borough Council

Has no objection to the original proposal. No comments have been received with regard to the revised proposal.

Environment Agency

Has no objection to the original and revised proposal subject to a standard condition concerning the potential for unexpected contamination to be identified during groundworks.

Kent County Council Highways and Transportation

Has no objection to the original proposal or the revised proposal, which results in changes to configuration in order to accommodate tree protection issues. States that there are significant build ups of queues at school times, especially between 3pm and 4.15pm. States that the New Line Learning Complex, which includes the Five Acre Wood School, benefits from having a separate entrance and exit which leads to good internal circulation of traffic, minimising conflicts and congestion. Comments that the parking and traffic management aspects of the proposal offers a proportional increase in parking

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numbers and considers that the opportunities for rotating picking up and drop off arrangements have been well designed. States that the proposals would lead to an increase in pupil numbers of 43 and staff numbers by 49, which would result in vehicle trip attractions of 38 arrivals in the morning peak period between 8 and 9am and 31 departures between 3 and 4pm.

States that it is evident that at school times queue lengths/congestion on Boughton Lane towards the A229 and Cripple Street are significant and from the configuration of the surrounding road network this proposal can only contribute to the congestion observed as there is little opportunity for alternative routes. However, states that the scale of additional trip generations is not considered in the context of the NPPF to constitute a severe residual impact. Comments that the crash records on Boughton Lane is very low and that periods of congestion experienced have probably assisted in keeping injury crashes down. Comments that there are further development pressures on Boughton Lane and that the lack of vehicular connectivity and permeability in the area off/onto Boughton Lane is a feature that needs to be carefully looked at, although there is not an obvious or straight forward improvement that can be made to the capacity of the junction at Boughton Lane with Loose Road. Concludes that in terms of the scale of the development proposal it is not considered that an objection on highway grounds could be sustained and confirms that the Highways Authority has no objection to the proposal.

Kent County Council School Travel Planner

Has no comments on the application although confirms that the applicant will need to update the existing travel plan as detailed in the application.

Kent County Council PROW

States that the proposal does not directly affect a PROW and has no objection and suggest informatives on any decision. No additional comments have been received with regard to the revised proposal.

Heritage Conservation Group

Has no objection to the proposal subject to a condition requiring implementation of a watching brief. No additional comments have been received with regard to the revised proposal.

Kent County Council Landscape Officer

Requested additional information in relation to tree protection measures and landscape planting which resulted in amendments to the scheme to which there is no objection.

Kent County Council Biodiversity Officer

Raises no objection to the amended proposal and advises that if planning permission is granted details of a precautionary approach to fell one tree (T53) is submitted as a condition of planning permission; that due to the location of the proposed development it is likely that bats are foraging and commuting within the site. Advises that lighting can be detrimental to roosting, foraging and commuting bats and therefore the lighting must be designed to have minimal impact on bats. Recommends that the Bat Conservation Trust's "Bats and Lighting in the UK" guidance is adhered to in the lighting design. Recommends that if planning permission is granted a management and enhancement plan for the woodland and meadow area be required by a condition of planning

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permission, which clearly demonstrates where the additional planting would be located and how it would be carried out. Recommends that vegetation clearance and works to buildings should be carried out outside of the breeding bird season (March – August) or if that is not possible an ecologist must examine the site prior to works starting. States that the landscape plan indicates that there is opportunity to incorporate enhancements in to the site and the ecological survey has made recommendations for enhancements which can be incorporated in to the site.

North Loose Residents Association/Neighbourhood Planning Forum (NLRA/NPF)

In relation to the original proposal has no formal objection in principle but has two areas of concern. Lighting in the car parking section should be designed to ensure there is no detrimental effect on the adjoining designated ancient woodland, and should be low level lantern style as opposed to overhead lighting. Also would like to see school traffic to be staggered in order to mitigate against the problems that traffic using the Academy and Tiger School create at the present, since the proposal will in their opinion inevitably create even more traffic on an already congested and “at capacity” lane. The NLRA/NPF would be pleased to be involved in any discussions that which could ease the issues of traffic congestion in the area. No comments have been received with regard to the revised proposal.

Sustainable Urban Drainage

Has no objection to the proposal subject to an appropriately worded condition concerning the site specific infiltration rates to be taken into account when the detailed drainage design for the proposal is submitted. No comments have been received with regard to the revised proposal.

Local Member

17. The local County Member, Mr B Clark was notified of the application on 22nd October 2014 and 2nd March 2015.
18. In response to the original proposal, Mr Clark comments that expansion from 210 students to 260 students will be of benefit to the additional pupils that will be admitted, and supports expansion in principle. Mr Clark does however have serious concern about additional traffic in a lane, considered by KCC Highways, to be "at capacity" (especially as there is significant further housing and a new school development proposed at this joint KCC Five Acre Wood School / Future Schools Trust Academy site) and would wish that this issue be given full consideration at the planning stage. Furthermore Mr Clark has some outstanding concerns relating to the County Council land and estate management matters within the Five Acre Wood/Future Schools Trust Academy site, which are matters that have been drawn to the attention of Kent County Council Property and Infrastructure as these are not material to the determination of the planning application. Mr Clark also notes that a large part of the site under consideration for development is designated “Deciduous Woodland BAP Priority Habitat (England)” and is adjacent to a registered Ancient Woodland. Mr Clark also advises that he is a local resident to this proposal.
19. In response to the amended proposal, Mr Clark welcomes the modifications made to the parking scheme in order to protect ancient woodland and requests that his earlier comments still be considered.

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Publicity

20. The application was publicised by the posting of a site notice(s), an advertisement in a local newspaper, and the individual notification of 55 residential properties in response to the original proposal and additional information including amendments to the proposal.

Representations

21. In response to the publicity regarding the original proposal, 1 letter of representation has been received raising concern. No additional responses have been received as a result of the neighbour notification of the amended proposal. The key points raised are summarised as concerns about the number of planning applications off Boughton Lane; the increase in traffic over the last year; inconsiderate parking making access difficult for residents to their drives and about speeding. There are also suggestions for strict restrictions on traffic, noise, night time activities, floodlighting; an access from Mangravet Road and for greater and better road infrastructure to be in place first.

Discussion

22. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (16) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised in relation to the need for the proposal, the location and impacts of the proposal.

Need Considerations

23. The Government commitment to supporting the delivery of schools and ensuring that there is sufficient provision to meet growing demand for school places, choice and opportunity and raising educational standards is set out in the Planning Statement on Planning for Schools development. The Statement indicates that the planning system should operate in a positive manner and that there should be a presumption in favour of the sustainable development of schools.
24. The context of this proposal is identified by the applicant as one of ensuring that there are sufficient school places of high quality for all learners; avoiding long travelling distances to school for vulnerable young children and a need to refurbish existing buildings in order to secure the most appropriate quantity and standard of educational facility to cater for special educational needs in Maidstone. The proposal is required in order to increase the number of places for children and young people with special educational needs and who are disabled and for pupils with autism and behavioural needs. In the context of the pressure on places for children with profound, severe and complex learning needs and given the improvements to the quality of the existing learning environment that refurbishment and extension would bring, I am satisfied of the need for sufficient provision of places and the need for refurbishment and extension along with associated works in relation to this proposal.

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Location of the proposal

25. The proposal is located within the boundary of Maidstone urban area and within the southern anti-coalescence belt. This policy seeks to resist development which significantly extends the urban area or the built up extent of any settlement or which as a result of infilling consolidates existing areas of development within the southern anti-coalescence belt.
26. The proposal is situated within the confines of an existing school site within the urban area and therefore in principle the location is acceptable for educational facilities. In my opinion it does not significantly extend the urban area although would result in infilling within the existing car park area and extension of car parking within the site and therefore result in some marginal consolidation within the Five Acre Wood grounds. However, that needs to be seen in context since there would be some reduction in that consolidation as a result of the removal of the mobile classrooms and covered walkways to the south of the school, thereby reducing the spread of buildings. Whilst those have temporary permissions requiring removal of the building and reinstatement of the land once the permissions run out, the additional accommodation that they provide has been relied upon for a number of years with a number of applications for renewal. The most recent permission requires removal by 31st March 2016 (Mobile 3). In my opinion, the permanent removal of the mobile classrooms and covered walkways as a result of the proposal with the provision of permanent development elsewhere within the site is appropriate in this location. In considering the proposed additional built development in this location, and the views of Maidstone Borough Council which does not raise objection to the application, the proposal in itself would not in my view significantly contribute to coalescence in this urban location.
27. The proposed classroom and hall extensions would be located on land which is currently used as car parking space and therefore is already developed. However, the relocation of the car parking to land at the north east is on land used as a school farm within the school grounds. That is an educational use in connection with the New Line Learning Academy. This current proposal would require the existing school farm to be relocated somewhere in order for the land to be used. However the proposed site for relocation of the school farm is not a consideration in determining of this application, but would be a matter for the applicants to address if the parking elements of the proposal are to be implemented as currently hoped. There is currently a planning application for the relocation of the school farm to a new site to the south east of the New Line Learning Complex. The two applications are independent of each other and both will therefore need to be considered on their own planning merits.
28. The emerging North Loose Neighbourhood Plan policies (which have less weight than the adopted saved Local Plan policies) seek to protect Green Wedges within the Plan area including the school farm land. The North Loose Residents Association/Neighbourhood Planning Forum do not raise objection to this aspect of the proposal, and given also the response from Maidstone Borough Council I consider that the weight given to protection of the current location of the school farm needs to be balanced against the need for school development and the significance that is attached in National Planning policy to the need for school creation, expansion and alteration of schools and the presumption in favour of sustainable development as expressed in the NPPF. Given the current status of the emerging Neighbourhood Plan, in my opinion the balance is in favour of the need for new school development.

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29. I therefore consider that the location of this proposal which is accessible and well connected within the Maidstone urban area, is appropriate given the need for the development. However, the impacts of the proposal need to be further considered. This is discussed below.

Highway and transport impacts

30. Planning policy requires consideration of the impact of the proposal on the local transport system with adequate servicing by the network (Local Plan saved policy T23). The school is accessed via Boughton Lane which like many lanes on the fringe of an urban area is a busy route, and at school opening and closing times there is some localised congestion. The current proposal is likely to add to that, but there are also other development pressures in the area which may add to congestion, other than at school times. The Highways Authority states that there is not an obvious or straight forward improvement that can be made to the capacity of the junction off Boughton Lane with Loose Road, where traffic signals have recently been introduced to better manage traffic flows, and there is a lack of vehicular connectivity and permeability in the area off/onto Boughton Lane.
31. NPPF policy is that developments generating significant amounts of traffic should be supported by a Transport Statement or Assessment, and that decisions should be based on consideration of the opportunities for sustainable transport modes dependent on the nature and location of the site, safe and suitable access to the site for all people and improvements within the transport network that cost effectively limit the significant impacts of the development. The NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe, and it is important to bear in mind that all roads on the fringe of urban areas, typically serving a mix of uses (homes, schools, shops, businesses, recreation facilities, etc.) suffer from some congestion through competition for road space. However, unless there are serious risks to road safety or severe traffic congestion, it is not reasonable to presume against development proposals in principle on transport grounds, especially if the additional traffic is a small proportion and the congestion would be of limited time duration.
32. Nevertheless, the proposal has attracted a neighbour representation with concern about the increase in traffic and the number of planning applications off Boughton Lane. In addition, the NLRA/NPF express concern in relation to school traffic and would like to see traffic staggered in order to mitigate against the problems that traffic using the Academy and Tiger School create at the present time. They consider that the proposal would inevitably create more traffic and add to congestion. The local County Member, who is also a local resident, also expresses serious concern about the additional traffic and requests that the issue be given full consideration.
33. A Transport Statement has been provided with this application and at the Highway Officer's request, additional information with regard to queue lengths at Boughton Lane and traffic survey data for the A229 Loose Road, Cripple Street and Boughton Lane signal junction has also been provided by the applicant. The Transport Statement also includes consideration of other new development proposals in the vicinity of the proposal.
34. The Transport Statement states that being a SEN school the majority (currently 83%) of the pupils are dropped off and picked up from the school by Local Authority funded transport, and that all pick up and drop off activities take place on-site. There is a choice of sustainable transport modes available in the vicinity of the school, however

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given the use of Local Authority transport and the SEN status of the school, opportunities for taking up more sustainable transport modes are limited to staff and visitors.

35. The proposal makes use of the existing complex access and seeks to improve the on site flow of traffic within the Five Acre Wood School in order to improve accessibility and address safety concerns. There are currently 95 parking spaces including 88 spaces for staff use) at the site and 7 minibus spaces. The amended proposal would provide 121 designated parking spaces for staff, 7 mini bus spaces and 40 drop off/pick up spaces, and 31 drop off bays.
36. The Highways advice is that the scale of the proposal is such that an objection to the proposal on highways grounds could not be sustained and therefore there is no objection to the proposal. Given that Maidstone Borough Council also does not object to the proposal, and the planning policy which states that development proposals should only be refused where the residual cumulative impacts of development are severe, I consider that the highway impacts alone would not warrant refusal since the highways impacts cannot be considered in the context of the NPPF to be severe.
37. The proposal is well located in terms of existing public transport and pedestrian access and the impact on the transport network has been assessed by the applicant. Given that neither the Highways Authority or Maidstone Borough Council object to the proposal I consider that the current planning policy context T3, T13 and T23 has been accommodated.
38. The NLRA/NPF in their response to the application state that they would be pleased to be involved in any discussions which would ease the issues of traffic congestion in the area and that they are members of the South Maidstone Action for Roads and Transport (SMART) Group which is holding discussions with other schools in the area regarding school day timings. The school day at Five Acre Wood is 0900 to 15:30 hours. Opportunities to stagger school time traffic from the Five Acre Wood Site are referred to within the Transport Statement in relation to the SMILE (Supporting Multi-Professional Inclusive Learning and Education Facilities) between the hours of 10:00 and 15:00 service arrangements outside of peak times; part time staff that arrive and leave the site outside peak hours and the existence of after school activities extending the school day to 16:30 hours. In my opinion, given the Highways advice, the decision as to whether to grant this proposal is not dependent on the mitigation of any problems associated with traffic that the Academy and Tiger School create, although clearly it would be helpful for all occupants at the wider New Line Learning complex to work together in this regard.
39. The Special School intends to update their School Travel Plan in the future via the Jambusters online resource. The School already have an up to date School Travel Plan (June 2014) and I am satisfied that the further update and submission of the travel plan could be required by planning condition. I intend to advise the applicant to work with the neighbouring schools on the New Line Learning Complex with regard to the School Travel Plan and good neighbour issues via an Informative, should Members decide to grant permission.
40. The neighbour comment indicates concern about the number of additional planning applications in the area off Boughton Lane. As detailed in the relevant site history, there has been a number of planning applications in recent years on the New Line Learning Complex, and there is also a current appeal with regard to a decision by

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Maidstone Borough Council to refuse permission for a residential development on land to the south of the New Line Learning Complex. The transport impacts of any planning proposal are required to be considered as part of the planning process in relation to each proposal. The Highways Authority and Maidstone Borough Council are statutory consultees, and given that this proposal has not attracted objection from these respective bodies, who take into account other development pressures within their own assessments, I could not recommend refusal of this proposal on Highways grounds, since the impacts of this proposal are not considered to be severe. Given also the increasing pressure and demand for school places, in particular for school places for children with profound, severe and complex learning difficulties, and the apparent need for expansion, I also cannot recommend refusal of this proposal on Highways grounds as a result of other existing and forthcoming development pressures in the area.

41. Whilst the proposal is likely to increase traffic, the Highways Advice is that the level of increase would not be sufficient to attract objection. Construction impacts would be temporary and the applicant proposes to submit construction traffic routing plans with control over construction traffic and delivery movement times to avoid peak traffic times. I am satisfied that this could be required by use of a planning condition should Members decide to grant permission.
42. There is also neighbour concern about inconsiderate parking making access to drives difficult for neighbours and about speeding. These are good neighbour issues and also matters for consideration by the Police. However, suggestions for restrictions on traffic can be relevant to the planning process. In this case the likely increase to traffic movement has been considered as discussed above. Additional community use has been set out in the application in terms of proposed hours and has not drawn objection from the Highways Authority, Maidstone Borough Council or NLRA or in any other responses. The dual use of community facilities is encouraged within planning policy CF9. I am satisfied that a condition can be used to control the hours of community use to those being applied for, should Members decide to grant permission.
43. There has also been a neighbour suggestion for a vehicle access from Mangravet Road. There is an existing pedestrian access to the New Line Learning Complex from Mangravet Road via the community play area where there is an existing PROW, although there is not provision for vehicular access to the site via the play area and across the PROW, at this point. Given that the SEN status of the school and that the majority of pupils are picked up and dropped off at the school by Local Authority transport arrangements, in my view it is appropriate for drop off to continue to occur within the school grounds. Amendments to access arrangements from Mangravet Road have not been proposed within this planning application and the applicant states that there are no plans to change the existing access to the school which is considered to be suitable in design and safety terms. Whilst there is neighbour suggestion for greater and better road infrastructure to be in place first, the planning process does not provide for a decision on this proposal to be delayed indefinitely and a decision on the application is required based on the circumstances at this point in time.
44. I therefore conclude that that the impacts of this proposal off site in terms of highways and transport matters should be balanced against the need for increased places for special education need provision in Maidstone. In the context of the current planning policy, the balance is in my view in favour of this proposal for special educational needs provision.

Biodiversity Impacts

45. Planning policy guidance is that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and by minimising impacts on biodiversity with protection commensurate with status and appropriate weight to the importance and contribution to wider ecological networks. Saved policy ENV6 seeks to retain existing planting and require provision of new planting where appropriate. Emerging local plan policy DM10 also seeks to protect ancient woodland and trees with significant value. Emerging Neighbourhood Plan policy HWT A7 also has the same objective and emerging policy GSSR 2 seeks to protect and manage Ancient Woodland and seeks a buffer zone of 15m (49.2ft) around ancient woodlands.
46. In response to the original proposal the NLRA/NPF would wish to ensure that there is no detrimental effect to the adjoining ancient woodland as a result of the proposal with regard to proposed lighting and the local Member draws attention to the designation as “Deciduous Woodland BAP Priority Habitat (England)” and the nearby registered Ancient Woodland.
47. To the north of the site, Mangravet Wood is Ancient Woodland, and there is a small area of land adjoining the woodland area that has been identified as deciduous woodland BAP priority habitat, within the site to the south east of the properties Oakdene, Treetops and Ferndale. The woodland to the north of the site has been identified within the Ancient Woodland Inventory as Other Long Established Woodland (OLEW).
48. The applicant has made amendments to the original proposal in response to comments received from our Biodiversity Officer and to ensure that biodiversity interests are sufficiently protected within the site in relation to tree, root and bat protection measures by the rearrangement of the parking site layout so that it is further from the root protection zones and ancient woodland areas. The amended parking layout provides a 26m (85ft) separation zone from the woodland to the north of the site thus achieving a greater zone than would be required by the emerging North Loose Neighbourhood Plan GSSR Policy 2.
49. The Ancient Woodland is largely outside of the application area, and the applicant has confirmed that the woodland to the north within the site would be retained, and is unaffected by the proposed development. However within the site, the proposal would require the removal of a number of trees in order for the proposed development to proceed. 5 individual trees and 3 groups of trees are identified for removal, the majority of which are categorised as of low quality and value. One individual tree and one group of moderate quality and value trees would need removal. The applicant has also identified some trees within the site as requiring removal or surgery for safety/short life span grounds and that this would be the case whether or not the development occurs.
50. With regard to protection of trees which are retained within the site, it is proposed that the parking bays would be constructed with a porous paving system and that conflict with root protection areas (RPAs) would be minimal, with excavation by hand tools only within the RPA of any trees. Protective fencing would also be used and the applicant has provided a tree protection plan with regard to additional precautions. An arboriculture method statement has also been provided with the application which identifies proposed works that would be supervised by an arboricultural consultant.

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The applicant has also submitted findings from a bat scoping and tree climbing survey and our Biodiversity Officer is satisfied that the applicant has considered the potential for roosting bats to be present within the site. It is however likely that the proposed location is used by bats foraging and commuting within the site and our Biodiversity Officer advises that lighting should be designed to have minimal impact on bats. The applicant proposes low level lighting to the primary circulation areas, access ways and car park area and lighting around the school site which would be the minimum necessary to allow safe access in the evenings. Wall mounted LED lighting is proposed to the buildings. No floodlighting is proposed for the MUGA. The applicant proposes to submit a detailed lighting specification should permission be granted and I am satisfied that this can be required by condition should Members decide to grant permission.

51. The applicant also proposes new planting at the site and has submitted a landscaping plan which seeks to achieve screening, softening of security fencing through native planting and increased coverage of parkland trees, connectivity and mitigation. I am satisfied that further details of planting, together with the further details of any proposed fencing amendments at the site can also be required by condition should Members decide to grant permission
52. Taking into account the advice received from the Biodiversity and Landscape Officers, I am satisfied that the proposal does not significantly impact upon biodiversity interests, including ancient woodland and older long established woodland and protected species and that the landscaping proposed is appropriate within the site location. I am satisfied that the proposal accords with saved policies ENV6 and ENV49 and emerging planning policy. I am also satisfied that a condition can be used with regard to lighting, planting specification and mitigation and enhancement should Members decide to grant permission.

Design and Visual Impacts

53. Achieving the requirement for high quality design and a good standard of amenity is a core planning principle. The main element of the proposal is a two storey 24 classroom extension which would be located to the north elevation of the existing school building and would be sited on existing car parking. An extension to the hall and kitchen is also proposed and amendments to the access points to the building. The applicant aims to achieve a high quality contemporary architectural design which delivers a durable low maintenance building.
54. I consider that the design and the materials used within this proposal are appropriate for this location, subject to submission of further details and samples of external materials and colours which can be required by planning condition.
55. The redesign of vehicular access within the site and the proposed new school entrance would aid vehicular circulation and drop off and pick up arrangements within the site. The provision of the MUGA responds to the promotion of healthy communities and provision of opportunity for sport and recreation, and the proposed landscaping of the site would allow opportunity for links to outdoor education.
56. Within the constraints of the basic needs funding the applicant has sought to address sustainable design and low carbon emissions. Insulation, lighting and heating and water conservation measures have been considered within the design. The applicant has focussed on a design that provides natural ventilation and cooling and has adopted the Adaptive Thermal Comfort Standard, in order to provide a comfortable

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educational environment without more energy intensive mechanical systems. The design considers the use of daylight within spaces in order to reduce use of artificial lighting and therefore associated carbon emission.

57. The nearest residential properties to the proposal are those to the west of the site in Boughton Lane and Pheasant Lane. The nearest property is no 71 Boughton Lane which is to the west of the footpath within the site boundary and leading between Boughton Lane and the site. The property would have views from the first floor across the site towards the proposed extension. Current views towards the school buildings are screened by a tree belt of tall overgrown and dense mature western red cedar (G69) which have been assessed as of low quality and value and which would be removed as a result of the proposal in order to provide staff parking. Car parking would be located approximately 8.2m (26.9ft) south east of this property. Properties 79 – 75 Boughton Lane might also have differing views to that existing as a result of removal of these trees, although the new accent semi-mature tree planting proposed would provide some visual amenity screening for views towards the proposed new two storey building. Additional planting is also proposed to the north and north-west of the proposed car parking areas which would also assist in screening of the proposed new development.
58. There have been no comments as a result of the publicity from the statutory consultees, or objections from local residents, with regard to the proposed design or in relation to visual amenity concerns. In my view the design is appropriate to the site context and location and given the landscaping proposed in mitigation of the proposal, I consider that the proposal meets the planning policy requirements for a good standard of design and amenity and that the proposal would function well and optimise the potential of the site to accommodate development needs. I therefore conclude that the proposal is acceptable in terms of design and impact on visual amenity.

Other Impacts

59. In respect of archaeological matters, I am advised that the site lies within an area of potential associated with Iron Age and Roman activity, although following further assessment by the applicant no significant archaeology was located. On this basis, no further detailed archaeological work is required and I am satisfied that a condition can be used to require the implementation of a watching brief to be undertaken by an archaeologist, so that the excavation is observed and any items of interest and finds are recorded, should Members decide to grant permission.
60. I am also satisfied that Environment Agency requirements with regard to the standard condition relating to the potential for unexpected contamination identified during groundwork, can be required by a planning condition. In respect of comments received in relation to sustainable urban drainage, the applicant is intending to use a permeable surface on the parking area, and use of an infiltration trench. I am satisfied that a condition can be attached to any permission requiring a detailed drainage design to be submitted.
61. Given the comments received from our PROW Officer, I am also satisfied that the proposal does not directly affect the PROW outside of and to the east of the site (ref KB26).
62. The neighbour response received in relation to the original proposal indicated a desire for strict restrictions on noise, night time activities and floodlighting. The school

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building design incorporates Building Bulletin 93 requirements with regard to the acoustic design of schools. The nearest noise sensitive receptors are residential property to the north west of the proposed extension building. The application includes provision for screening and/or acoustic attenuators in order to meet noise emission limits should it be required, and I am satisfied that a condition could be used to require compliance with the details submitted within the application with regard to noise, if Members decide to grant permission.

63. The shared use of community buildings is encouraged by the NPPF which seeks to achieve healthy inclusive communities and by saved planning policy CF9 which seeks to encourage the dual use of educational facilities where appropriate. Whilst the proposal includes an intention for community use in the future with provision with the proposed hours for use to be between 0730 and 2200 Monday to Friday and 0900 to 2200 hours at the weekends and bank holidays there are no current plans to do so within the proposal. However, given there is already community use of facilities within the wider New Line Learning Complex, I do not consider that permission should be refused for community use at this location given the hours of use proposed. Given also that the applicant states that they have no current plans for community use, should Members decide to grant permission for the proposal, I consider that a condition could be used to require further details of the uses and management arrangements to be submitted prior to the uses commencing.
64. I also consider that the control over construction noise during the temporary construction period can be achieved by use of the standard condition governing hours of work, and that further details can be required prior to the development commencing in relation to the appropriate location of construction compound and parking on site during the construction period. Given that construction impacts are of a temporary nature, and can be controlled by use of appropriate conditions, I do not consider the likely amenity impacts arising from construction work to be unacceptable.
65. The provision of lighting has been discussed above in relation to biodiversity impacts. In relation to amenity impacts, there are no proposals for the provision of floodlighting within the proposed MUGA and I consider that a condition can be used to exclude the provision of floodlighting from the MUGA proposal if Members decide to grant permission. I am also satisfied that a condition can be used should Members decide to grant permission in order to require submission of a detailed lighting specification to include the external environment of the school buildings and the car parking and access areas within the site boundary having consideration to neighbouring property and biodiversity issues (including bats).
66. I therefore consider that there can be adequate controls over noise, lighting and hours in relation to this proposal using planning conditions as suggested.

Conclusion

67. This proposal seeks to provide school places for children and young people with profound, severe and complex learning difficulties. It is within an existing school site and set within the context of a larger complex, all providing education and community facilities. It is acknowledged that the proposed expansion would result in some additional highways impacts. However, given the advice received from Highways and Transportation, I am satisfied that the 'severity' of the additional impacts has been proportionally assessed and does not warrant refusal of the proposal on highways

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grounds, and accords with the NPPF and local planning policy. In addition, given that the proposal includes the provision of additional onsite car parking and drop off arrangements, and that most of the pupil dropping off occurs within the school site, I am satisfied that the applicant has made adequate provision for transport matters within the proposal and that the highways impacts of the proposal have been properly weighed against the need for adequate provision of school places. Given the significant weight for schools related development as expressed in the Planning Statement on Planning for Schools Development, in my view the balance is weighed in favour of the provision of schools places in this case.

68. Whilst the revised proposal would result in the removal of some trees at the site, I am satisfied that the older woodland within the site would be retained and that the Ancient Woodland beyond the site is unaffected. The proposal includes measures for tree and root protection, and also in respect of bats and includes landscaping proposals, and I conclude that the impacts to the landscape and to long established woodland and biodiversity would be acceptable and within the planning policy requirements that apply to this site. The applicant has made a number of amendments to the proposal in order to accommodate biodiversity and landscaping requirements, which in my opinion have shaped the development in order to appropriately respond to the site context and location. I therefore conclude that the proposal is acceptable in terms of need, design, location and in terms of highway and amenity impacts as discussed above and is sustainable development.

Recommendation

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

- The standard 5 year time limit for implementation;
- Development to be in accordance with the details submitted;
- A remediation strategy to be submitted should contamination not previously identified be found;
- Submission of an updated school travel plan;
- Submission of a detailed lighting strategy;
- Implementation of an archaeological watching brief;
- Details to be submitted of detailed drainage design to incorporate site specific infiltration rates;
- Submission of a mitigation and enhancement plan for woodland and meadow areas;
- Submission of landscaping, fencing and planting details.
- That there be no floodlighting to the MUGA area;
- Restoration of site surfaces following removal of the existing mobiles at the site;
- Submission of details of a precautionary approach to felling tree T53;
- Control over hours of use to between 0730 and 2200 Monday to Friday and 0900 to 2200 at weekends for community use;
- Provision of further information concerning management and parking arrangements in advance of any community use;
- Control over hours of construction to between 0800 and 1800 Monday to Friday and 0800 to 1300 Saturday with no work on Sundays and Public Holidays;
- Provision of details of construction traffic routing, the location of the construction compound and parking arrangements during construction work;
- Provision of wheel washing facilities prior to commencement of work on site for the duration of construction works;

Extension at Five Acre Wood School, Maidstone

- Submission of details and samples of external building materials prior to commencement;

I FURTHER RECOMMEND THAT the applicant BE ADVISED of:

- In relation to PROW advice regarding works near to footpaths and ecology advice regarding bats and lighting.
- The opportunity of working with the NLRA/NPF with regard to traffic issues and with the neighbouring schools on the New Line Learning Complex with regard to the School Travel Plan and good neighbour issues.

Case Officer: Hazel Mallett

Tel. no: 03000 413411

Background Documents: see section heading

Extension at Holy Trinity & St John's CE Primary School, Margate – KCC/TH/0451/2015 (TH/15/0027)

A report by Head of Planning Applications Group to Planning Applications Committee on 8th April 2015.

Application by Kent County Council Property and Infrastructure Group and Holy Trinity & St John's C of E Primary School for conversion of existing store (former garage) and extension to the rear to provide a new nurture room at Holy Trinity & St John's C of E Primary School, St John's Road, Margate, Kent CT9 1LU.

Recommendation: Permission be granted subject to conditions.

Local Member: Mrs M Elenor & Mr W Scobie

Classification: Unrestricted

Site

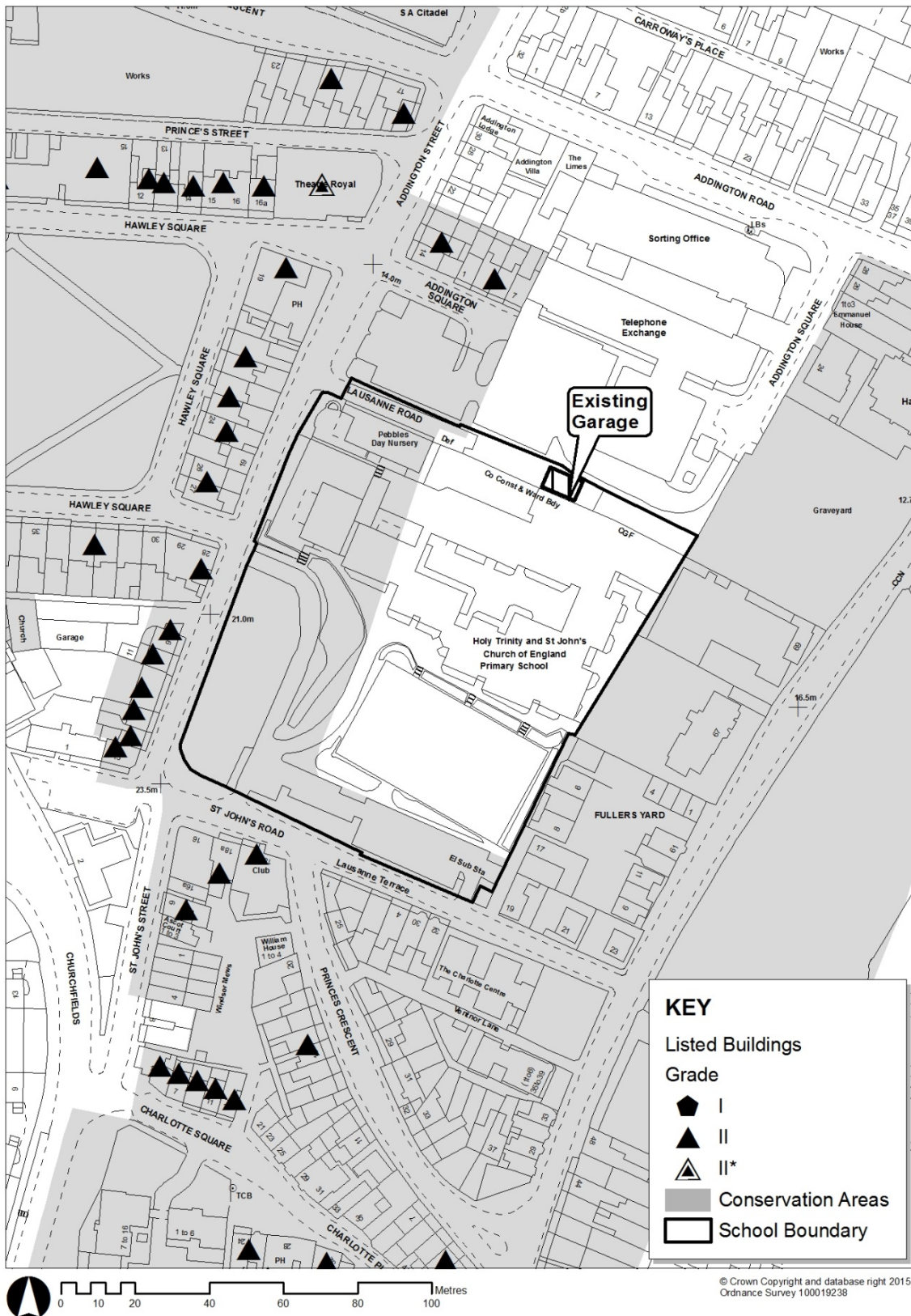
1. Holy Trinity & St John's Primary School is located within Margate Town centre. Whilst the main entrance to the School is located in St John's Road, this proposal is accessed from Addington Street via Lausanne Road, to the north of the School, which provides a secondary access to a School car parking area and also to an existing garage which is being used as a store for School equipment and furniture and a mini bus parking area.
2. The proposal site concerns the garage building and land to the rear of the garage building. The site is south of the Telephone Exchange. The proposal is located close to the Margate Conservation Area and a number of listed buildings. The School site itself is not within the Conservation Area although is surrounded on three sides by the Margate Conservation Area.

Background

3. The applicant states that the School currently has an increasing number of children at the school who require additional support for emotional, social communication and interaction development and that currently these children spend a period of time in the school's nurture room. As part of the nurture room, the School requires "home" and "classroom" areas, where the children can have break and snack time, as well as a sensory area. The School considers that the current nurture room facilities for snack time are not sufficient as there is no running water and toilet facilities are too far away, requiring accompanied visits. This proposal would enable the School to meet the requirements of the Nurture Group Network to provide "a warm, welcoming and educational environment that incorporates aspects of both home and School". The proposal is designed to help children using the nurture room to develop greater independence. The applicant also seeks a larger space for the nurture room so that more children can use the room, and office space for the nurture group leaders and for the school counsellor.

Extension at Holy Trinity & St John's CE Primary School, Margate – KCC/TH/0451/2015 (TH/15/0027)

Site location plan



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Extension at Holy Trinity & St John's CE Primary School, Margate –
KCC/TH/0451/2015 (TH/15/0027)

Site History

4. Most recently, the School applied for renewal of the existing dining hall roof in 2012 (TH/12/303). A proposal for a new garage (TH/07/251) was reported to Committee on 17th July 2007 when Members decided to grant permission to the proposal. This current proposal concerns the former garage building. An extension to front entrance/reception and extension to Nurture room (TH/07/882) was also granted in 2007 and in 2003, permission was granted for a proposed single storey building to provide pre-school nursery accommodation with single play room and associated ancillary rooms. The nursery, known as Pebbles Day Nursery, is located on the corner of Lausanne Road and Addington Street.

Front and rear view of existing store (former garage) showing site location



Extension at Holy Trinity & St John's CE Primary School, Margate –
KCC/TH/0451/2015 (TH/15/0027)

Side elevations of existing School hall



Proposal

5. The proposal is for the conversion of the existing store (the former garage) and extension to the rear to provide a new nurture room.
6. The applicant originally proposed a felt covered flat roof and timber effect cladding extension to the rear of the garage building with UPVC double glazed windows and doors. However, in response to the consultation process the applicant has revised their original proposal to a pitched roof with slate tiles, and a fibre reinforced cement weatherboard cladding in blue grey colour (ref C10) and white powder coated aluminium windows and doors. To the rear of the extended building a new covered canopy area is proposed. The canopy would have a steel frame and clear translucent

Extension at Holy Trinity & St John's CE Primary School, Margate –
KCC/TH/0451/2015 (TH/15/0027)

roof covering and would be freestanding and not connected to the building. The existing garage entrance would be replaced with a new door and windows and a concrete ramp would be provided for disability access. The applicant proposes that the front elevation access would be used as an emergency access only. Routine access would be via the rear of the building from the existing children's play area which is accessed via the existing School hall. The proposal would require the removal of some existing small sycamore trees to the northern boundary of the building. The School minibuses are currently parked in front of the store, rather than within the garage as originally permitted.

Extension at Holy Trinity & St John's CE Primary School, Margate - KCC/TH/0451/2015 (TH/15/0027)

Proposed plans and elevations

Front Elevation

- new aluminium powder coated, double glazed door and fixed triple over
- new aluminium powder coated, double glazed window to front elevation with fixed double over
- new walls to extension to be clad externally with Durley Eurotec Clad ventilation slat, colour to be C10 like grey
- new windows to be aluminium powder coated with opening sections as indicated
- new steel framed canopy to rear elevation, to be free standing on posts with no physical connection to rear elevation
- new entrance/exit door to be aluminium powder coated double glazed entry

Rear Elevation

- new canopy, steel frame and aluminium powder coated
- pitched roof to be finished with similar tiles to the existing (current blue slates)
- new walls to extension to be clad externally with Durley Eurotec Clad ventilation, colour to be C10 like grey
- back panel/base, links to match existing building

Side Elevation

- new canopy, steel frame and aluminium powder coated
- pitched roof to be finished with similar tiles to the existing (current blue slates)
- new walls to extension to be clad externally with Durley Eurotec Clad ventilation, colour to be C10 like grey
- back panel/base, links to match existing building

Section through new extension

- new kitchen units with stone units at first floor

Typical Section

- new kitchen units with stone units at first floor

Floor Plan

- covered area
- new concrete ramp up to new door to provide ability access
- office
- classroom
- kitchen -ette
- nurture classroom
- ability access ramp to door
- boundary fence
- adjoining ground levels approx. 1400mm lower
- new doors to be double level access threshold
- allow to remove the existing trees and tree stumps to allow flexibility with in vicinity of new extension

Technical Details

new aluminium powder coated, double glazed door and fixed triple over

new aluminium powder coated, double glazed window to front elevation with fixed double over

new steel framed canopy to rear elevation, to be free standing on posts with no physical connection to rear elevation

new entrance/exit door to be aluminium powder coated double glazed entry

new canopy, steel frame and aluminium powder coated

pitched roof to be finished with similar tiles to the existing (current blue slates)

new walls to extension to be clad externally with Durley Eurotec Clad ventilation, colour to be C10 like grey

back panel/base, links to match existing building

new canopy, steel frame and aluminium powder coated

pitched roof to be finished with similar tiles to the existing (current blue slates)

new walls to extension to be clad externally with Durley Eurotec Clad ventilation, colour to be C10 like grey

back panel/base, links to match existing building

new kitchen units with stone units at first floor

new kitchen units with stone units at first floor

covered area

new concrete ramp up to new door to provide ability access

office

classroom

kitchen -ette

nurture classroom

ability access ramp to door

boundary fence

adjoining ground levels approx. 1400mm lower

new doors to be double level access threshold

allow to remove the existing trees and tree stumps to allow flexibility with in vicinity of new extension

Scale

1:100

Date

November 2014

Project No.

14.036

Sheet No.

04

Scale

A

Original drawing size

A0, A1, A2, A3, A4, A5

Client

Conversion of Former Garage at Holy Trinity & St John's Primary School Margate for Holy Trinity & St John's

Proposed Scheme

plans, elevation and section

duncan+graham

ARCHITECTS

10 Church Square Margate Kent TN26 3AP

01322 224444

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Planning Policy

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

National Planning Policy Framework (NPPF) March 2012, and the 2014 guidance sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

the promotion of healthy communities, including that great weight that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities;

conserving and enhancing the natural environment;

conserving and enhancing the historic environment.

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

Thanet Local Plan (2006) Saved Policies

Policy TR16 - concerns satisfactory car parking provision.

Policy D1 - seeks high quality design, sustainability and materials and for new development to respect or enhance the character or appearance of the surrounding area, particularly in scale, massing, rhythm and use of materials appropriate to the locality and to be compatible with neighbouring buildings and spaces without leading to unacceptable loss of amenity. The policy also requires consideration of access arrangements and to retain features that contribute to biodiversity and the quality of the local environment and measures to promote safety and security.

Policy D2 – seeks to require landscaping arrangements in order to enhance new development and to retain existing landscaping where possible.

Policy HE11 – concerns the assessment of archaeological or historic importance and the likely impact of development.

Policy HE12 – seeks to ensure arrangements are made for satisfactory archaeological investigation and recording.

Policy CF1 – planning permission would be granted for new community facilities and re-use of existing facilities for alternative community uses if the proposals are not contrary to other Local Plan policies and the community use and location are demonstrated as appropriate.

Supplementary Planning Guidance

Conservation Areas (2002)
Kent Design Guide (2006)

Consultations

8. **Thanet District Council** - raised no objection to the original proposal or the amended proposal.

Conservation Advisor - in relation to the original proposal commented that it would be preferable for the extension to the garage building to have a pitched slate covered roof, rather than a flat roof because of the elevated position which is visible from the Conservation Area. These amendments were subsequently made by the applicant.

In relation to the amended proposal, the Conservation Advisor raises no objection and comments that the applicant has come a long way in agreeing to the alteration of the roof design and use of powder coated aluminium for the windows/doors. The building is not within the Conservation Area but the School site is bounded by it. Although the front elevation can be seen from Addington Road, the extension can only be seen from the side access road to the post office building. It is an elevated site however and choice of cladding is important. Whilst the Conservation Advisor would prefer timber because of the position close to the site boundary it is unlikely that timber would be adequately maintained, and so therefore there is no objection to the use of cladding in this instance. With regard to the canopy comments that as long as the canopy framing is painted black the impact of this lightweight structure on the nearby Conservation Area would be minimal.

County Archaeological Officer - comments that the site lies within an area of archaeological potential associated with prehistoric and later activity, and therefore recommends a condition on any forthcoming consent to secure a watching brief, so that any excavation is observed and items of interest and finds are recorded.

Environment Agency (Kent Area) - assessed the application as having low environmental risk and therefore have no comments to make.

Transportation Planning - raises no objection to the proposal which is unlikely to lead to a material increase in demand for on street parking or vehicle trips on surrounding highways.

Local Member

9. The local County Members Mrs M Elenor and Mr W Scobie were notified of the application on 8th January 2015. No comments have been received.

Extension at Holy Trinity & St John's CE Primary School, Margate –
KCC/TH/0451/2015 (TH/15/0027)

Publicity

10. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 53 properties. The subsequent amendments to the application were also individually notified to 53 properties.

Representations

11. In response to the original application publicity, 1 letter of representation objecting to the proposal has been received. The key points raised can be summarised as follows:

- The design is of insufficient quality for its conservation area setting.
- The front of the building bounds the Margate Conservation Area and the rear is within the setting of the Conservation Area.
- Plastic windows and plasticized timber cladding are not in keeping with the context nor sustainable uses of material. Has no objection to the principle use of the proposed extension but does not feel that the proposed cladding and window and door types are in any way appropriate.
- Comments that UPVC windows on a building adjacent to and overlooked by the Listed properties in Hawley Square would erode the character and appearance of the Conservation Area.

12. In response to publicity regarding the amended proposal, 1 letter of representation objecting to the proposal was received from the same resident who comments are summarised below:

- No objection to the principle of the extension and conversion of the building.
- Maintains objection to the proposed cladding materials which are of insufficient quality for its location on the boundary of the Margate Conservation Area.
- Considers the plastic canopy to the rear as wholly inappropriate and of very low quality.
- Comments that this is a cheap unsightly solution which should not be permitted.

Discussion

13. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (7) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Of particular relevance in this case is the impact of the proposal on the surrounding Margate Conservation Area and the setting of nearby Grade II Listed Buildings.

Need

14. I have outlined in the background to the proposal above the School's need to provide appropriate "home" and "classroom" facilities to meet the needs of children attending

Extension at Holy Trinity & St John's CE Primary School, Margate –
KCC/TH/0451/2015 (TH/15/0027)

the school that require additional support for emotional, social communication and interaction development in order to provide “a warm, welcoming and educational environment that incorporates aspects of both home and school”. Given the weight that the Government attaches to the need to create, expand or alter schools and the need to promote healthy inclusive communities importance, I am satisfied that there is a need for this development.

Location and Heritage Aspects

15. Whilst not within the Margate Conservation Area, the site within the school grounds is bounded on three sides by land which is within the Conservation Area. Because of the proximity to the Conservation Area, the impact on the character and /or appearance of the Conservation Area needs to be considered. The impact on the setting of any close listed buildings also needs to be considered.
16. To the immediate north of the site the Telephone Exchange is located. This is a large building which is also outside of the Conservation Area and which provides substantial screening of the proposal for views from the north. The proposed site is situated approximately 1.4m (4.5ft) above the level of the adjoining telecommunications site with a retaining wall at the site boundary and so the site has an elevated position. Houses 1-7 Addington Square are located approximately 45m (148ft) to the north west of the proposal beyond a yard used for car parking. These houses are Grade II Listed Buildings and are within the Conservation Area boundary. They would have oblique views towards the proposal, but given the location of the proposal in the context of the telecommunications site, and having regard to the comments from our Conservation Advisor, I do not consider that the proposal would detrimentally affect their setting. In particular, planning legislation seeks to protect primarily the fabric and external appearance of Listed Buildings, with some secondary consideration of their immediate setting; note that there are no provisions for protecting views from Listed Buildings or protecting their wider setting.
17. To the west of the proposal there is also a number of grade II listed buildings in Hawley Square, also set within the Conservation Area boundary. The front of these buildings face onto an area of open space in Hawley Square and the rear of these buildings face the school site. The rear boundary of the nearest building in Hawley Square is approximately 75m (246ft) away. There would be some views from the rear of these properties towards the proposal, although the extension is at the rear of the existing store (former garage) and would generally be screened by the existing store (former garage) building. Although there would be views towards the amended front elevation of the store (former garage), the main part of the proposal to the rear would be not be seen from properties in Hawley Square or Addington Street. Notwithstanding the fact that protecting private views from neighbouring buildings, whether listed or not, is not a planning consideration, and having regard to the comments from our Conservation Advisor, I do not consider that the proposal would detrimentally affect the setting of the Listed Buildings in Hawley Square.
18. Immediately south of the proposal is the school hall, and further to the south the main school buildings are located. To the east of the building the graveyard is located. Views toward the proposal would all be screened by existing development and I do not therefore consider the proposal to impact on the setting of these neighbouring areas.

19. For developments affecting the Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This includes considering the appropriateness of the overall mass of proposed building, its scale and its relationship to its context in the Conservation Area, and any new buildings would be required to be in harmony with or complementary to its neighbours. Whilst the proposed development is not in the Conservation Area, I have considered the same principles in relation to this current proposal as far as it is justifiable. In particular, it should be noted that consideration of the special character of Conservation Areas primarily relates to sites within the Conservation Area, with some limited relevance to conspicuous sites on approaches to Conservation Areas, where there potentially could be a detrimental impact on the immediate setting of the Conservation Area.
20. The existing store building is brick built with a pitched roof and externally measures 9m (29.5ft) long by 4.5m (14.7ft) wide and is 4.5m (14.7ft) high. It provides 32.98m² (355sq.ft) internal floor space. The existing cycle shelter external measurements are approx. 2.1m (6.8ft) high and 2.7m (8.5ft) long by 4.1m (13.4ft) wide. The external measurements of the proposed building would be approx. 6.2m (20.3ft) long by 4.5m (14.7ft) wide and 3.9m (12.7ft) high and provide 23.1m² (248.6sq.ft) additional internal floor area. The proposed canopy would be approximately 4m (13.1ft) long by 3.8m (12.4ft) wide and 2.56m (8.3ft) high.
21. Given the small scale of this proposal, which is outside the Conservation Area and set back from its boundary by approximately 32m (105ft) (when measured from the rear to the Pebbles Day Nursery to the front of the store building), and adjacent to a substantial Telephone Exchange building, I consider the overall mass of the building to be acceptable in this location. In particular, the proposed location is not prominent in the street scene and would be viewed largely only within the context of the school and school grounds. Given that the extension to the main store building is smaller and follows the same profile, I also consider that the scale of the proposal is acceptable in this location. The proposed canopy is freestanding and the profile would be largely screened from views by other built development. Subject to the colour of the canopy frame being black and the details of the external materials being as submitted, and taking account of the comments received from my Conservation Advisor, and the lack of objection from Thanet District Council, I do not consider the proposal to have a negative impact on the setting or appearance of the Conservation Area. Moreover the presence of the existing garage and the dominating effect of the neighbouring Telephone Exchange and car parking adjacent to the site reinforces this judgement.
22. Given the amendments which have been made to the design of the proposal, which are discussed further below, I do not consider the location of this proposal to negatively impact upon the setting of any of the Listed Buildings nearby. In coming to this view, I have considered that the proposed building work would require removal of existing trees along the northern boundary of the school site which currently provide some softening of views from the frontage of Listed Buildings in Addington Square. These small sycamore trees are of little significance and could not be retained if the proposed development proceeds. There is no opportunity for additional planting within the area of the proposal in order to screen the proposal. The existing store is set back from the road by 65m (213ft) and is at least 75m (246ft) from the rear of any of the Grade II Listed Buildings nearby in Hawley Square and views from Listed Buildings in Hawley Square would be limited to the front elevation.

23. Nevertheless, it is important not to confuse the protected visual setting of Listed Buildings with the reverse/outward views obtainable from within Listed Buildings. Even so, the front elevation of the existing store (former garage) would in my view be generally improved by the replacement of the garage door by a pedestrian access and windows. Moreover, the views from properties in Addington Square would be of the side elevation, against a backdrop of the existing school hall elevation and the Telecommunications Building, and I do not regard the setting of the Listed Buildings to be detrimentally affected by the proposal.
24. I have also considered the response from Thanet District Council, which has no objection to the proposal in either the original or amended form, and the response from our Conservation Advisor who does not object to the amended proposal. I therefore conclude that the location of this small scale extension is acceptable and does not unduly impact on the character and /or appearance of the Conservation Area or the setting of any of the nearby Listed Buildings.

Design Matters

25. Planning Policy D1 seeks high quality designs reflected in materials and consideration of sustainability in new development proposals in order to respect the character or appearance of the surrounding area. As discussed above, the surrounding area in this case comprises a mix of building types and car parking areas typical of a town centre location including a number of Listed Buildings and the Conservation Area boundary. The immediate surrounding area also includes the extensive brick built BT Telephone Exchange and the school's own existing buildings, and to the rear of the site a graveyard. The use of materials which are appropriate to the locality and compatible with neighbouring buildings is a consideration when applying this policy.
26. In the amended proposal, the applicant has proposed a cement fibre slate pitched roof (rather than a flat roof as originally proposed) for the extension, following the same profile as the existing building, although the roofline would be 0.6m (2ft) lower than the existing roofline. The materials proposed for the roof are the same as existing. However, it is proposed that the extension would be clad in weatherboarding in a blue grey colour, which would be a different material to the existing brick built store. This choice of material has attracted neighbour objection and the resident considers the material to be insufficient quality given the location on the boundary of the Margate Conservation Area. However, the material would only be visible on the northern elevation which would have oblique views towards it from the Conservation Area across Addington Square and the Telephone Exchange car park. Moreover, any stipulations about using traditional building materials within a Conservation Area do not apply outside of that area.
27. Because of the site which is in an elevated position above a retaining wall, the advice from our Conservation Advisor is that the building would require special foundations and is likely to require a lightweight construction which is reflected in the choice of design materials. Whilst there would be a preference for timber cladding, the location of the proposal means that it would be difficult to gain access to maintain it. For this reason, it is considered that the proposed cladding would be appropriate for this specific proposal. A sample of the material has been submitted. The choice of material requires low maintenance when compared to traditional wood

weatherboarding which if not well maintained can fall into disrepair. The material, which is a fibre reinforced cement board can achieve A+ rating in the BRE's "Green Guide to Specification" and is not a UPVC product as suggested. It is similar in appearance to timber weather boarding and therefore in my opinion would be visually of an acceptable quality in this location.

28. The applicant has also made amendments to the original proposal to use powder coated aluminium (white) instead of UPVC windows and doors. These materials are considered to be acceptable in this location, given also that there are no windows or doors in the side elevations, and only the front elevation using these materials would be visible from the boundary of the Conservation Area.
29. With regard to the canopy, the applicant proposes that this be steel frame with a clear/translucent roof covering. It would provide a basic weather shelter at the entrance to the building within the play area. Given that this is to the rear of the existing store and would be screened from views from the Conservation Area due to the buildings to the west and north, I do not consider this to be inappropriate development in this location. No objections to the canopy have been received from Thanet District Council or my Conservation Advisor, who considers the impact of the canopy to the Conservation Area to be minimal, subject to the frame being black. A black frame could be required by condition should Members be minded to grant permission for this proposal.
30. Taking account of policy D1 and comments received from the District Council and the Conservation Advisor, I conclude that the design is of sufficient quality in this location and with the amendments made by the applicant to the roof profile and windows and doors respects the character and appearance of the surrounding site context. I conclude that the proposed materials are appropriate and compatible with neighbouring buildings.

Amenity and other matters

31. I am satisfied that neighbouring residential properties are sufficiently far away from the site so as to be unaffected by construction activity, although the hours of work could be controlled by the standard condition concerning hours of work.
32. The site lies in an Area of Archaeological Potential and I am satisfied that a condition can be applied with regard to provision of a watching brief so that any excavation is observed and items of interest and finds recorded in accordance with Policies HE11 and HE12.
33. Given also that the application is of low environmental risk and the Environment Agency has no comments to make on the proposal, and that the proposal is not likely to lead to highways impacts and has attracted no objection from our Highways Advisor, I consider that the proposal is acceptable in terms of other matters.

Conclusion

34. The proposal seeks to provide a community facility at an existing school site by use of an existing and extended building. Given that it has not attracted objection on policy grounds from Thanet District Council I conclude that it is not contrary to Local Plan policies and that the location has been demonstrated as appropriate. I therefore

Extension at Holy Trinity & St John's CE Primary School, Margate –
KCC/TH/0451/2015 (TH/15/0027)

conclude that the proposal is in accordance with policy CF1 with regard to provision of community facilities.

35. This proposal is near to but purposely excluded from the Conservation Area. Whilst there are views towards the proposal from the neighbouring Conservation Area, I conclude that the impact on the character and/or appearance of the Conservation Area is acceptable given the design and materials proposed, and that the setting of nearby Listed Buildings would not be adversely affected by the proposal. Furthermore, given the weight attached to working in a positive manner when dealing with proposals for the alteration of state-funded schools with a presumption in favour of the sustainable development as expressed in the NPPF, I conclude that refusal of this proposal could not be justified on grounds of unacceptable impacts on the character and /or appearance of the nearby Conservation Area or on the grounds of unacceptable impacts to the setting of nearby Listed Buildings.

Recommendation

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

- Standard time limit of 5 years;
- For the development to be as set out in the application;
- Use of external materials and colours as submitted;
- Limitation on construction hours to between 0800 and 1800 Monday to Friday and 0800 to 1300 Saturday with no work on Sundays and Public Holidays;
- Requirement for an archaeological watching brief;
- That the canopy frame be painted black.

Case Officer: H Mallett

Tel. no: 03000 413411

Background Documents: see section heading

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Amendment of junction configuration at new school access road and Gibson Drive, Kings Hill, West Malling

A report by Head of Planning Applications Group to Planning Applications Committee on 8th April 2015.

Application by Kent County Council Education Department for a non-material amendment of junction configuration at junction of new school access road and Gibson Drive, Kings Hill, West Malling, Kent – TM/15/00500/CR3 (TM/14/1929/R)

Recommendation: Approval be given.

Local Member: Mr M. Balfour

Classification: Unrestricted

Site

1. The site is located in the heart of the Kings Hill estate and was formerly occupied by the KCC Commercial Services warehouse building, which was demolished in Summer 2014. The former warehouse building site is generally square in shape and is surrounded on all sides by existing largely commercial buildings of a variety of heights, styles and designs. Gibson Drive lies to the south east of the site.

Background

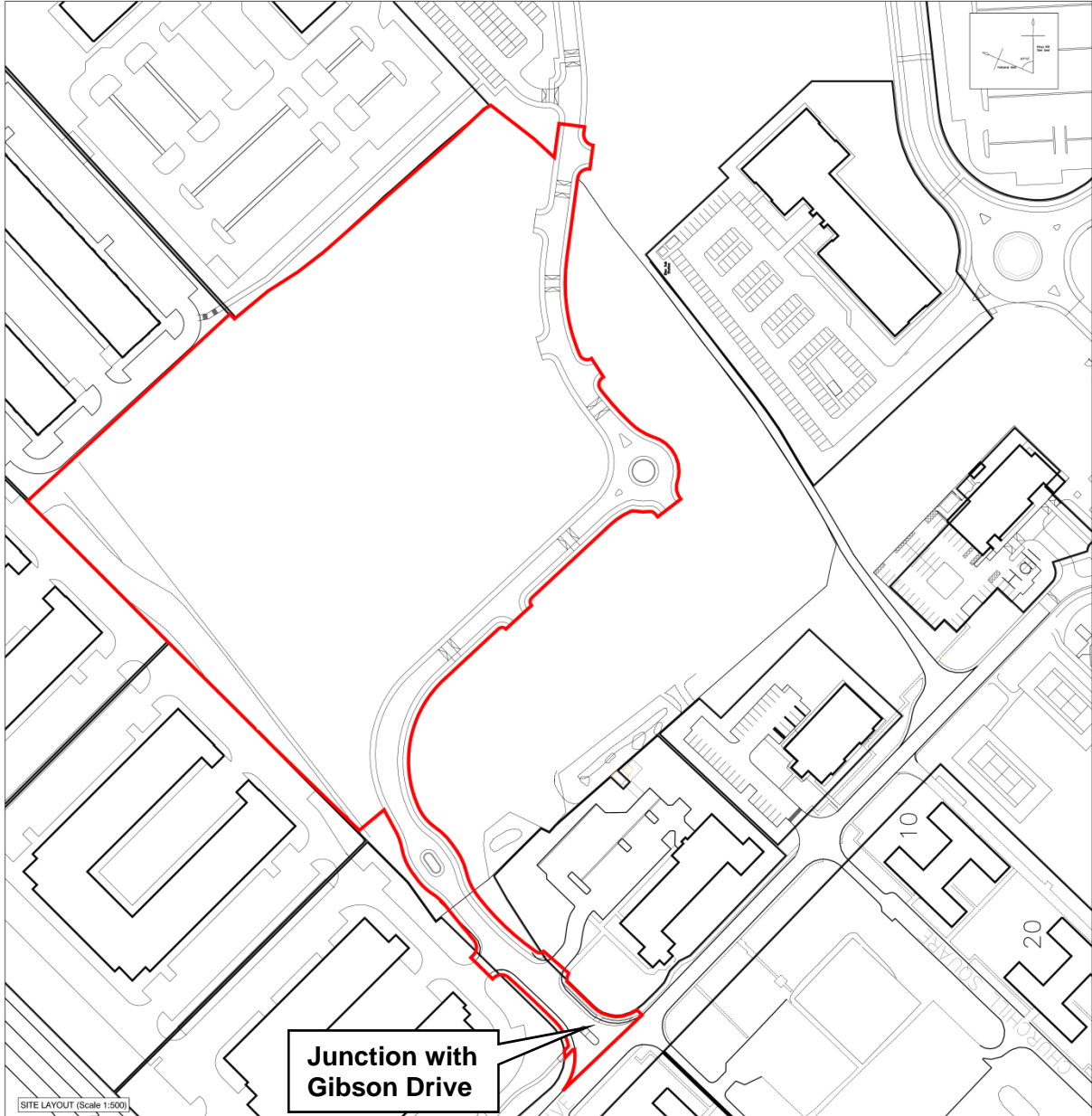
2. In October 2014 Kent County Council approved (under delegated powers) a planning application for the construction of a new three form entry primary school on this site, along with a new access road which linked Gibson Drive with a spur off Tower View to the north.
3. At the time of the application the junction layout for the school site with Gibson Drive was shown as a restricted Left in/Left or Right out (LI/LORO) junction. The planning permission had a condition requiring the development to be carried in accordance with the permitted details and that there shall be no deviation from these without the prior approval of the County Planning Authority. The applicants now wish to amend this layout to an all-manoeuvres junction and have therefore applied for a non-material amendment to the earlier permission.

Recent Site History

4. TM/14/1929 - Demolition of existing KCC commercial services building (see application reference 13/01535/OAEA and 14/01174/DEN); Construction of new access road between Gibson Drive and spur off Tower View (approved under KCC/TM/0386/2013); Construction of new two-storey, three-form entry primary school and associated vehicle and pedestrian access, car park and landscaping.

Amendment of junction configuration at new school access road and Gibson Drive, Kings Hill, West Malling

General Location Plan and Site Boundary



Amendment of junction configuration at new school access road and Gibson Drive, Kings Hill, West Malling

Proposed Junction Layout



Amendment of junction configuration at new school access road and Gibson Drive, Kings Hill, West Malling

Originally Approved Junction Layout



Amendment of junction configuration at new school access road and Gibson Drive, Kings Hill, West Malling

Proposal

5. The previously proposed junction layout at the access point to the site from Gibson Drive only allowed motorists to turn left into the school access road, but permitted left or right turns back out onto Gibson Drive. The current proposal would alter this layout to an all-manoevres junction, with a pedestrian refuge island in the centre and pedestrian crossing points (dropped kerbs) either side. All other elements of the originally approved planning application remain the same.

Planning Policy

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

- (i) **National Planning Policy Framework (NPPF)** March 2012 and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- The great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools.

- (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) **Tonbridge and Malling Core Strategy 2007:**

Policy CP2 Sustainable Transport: New development that is likely to generate a significant number of trips should (a) be well located relative to public transport cycle and pedestrian routes and with good access to local service centres; (b) minimise the need to travel through the

Amendment of junction configuration at new school access road and Gibson Drive, Kings Hill, West Malling

implementation of Travel Plans and the provision or retention of local services and facilities; (c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking; (d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated; (e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and (f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

(iv) **Tonbridge and Malling Managing Development and the Environment Development Plan Document (April 2010):**

Policy SQ8 Road Safety: (1) Before proposals for development are permitted they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided; (2) Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network; (3) Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road will be permitted; (4) Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document; and (5) Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

Consultations

7. **Tonbridge & Malling Borough Council** raises no objection.

Kings Hill Parish Council object to the application to change the entrance layout. There are significant concerns about how the change would impact on the use of the one-way section in Gibson Drive. The original entrance layout would discourage drivers from driving the wrong way down the one way section. However, the amendment could lead to an increase in drivers driving the wrong way.

Following further correspondence, Kings Hill Parish Council have written again to advise that it was unanimously agreed that their objection to the application as previously stated should remain.

Kent County Council's Highways and Transportation Officer has no objection to the proposal. They advise that a traditional priority junction layout is considered acceptable and preferable. A restricted Left in/Left or Right Out (LI/LORO) junction could compromise safety by encouraging other unconventional movements such as nearby u-

Amendment of junction configuration at new school access road and Gibson Drive, Kings Hill, West Malling

turns or oblique or multiple manoeuvres. The previous arrangement represented an unnecessarily overdesigned layout, which could be open to abuse, with unusual and potentially unsafe manoeuvres.

Discussion

8. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 6 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
9. This application is being reported to the Planning Applications Committee following the objection received from the Parish Council. In my view the main issue is whether the revised design of the junction layout is acceptable and appropriate for this particular location from a highway safety point of view.
10. The Highways and Transportation officers have provided clear advice that the originally proposed restricted junction layout could result in unsafe vehicle manoeuvres and that in their view the revised 'all manoeuvres' layout would be preferable. They have also advised that a restricted junction is only usually implemented where there is a history of unsafe manoeuvres that provide a justification for it. Restrictions that are proposed out of a perceived need are often an over-design in highway terms.
11. Although the Parish Council's concerns are noted, the Highway Officers views are quite clear that the proposed scheme is the most appropriate in this particular case. In the light of the Parish Council's continued concern and difference of opinion, I have liaised further with Kent Highways, and their professional advice remains unchanged that the latest junction is the safest and most appropriate for this particular location, taking account of its intended use and the local road network. They advise that there is no evidence to show that motorists would be encouraged to drive the wrong way down the one-way section of road as a result of this layout, and therefore the junction need not be designed to try and overcome such problems that do not exist.

Conclusion

12. Whilst I note the Parish Council's difference of opinion, highway design is a technical matter, informed by Government design criteria, and I can see no reason to ignore the Highway Authority's professional advice and judgement on this matter. In particular, where there are highway safety aspects involved, it would be wrong to base a decision on conjecture when professional advice is available, but in the event that the Parish Council's concerns are realised then it would always be possible to revisit the design at a later date. In the meantime though it is considered that the revised junction layout is acceptable and preferable from a highway safety point of view than the previously approved layout, and therefore the application for a non-material amendment is recommended for approval.

Amendment of junction configuration at new school access road
and Gibson Drive, Kings Hill, West Malling

Recommendation

I RECOMMEND that APPROVAL BE GIVEN.

Case Officer: Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

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

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

Background Documents - The deposited documents.

- DO/10/954/RVAR Details pursuant to conditions 7 (external lighting), 25 (surface water details), 31 (confirmation of implementation of conservation management plan and monitoring) and 33 (reptile translocation and annual monitoring reports) of DO/10/954.
Site B – Land North of Stevens & Carlotti, Ramsgate Road, Richborough, Sandwich
- DO/12/413/RVAR Details pursuant to conditions 7 (external lighting), 25 (surface water details), 31 (confirmation of implementation of conservation management plan and monitoring) and 33 (reptile translocation and annual monitoring reports) of DO/12/413.
Site B – Land North of Stevens & Carlotti, Ramsgate Road, Richborough, Sandwich
- DO/15/28 Section 73 application to vary condition (2) of planning permission DO/11/612 to allow the addition of one clean water storage tank to the existing scheme and within the development footprint.
Tilmanstone Salads, Pike Road industrial estate, Millyard Way, Eythorne
- SH/11/852/R10 Details pursuant to condition (10) of planning permission SH/11/852 - methodology for noise and vibration monitoring.
Borrow Pit, Dungeness Road, Dungeness, Romney Marsh
- TM/14/3991 Section 73 application to vary conditions (4) and (5) of planning permission TM/92/358 to increase volume of liquid to be treated and associated vehicle numbers.
Ham Hill wastewater Treatment Works, Brook Lane, Snodland
- TW/14/501345/R Non-Material Amendment for a variation to the details of landscaping (and aftercare) approval as detailed in condition 17 of planning permission TW/14/501345 (Installation of an agricultural anaerobic digestion plant including digester, storage and hydrolysis tanks, clamps, CHP, substation, transformer, portacabin and associated infrastructure).
Conghurst Farm, Conghurst Lane, Hawkhurst, Cranbrook

**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/13/2232/R6	Details of a revised School Travel Plan pursuant to condition (6) of planning permission CA/13/2232. Joy Lane Primary School, Joy Lane, Whitstable
DA/14/670/R3	Details of Landscaping pursuant to condition (3) of planning permission DA/14/670. Land within The Bridge Primary School, Marsh Street, Dartford
DA/14/670/R4&5	Details of Ecology pursuant to condition (4) and (5) of planning permission DA/14/670. Land within The Bridge Primary School, Marsh Street, Dartford
DA/14/670/R6	Details of External Lighting pursuant to condition (6) of planning permission DA/14/670. Land within The Bridge Primary School, Marsh Street, Dartford
DA/14/670/R7	Details of Visibility Splays pursuant to condition (7) of planning permission DA/14/670. Land within The Bridge Primary School, Marsh Street, Dartford
DO/14/1204	The proposed works include the replacement of roof coverings and the existing roof lights, and replacement of high level clerestorey windows to the side at the rear of the building. Kent County Council, Sandwich Library, 13 Market Street, Sandwich
SE/11/1839/R	Non-material amendment for the erection of replacement sports pavilion. Shoreham Village School, Church Street, Shoreham
SE/15/30	Construction of a two storey extension adjacent to the junior block stairwell of the school. St Bartholomew's Catholic Primary School, Sycamore Drive, Swanley
SE/15/77	Proposed erection of temporary buildings to accomodate the relocation of Trinity Free School from its existing site together with associated access and parking works. Knole (east) Academy, Seal Hollow Road, Sevenoaks

SW/14/400/R10	Details of School Travel Plan pursuant to condition (10) of planning permission SW/14/400. Lower Halstow School, School Lane, Lower Halstow, Sittingbourne
SW/14/500739/R16	Details pursuant to condition 16 (a method statement for avoidance of impacts to reptiles and amphibians) of planning permission SW/14/500739. Iwade Community Primary School, School Lane, Iwade, Sittingbourne
SW/15/500403	Formation of additional office space by infilling external covered area to link block. St Georges Church of England, Chequers Road, Minster on Sea, Sheerness
TH/14/148/RVAR	Submission of details of landscaping, fencing and boundary treatment - (condition 4), pedestrian entrance - (condition 10), lighting - (condition 12), external materials - (condition 13), roof extract plant - (condition 14) and construction vehicle turning and compound - (condition 20). Cliftonville Primary School, Northumberland Avenue, Margate
TH/14/797/R4	Details of external materials pursuant to condition (4) of planning permission TH/14/797. Minster Primary School, Molineux Road, Minster, Ramsgate
TH/14/797/R5	Details of a scheme of landscaping and tree planting pursuant to condition (5) of planning permission TH/14/797. Minster Primary School, Molineux Road, Minster, Ramsgate
TH/14/797/R6	Phase 2 contamination land assessment and gas risk assessment pursuant to condition (6) of planning permission TH/14/797. Minster Primary School, Molineux Road, Minster, Ramsgate
TH/14/826/RVAR	Details pursuant to conditions 3, 14 and 15 of planning permission TH/14/826. Ursuline College, 225 Canterbury Road, Westgate on Sea
TH/14/1064/R5	Temporary relaxation of the normal hours of work as set out in condition (5) of planning permission TH/14/1064. St Anthony's School, St Anthony's Way, Margate
TM/14/1929/R3 & R7	Details of external materials and construction management plan pursuant to conditions (3) and (7) of planning permission TM/14/1929. Land at Gibson Drive, 30 Gibson Drive, Kings Hill, West Malling
TM/14/1929/RVAR	Partial discharge of conditions 18, 19 and 20 of planning permission TM/14/1929 where they relate to the road construction site only. Land at Gibson Drive, 30 Gibson Drive, Kings Hill, West Malling

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/TM/0055/2015 - Relocation of the existing soil screening and processing operations and extend the timescales of the soil screening operations. Borough Green Sand Pit, Platt Industrial Estate, St Marys Platt, Borough Green, Kent, TN15 8JL.
- KCC/TM/0056/2015 - Section 73 application to vary conditions 2 & 17 of planning permission TM/07/512 relating to operational timescales. Borough Green Sand Pit, Platt Industrial Estate, St Marys Platt, Borough Green, Kent, TN15 8JL.
- KCC/TM/0057/2015 - Section 73 application to vary conditions 2 & 12 of planning permission TM/09/2028 relating to operational timescales. Borough Green Sand Pit, Platt Industrial Estate, St Marys Platt, Borough Green, Kent, TN15 8JL.
- KCC/TW/0063/2015 - Proposed extension to form a new classroom. Speldhurst CEP School, Langton Road, Speldhurst, Tunbridge Wells
- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None

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

- (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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