

PLANNING APPLICATIONS COMMITTEE

Monday, 19th June, 2017

2.00 pm

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

**Monday, 19th June, 2017, at 2.00 pm
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 (13)

- Conservative (10): Mr R A Marsh (Chairman), Mr A Booth, Mr K Gregory,
Mr R A Pascoe, Mr H Rayner, Mr C Simkins, Mrs P A V Stockell,
Mr B J Sweetland and Mr J Wright plus 1 vacancy
- Liberal Democrat (1): Mr I S Chittenden
- Labour (1) Mr B H Lewis
- 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. Election of Vice-Chairman
 3. Declarations of Interests by Members in items on the Agenda for this meeting.
 4. Minutes - 19 April and 25 May 2017 (Pages 7 - 14)
 5. Dates of future meetings
- A5 Wednesday, 17 July 2017
Wednesday, 9 August 2017 (Provisional)
Wednesday, 13 September 2017
Wednesday, 11 October 2017
Wednesday, 8 November 2017
Wednesday, 6 December 2017
Wednesday, 17 January 2018
Wednesday, 7 February 2018
Wednesday, 14 March 2018
Wednesday, 18 April 2018
Wednesday, 16 May 2018

All meetings begin at 10.00 am.

6. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application KCC/SH/0070/2017 - Variation of Conditions A4 and C1 of Permission SH/99/1003/MR69 to retain the access to Kerton Road and delay reinstatement of the land until 31 December 2024, extend the date for completion of sand and gravel extraction until 31 December 2023 and remove all plant, machinery equipment and complete restoration of the site by 31 December 2024, together with amended plant and method of working pursuant to Conditions A9 and C2 of Permission SH/99/MR69 at Denge Quarry, Kerton Road, Lydd; Cemex UK Operations Ltd (Pages 15 - 42)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal AS/17/00236 (KCC/AS/0044/2017) - New 2 F.E. two-storey primary school within nursery facility within the existing Academy School site with associated soft and hard landscaping and access to form a 3 to 19 years through school at the John Wallis CE Academy, Millbank Road, Kingsnorth; KCC Education and Governors of John Wallis CE Academy (Pages 43 - 62)
2. Proposal 17/501720/County (KCC/SW/0083/2017) - Two part single storey building including new vehicle access, drop-off loop and parking to facilitate a 1FE expansion at Regis Manor Primary School, Middletune Avenue, Sittingbourne ; KCC Property (Pages 63 - 82)
3. Proposal DA/17/00648/CPO (KCC/DA/0091/2017) - Section 73 application to vary Condition 2 of Permission DA/a6/1328 to allow an increase in the ridge and eaves height of the buildin to accommodate the steel frame modules, other minor alterations to the roofscape and elevations and the addition of air source heat pumps to the west elevation enclosed with timber fencing at Wentworth CP School, Wentworth Drive, Dartford; KCC Property (Pages 83 - 98)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 99 - 100)
2. County Council developments (Pages 101 - 104)
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (Pages 105 - 106)

4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (Pages 107 - 108)

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)

John Lynch
Head of Democratic Services
03000 410466

Friday, 9 June 2017

(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, 19 April 2017.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr M Baldock, Mr H Birkby (Substitute for Mr A Terry), Mr D L Brazier, Mrs P Brivio, Mr L Burgess, Mr N J D Chard, Mr I S Chittenden, Mr T A Maddison, Mr S C Manion, 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: Mr D S Daley

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Principal Planning Officer - Waste Developments), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr D Joyner (Transport & Safety Policy Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

18. Minutes - 15 March 2017
(Item A3)

RESOLVED that the Minutes of the meeting held on 15 March 2017 are correctly recorded and that they be signed by the Chairman.

19. General Matters
(Item B1)

The Head of Planning Applications Group reported positive outcomes from a recent meeting between Planning Officers and representatives from Sport England. These included an agreed escalation process, which was already working effectively in other parts of the UK, the early involvement of KCC's Sports Development Unit in the planning process and joint training for officers from Sport England, KCC Property and Education.

20. Application SW/16/507594 (KCC/SW/0277/2016) - Phased extraction of brickearth, advance planting, access improvements, restoration and replanting back to agricultural use at Paradise Farm, Lower Hartlip Road, Hartlip; Wienerberger Ltd
(Item C1)

(1) Mr M Baldock and Mr L Burgess both informed the Committee that they were acquainted with some of the local residents who had corresponded in respect of the application. None of these acquaintanceships constituted a close personal relationship and they were both able to approach the determination of the application with a fresh mind.

(2) Mr S Bennett and Mrs J Taylor from Amey, the County Council's Noise and Air Quality were in attendance for this item.

(3) Correspondence from Newington PC and Mr John Wright had been circulated to the Committee prior to the meeting. Mr Wright had also provided photographs of the application site and its environs. These were displayed in the Council Chamber and a video of the horses from his stable was shown to the Committee as part of the introductory presentation by the Head of Planning Applications Group.

(4) Mr Richard Palmer (Newington PC), Mr Graham Addicott (Hartlip PC) and Mr John Wright addressed the Committee in opposition to the application. Mr David Bridgwood (Wardell Armstrong LLP) spoke in reply on behalf of the applicants.

(5) Mr M Baldock moved, seconded by Mr L Burgess that consideration of this application be deferred pending the outcome of the judicial review of the Secretary of State's decision to refuse the application for housing and related development at Pond Farm in Newington.

(6) One third of the voting Members present required that the way all Members cast their votes would be recorded.

(7) The Chairman thereupon put the motion set out in (5) above to the vote.

FOR: Mr M Baldock, Mr H Birkby, Mr L Burgess, Mrs E D Rowbotham and Mr T L Shonk.

AGAINST: Mr M J Angell, Mr D L Brazier, Mrs P Brivio, Mr N J D Chard, Mr I S Chittenden, Mr J A Davies, Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mr C Simkins, Mr C P Smith, Mrs P A V Stockell and Mr J N Wedgbury.

Lost 5 votes to 13

(8) Mr T A Maddison moved, seconded by Mr C P Smith that the recommendations of the Head of Planning Applications Group be agreed subject to the complaints procedure being for approval by KCC; HGV movements on

Saturdays being limited to 50; and the workmen's facilities being removed at the end of each working phase; that the applicants be encouraged by Informative to engage with the owners of Paradise Farm and other adjoining residents and landowners about the impacts associated with the development and to explore the potential for alternative grazing facilities as appropriate; and for KCC Highways and Transportation to be asked to explore the potential for further improvements to the mitigation of the pinch point in Newington.

(9) One third of the voting Members present required that the way all Members cast their votes would be recorded.

(10) The Chairman thereupon put the motion set out in (8) above to the vote.

FOR: Mr M J Angell, Mr D L Brazier, Mrs P Brivio, Mr N J D Chard, Mr I S Chittenden, Mr J A Davies, Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mr C Simkins, Mr C P Smith, Mrs P A V Stockell and Mr J N Wedgbury. .

AGAINST: Mr M Baldock, Mr H Birkby, Mr L Burgess, Mrs E D Rowbotham and Mr T L Shonk

Motion carried 13 votes to 5

(11) RESOLVED that:-

- (a) permission be granted to the application subject to conditions including conditions covering the cessation of brickearth extraction and the completion of the restoration within 18 years of the commencement of extraction; working, restoration and aftercare being undertaken as proposed; soil stripping, movement and storage, brickearth extraction and transportation and soil replacement taking place for no more than 16 weeks in any year between 1 April and 30 September (with brickearth extraction and transportation taking place for no more than 12 weeks during that period); the development being implemented as amended in February 2017 (i.e. with no operations outside the operational boundaries proposed at that stage); working only taking place between 0700 and 1800 hours on Mondays to Fridays and between 0800 and 1300 hours on Saturdays with no working on Sundays, and Bank/ Public Holidays and no operations, construction, servicing or maintenance outside of these hours except in emergencies; measures to prevent mud or debris being deposited on the highway (including the provision of the proposed wheel wash facility and its use when necessary, the cleaning of the access road and the covering/ sheeting of HGV loads); the noise limits proposed by KCC's Noise Consultant not being exceeded; the noise bunds being constructed in the proposed locations; the dust mitigation and live dust management plan proposed by KCC's Dust and Air Quality Consultant being implemented; The grass seeding of soil storage mounds / bunds; non-tonal reversing alarms being used by all operational vehicles,

plant and machinery associated with development at the site; the implementation of a code of practice for HGVs; the establishment of a complaints procedure for approval by KCC; the access onto the A2 being the only access used for development traffic; HGV movements being limited to 100 (50 in / 50 out) each day on Mondays to Fridays and to 50 (25 in / 25 out) on Saturdays ; the implementation of a traffic management plan (to include parking facilities and measures to assist in minimising the impact of HGVs when the A2 is congested); all HGVs involved in the transportation of brickearth entering from and leaving the site to the east; the provision of a detailed surface water management scheme; measures to address any unexpected contamination that may be found at the site; ecological surveys and mitigation; the implementation of an Ecological Management Plan; a programme of archaeological work; measures to safeguard public rights of way and their users; compliance with the Soils Handling Strategy; at least 1.2m of topsoil and subsoil being used in the final restoration profile; and the workmen's facilities being removed at the end of each working phase;

- (b) the applicants be advised by Informative that:-
- (i) they are encouraged to establish a local liaison group involving representatives from Kent County Council, Newington Parish Council, Hartlip Parish Council and those residents or landowners immediately adjacent to the site;
 - (ii) they are encouraged to engage with the owners of Paradise Farm and other adjoining residents and landowners about the impacts associated with the development and to explore the potential for alternative grazing facilities as appropriate; and
 - (iii) they are asked to explore with KCC the potential for the early reinstatement of hedgerows to be monitored as part of the annual site monitoring visits; and
- (c) KCC Highways and Transportation be requested to explore the potential for further improvements to the mitigation of the pinch point in Newington.

21. Application CA/17/335 (KCC/CA/0030/2017) - Section 73 application to vary the wording of Condition 9 of Permission CA/15/2375 to increase the permitted tonnage at Plots D and E, Lakesview Business Park, Hersden, Canterbury; Ling UK Holdings Ltd
(Item C2)

(1) In agreeing the recommendations of the Head of Planning Applications Group, the Committee agreed to add an Informative encouraging the applicants to explore the potential for community engagement with the affected Parish Councils and interested parties.

(2) RESOLVED that:-

- (a) permission be granted to the application subject to Condition (9) being amended to allow no more than 120,000 tonnes of waste to enter the site in any one year; and the re-imposition of all conditions previously imposed on Permission CA/15/2375 updated and amended as necessary. These conditions include the provision of buildings to contain operations on site; the use of fast action doors within the Waste Transfer Building; the hours of operation; stockpile heights; HGV movements; odour suppression systems; noise controls; dust suppression measures; and a limit of 48 hours on the length of time putrescible waste can be retained on site;
- (b) the applicants be encouraged by Informative to explore the potential for community engagement with the affected Parish Councils and interested parties.

22. Application TM/17/131 (KCC/TM/0328/2016) - Section 73 application to vary Conditions 9 and 10 of Permission TM/10/2029 in order to increase vehicle movements and to allow preloaded HGVs to leave the site from 0630 at Hermitage Quarry, Hermitage Lane, Aylesford ; Gallagher Aggregates Ltd
(Item C3)

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

- (2) RESOLVED that permission be granted to the proposed variations to Conditions (9) and (10) of Annex A2 of Permission TM/10/2029 to allow increased HGV movements and pre-loaded HGVs to leave the site from 0630 hours subject to conditions, including conditions covering the highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days not exceeding 600 movements per day; the number of HGV movements on any single day not exceeding 150 movements, of which a maximum of 50 movements should take place in the one hour period 0630 to 0730, 45 movements in the one hour period between 0730 and 0830 hours and 55 movements in the one hour period between 0830 and 0930 hours; only HGVs pre-loaded the previous evening being permitted to leave the site in the period between 0630 and 0700 hours (i.e. no other activity taking place); the maximum number of HGVs entering and leaving the site not exceeding a combined total of 50 movements during the evening peak period of 1600 to 1800 hours; and the submission and approval of details of a permanent HGV movement monitoring scheme to record movements on an hourly and daily basis.

23. 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.

24. Mr Mike Clifton

The Chairman thanked Mr Mike Clifton for his many years of professional service to the Committee on his retirement. The Committee also recorded its appreciation.

25. Other Matters

The Committee recorded its appreciation for the work of all the Officers in the Planning Applications Group and elsewhere who had supported the Committee and also warmly thanked Mr John Davies for his chairmanship of the Committee over the previous four years.

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 Thursday, 25 May 2017.

PRESENT: Mr I S Chittenden, Mr K Gregory, Mr P M Harman, Mr B H Lewis, Mr R A Marsh, Mr R A Pascoe, Mr M D Payne, Mr H Rayner, Mr C Simkins and Mrs P A V Stockell

IN ATTENDANCE: Mr J Lynch (Head of Democratic Services)

UNRESTRICTED ITEMS

1. **Election of Chairman**
(*Item 3*)

(1) It was duly proposed and seconded that Mr Marsh be elected Chairman of the Committee.

(2) RESOLVED that Mr Marsh be elected Chairman of the Committee.

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SECTION C
MINERALS AND WASTE MANAGEMENT

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

Item C1

Planning application to vary conditions A4 and C1 of planning permission SH/99/1003/MR69 to retain the access to Kerton Road and delay reinstatement of the land until 31 December 2024, extend the date for completion of sand and gravel extraction until 31 December 2023 and remove all plant, machinery equipment and buildings and complete restoration of the site by 31 December 2024, together with amended plant and method of working pursuant to conditions A9 and C2 of planning permission SH/99/1003/MR69 at Denge Quarry, Kerton Road, Lydd, Kent, TN29 9NP – SH/17/0338 (KCC/SH/0070/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 19 June 2017

Application by Cemex UK Operations Limited for planning application to vary conditions A4 and C1 of planning permission SH/99/1003/MR69 to retain the access to Kerton Road and delay reinstatement of the land until 31 December 2024, extend the date for completion of sand and gravel extraction until 31 December 2023 and remove all plant, machinery equipment and buildings and complete restoration of the site by 31 December 2024, together with amended plant and method of working pursuant to conditions A9 and C2 of planning permission SH/99/1003/MR69 at Denge Quarry, Kerton Road, Lydd, Kent, TN29 9NP – SH/17/0338 (KCC/SH/0070/2017)

Recommendation: Permission be granted

Local Member: Mr Tony Hills

Classification: Unrestricted

Site and Surroundings

1. Denge Quarry is an existing sand and gravel site, located approximately 4km east of Lydd, to the south and west of Lydd-on-Sea, on the eastern edge of the Dungeness Peninsula. The site lies to the west of residential properties along Coast Drive, the nearest dwellings being located to the northeast and east on Williamson Road, Pleasance Road North and Coast Drive. Dungeness Peninsula is a generally level

Item C1

Variation of conditions of SH/99/1003/MR69 to retain the access to Kerton Road and delay reinstatement of the land until 31 December 2024, extend the date for completion of sand and gravel extraction until 31 December 2023 and remove all plant, machinery equipment and buildings and complete restoration of the site by 31 December 2024, together with amended plant and method of working Denge Quarry, Kerton Road, Lydd – SH/17/0338 (KCC/SH/0070/2017)

coastal area with levels in the immediate vicinity of the site at around 4.0-6.0 m above sea level.

2. There are several public rights of way across the Dungeness Peninsula. A public right of way (HL9) passes from the east of the site (southern end) skirting around passing to the south of the quarry before heading west across Denge Marsh towards Lydd. Further to the north, a network of footpaths connects Lydd-on-Sea to Dungeness Road to the west. The main surrounding land use is nature conservation, but there is also residential development to the north and east of the quarry, Dungeness nuclear power station to the south west and Lydd Airport to the north west of the site.
3. The Romney, Hythe and Dymchurch light railway passes north-south to the east of the site to the rear of the properties on Coast Drive.
4. Dungeness is an area of particular interest for its geology, the coastal geomorphology including its shingle foreshore and its associated flora and fauna. As such the site is surrounded by and partly lies within the Dungeness, Romney Marsh and Rye Bay Special Conservation Area (SAC) and Site of Special Scientific Interest (SSSI). The site is surrounded to the north, east and west by the Dungeness National Nature Reserve (NNR) and the environs of the site within the Dungeness, Romney Marsh and Rye RAMSAR and Special Protection Area (SPA). These are nationally and internationally important designations. The site is also important locally and identified as a Site of Nature Conservation Interest (SNCI) and forming part of a Local Landscape Area.
5. The quarry is approximately 40.2ha in area, including the plant area and access. The site access is off Kerton Road which leads to Coast Drive. The northern part of the application site is currently partially restored to a lake, with graded margins and islands. The southernmost part of the site comprises the processing plant site, and ancillary buildings including single storey office and weighbridge; processing plant and stockpiles, small silt lagoons and settlement ponds. The operational area is screened to the south, south-west and south-east by a 3.0m high soil bund.
6. The quarry is located in a sensitive hydrological and hydro-geological environment, with the site overlying an aquifer and with a number of drinking water abstraction boreholes located in the vicinity. The site is also located within land at risk of flooding and lies within Flood Zone 3.

Background and Recent Site History

7. Denge Quarry has been in operation for many years – the main extraction permission for Denge Quarry was granted on appeal in 1976. Following on from that the planning history is:

Item C1

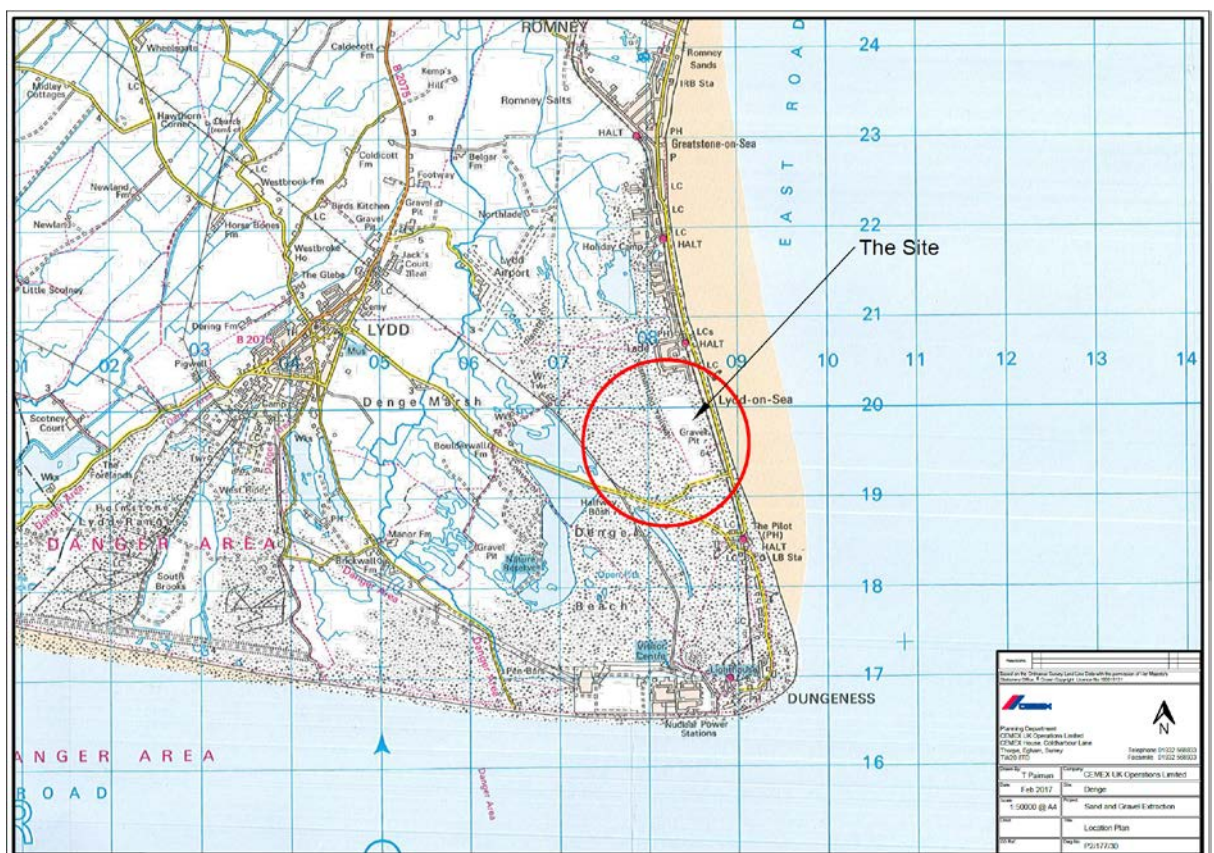
Variation of conditions of SH/99/1003/MR69 to retain the access to Kerton Road and delay reinstatement of the land until 31 December 2024, extend the date for completion of sand and gravel extraction until 31 December 2023 and remove all plant, machinery equipment and buildings and complete restoration of the site by 31 December 2024, together with amended plant and method of working Denge Quarry, Kerton Road, Lydd – SH/17/0338 (KCC/SH/0070/2017)

- Planning permission SH/81/798 – permitted the erection of an aggregate processing plant – 26th January 1984.
 - An application for determination of new conditions (ROMP), reference SH/99/1003/MR69 was submitted in October 1999 and was accompanied by Environment Impact Assessment (EIA) and conditions were agreed 21 December 2000. *(This application site covered both New Romney Pit and Denge Pit and as such the conditions were split into 3 parts. Part A was conditions relating to the whole site (both quarries), Part B imposed additional conditions applying to New Romney Pit and Part C applied additional conditions to Denge Pit & plant site. New Romney Pit has been worked, restored and is out of aftercare).*
 - Permission reference SH/01/382 enabled the continued extraction of sand and gravel, use of the processing plant and site restoration without compliance with conditions A(13) C(5) and C(7) of SH/99/1003/MR69, this was permitted in April 2002. This involved mainly the future extraction of sand and gravel from below the water table at Denge Quarry and without complying with the previous salinity level condition C5 and removal of restrictions on pumping. Details submitted pursuant to conditions 1, 2, and 3 of permission SH01/382 were permitted in May 2002 relating to the provision of water monitoring details at Dungeness and the confirmation of the arrangement for the provision of appropriate plant to treat chlorides and a scheme of wash water recycling at Denge washing plant. Application SH/01/382 was supported by an EIA which focused on ecology and hydrogeology.
 - SH/08/963 permitted in May 2009 amended condition C10 of planning permission SH/99/1003/MR69 to vary the final restoration scheme.
 - SH/99/1003/MR69/RC2 and RC11 permitted in September 2011 amended the method of working and aftercare scheme of planning permission SH/99/1003/MR69. The method of working alteration enabled the means of transporting mineral to the processing plant from conveyor to vehicle movements.
8. The quarry has been worked by hydraulic excavator, loading shovel and field conveyor for the last five years and it is proposed that this method of working be continued for Phase 7 (which has yet to be worked). However the Applicant has identified that the current method of working by excavator close to the retreating face has resulted in a significant depth of sand and gravel left in-situ at the base of the lake. The long arm excavator has been unable to safely reach these reserves and excavate to the full permitted depth without becoming unstable. Surveys have identified 875,000 tonnes of mineral would potentially be sterilised if the excavator is unable to reach this reserve. Consequently the Applicant is now proposing a different method of working, involving an excavator on a floating pontoon, which necessitates a short extension to the end date of quarrying and restoration activities. (Full details are given in the proposal section of my report – Paragraphs 9-15 below).

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Variation of conditions of SH/99/1003/MR69 to retain the access to Kerton Road and delay reinstatement of the land until 31 December 2024, extend the date for completion of sand and gravel extraction until 31 December 2023 and remove all plant, machinery equipment and buildings and complete restoration of the site by 31 December 2024, together with amended plant and method of working Denge Quarry, Kerton Road, Lydd - SH/17/0338 (KCC/SH/0070/2017)

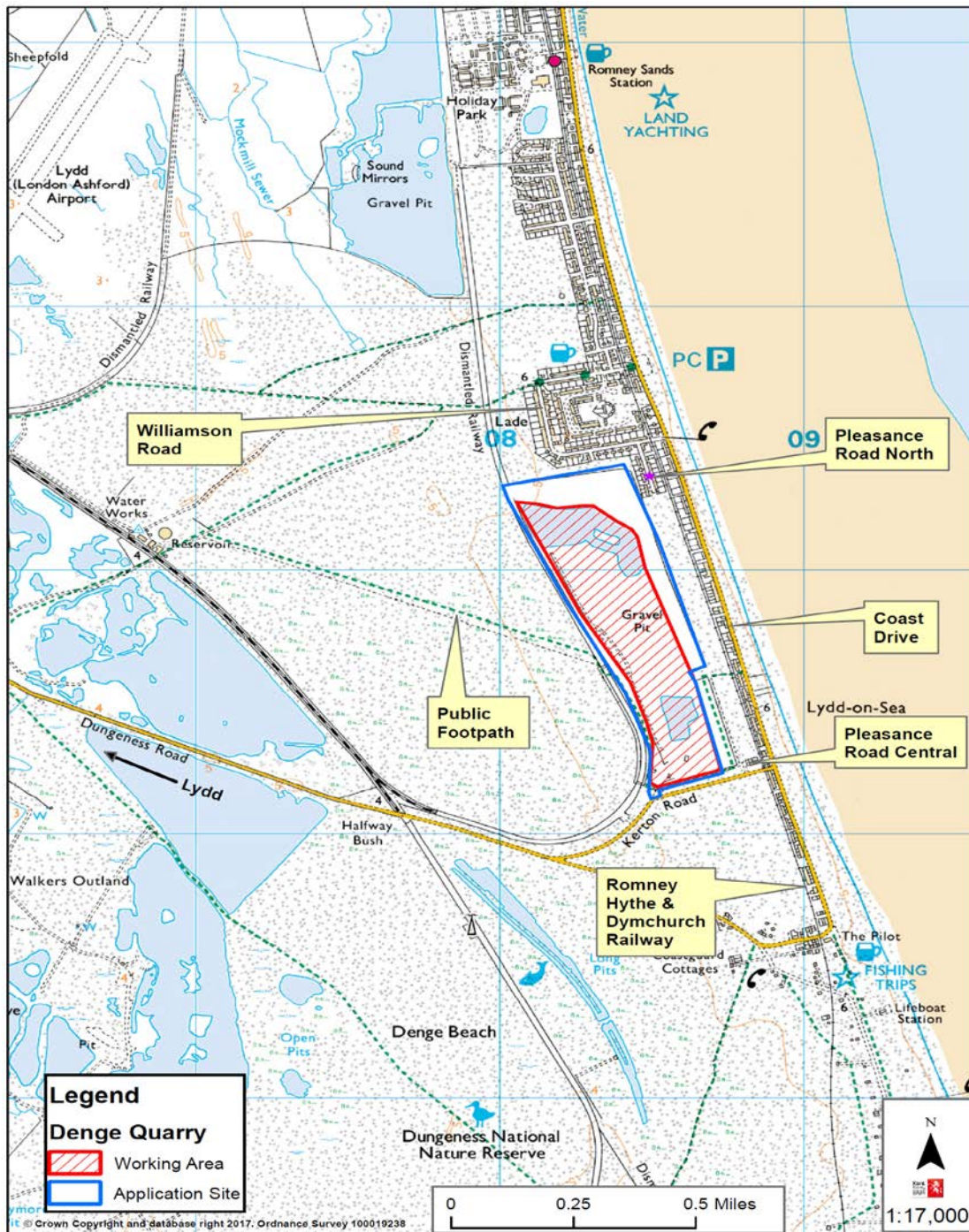
General Location Plan



Item C1

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Site Plan



Variation of conditions of SH/99/1003/MR69 to retain the access to Kerton Road and delay reinstatement of the land until 31 December 2024, extend the date for completion of sand and gravel extraction until 31 December 2023 and remove all plant, machinery equipment and buildings and complete restoration of the site by 31 December 2024, together with amended plant and method of working Denge Quarry, Kerton Road, Lydd – SH/17/0338 (KCC/SH/0070/2017)

Proposal

9. Planning permission exists for the extraction of sand and gravel from this site, to cease by 31 December 2020. Removal of the Kerton Road access and all plant and equipment and final restoration is to be completed by 2021. Phases 1-6 have been worked from north to south and operations are currently in Phase 7. No dewatering takes place and as the gravel is extracted a water filled void forms and this is expanding southwards in the direction of the dig. Areas have been left to form islands and final restoration will shape the lake in accordance with the approved restoration plan.
10. The Applicant has identified that current working practices has resulted in the land based excavator being unable to recover reserves from the base of the lake at the working face margins. Recent surveys of the lake floor have revealed that on average around 3 metres of material is not being extracted from the bottom of the face to the full permitted depth. The 875,000 tonnes left at the base of the worked phases could only be recovered by a change to the method of working. In order to change the method of working and recover the unworked sand and gravel at the bottom of the lake an additional three years of extraction is required with restoration works to be complete by 31 December 2024.
11. It is proposed to to continue working the remaining land in Phase 7 by excavator and conveyor and as the phase is worked the field conveyor will gradually be removed. After extraction in Phase 7 is complete it is proposed to change the method of working to a long arm excavator on a floating pontoon within the lake. The extracted sand and gravel would be dropped into bottom dump hopper barges moored alongside the floating platform. The barges would travel up and down the lake, towed by tug and taking the material back to a berth to be constructed at the southern end of the lake, close to the processing plant. It is anticipated that that two/three barges would be in operation and they would drop their load into the berth where it would be removed by another land based excavator into stockpiles ready for processing. The machine operator would be transported to the platform by small boat. The proposed method of working would start in the north of the lake in what was Phase 8 which would become Phase 13 and move southwards through renumbered Phases 14, 15, 16, 17 and 18. The plant site would be worked last by a combination of excavator on the pontoon and a retreating excavator on land in a west to east direction. Mineral from the extraction would continue to be fed to the existing processing plant by the hopper where it would be washed and graded to various sizes before being discharged to stockpiles on the ground. From these stockpiles the mineral would be loaded into lorries by loading shovel for transport off site to the customer.
12. As set out above the change of working method would require the construction of a docking berth for the mineral barges to discharge the extracted mineral. Construction works are expected to take a month and the berth would be constructed with

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reinforced sheet piling to the sides and would include a bunded refuelling area. The berth would measure 25m x 13m x 4m deep. Construction works would take place within quarry operating hours, which are 07.00 to 18.00 hours Mondays-Fridays and 07.00 to 13.00 hours on Saturdays and which would remain the same for the additional three years.

13. After the material has been processed it is delivered to customers by lorry. All gravel traffic (except for local deliveries to the Coast Drive area) turns right at Kerton Road and travels along Dungeness Road to Lydd and onto the B2075 (Romney Road) and then to the A259 just west of New Romney. Average lorry traffic amounts to some 64 movements per day and this would remain unchanged as a result of the proposed new method of working.
14. Planning permission has been granted for restoration to amenity, recreation and nature conservation which has already begun and will create new reed beds, shallow ponds and scrapes thus adding an additional 13ha of UK Biodiversity Action Plan (BAP) priority habitats¹. Restoration proposals would remain unchanged and would continue to be delivered progressively albeit over a longer period of time. A Unilateral Undertaking (legal agreement) is in place associated with planning permission SH/01/382 which provides for CEMEX to offer the freehold interest of the site to the Royals Society for the Protection of Birds (RSPB) on completion of restoration. It is intended that this legal commitment be taken forward with any planning permission allowing additional time for completion of restoration.
15. The proposals are considered to be 'EIA Development' and are therefore accompanied by an Environmental Statement (ES), the Applicant having previously sought a screening and scoping opinion from the County Council upon the proposals.

¹ UK BAP priority habitats cover a wide range of semi-natural habitat types, and were identified as being the most threatened and requiring conservation action.

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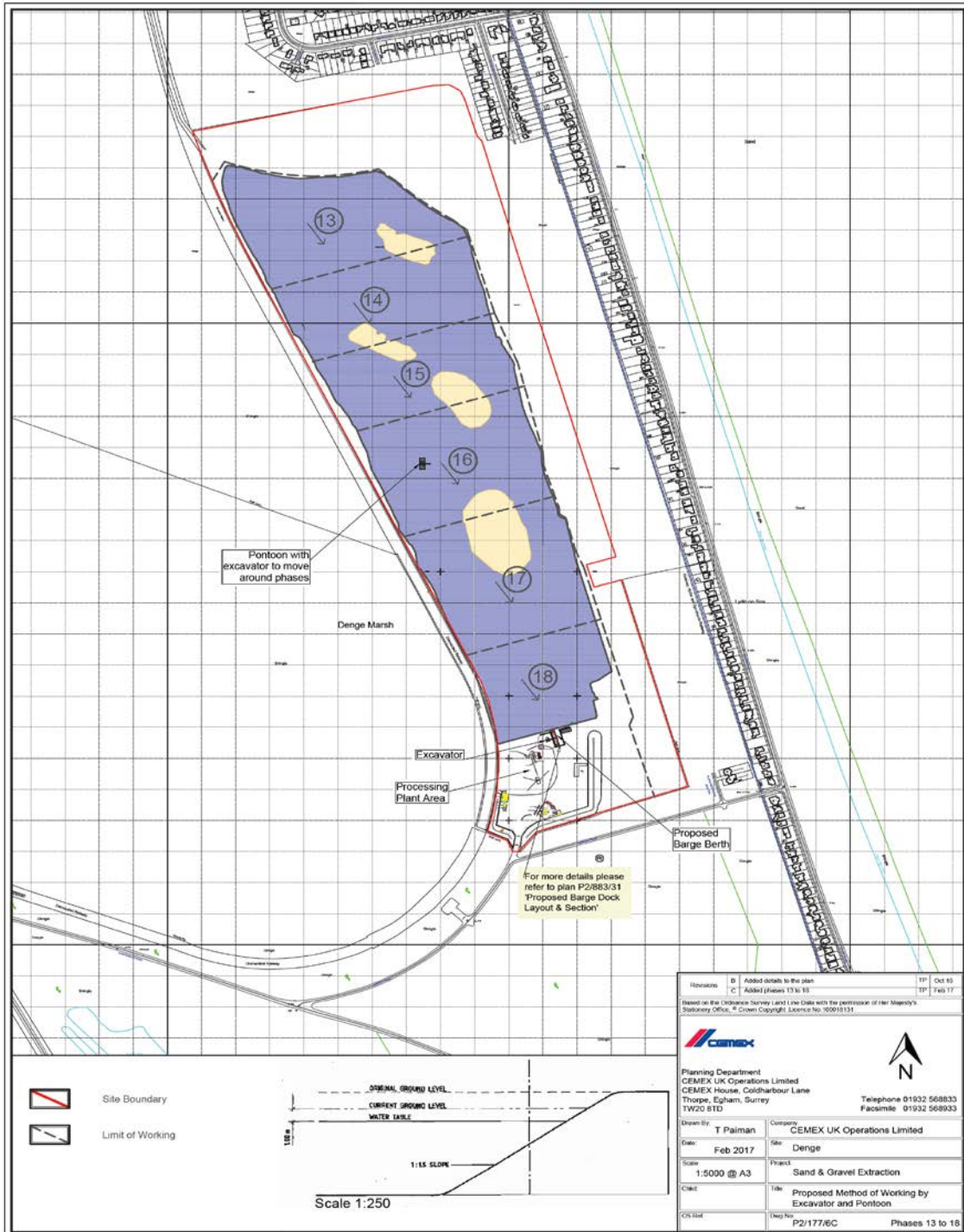
Existing Method of Working Phase 7



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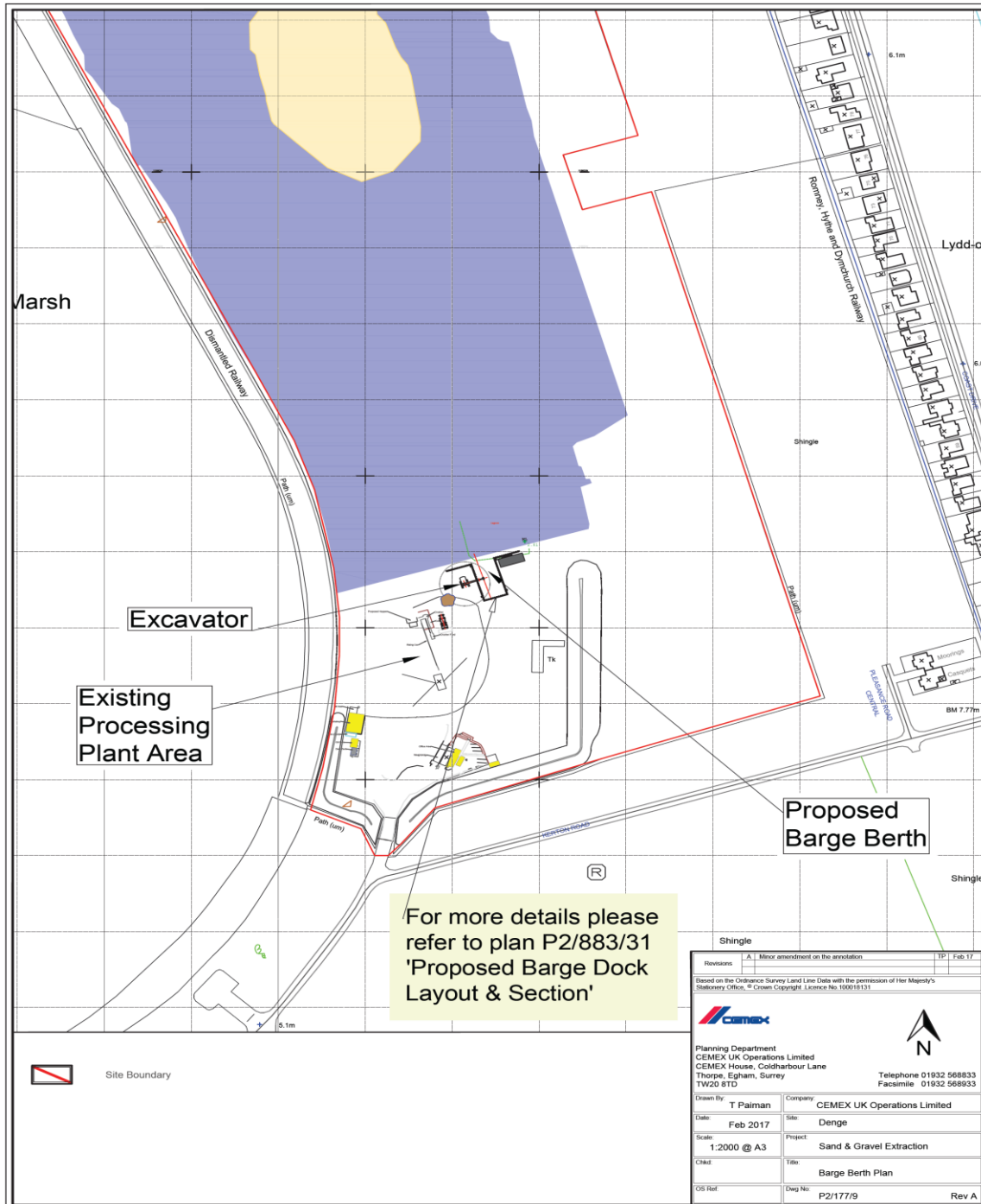
Proposed (renumbered) phases 13-18 - Excavator on pontoon



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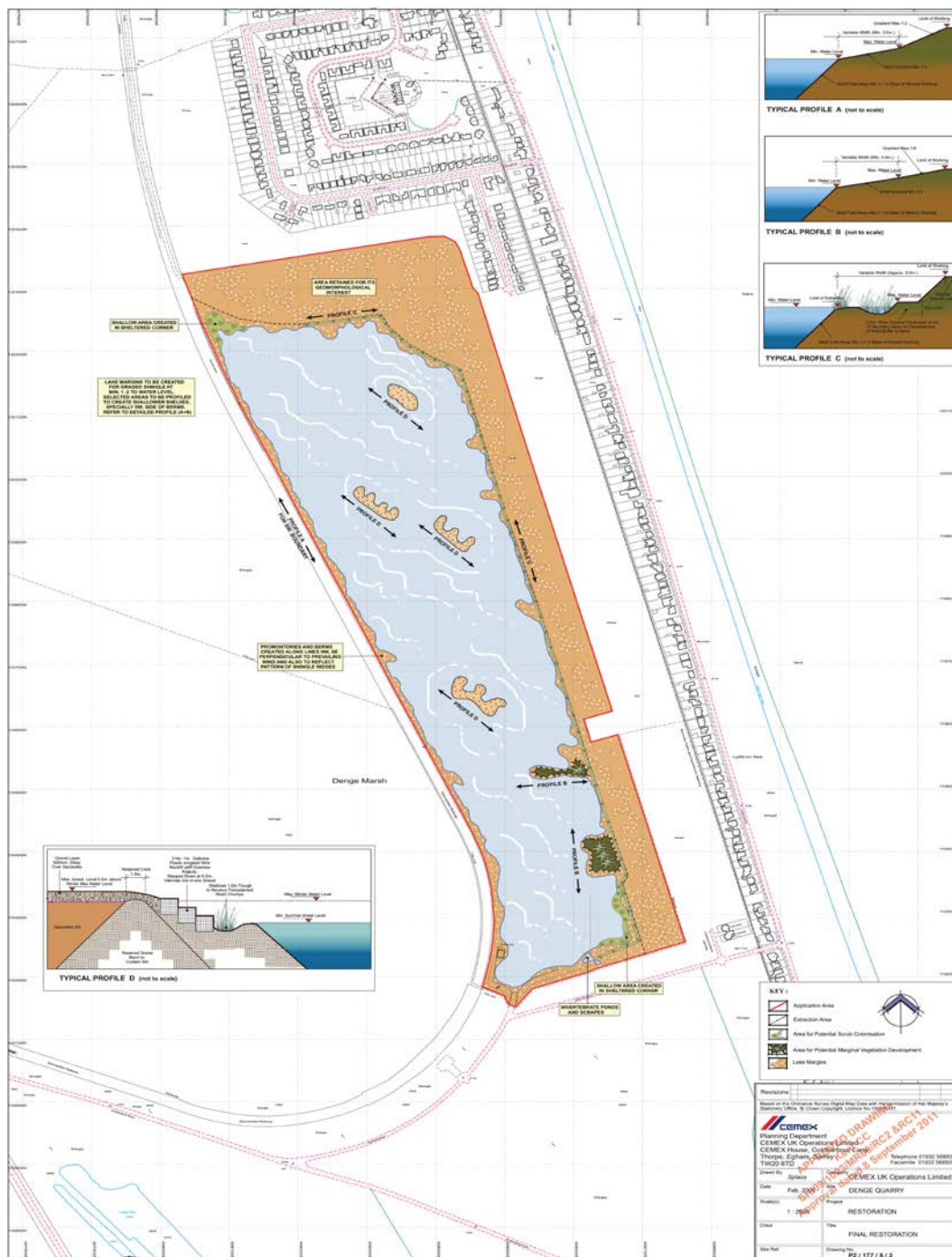
Barge Berth Plan



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Existing and Proposed Restoration



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Planning Policy

16. **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), 3 (Supporting a prosperous rural economy), 4 (Promoting sustainable transport), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment), and 13 (Facilitating the sustainable use of minerals) 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, climate change, environmental impact assessment, flood risk and coastal change, light pollution, minerals, natural environment, noise, transport and waste (amongst other matters).

In the case of mineral related development, the NPPG recognises that minerals make an essential contribution to the country's prosperity and quality of life. It recognises the supply of minerals has a number of special characteristics that are not present in other types of development:

- minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited. Working is a temporary use of land, although it often takes place over a long period of time;
- working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated;
- since extraction of minerals is a continuous process of development, there is a requirement for routine monitoring, and if necessary, enforcement to secure

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compliance with conditions that are necessary to mitigate impacts of minerals working operations; and

- following working, land should be restored to make it suitable for beneficial after-use.

The guidance lists environmental issues of mineral working that should be addressed by mineral planning authorities including amongst other matters; noise, dust, air quality, visual impact, landscape character, archaeology & heritage, traffic, contamination, designated nature conservation sites, geological and geomorphological features, restoration and aftercare, groundwater issues and water abstraction.

It also gives guidance to mineral planning authorities on ensuring adequate resources of aggregates to contribute to local and national need, through Local Aggregate Assessments and Aggregate Landbanks. The NPPF requires for Mineral Planning Authorities' (MPA's) to plan for the steady and adequate supply of aggregates based on a rolling average of 10 years sales data and other relevant information and an assessment of supply options.

17. Development Plan Policies:

Kent Minerals and Waste Local Plan (MWLP) 2013-30 July 2016 - Policies include: CSM1 (Sustainable Development), CSM2 (Supply of Land Won Minerals), DM1 (Sustainable design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM10 (Water Environment), DM11 (Health and Amenity), DM 12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM 14 (Public Rights of Way), and DM 19 (Restoration, Aftercare and Afteruse).

Shepway Core Strategy Local Plan 2013: the most relevant Policies include: DSD (Delivering Sustainable Development), CSD4 (Green Infrastructure of National Networks, Open Spaces and Recreation), CSD5 (Water and Coastal Environmental Management in Shepway).

Shepway Local Plan Review Saved Policies 2006: Policies U4 (Protection of surface and ground water resources), CO1 (Development in the Countryside), CO4 (Special Landscape Area), CO6 (Heritage Coast and undeveloped Coast), CO11 (Nature Conservation), CO13 (Nature Conservation) and CO14 (Dungeness).

Consultations

18. **Shepway District Council** – No objection. Confirm that in 2016 there were 3 complaints relating to dust and 1 relating to noise from machinery.

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19. **Lydd Town Council** – Supports the application but wishes to see greater control and monitoring of the lorry movements and appropriate mitigation of noise and dust from loading operations.
20. **Environment Agency** – No objection subject to any necessary changes been made to the mining and extractive waste environmental waste permit.
21. **Natural England** – Has no comments on the application.
22. **Affinity Water** – No views received
23. **Amey - Air Quality** – “This is a robust assessment and based on monitoring data dust emissions have been well managed and off-site impacts have been negligible. However the increased risk of impacts at the receptor ‘Moorings’ as operations move south in phase 7 and the extended operation, means that continued monitoring and continued management of emissions is required.

It is recommended that the management measures described in section 10.10 of the ES are combined with those described in Appendix 4D. This would provide a consolidated list of management measures which would represent best practice for management of on-site dust for the extended operation. We do not think the submission of a formal dust management plan is required but we do recommend the continuation of monitoring and the retention of conditions A8, A16 and C8 to ensure best practice for the management of on-site emissions is followed for the extended operation.”

24. **Amey – Landscaping** – No significant increase in visual effects, no objection.
25. **Amey – Noise** – It is considered the assessment of potential noise effects are credible and reasonable, and therefore propose the existing planning conditions limiting working hours and noise from the site are retained.
26. **Transportation Planning** – Has no objection to the proposals on the grounds of highway capacity or on highway safety grounds subject to existing conditions related to traffic movements and operational timings been carried forward onto any new consent granted. Is satisfied that existing routes to and from the site appropriately utilise the highway network so as to avoid as far as possible amenity impacts upon local residents.
27. **Public Rights of Way** - No comments to make on the application.
28. **Biodiversity** – Satisfied that no further information in relation to the designated sites is required. Support the precautionary approach by an experienced ecologist prior to any vegetation clearance when the berth is constructed and as necessary during excavation and restoration.

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29. **County Archaeological Officer** – No views received
30. **Sustainable Drainage** – No comments on the application.
31. **CPRE Protect Kent** – No objection in principle but wish to see that lorry loads of stone are secured appropriately to avoid stones being dropped at the access and onto local roads and causing hazards for users of the highway.
32. **Kent Wildlife Trust** – No views received.
33. **R.S.P.B.** – No views received.
34. **Romney Hythe & Dymchurch Railway** – No views received.
35. **Health and Safety Executive (Quarry)** – No comments to make - have not identified any areas of potential conflict with health and safety requirements.

Local Member

36. The local County Member for Romney Marsh Mr Tony Hills has commented that he supports the views expressed in the Lydd Town Council response.

Publicity

37. The application was publicised by the posting of site notices, an advertisement in a local newspaper, and the individual notification of 295 nearby residential properties.

Representations

38. In response to the above publicity, 6 letters of objection have been received. The material objections raised can be summarised as follows:
 - There are constant heavy commercial vehicle movements resulting in noise, pollution and quarry dust, five and a half days a week. This results in damage to parked cars, layers of dust on paintwork and electric windows. Everything is covered in a coating of abrasive dust, we cannot open windows and our health suffers.
 - The proposals to add barges, conveyors and more stockpiles will add to the already unacceptable noise.
 - Lorries have been recorded leaving the site as early as 6.30am.
 - We and neighbours have had to complain to the Borough Council about noise, dust and out of hour's operations.

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- The highway from Dungeness to Lydd is in a poor state of repair and should be fully surveyed with a repair schedule put in place before granting additional traffic from the quarry.
- There have been issues with the use of a 'shaker' machine which was very noisy and dusty; damping equipment was faulty at the time of use. Stockpiles were so high they were visible above the screening bunds. What controls are in place to these practices will not continue in the future.
- Industrial lighting shines into properties from early evening in winter months.
- We knew the quarry was operating when we moved here but had a limited operational life; the extensions are being sought for the income with no consideration for local residents. The quarry has already had several extensions, what assurances are there that they won't come back again.
- If the lake is made deeper how safe are the houses on Coast Road?
- The quarry is surrounded by nature reserves and areas of scientific interest and it is time for extraction to stop and the land used for purpose more in keeping with this.
- Pleasance Road Central is only 100 metres from the quarry and we have never seen any noise monitoring taking place.
- Local residents deserve a quiet life and the site should be handed over to the RSPB as and when originally planned.

Discussion

39. 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 15 and 16 above are particularly relevant. The key planning considerations include:
- Need/Sustainable mineral development
 - Hydrology/hydrogeology/flooding (particularly salinity/chloride concentrations and groundwater protection more generally);
 - Ecology;
 - Noise Impact;
 - Air quality/dust impact;
 - Landscape and visual impact
 - Highways
40. Planning permission for the extraction of sand and gravel has been in place for a number years and extraction operations at Denge Quarry are due to cease by 31 December 2020, with restoration works to be complete by 31 December 2021. All

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plant, equipment and buildings are also to be removed, including the access to Kerton Road and the land reinstated by 31 December 2021.

41. The current method of working by excavator has resulted in a quantity of permitted reserves unworked at the base of the margins of the lake (875,000 tonnes). In order to avoid the sterilisation of these permitted reserves it is proposed that the method of working be changed to use a long arm excavator on a floating platform within the lake. The extracted mineral would be transferred by barge to a newly constructed berth for discharge. It is anticipated this would take a further three years for extraction and an additional year for restoration beyond the current end dates.

Need and Sustainability

42. Need - As set out above planning permission already exists for the extraction of these reserves but the practicalities of the current method of working has meant it has not been possible to safely remove them. Not changing the method of working would result in the mineral remaining unworked and therefore sterilised. It is appropriate in those circumstances to consider whether there is a need to avoid the sterilisation of the 875,000 tonnes of reserves. The Kent Minerals and Waste Local Plan 2016 (KMWLP) has in accordance with National Planning Policy Framework (NPPF) identified separate landbanks for the sharp sand and gravels used in concreting and the soft sands used in asphalt and mortar production (Policy CSM 2). The sand and gravels extracted at Denge Quarry are the beach shingle gravels deposited by the sea.
43. The Kent Local Aggregate Assessment (LAA) produced by the County Council (in accordance with the NPPF and informing the KMWLP) provides an understanding of how it will maintain the necessary steady and sustainable supply of construction aggregates to meet local demand. The LAA should identify the current reserves and assess how they comply with the NPPF requirement to maintain at least a 7 year landbank of land-won aggregate minerals based on the last 10 years average production.
- The Kent 10 year sales average 2006-15 is 0.61mtpa
 - A rolling 7 year landbank requires reserves to be $7 \times 0.61 = 4.27\text{mtpa}$
 - Permitted reserves at the end of 2015 are recorded as 3.79mt (this includes the 875,000 tonnes unworked at Denge).
 - The current reserve base falls short by 0.48mtpa.

Given that land-won resources of sharp sand and gravels is a depleting resource in Kent it is considered highly unlikely the situation will improve. No new planning permissions are coming through at this time and it is therefore anticipated that the NPPF landbank requirements for this aggregate mineral are not going to be met over the life of the Plan 2013-2030. It is therefore clear that the permitted reserves at Denge are important and should not be lost, to do so would result in an even bigger shortfall in meeting landbank requirements by land-won supplies.

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44. Sustainability – It is recognised both in the NPPF and Policy CSM1 of the KMWLP that minerals are essential to support sustainable economic growth and play a key role in the delivery of sustainable development. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs to prosper. However, since minerals are finite natural resources and can only be worked where they are found it is important to make the best use of them and to ensure they are husbanded wisely.
45. The 875,000 tonnes of sand and gravel at Denge already have planning permission to be extracted. If the mineral is not recovered whilst the infrastructure is in place and operations are active, then the mineral would be left in-situ and effectively sterilised. It is unlikely that a new planning permission would be granted in the future to remove the sand and gravel once the restoration is commenced and the ecological environment established.
46. The proposed change of method of working and extension to the working and restoration end dates seek to ensure that this valuable permitted reserve is not lost. There is a demonstrable need to safeguard the remaining resource at Denge if the County Council is to meet NPPF landbank expectations. Policy advice is that there should be a presumption in favour of sustainable development and on this basis I am satisfied that there is a need for the proposal.

Hydrology, Hydrogeology and Flood Risk

47. The quarry site is located in a sensitive hydrological and hydrogeological environment, with the site over-lying an aquifer and with a number of abstraction boreholes located in the vicinity. There are also a number of open water bodies close to the site created largely by historical gravel extraction and they form an important habitat for birds and are part of the RSPB reserve. These surface water bodies are in hydraulic continuity with groundwater and therefore water level and quality are connected. Any activities that impact recharge to groundwater may have an impact on hydraulically connected surface water, and vice versa. Of particular importance is to ensure that groundwater abstraction and operations within the quarry do not lead to saline water being drawn into the aquifer. CEMEX undertake extensive monitoring of groundwater and surface water electrical conductivity (EC) and chloride in their own monitoring wells, in selected Affinity Water (local water company) wells and at key surface water locations. In summary the data show that chloride and EC are low inland and increase at the coast. The presence of a hydrogeological ridge which runs through the centre of the site prevents saline intrusion and it is important to consider whether quarrying activities is having an adverse effect on this ridge.
48. On-going monitoring and reporting arrangements were secured by condition on planning permission SH/01/382 which amended previous water quality arrangements on the original permission, and the Denge Quarry Monitoring Group (DQMG) was

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formed. This group is made up of representatives from Affinity Water, RSPB, Natural England, Environment Agency and CEMEX. The purpose of the group is to review the environmental data collected by CEMEX on an annual basis to ensure that the key receptors are not being impacted. The data collected over the last eleven years of monitoring suggests that the quarrying is having no significant effect.

49. The existing permission SH/99/1003/MR69 allows extraction to 6.0m below Ordnance Datum (BOD) except within 10m of the western margin of the site where no excavation may take place below 2m AOD. This would not change and to ensure the depth of extraction in the lake is met and not exceeded a barometer would be set on the bucket excavator bucket. The processing area has a managed drainage system and surface water management would not change as a result of the proposals.
50. In addition an assessment of flood risk has been undertaken in accordance with the NPPF and following the National Planning Policy Guidelines (NPPG) and considers the impact of working the reserves by a different method, working the reserves to the permitted depths and an extended duration of the operations on the quarry site and surroundings. The findings are presented in the ES. Denge Quarry is located on Flood Zone 3 that has a higher than 1 in 100 chance of flooding. The assessment recognises that mineral working has taken place here for many years and that mineral working is water compatible. The assessment identifies that working the mineral for an additional three years would have minimal impact on the flood risk to the site and surrounding area. Furthermore extracting the gravel to the permitted depth would have a small future beneficial impact by creating a small additional area of flood water storage.
51. It is considered that the proposed change to the method of working is unlikely to have any significant effect on impacts upon controlled waters so long as appropriate precautions are taken to prevent fuel and oil spills. It is proposed that groundwater and surface water sampling according to the current monitoring plan continue to be reviewed by the DQMG and the operator continue to follow good quarry working practices. There are no objections to the proposals from a water quality point of view. The site is at low risk of flooding from all sources and the proposed changes are not likely to impact upon the overall flood risk of the operations. No change in flood storage, generation of flood run-off or impact on the movement of flood water would result from the proposed changes. On that basis I am satisfied that the proposals are acceptable in terms of their potential impacts upon the water environment.

Ecology

52. As set out in the site description there are a number of international/national nature conservation designations either adjacent or within very close proximity of Denge Quarry. Specifically breeding and wintering birds and a range of terrestrial invertebrates are likely to use habitats within and adjacent to the site. Brown Hare are known to be present in the shingle habitat and reptiles may also be present within the

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site. The Environmental Statement has considered in detail the likelihood, scale and significance of likely significant effect upon the ecology in and around the quarry site. It is considered there would be no negative impacts to breeding birds, reptiles and invertebrates as habitats of most importance to these species would be retained and protected throughout the additional period of the works proposed.

53. With specific regard to breeding birds the movement of tugs and barges during the excavation works has the potential to cause disruption. It is considered that current quarrying activity already causes some disruption to breeding on the islands; however it is also acknowledged that over time birds do habituate to disturbance and therefore some species do breed on the islands. It is expected that should permission be granted for this proposal excavation works would commence in the autumn, outside of the breeding season after which on-going activities would deter any birds which may be susceptible from disturbance from breeding within the islands. Whilst the proposed works may discourage some breeding activity the nearby surrounding habitat (comprising shingle, restored gravel pits, scrub and coastline) provides other places for the birds to breed. The occupation of the islands by roosting birds is unlikely to be affected as the operations do not take place during night time hours and surrounding environments provide a multitude of alternative foraging habitat for birds in the day.
54. Current measures to minimise the impacts upon the nature conservation sites would be taken forward through existing conditions that would be repeated on any new planning permission that may be granted. It is not proposed that the final restoration scheme would change in any way as a result in the method of working or the extension of time for the operations. Neither the RSPB, Natural England nor our own ecology advisors raise any objection to the proposals and on that basis there are no outstanding ecological issues. Given the above conclusions (and specifically the advice of Natural England upon the previous scoping opinion request) it is not considered that there is likely to be any significant effect upon the European sites and therefore no further consideration of the proposals is required under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations).

Legal Agreement

55. The current planning permission is subject to a legal agreement between CEMEX (formerly RMC) and the County Council relating to the planning permission SH/99/1003/MR69 which applied to both New Romney Pit and Denge Pit (this application site). In simple terms the agreement required CEMEX to offer to transfer the freehold interest in both pits to the RSPB following extraction of all the permitted sand and gravel reserves. New Romney Pit has been completed and the RSPB now has the freehold on this land. With regard to Denge, the agreement further required the development to cease by 1 April 2017 unless it had by that date offered to transfer to the RSPB the freehold interest in the land. CEMEX has liaised with the RSPB and explained that extraction of the permitted reserves is not yet complete and permission is being sought for an additional 3 years period

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56. Clearly the undertaking to transfer the land cannot be completed at this time as the site is still being worked. It is still intended that the land be transferred to the RSPB and CEMEX have agreed in writing to extend the unilateral agreement to reflect the extended time period. Any decision on this application should be subject to the amendment of the legal agreement to reflect the extended time period and planning permission reference.

Noise

57. It is appropriate to consider how the proposed change in working method and the extension of time for the extraction and restoration would impact upon likelihood of potential noise issues; this is an area of concern for the Town Council and Local Member.
58. The NPPF requires planning authorities to ensure unavoidable noise emissions from mineral development are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties. The supporting Planning Practice Guidance (PPG) gives specific advice and includes appropriate noise criteria for normal operations which it suggests are secured through an appropriate condition. The existing permission is subject to a noise condition. In addition the Applicant has carried out a recent noise survey to inform the EIA. Existing noise levels were measured at the residential properties close to the site to enable the existing background noise levels to be measured and characterised.
59. A series of noise predictions have been made to the identified noise sensitive premises and these have been assessed against current noise standards for mineral extraction and operations. The noise assessment considered the worst case noise scenarios when operations and activities would all be taking place at the same time and at their closest distances to sensitive properties. The results concluded that the changes in activities would not exceed existing background noise levels by +10dB (A) and would not exceed the government guidance daytime noise limit for quarries of 55 dB LAeq, 1h or the 70dB LAeq, 1h criterion considered for temporary mineral activities such as construction or restoration works.
60. The assessment concludes that with good practice measures and appropriate noise control measures the quarry would continue to operate using the new proposed method of working in line with the PPG for mineral sites. My noise advisor is content that the appropriate methodology has been used to carry out these assessments and subject to retaining the working hours restrictions (which also apply to movement and loading/unloading of HGV's) and noise limit conditions (at the levels referred to above) they would support the proposals. Accordingly I am satisfied that the sufficient safeguards and mitigation is in place to address the concerns of the local community.

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Air Quality/Dust

61. As part of the Environmental Impact Assessment an air quality assessment of the proposals was undertaken in accordance with the guidance for dust emissions provided in the Planning Practice Guidance to the NPPF. Existing dust deposited and particulate levels were monitored at sensitive receptor monitoring points around the site and were categorised as typical of a rural area. The assessment considers potential emissions from proposed operations from extraction, handling, processing and onward transportation and the likely scale of any impacts. It recognises that the plant required to extract and process mineral at Denge Quarry, together with associated vehicle movements have the potential to generate dust and other airborne pollutants in the vicinity of the operations. Existing climatic conditions such as wind speed and direction and rainfall have been assessed to give an indication of how frequently the site could be susceptible to fugitive dust events. It concludes such events would be relatively few and that by following best practice dust control measures the site could be operated with minimal impact on boundary locations.
62. The sand and gravel to be extracted would have a relatively high moisture content which would reduce the potential for dust emission from handling the material. Notwithstanding this it is proposed to minimise drop heights from the excavator to the barges and processing plant, impose a speed limit within the site of 10mph and to employ the use of a water bowser. Internal haul roads consist of compacted material which would be regularly maintained to minimise dust generation and all mobile plant would be regularly maintained and exhausts and cooling fans would be positioned away from the ground to prevent dust mobilisation. A summary of dust control measures are set out in Appendix 4D of the ES.
63. The permitted mineral processing plant (on hardstanding) would continue to be utilised and as such processing sand and gravel is a wet operation, however additional water would be used to minimise dust emissions. All lorries leaving the site loaded with aggregate would continue to be sheeted and required to pass through the on-site wheel wash. The Applicants proposes to continue to use a road sweeper on the local highway network.
64. Restoration of the site after extraction is to a lake and therefore would require little work to create the final restoration scheme. An excavator and bulldozer would be used to create the lake margins but these items of plant would not be employed at the same time. These operations would be subject to the same dust mitigation measures as described above. To minimise dust emissions from these final works.
65. My dust advisor is content that the correct assessment methodologies have been used in the ES and they are accurate, robust and fit for purpose. He also confers that the emissions from phases 1-6 (carried out thus far) in combination with existing control measures have been well managed sufficient to minimise impacts at the sensitive properties and off-site. However he acknowledges some complaints and comments

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that the potential for increased risk at the receptor at Moorings, Pleasance Road Central as operations move south in phase 7 and the extended operations, means that continued monitoring and continued management of emissions is required. The ES sets out a number of management measures such as regular visual inspections, keeping a log of complaints and remedial actions where appropriate, including temporary suspension of any dust generating activities until mitigation is implemented or weather conditions change. It is proposed that these measures combined with the dust control measures described in Appendix 4D should be included in an appropriate dust condition should permission be granted. It is considered that this would provide a consolidated list of management measures which along with continued monitoring and retention of conditions on the original planning permission relating to maintenance of vehicles, plant and machinery, dust control and heights of stockpiles would represent best practice for management of on-site dust for the extended operations.

Landscape and Visual Impact

66. A Landscape and Visual Impact Assessment has been undertaken assessing the impact of continuing to work Denge Quarry for the additional period of three years and the impact of changing the current method of working to recover the unworked permitted reserves. The site lies within the National Landscape Character Area No. 123 Romney Marshes, at a more detailed County level the surrounding landscape is identified by the County Council as Dungeness Shingle. The Landscape Character Assessment emphasises the dominance of the flat landform with the microrelief of long shingle ridges; this relatively sparsely populated and inaccessible landscape contrasts with the many visual detractors including the power station, large-scale gravel extraction, security fencing and transmission towers.
67. The proposed extension of time means the quarry would continue to be perceptible in the local context, as seen from the south with the retained plant site, and as seen from footpaths to the east and west and properties to the north and east. However the change in working practices also has the potential to impact upon the landscape. The construction of the new barge unloading facility is a low-level development set within the existing operational plant area and would of itself of a lesser landscape and visual impact. The operation of the floating pontoon is of a similar height to an excavator working from original ground levels and is therefore considered of minimal impact. The operation of the barge to transport material from the excavation areas to the processing plant replaces transportation by dumper truck and conveyor across the site at original ground levels, and again is considered to be of less impact. Lighting is only used on site during dark conditions for health and safety reasons and is switched off outside of operating hours. The office area does have motion activated security lighting but this is only operative when the site is unattended. My landscape advisor considers the proposals would not be more visually intrusive and on that basis raises no objection to the application.

Variation of conditions of SH/99/1003/MR69 to retain the access to Kerton Road and delay reinstatement of the land until 31 December 2024, extend the date for completion of sand and gravel extraction until 31 December 2023 and remove all plant, machinery equipment and buildings and complete restoration of the site by 31 December 2024, together with amended plant and method of working Denge Quarry, Kerton Road, Lydd – SH/17/0338 (KCC/SH/0070/2017)

68. The proposed changes should be considered against the background of the existing operational mineral operations which have been taking place for over forty years. The majority of the existing wider quarry site and its operations are not visually prominent within the surrounding area. The plant site itself is screened by existing temporary soil bunds within the quarry site which function well and would be retained for the additional period. The most prominent viewpoint into the site is from a short length of the public footpath west of the application area. However it is acknowledged that this is a view which has been possible for many years and it is not considered appropriate to establish further screening for the limited extension of time proposed, particularly as such features would themselves be visually intrusive in the flat open landscape context.

Highways

69. The application was also subject to a transport assessment which is included in the ES. It has considered the potential effects of the quarry related traffic, the appropriateness of the highway network and access roads and assessed road traffic accident data. It also considers the proposals in light of national and local transport policy
70. It is intended that processed aggregate would be exported from the site using the same vehicle types as at present, typically 20t-capacity 8-wheel rigid tipper lorries operated by CEMEX and based at the site. Vehicles would operate within the same working hours as at present (07.00-18.00 Monday–Friday and 07.00-13.00 on Saturdays, and including as at present the exception of up to 4 pre-loaded vehicles exiting the site between 06.00-07.00 Monday-Friday). Operational traffic movements to/from the site would remain at around 32 visits (64 movements) per day. The traffic movements would be spread throughout the day amounting to an average around 6 movements per hour.
71. All vehicular access would be via the existing quarry access from Kerton Road which it is also proposed to retain for the extended operating period and removed as part of the final restoration of the site. The applicant has stated routeing of operational vehicles would remain as existing whereby with the exception of local deliveries all traffic travels west along Kerton Road, Dungeness Road, Harden Road, Romney Road and onto the A259 west of New Romney. All loaded vehicles leaving the site would be sheeted.
72. The Highways Officer has considered the proposals and the information contained in the transport assessment. He comments that in terms of the number of vehicles associated with the proposals, the business has been in operation for a number of years without issue and the proposal does not increase movements that are already on the network at present. On that basis he has no objection to the proposals in highway capacity terms, and noting no crash cluster sites in the vicinity involving a HGV element is also satisfied with the proposals on highway safety grounds.

Variation of conditions of SH/99/1003/MR69 to retain the access to Kerton Road and delay reinstatement of the land until 31 December 2024, extend the date for completion of sand and gravel extraction until 31 December 2023 and remove all plant, machinery equipment and buildings and complete restoration of the site by 31 December 2024, together with amended plant and method of working Denge Quarry, Kerton Road, Lydd – SH/17/0338 (KCC/SH/0070/2017)

Considering the other quarry businesses nearby, the beach re-profiling in the area as well as the power station coastal protection works in recent times, not all HGV traffic can be attributed to the application site and he acknowledges existing routing from this site already uses the largest roads and by default the most appropriate routes. In light of the above the proposals are considered acceptable in highways terms.

73. Amenity impacts from the quarry vehicles would be controlled by the measures outlined in the dust section of my report but essentially would include ensuring all vehicles are appropriately sheeted when leaving with loaded aggregates and ensuring they exit via the on-site wheel wash. Maintenance of internal haul roads and appropriate use of a water bowser and road sweeper would further minimise the potential impact from HGV's at the site.

Conclusions

74. The NPPF states that where development accords with the Development Plan planning permission should be granted without delay. It also states that where the Development Plan is absent, silent or relevant policies are out of date, then permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.
75. The existing permission was granted following consideration of potential impacts and a number of conditions were attached to that planning permission which requires operations to be carried out in such a way as to reduce any potential impacts and with appropriate mitigation. This planning application has reconsidered those potential impacts in the light of the proposed changes to the method of working and for the extended period of operations and restoration. The proposals have been the subject of a full EIA and the ES presents the conclusions of the detailed assessments which have been carried out. Consideration has been given to the water environment (including flood risk), ecology, noise, dust, landscape impacts and transport and the relevant national and local planning policy. It is concluded that switching to using a floating pontoon and barges to discharge the extracted reserves with continued mitigation the amenity impacts discussed above can managed appropriately. Water quality monitoring would continue to take place and the results reported to the Denge Quarry Monitoring Group.
76. Furthermore Policy DM11 of the KMWLP requires mineral proposals to demonstrate that there will be no adverse impacts from noise, dust, visual intrusion, emissions or traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. These issues have been assessed as part of the EIA and it is concluded the proposals would not have a significant adverse impact upon the health or amenity of the residents or community using the area (public footpaths) close to the quarry, if the various mitigation measures built into the method of working operations are implemented.

Item C1

Variation of conditions of SH/99/1003/MR69 to retain the access to Kerton Road and delay reinstatement of the land until 31 December 2024, extend the date for completion of sand and gravel extraction until 31 December 2023 and remove all plant, machinery equipment and buildings and complete restoration of the site by 31 December 2024, together with amended plant and method of working Denge Quarry, Kerton Road, Lydd – SH/17/0338 (KCC/SH/0070/2017)

77. It is recognised that planning permission is already in place for the removal of the 875,000 tonnes of reserve that have yet to be worked. Without the proposed change to working methods the reserves would effectively be sterilised. Planning Policy seeks to ensure the sustainable use of minerals and it is acknowledged that sand and gravel is in scarce supply and there is a recognised need to maintain an appropriate landbank of aggregates to meet the needs of a prosperous construction industry. I am satisfied that there is a sufficient need to ensure that these permitted reserves are not lost and the proposals to change to method of working offers a sustainable use of these mineral resources. This is especially so as these reserves are already counted as contributing to the aims of maintaining a steady supply of minerals as set out in mineral policy in the NPPF (paragraph 145) and Policy CSM2 of the KMWLP 2016. On that basis the demonstrated need to extract these reserves should be weighed favourably against the potential impacts of an extended period of working and the changes to methods of working.
78. It is not considered there would be any cumulative or significant combined impacts associated with extending the lifetime of the quarrying operations or changing the method of working.
79. I am satisfied the proposed development complies in all relevant aspects with the NPPF to which the presumption in favour of sustainable development therefore applies. It is concluded that the proposals comply with the adopted KMWLP 2016 and the relevant policies of the Shepway Core Strategy 2013 and the saved policies of the Shepway Local Plan 2016.
80. I recommend that planning permission should be granted for these proposals.
81. This application seeks to vary condition A4, and C1 (time limits) and vary the schemes relating to the plant and method of working pursuant to conditions A9 and C2 of planning permission SH/99/1003/MR69. As a Section 73 application which effectively results in a new permission it will be necessary to repeat and update (where appropriate) all other conditions on that planning permission including those that have been amended by other applications (see history section of report at paragraph 7). Specifically it should be noted that the requirement for continued water quality monitoring and reporting to the Denge Quarry Monitoring Group will continue (see paragraph 48 of report).

Recommendation

82. I RECOMMEND that subject to the prior completion of an amended unilateral undertaking as set out in paragraphs 55-56 of my report PLANNING PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

Item C1

Variation of conditions of SH/99/1003/MR69 to retain the access to Kerton Road and delay reinstatement of the land until 31 December 2024, extend the date for completion of sand and gravel extraction until 31 December 2023 and remove all plant, machinery equipment and buildings and complete restoration of the site by 31 December 2024, together with amended plant and method of working Denge Quarry, Kerton Road, Lydd – SH/17/0338 (KCC/SH/0070/2017)

- Extraction to be completed by 31 December 2024, removal of plant and equipment and site restored by 31 December 2024,
- Access via Kerton Road only, access to be removed and land restored by 31 December 2024,
- Site to be worked and restored and follow aftercare in accordance with approved drawings,
- Sheeting of vehicles,
- Hours of operation 0700-1800 Monday – Friday, 0700-1300 Saturdays, no working on Sundays and Bank Holidays.
- No more than 4 pre-loaded HGV's shall leave the site between 0600-0700 hours Monday-Friday.
- Vehicles, plant and machinery to be fully maintained and use of effective silencers,
- Processing plant, buildings and weighbridge only as identified on drawings and removal of Permitted Development rights for any other built development,
- Appropriate handling and storage of fuel, oil and lubricants,
- Noise from operations within specified limits and retention of noise bunds,
- Dust risk assessment, monitoring and mitigation measures to be as identified in Chapter 10.10 and Appendix 4 of the ES,
- Maintenance of the concrete surface of the access road, to be kept free of mud and debris,

Case Officer: Andrea Hopkins

Tel. no: 03000 413394

Background Documents: see section heading

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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Construction of a new 2 FE two-storey primary school with nursery facility, associated soft and hard landscaping and access to form a 3-19 through school at The John Wallis Church of England Academy, Millbank Road, Kingsnorth, Kent, TN23 3HG – 17/00236/AS (KCC/AS/0044/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 19th June 2017.

Application by Kent County Council (Education) and The John Wallis Church of England Academy for the construction of a new 2FE two-storey primary school with nursery facility, associated soft and hard landscaping and access to form a 3-19 through school at The John Wallis Church of England Academy, Millbank Road, Kingsnorth, Ashford – 17/00236/AS (KCC/AS/0044/2017)

Recommendation: The application be referred to the Secretary of State for Communities and Local Government, and subject to his decision, that planning permission be granted, subject to conditions.

Local Member: Mr Michael Angell

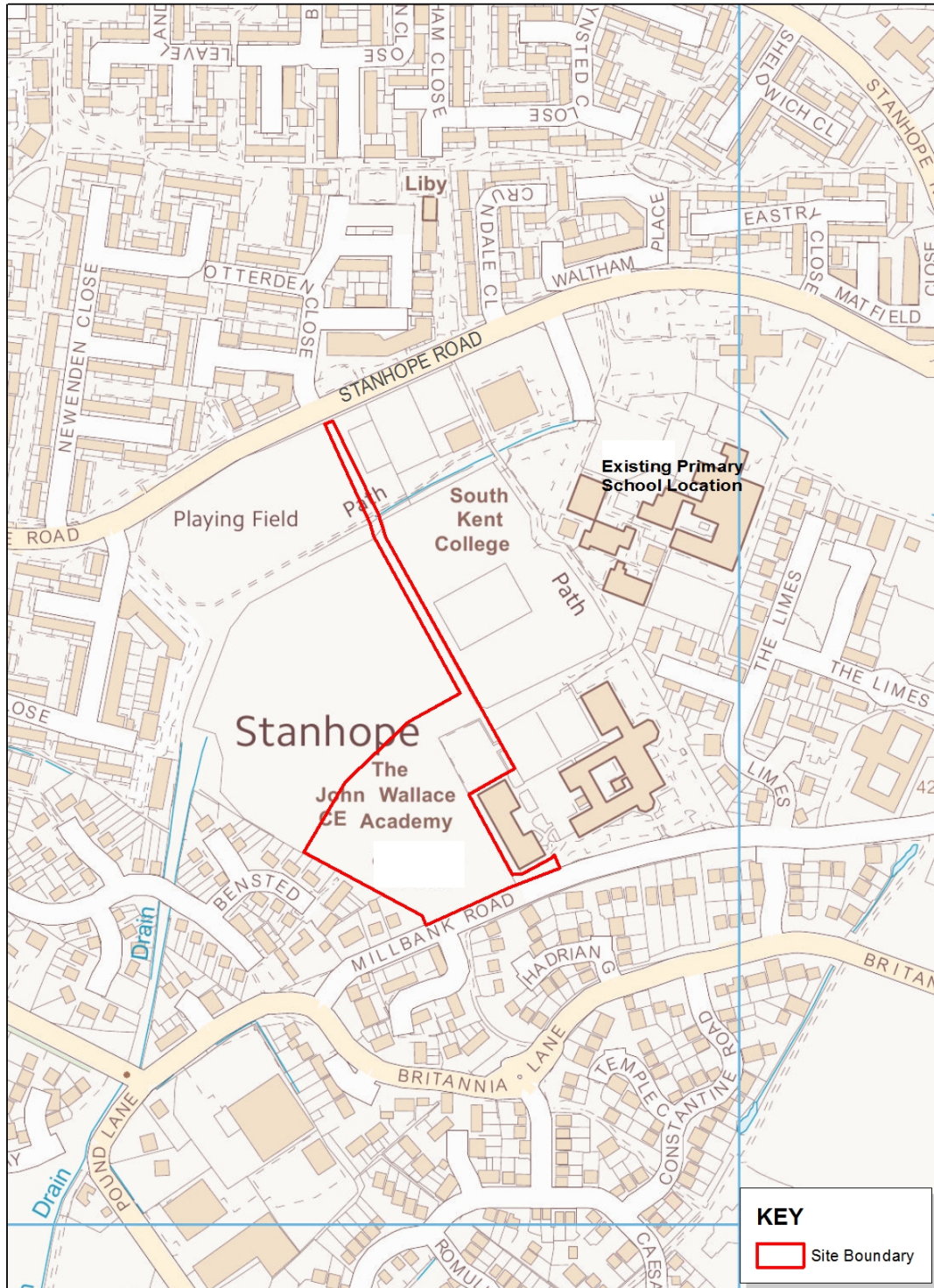
Classification: Unrestricted

Site

1. The John Wallis Academy (senior school) is located to the south-west of Ashford town centre in the Stanhope area. The School is located between Stanhope Road to the north and Millbank Road to the south. The school buildings are located at the south eastern corner of the site and the playing fields, including a 3G all weather pitch, are located to the north and west. The only vehicular access is from Millbank Road to the south, with additional pedestrian access from Stanhope Road. At the northern end of the site along Stanhope Road is the Academy's sports hall and alongside this some hard surfaced courts.
2. Millbank Road is a no-through road for vehicles just past the main access to the site. On site there is an existing car park providing 127 spaces which are used for staff, visitors and 6th form parking only. The academy is now formed of a mixture of original school buildings and the new buildings given approval in 2013 and completed in 2014. The new buildings are constructed from a mixture of render, brickwork and glass under a flat roof, whilst the original buildings are of brick construction with tiled pitched roofs.
3. The school site is predominantly surrounded by residential development. The southern boundary with Millbank Road is marked with a mature hedge interspersed with established trees, and a footpath runs along the length of the road up to the school access point. Past here the road is blocked off and the other end of Millbank Road can only be accessed from the western end.
4. To the north-east of the senior school lies the existing primary school, previously known as Linden Grove Primary School.

New 2FE two-storey primary school with nursery, hard and soft landscaping and access to form a 3-19 through school at The John Wallis Church of England Academy, Kingsnorth - 17/00236/AS (KCC/AS/0044/2017)

General Location Plan



New 2FE two-storey primary school with nursery, hard and soft landscaping and access to form a 3-19 through school at The John Wallis Church of England Academy, Kingsnorth - 17/00236/AS (KCC/AS/0044/2017)

Proposed Site Plan



New 2FE two-storey primary school with nursery, hard and soft landscaping and access to form a 3-19 through school at The John Wallis Church of England Academy, Kingsnorth - 17/00236/AS (KCC/AS/0044/2017)

Proposed Elevations



New 2FE two-storey primary school with nursery, hard and soft landscaping and access to form a 3-19 through school at The John Wallis Church of England Academy, Kingsnorth - 17/00236/AS (KCC/AS/0044/2017)

Proposed Site Sections with Existing Academy



New 2FE two-storey primary school with nursery, hard and soft landscaping and access to form a 3-19 through school at The John Wallis Church of England Academy, Kingsnorth - 17/00236/AS (KCC/AS/0044/2017)

Background

5. The John Wallis Academy has become a key landmark within the local community and has become a leading and highly respected academy in the area, with a high demand for pupil places. The incorporation of the original Linden Grove Primary School into the academy (September 2012) has provided an integrated all through school, enhancing opportunities for the local community. However the existing primary school buildings date from the 1970's, and now require a high level of maintenance and have high running costs due to inefficient energy consumption. By relocating the primary school within the main school site it would provide a safe and secure all-through campus, with modern well designed buildings and the opportunity for the primary school children to benefit from the facilities and shared resources of the senior school.

Recent Site History

6. The most recent site history relates to the 2013 permission for the reorganisation of the academy site which included the demolition of part of the existing main academy building (Hall and Gym), and the erection of a new two storey assembly/theatre building and a separate three storey teaching building, as well as the reorganisation of hard and soft landscaping and the provision of 127 vehicle parking spaces and 104 cycle parking spaces. This development was completed in 2014.

Proposal

7. The proposal is for the creation of a new 2 FE primary school, to be located almost centrally within the Academy site, and in close proximity to the existing academy buildings - just to the north of the Runcie Building, and the west of the Skills Block. The school would be a stand-alone 2 storey building which would accommodate 420 pupils and up to 54 nursery pupils, with 20 full time and 24 part time staff. The building would be constructed from materials similar to those used in the recent additions to the senior school, which would be predominantly brick but with white rendered sections at first floor level; windows and doors in a mid-grey colour; timber cladding to the nursery element; and entrances highlighted by canopies in the red academy colour. The building would have a flat roof upon which would be located an array of photovoltaic panels.
8. The school would have a rectangular footprint with classrooms located either side of a central corridor. At ground floor level would be the nursery provision, early years and key stage 1 classrooms, plus the hall and various school offices and meeting rooms. At first floor level would be the classrooms for key stage 2, plus smaller Special Education Needs (SEN) rooms and a learning resource centre. The School wish to have three classrooms of 20 children in reception and year 1, with the other years having 30 children in each form. Stairs would be provided at either end of the classroom corridor and a lift would also be provided just off the main entrance lobby. There would be no requirement for the primary school to have its own kitchen facilities as these would be shared with the senior school. The proposed school hall would be used for PE and dining facilities, but school assemblies would be held in the main Theatre Block in the senior school.
9. Access to the new primary school would share the existing vehicular access off Millbank

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Road, and provide an access road which would run along the southern boundary of the site with Millbank Road (to the west of the access), leading to a new car park providing 50 parking spaces and 2 disabled bays. Amended plans show that vehicles would be able to enter the site to access an existing drop off/pick up facility in front of the senior school (to the east of the access), and cars would then exit at the far eastern access point, following a one-way loop whilst on the site. There would be a fenced pedestrian route from the access on Millbank Road through the site to the new school. An additional pedestrian footpath is proposed from Stanhope Road to the north, which would be 3m wide and separate to the existing senior school access. The new car park and the access road would require the removal of 5 trees to allow the access road through.

10. The new primary school building would be sited on the area of the existing hard courts provided for the senior school. It is proposed that these would be relocated to the west of the Runcie Building and enclosed with fencing. A cycle shelter would be provided alongside the courts in proximity to the access, footpath and car park.

Planning Policy

11. 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.

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Paragraph 74 of the NPPF is also relevant to the consideration of this application, it states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

(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.

(ii) **Ashford Borough Council Core Strategy (July 2008)**

Policy CS1 Guiding Principles: Sustainable development and high quality design are at the centre of the Council’s approach to plan making and deciding planning applications.

Policy CS9 Design Quality: Development proposals must be of high quality design and demonstrate a positive response to each of the following design criteria: character, distinctiveness and sense of place, permeability and ease of movement, legibility, mixed use and diversity, continuity and enclosure, quality of public spaces, flexibility, adaptability and liveability, richness in detail, and efficient use of natural resources.

Policy CS10 Sustainable Design and Construction: All major developments must incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford. Unless it can be demonstrated that it’s not technologically practical, makes the scheme unviable, or imposes excessive costs on occupiers, developments are expected to achieve the relevant BREEAM standard through energy and water efficiency, sustainable construction materials and waste reduction; reduce carbon dioxide emissions and be carbon neutral.

Policy CS15 Transport: The Council will seek to promote public transport and other non-car based modes of travel especially in the Growth Area. Development proposals must show how all highway, public transport, walking and cycling needs arising from the development will be satisfied. Developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the

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development. Maximum parking standards will accord with national parking standards.

Policy CS18 Meeting the Community's Needs: Public open space, recreation, sports, children's play, leisure, cultural, school and adult education, youth, health, public service and community facilities to be provided to meet the needs generated by new development.

Policy CS20 Sustainable Drainage: All developments should include appropriate sustainable drainage systems (SuDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality.

Ashford Borough Council Local Plan to 2030 (Consultation Draft June 2016)

Policy SP1 Strategic Objectives: A number of identified strategic objectives that form the basis of the Plan's policy framework as well as core principles that planning applications are expected to adhere to including, amongst other things, protection and enhancement of the Borough's historic and natural environment; the creation of the highest quality design which is sustainable, accessible, safe and promotes a positive sense of place through the design of the built form, the relationship of buildings with each other and the spaces around them, and which responds to the prevailing character of the area.

Policy SP6 Promoting High Quality Design: Development proposals must be of high quality design and demonstrate a careful consideration of and a positive response to each of the following design criteria: character, distinctiveness and sense of place, ease of movement, legibility, mixed use and diversity, public safety, quality of public spaces and their future management, flexibility and liveability, richness in detail, and efficient use of natural resources.

Policy TRA3 Parking Standards for Non-Residential Development: Sets out the parking standards for non-residential developments.

Policy TRA8 Travel Plan Assessments and Statements: Planning applications should be supported by a Transport Statement, a Transport Assessment or a Travel Plan depending on the nature and scale of the proposal and the level of significant transport movements generated.

Policy ENV9 Sustainable Drainage: All development should include appropriate sustainable drainage systems (SuDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality, and to mimic the drainage from the pre-developed site.

Policy ENV11 Sustainable Design & Construction – Non Residential: All major non-residential development will achieve BREEAM 'Very Good' standard with at least 40% improvement in water consumption against the baseline performance of the building, unless demonstrated not to

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be practicable.

Policy ENV15 Archaeology: Planning applications on sites where there is, or is the known potential for, an archaeological heritage asset, should include an appropriate desk based assessment of the asset. In addition, where important or potentially significant archaeological heritage assets may exist, developers will be required to arrange for field evaluations to be carried out in advance of the determination of planning applications. Any archaeological recording should be by an approved archaeological body and take place in accordance with a specification and programme of work to be submitted to and approved by the Borough Council in advance of development commencing.

Policy COM1 Meeting the Community's Needs: Infrastructure and facilities required to meet the needs generated by new development, including sports, arts, community and voluntary sector space, education and health provision, open space and play areas shall be provided as the community is established.

Consultations

12. **Ashford Borough Council** raise no objection to the application subject to the satisfactory resolution of any outstanding highway matters (note: these have been resolved and addressed in paragraphs 29-31) and suggests various conditions for the application but states that it is content for the County Council to reach its own conclusion on the merits of the proposal. The conditions requested were for the standard time period for implementation, that the current school cease to be used within 3 months, the number of pupils in the school restricted to 420 and 50 nursery places, that the playing field be available for community use, materials to be approved, architectural details to be submitted, flues and vents to be approved, hard and soft landscaping to be approved, external seating to be approved, fencing and gates to be approved, sustainable drainage strategy to be approved, highway conditions as required by KCC Highways Team imposed, provision of a pedestrian crossing on Stanhope Road, cycle and scooter parking to be retained, a refuse strategy submitted, biodiversity enhancements to be included, and BREEAM standards to be met. It should be noted that these comments have not been issued as a formal letter yet due to time constraints, and therefore should any additional matters arise when the formal letter is received we will report these verbally.

Kingsnorth Parish Council have not responded to the application.

Stanhope Parish Council support the application but would like to see the Children's Centre and the services it currently provides remaining accessible via Stanhope Road as it is currently. [Note - this application would not affect the Children's Centre].

KCC Highways and Transportation Officer raises no objection subject to the imposition of conditions relating to the provision of the parking spaces and cycle shelters being provided before occupation and permanently retained; a Construction Management Plan to cover issues such as parking and turning for construction vehicles

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and site personnel, wheel washing facilities etc; the securing of the use of the drop off loop on site; and the submission of an updated School Travel Plan.

Sport England raise an objection to the proposed development on the grounds that it would not meet any of the exceptions of the Sport England Playing Fields Policy or with paragraph 74 of the NPPF.

County Archaeological Officer states that there is potential for significant remains to survive on site, although previous investigations have suggested some level of disturbance in the past. Formal archaeological works are therefore needed and they recommend the imposition of a condition on any consent to secure archaeological field evaluation works.

KCC School Travel Planner confirms that the School have started their Travel Plan on the Jambusters website, and she will liaise with them over the contents.

KCC Flood Risk Project Officer is satisfied with the additional information submitted and requests the imposition of a condition regarding the submission of a detailed sustainable surface water strategy.

River Stour (Kent) Internal Drainage Board (IDB) Officer states that details of the surface water drainage for the scheme should be subject to a condition which requires separate approval from the County Planning Authority. As the site is thought to drain to Court Lodge Dyke, which is an IDB watercourse, he requests that the River Stour (Kent) IDB be consulted on the details submitted.

Local Member

13. The local County Members (at the time the application was submitted) Mr Derek Smyth and Mr Michael Angell were notified of the application on 16th February 2017. Mr Angell has advised in writing that he has no objection to the application and he remains the Ward Councillor for Ashford South following the recent elections.

Publicity

14. The application was publicised by the posting of two site notices, an advertisement in a local newspaper, and the individual notification of 130 residential properties.

Representations

15. In response to the publicity, one letter of representation has been received. The key points raised can be summarised as follows:
 - Concerned about light pollution as a result of lighting in the new car park;
 - Removal of vegetation along the Millbank boundary with the proposed car park would make the existing school building more exposed and visible from neighbours property;
 - Increase in traffic along Millbank Road would result in more hazardous conditions for children walking to school along this no through road;

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- Should provide a drop off on the school site.

Discussion

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 11 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.
17. This application is being reported for determination by the Planning Applications Committee due to the objections received from Sport England, and the neighbour representation received. In my opinion, the key material planning considerations in this particular case are the principle of development in this location; the siting and design of the proposed building in terms of its built form (and sustainability); its siting which results in the loss of part of the playing field; the highway and transportation implications of the school relocation on the surrounding roads and the subsequent amenity impacts of this for neighbouring residents.

Principle of Development

18. The school site lies within the urban confines of Ashford town centre where the principle of development is accepted. There are no specific policy designations which apply to the school site, but it clearly has an established education use.

Siting and Design

19. The proposed school building would be sited to the north of the existing Runcie building and west of the Skills Block, and therefore would be seen in the context of the existing school buildings. The existing senior school buildings are a mixture of two and three stories in height and therefore the proposed two storey primary school building would be in keeping with its surroundings. The design of the building reflects the recent additions to the senior school, in that it would utilise a mixture of brickwork and rendered panels, with a glazed curtain wall as a feature. The nursery element of the building would be defined through the use of timber cladding, and relief to the elevations achieved through the proposed canopies, change in materials and window detailing.
20. The existing games court for the senior school, which is located in the proposed location of the primary school building, would be relocated to the west of the Runcie Building and enclosed with wire mesh fencing. Given the existing mature hedge screening along the Millbank Road boundary, the relocation of the ball court to this location would have a minimal impact on the wider area, and again would be seen within the context of the existing school buildings and playing field setting. Furthermore the car park and access road would also be tucked behind this hedge line and would replicate the existing parking layout on the senior school site, where the parking is provided along the perimeter of the site. In terms of overall siting this is clearly the best location for the parking where it would have the least impact on the existing play space and playing field

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provision. Access to the school would be provided from Stanhope Road via a pedestrian footpath and therefore access to the Children's Services referred to by the Parish Council would be maintained.

21. Overall it is considered that the proposed building would be of a design which would be in keeping with its surroundings and make a positive contribution to the wider education site. It would therefore accord with policies CS1 and CS9 of the Ashford Core Strategy and Policies SP1 and SP6 of the Draft Local Plan to 2030.

Sustainability

22. Policy CS10 of the Ashford Core Strategy relates to sustainable design and construction and requires all major developments to incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford. The Policy states that unless it can be demonstrated that it is not technologically practical, makes the scheme unviable, or imposes excessive costs on applicants, developments are expected to achieve the relevant BREEAM (Building Research Establishment Environmental Assessment Method) standard through energy and water efficiency, sustainable construction materials and waste reduction; reduce carbon dioxide emissions and be carbon neutral. Kent County Council Property and Infrastructure do not undertake BREEAM assessments for such school projects, but they work within the 'spirit' of BREEAM by working to the same environmental standards but without diverting funds away from the end development itself, towards the costly assessment rating process. The applicants have however provided a BREEAM pre-assessment in light of Ashford BC's policy which showed that the project would meet the 'excellent' rating in all of the minimum standards and mandatory elements. It is considered that whilst the proposed development will not achieve an actual BREEAM rating as set out in the Council's Policy CS10 it would meet the aims of the policy by being of a sustainable design, incorporating renewable technology, the use of sustainably resourced materials and being compliant with Part L of the Buildings Regulations.

Loss of Playing Field

23. The proposed new school building would be located on the existing hard ball courts for the senior school, and these would be relocated to an existing area of grassed playing field to the west of the Runcie Building. Sport England have objected to the application as they consider that it does not accord with paragraph 74 of the NPPF or any of the exceptions of Sport England's Playing Fields Policy. This Policy states that Sport England would oppose any development that would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field unless in their judgement it meets one of the 5 specific circumstances. These are (E1) that there is an excess of playing field provision in the catchment area (illustrated by a quantified and documented assessment); (E2) that the development is ancillary to the principal use of the site as a playing field (i.e. changing room facilities); (E3) that the development is on land that is incapable of informing, or forming part of a playing pitch; (E4) that the playing field to be lost would be replaced by a playing field of equivalent or better quality in a suitable location; (E5) or that the development is for indoor or outdoor sports facility which would be of sufficient benefit to outweigh the detriment caused by the loss of the playing field. A Playing Field Assessment was submitted in support of

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the application, which considered the amount of open space and playing fields provided at the school in relation to the needs of just the senior school, and the senior and primary schools combined. The figures show that in accordance with Building Bulletin 103 there would be sufficient space available on the new primary school site for the required sports facilities for the proposed number of pupils – and in fact there would be a surplus of 1,901m², as shown in the table below.

Proposed areas vs BB103 Requirement for a 2FE school with 54 nursery places (m²)

		Area BB103	Proposed Area	Surplus vs BB103
1	Soft Outdoor PE	7,200	7,649	449
2	Soft informal and social	1,548	1,658	110
3	Hard Outdoor PE	1,030	1,182	152
4	Hard informal and social	674	1,313	639
5	Habitat	210	770	560
	Totals	10,662	12,572	1,910

24. In relation to the exceptions set out in the Sport England policy, the Playing Field Assessment suggests that the irregular layout of the development site means it cannot all be used for playing pitch provision and that the remaining area could be efficiently used to provide the required provision for the primary school. Therefore, the applicants suggest that the scheme would accord with exception E3, in that the land is incapable of forming, or forming part of, a playing pitch. In relation to exception E5 the report suggests that the replacement of the hard courts and the utilisation of land which was not previously used to its optimum for sports provision would be of sufficient benefit to outweigh the loss of part of the playing field. Furthermore they state that such provision would be available to pupils, staff and the wider community therefore resulting in an overall improvement in sports provision and thus complying with exception E5.
25. In response Sport England state that they do not consider the land to be incapable of being used as a playing field (E3) as historic aerial photographs show that the area in question has previously been used as a pitch. In relation to E5 they state that the provision of a new sports court alone is not considered to be sufficient to meet this exception, and that insufficient information is known about the quality of this facility, for example the proposed surface. They state that the emerging Playing Pitch Strategy for Ashford states that the John Wallis site should be protected as a playing field site, and that according to the Football Association (FA) the current pitches are overplayed by 9 games a week. The pitches are used by South Ashford Football Club which has 6 teams, with the mini soccer teams playing their competitive games at the site, and the pitches also used for training. The FA suggests that the pitch provision in the area needs to be enhanced to accommodate the local demand.
26. The applicants have provided an additional plan which shows the proposed sports provision that can be made across both the primary and secondary school sites (that is within both the red line for the primary school and the blue line enclosing the secondary school). In this layout the school can provide one U11/12 football pitch (on the primary school field) and two U15/16 football pitches, a senior rounders pitch, a 6 lane running track and a senior cricket pitch on the playing field directly to the north of the proposed primary school. It should also be noted that in addition to this the senior school have

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another existing sports pitch and MUGA and would have the proposed replacement hard games court. The primary site itself has been demonstrated to meet the BB103 requirements and given that it is an 'all-through' school there would be a sharing of other sports facilities, which would be to the benefit of the Primary School.

27. The existing primary school site has a total site area of approximately 2.9 hectares, significantly in excess of what's required for a 2FE school (a minimum of 1.6 hectares). It is therefore difficult to compare what would be provided on the new site compared to what is currently provided on the 'old' site. The aim of this application is to rationalise the two sites to make a better all-through facility, and the overall sports provision would be more than sufficient to meet the school requirements. It should also be pointed out that if the primary school relocates from the old site to the academy site, the existing sports pitches would still be available for use until such time as the old school site is disposed of. The loss of any sports pitches here would therefore need to be considered in relation to any future development on the 'old' school site.
28. In my opinion the applicants have demonstrated sufficiently that they would be able to provide adequate sports facilities for the new primary school, with only a very minor loss of the existing sports field currently available to the Academy. It is therefore considered that despite Sport England's objection a pragmatic approach should be taken in dealing with this scheme, and if Members agree with this and are minded to permit the proposal, the application would need to be referred to the Secretary of State.

Highway and Transportation Issues

29. The application essentially seeks to relocate the existing primary school from its site on Stanhope Road to a location within the Academy site with vehicular access from Millbank Road. As explained in the proposal section above, Millbank Road would provide the only access for cars and would serve the new 50 space car park and also allow parents to access the site and use the existing drop off/pick up facility in front of the Academy. Pedestrian access would be provided from Millbank Road and also via a dedicated new footpath from Stanhope Road to the north. The application was supported by a detailed Transport Statement and draft School Travel Plan, and then further supplemented with some additional survey work in the form of a Technical Note which addressed initial points raised by the County's Highways and Transportation Officer.
30. The additional survey work and observations, alongside the initial report, have demonstrated to the satisfaction of the KCC Highways Team that the existing highway in the vicinity of the school would be able to accommodate the additional parking demand of the 2FE school and nursery. Given the relatively high proportion of children that walk to school and the weighting of the school catchment area towards the northern side of Stanhope Road, it is expected that the car impact on the Millbank Road side of the campus, where the main access would be located, would not be as great as it may have otherwise been. However Millbank Road would inevitably be more active with both the schools having their main entrance along here and the new school generating an increase of 60 vehicle movements on the highway network in both the morning and afternoon peak hours. Therefore in response to this concern the application now includes the use of the on-site drop off facility within the Academy and it is considered that this would minimise congestion and vehicle conflict on the highway. The applicants

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have submitted a plan showing the one way loop through the site and the drop off/collection area, and the use of this facility could be conditioned to ensure it is in place prior to occupation and subsequently always available.

31. Subject to this condition and others to include that the parking areas be provided prior to occupation and thereafter maintained, the provision of the cycle bays prior to occupation and subsequent retention, that the School Travel Plan be updated, and the submission of a Construction Management Plan, the Highways Officer has raised no objection to the proposed development and it is considered that it would accord with Policy CS15 of the Core Strategy 2008 and Policies TRA3 and TRA8 of the draft Local Plan to 2030.

Other Matters

Archaeology

32. The application has been supported by the submission of an archaeological desk based assessment report carried out by the Canterbury Archaeological Trust. The report has reference to the proposed development, historic records and the most recent development carried out in 2013/14. It states that there is a high chance that extant archaeological features, artefacts or ecofacts (these being archaeological finds that come from something living but not modified by human activity i.e. wheat seeds, sheep bones or sea shells found at inland sites which tell something about culture, diet or way of life) relating to the Bronze Age, Iron Age and Roman periods may be disturbed by groundworks within the development area. In order to mitigate this potential impact the report suggests that an archaeological watching brief on all site investigation procedures that entail groundworks should be undertaken, in liaison with the County's Archaeologist.
33. The County Archaeologist has considered the report and confirmed that the development site lies within an area of high archaeological potential associated with prehistoric and Romano British remains. The scheduled site of Westhawk Farm, Roman small town and road junction, lies just a few metres to the east. This, she states, is a fairly extensive settlement comprising roadways, defined plots, cemeteries, temples and considerable cultural material. Bronze Age and Late Iron Age remains survive nearby suggesting there was later prehistoric and Iron Age community here pre-dating the main roman period. Because of the potential for significant remains to survive on the site, formal archaeological works are needed and this could be secured by the imposition of a condition if Members are minded to approve the application. On this basis the scheme is considered to be acceptable and in accordance with the aims of Policy ENV15 of the draft Local Plan to 2030.

Lighting

34. An external lighting scheme has been included as part of the planning application. The report states that the lighting scheme has been designed with consideration to the effect of light spillage on wildlife, the surrounding environment and any adjacent dwellings, and in accordance with requirements of the Chartered Institute of Building Services Engineers for lighting. The scheme proposes the use of LED bulkhead lights on the building itself. These would have a hood to the upper part of the light to reduce the effects of glare. The footpaths would be lit with 1m high low-energy bollard lights, and

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the car park by low energy lighting heads mounted on 6m high columns. The lights would be controlled with a solar time clock/photocell arrangement and could also be programmed to come on and off at set periods during the hours of darkness. The external lighting layout plan shows the style of these three lights and the light spill associated with them.

35. The lights on the building would be largely screened by the existing Runcie Building, and the low level bollards would have a limited impact due to their height. The lights that have drawn concern from one of the neighbouring properties are the proposed car park lights which are shown to be 6m high. 6 of these are proposed within the car park itself, and another 2 along the access road in from the main entrance. The light spill diagram shows that the spread of the lights would not go beyond the middle of Millbank Road and these type of lights are now directional to avoid the wider light spill that used to be associated with column lights. As with other primary schools, the need for lights to be on after 6pm would only be required for special events such as meetings or parents evenings etc. Given this, the fact that the existing vegetation would be largely retained (see the landscape section later in the report) and the way the lights can be time controlled, it is considered that the impact on occupiers of neighbouring properties would be limited.

Construction

36. A condition requiring the submission of a Construction Management Plan, prior to commencement of development, is considered appropriate for this site where there are residential properties nearby to the south. This would need to include, amongst other matters, times of access to the site (to avoid school peak times), operative parking, wheel washing facilities and construction vehicles/delivery vehicle loading, unloading and turning.

Flood Risk and Drainage

37. The application was supported by the submission of a Flood Risk Assessment and Drainage Strategy Report, and an accompanying Drainage Strategy for the development. These documents have been considered by the County Council's Flood and Water Management Team and also the River Stour Internal Drainage Board (IDB). Further information has also been submitted from the applicant's drainage consultant providing additional information regarding the impermeable areas on site in relation to the attenuation storage facilities proposed and the use of a pumped solution to surface water drainage, and the strategies for using these options in relation to surface water drainage. The County's Sustainable Drainage Team Leader has advised that if Members are minded to approve the application a condition should be included to secure the submission of a detailed sustainable surface water strategy, and that the building shall not be occupied until the scheme has been approved and implemented. The Clerk for the River Stour IDB has asked to be consulted when the drainage details are submitted (given the fact the site drains to Court Lodge Dyke, an IDB adopted watercourse) and there is no reason why this cannot be undertaken when the submission comes in.

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Tree Removal

38. In order to accommodate the access road and new car park on site five trees would need to be removed along the southern boundary with Millbank Road. A tree survey of all existing trees and tree works was submitted in support of the application and the 5 trees to be removed have all been categorised as being Category C under the British Standard 5837 (2012), which defines them as being of low quality. There would therefore be no objection to their removal from an arboricultural point of view, albeit their replacement should be secured via condition. The remainder of the established hedge and tree line along Millbank Road would be retained and the current screening benefits this gives the occupiers of properties on the other side of Millbank Road would therefore not be lost. Whilst the concerns of the occupiers of the neighbouring property are noted, it is considered that the small number of trees to be removed would not dramatically alter the appearance of the boundary along here, and there would only be a limited difference in views into and out of the site as a result of their removal.

Landscape

39. A Landscape Strategy and Outline Plant Specification was submitted in support of the planning application which proposes both a hard and soft landscape scheme for the site. This includes not only the main playing fields, surrounding boundary treatments and hard playspace, but also a sensory garden, woodland garden, school allotments, and nursery gardens. Feature tree planting is proposed near the new school building to soften its architecture and provide shade and interest for the playgrounds and amenity spaces, and these are proposed to be native tree species. It is considered that the landscape scheme is comprehensive and well thought out, but that a condition be imposed for the submission of a detailed final scheme which would take into account any changes that may occur during the detailed design and construction process. Such a condition is suggested, should permission be given, and one to cover the replacement of any trees or shrubs that die or are removed/destroyed within 5 years of their planting.

Conditions

40. A number of conditions were suggested by Ashford Borough Council, most of which have already been covered in paragraph 42 below, or addressed within the report. These include, for example, the time condition, materials details, landscape scheme, sustainable drainage, parking and cycle provision etc. There were, however, a few conditions which were suggested which I do not consider necessary for this scheme, and in my view would not meet Government guidance for imposing conditions. The number of pupils permitted at the school is governed by the size of the accommodation provided, which is adequate for a 2 form entry school only. There is therefore no need to impose a condition to restrict numbers as suggested, and in any case such a condition would not be enforceable. The existing school would cease to be used in any event once the new building is completed and therefore it would also be unnecessary to condition that it ceases to be used within any timeframe. The community already use the Academy playing fields, therefore a separate Community Use Agreement would not be required for this scheme. It is not necessary for specific architectural details to be submitted for the school building (nor have we imposed them on other similar school decisions) given its design but some matters would be covered under the other conditions imposed in any regard. The external seating placed within the School

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grounds would be a matter for the school to choose - there is no reason for the County Planning Authority to control this. The need for a pedestrian crossing on Stanhope Road has to be determined by the County Highways and Transportation Team and they have not requested such a crossing be provided. Finally the refuse strategy would not be necessary as the school would share the facilities of the Academy which has an existing refuse scheme in place.

Conclusion

41. In my view the key determining factors for this proposal are the highways and transport related issues of relocating the school, the siting and design of the new building, and the objection received from Sport England regarding loss of playing field land. In addition weight should also be given to the NPPF's clear policy support for ensuring that a sufficient choice of school places be available to meet the needs of existing and new communities, and the need to create, expand or alter schools. Subject to the imposition of the conditions suggested below I consider that the development would not give rise to any demonstrable harm as explained in the discussion above, would result in a sustainable form of development, and would meet the aims of the NPPF in relation to the guidance for school provision.

Recommendation

42. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government and SUBJECT TO his decision, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The standard 5 year time limit;
- The development to be carried out in accordance with the permitted details;
- The submission and approval of details of all construction materials to be used externally;
- The submission of a native species landscape scheme further to the submitted landscape masterplan (drawing number LLD1046/L01 Rev 05), the requirement for it to be planted in the first planting season following completion of development; and details of a maintenance scheme for such landscaping; and details of hard landscape scheme including fencing and gates;
- Should any of the retained or new planting die, be removed or become damaged or diseased within 5 years of planting, that it be replaced with plants of a similar size and species;
- The submission of a revised School Travel Plan prior to occupation of the new school and its ongoing review via the 'Jambusters' system for 5 years, with monitoring results posted on the school's website;
- The submission of a Construction Management Plan, providing details of (amongst other matters) times of access to the site (to avoid school peak times), operative parking, wheel washing and delivery vehicle unloading and turning;
- The provision of the vehicle parking spaces shown on the submitted site layout prior to occupation, and their permanent retention thereafter;
- The provision of the cycle shelter shown on the submitted site layout plan prior to occupation and their permanent retention thereafter;

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- The drop off facility shown on drawing number PL013 Rev 1 shall be available prior to the occupation of the new school and the facility permanently retained for use by the primary school;
- The submission of a detailed sustainable surface water strategy to be submitted and approved in writing prior to commencement of construction;
- The submission of a scheme of archaeological field evaluation work to be submitted and approved in writing prior to commencement of development and the recording and reporting of any findings;
- The submission of details of roof plant and other equipment to be submitted;
- The external lighting scheme set out on drawing number WD/EC9008/008 Rev P2 (as part of the submitted External Lighting Assessment) shall be implemented as shown and the lighting controlled using a solar time clock and photocell arrangement, and timed to be switched off when the school is not in use.

43. I FURTHER RECOMMEND that the following INFORMATIVES be added:

- The registering with Kent County Council of the School Travel Plan through the “Jambusters” website following the link <http://www.jambusterstpms.co.uk>;
- That the applicant ensures that all necessary highway approvals and consents are obtained;
- To ensure that works to trees are carried out outside of the breeding bird season and if this is not possible that an ecologist examines the site prior to works commencing;
- The development should take account of the Bat Conservation Trust’s ‘Bats and Lighting in the UK’ guidance.

Case Officer: Helen Edwards	Tel. no: 03000 413366
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Background Documents: see section heading

Construction of a part two part single storey building to facilitate a 1FE expansion, including new vehicle access, drop off loop and parking at Regis Manor Primary School, Middletune Avenue, Sittingbourne, ME10 2HT – 17/501720/County (KCC/SW/0083/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 19th June 2017

Application by Kent County Council Property Services for the construction of a part two and part single storey building to facilitate a 1FE expansion, including a new vehicle access, drop off loop and parking at Regis Manor Primary School, Middletune Avenue, Sittingbourne – 17/501720/County (KCC/SW/0083/2017)

Recommendation: The application be referred to the Secretary of State for Communities and Local Government, and subject to his decision, that planning permission be granted, subject to conditions.

Local Member: Sue Gent

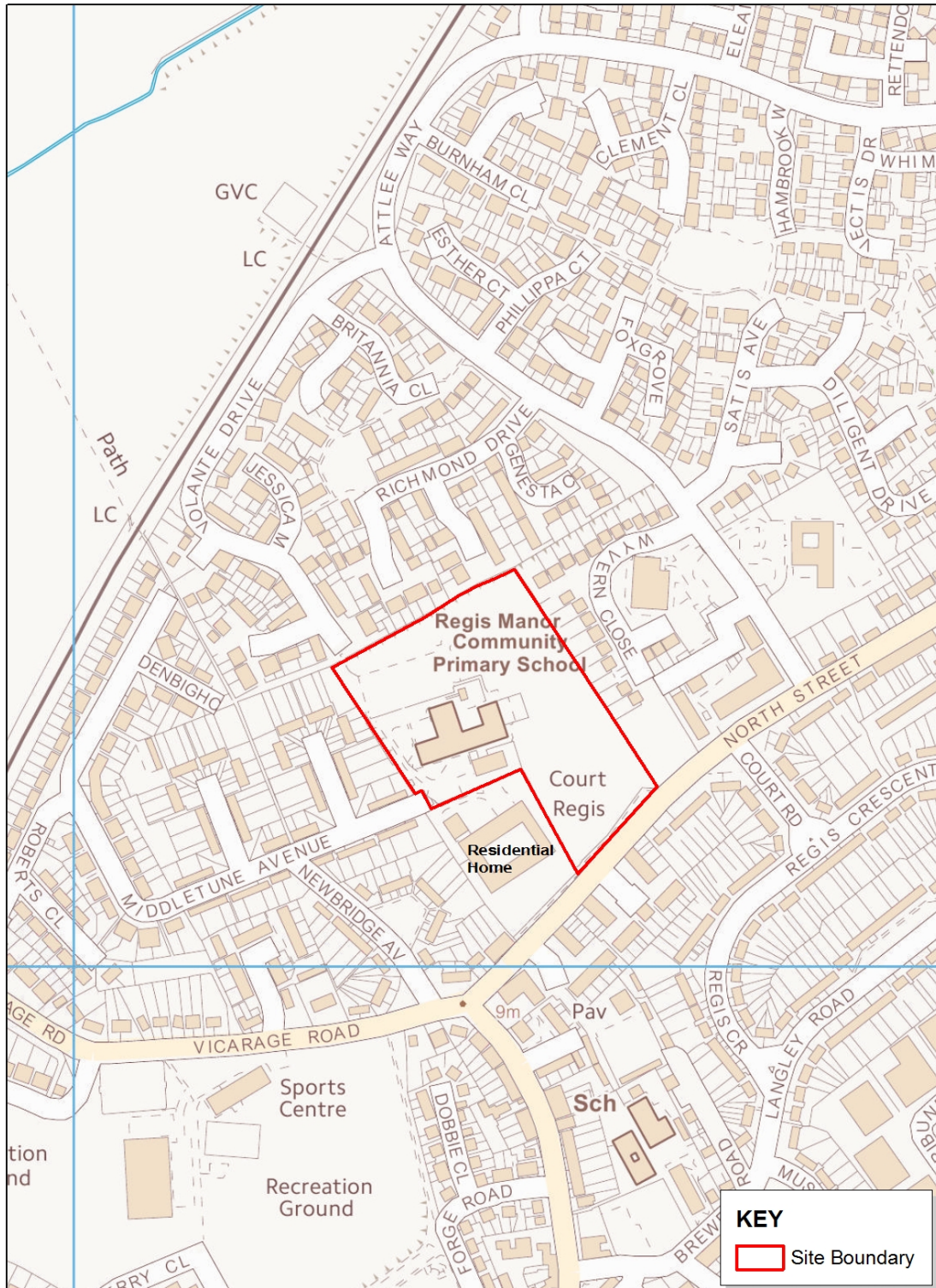
Classification: Unrestricted

Site

1. Regis Manor Primary School is a 2 Form Entry school located in the town of Sittingbourne, and lies to the north of the A2 and the east of the A249. (A Form of Entry refers to each class of 30 children in each year, so for a 2 Form Entry school there are two classes of children in each year, from reception to year 6, resulting in 420 children in total in the school.) Middletune Avenue to the west of the school provides the main vehicular and pedestrian access to the school, but there are two additional pedestrian accesses – one from Volante Drive to the north, and the second from North Street to the south. The school and grounds are surrounded by residential development to the west, north and east with the boundaries being marked by close board fencing and existing landscaping. To the south of the school buildings and car park is the Court Regis Residential Home, and the school playing fields extend down the side of this towards the southern boundary with North Street. A mature hedge runs along the North Street boundary and along the shared boundary with the care home.
2. The school itself is a part single storey and part two storey building which dates back to the 1960's. It is constructed from brickwork (a mixture of brown and pale grey) and pvc boarding panels and has a flat roof. There are large areas of glazing to the classrooms and hall, and a previous single storey extension to the south-east corner of the school. A stand-alone nursery was built in the mid 2000's and this is located to the south of the school, between this and the care home. The nursery is of brick construction with a pitched roof.
3. The school has a large hard surfaced playground to the north of the site, with some adventure playground facilities alongside it, and a separate enclosed area for reception pupils. The grassed playing fields run down the eastern side of the site from north to south. There is existing parking provision on site for 41 cars including 2 disabled bays.

New building to facilitate a 1FE expansion including a new vehicular access, drop off loop and parking at Regis Manor Primary school, Sittingbourne – 17/501720/County (KCC/SW/0083/2017)

General Location Plan



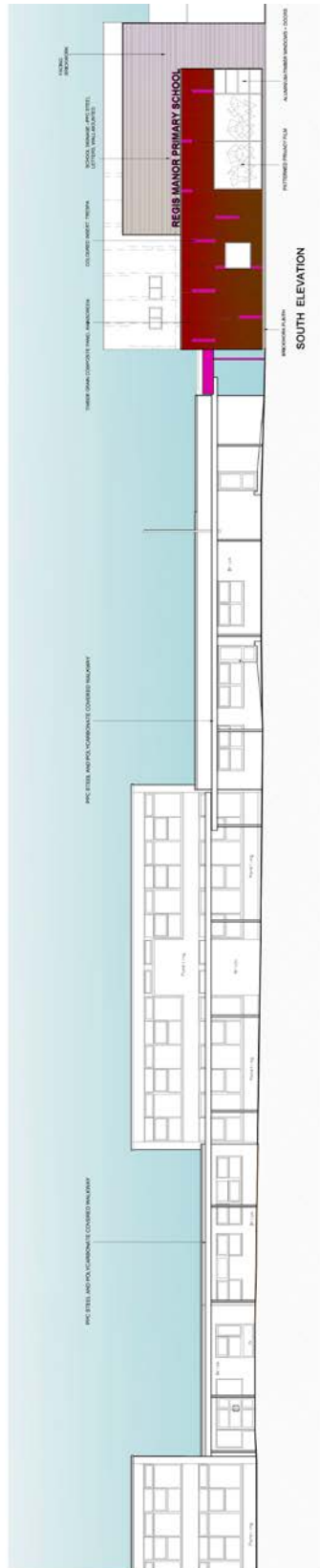
New building to facilitate a 1FE expansion including a new vehicular access, drop off loop and parking at Regis Manor Primary school, Sittingbourne – 17/501720/County (KCC/SW/0083/2017)

Proposed Site Plan



New building to facilitate a 1FE expansion including a new vehicular access, drop off loop and parking at Regis Manor Primary school, Sittingbourne – 17/501720/County (KCC/SW/0083/2017)

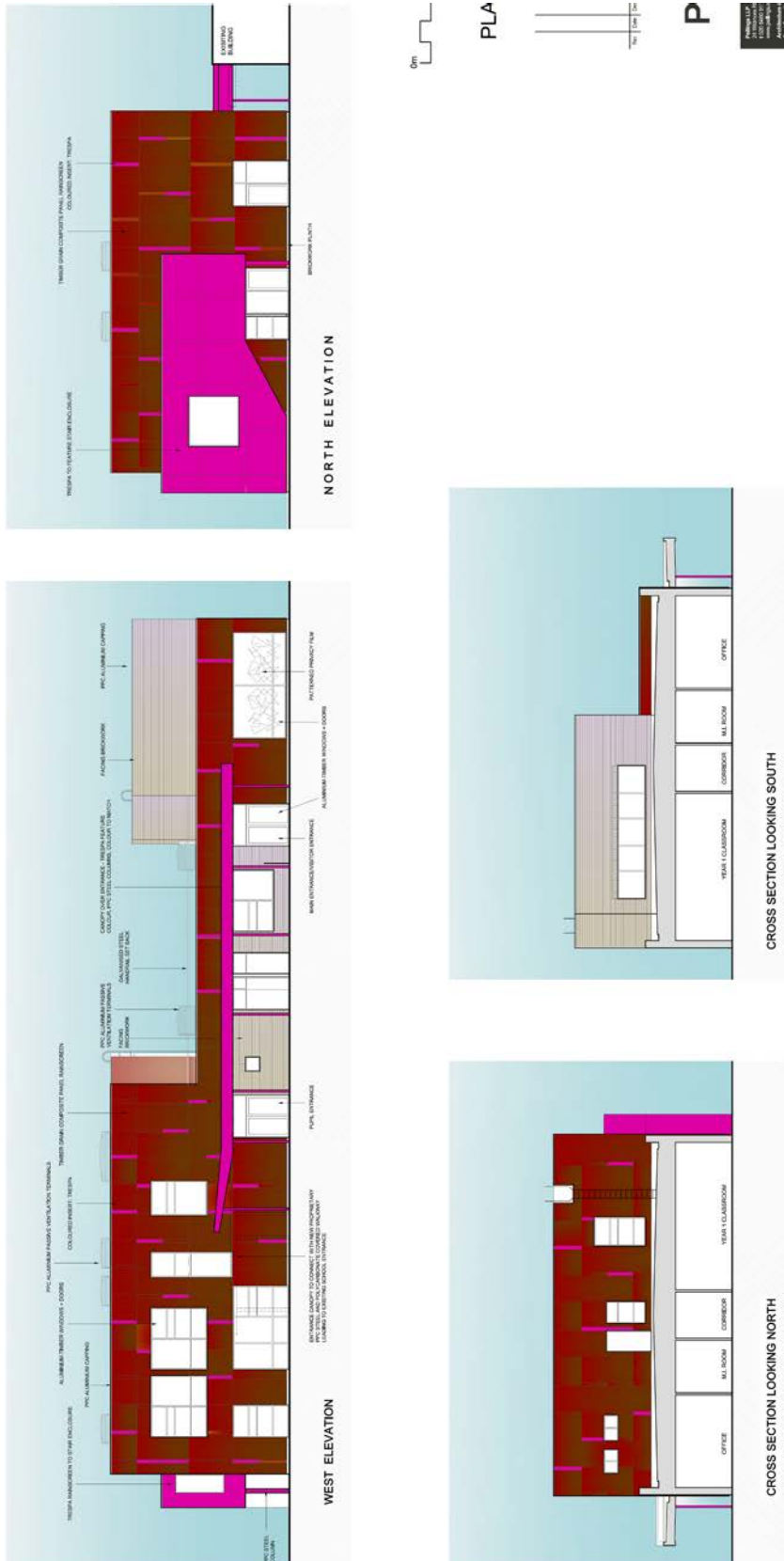
Proposed Elevations



Architectural logo for Pellings, including the word 'PELLINGS' in a stylized font and a scale bar showing 0m, 5m, and 10m. A red stamp reads 'Received - 18 March 2017 Planning Applications Dept'.

New building to facilitate a 1FE expansion including a new vehicular access, drop off loop and parking at Regis Manor Primary school, Sittingbourne – 17/501720/County (KCC/SW/0083/2017)

Proposed Elevations



New building to facilitate a 1FE expansion including a new vehicular access, drop off loop and parking at Regis Manor Primary school, Sittingbourne – 17/501720/County (KCC/SW/0083/2017)

Background

4. This planning application has been submitted to facilitate an expansion of the school from 2 forms of entry to 3 forms of entry, with the total number of pupils being 630. In Kent there is a continued and significant increase in pupil numbers and consequently the need for new provision. The number of primary age pupils is expected to continue rising over the next five years. In the Swale District the Kent Commissioning Plan for Education provision 2013-2018, has identified significant pressure on reception year places. This district will have a deficit of up to 87 reception places in September 2016 and 2017, which means urgent action is required to increase capacity, and the submission of this planning application seeks to address this need.

Recent Site History

5. The most recent planning permission relating to the primary school is for two additional classrooms (SW/11/1383), and a subsequent non-material amendment to this, both dating back to 2012 (SW/11/1383/NMA), although this extension has not been built. An extension to the staff room, head teachers office, relocation of the bin store, replacement of the existing hall glazed wall and removal of a mobile (SW/06/1101) was approved in 2006, and the nursery building (SW/04/1557) approved in 2005.

Proposal

6. The application seeks approval for a new classroom building, which would be part two storey and part single storey. The building would have a rectangular footprint and would be sited in a north-south direction sitting at the eastern end of the existing school building and to the east of the nursery building. It would be located on the edge of the existing grassed playing field. The building would provide four classrooms at ground floor level, a small hall/studio, the new entrance and reception area for the school and various group rooms, toilets, plant room and storage facilities. Both stairs and a lift would provide access to the first floor which would provide three more classrooms, toilets and a group room at the northern end of the building, with the single storey element in the middle and a void over the hall at the southern end.
7. The building would replicate the existing school by having a flat roof design and this would allow PV panels to be sited in three separate areas (as shown), hidden by the parapet. The building is proposed to be constructed from a mixture of facing brickwork in a light grey colour and timber grain composite panels with coloured inserts in a feature red colour. There would be large elements of glazing on the elevations to add lightness to the facades and a good amount of natural daylight to the rooms inside. The school signage would be mounted on the southern elevation of the hall as this new building would then provide the main entrance for the school. This new building would be connected to the existing school via a canopy and covered walkway.
8. The proposal also includes the creation of a new vehicular access from North Street to the south. The entrance in would be from the south-western corner, and would provide access to both a drop off lane and an area of parking, with the exit back onto North Street at the north-eastern corner of this frontage. The parking and drop off layby would be separated by a new footpath and fence and there would be zebra crossings at both ends of this area to allow safe access across the vehicle entry and exit points. A zebra

New building to facilitate a 1FE expansion including a new vehicular access, drop off loop and parking at Regis Manor Primary school, Sittingbourne – 17/501720/County (KCC/SW/0083/2017)

crossing is also proposed on North Street itself to allow connectivity to the wider pedestrian network. The existing footpath from North Street into the school site would be widened to accommodate the extra pedestrians. There would be 3 staff parking spaces accessed from North Street and 17 spaces for parents and visitors, provided in an echelon layout. The drop off layby could accommodate 10 cars at any one time, and the width of this facility would be 5.5m to allow cars to pass those that are stopped, ensuring continuous turnover. The existing car park, accessed from Middletune Avenue, would be reorganised and the area slightly extended to provide 52 parking spaces for staff and an additional 3 spaces for disabled drivers. An area for motorbikes would also be provided here, and cycle storage for 20 bikes (for both staff and pupils) would be provided in between the new building and the nursery.

Planning Policy

9. 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.

Paragraph 74 of the NPPF is also relevant to the consideration of this application, it states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless

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- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

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

(iii) The adopted **Swale Borough Local Plan (Saved Policies) 2008** constitutes the current adopted development plan for the Borough and can be summarised as follows:

Policy SP1 *Sustainable development:*

Proposals should accord with the principles of sustainable development, and ensure that proper and timely provision is made for social and community infrastructure.

Policy SH1 *Settlement hierarchy:*

For the primary settlement of Sittingbourne it states that development will focus on urban regeneration and strategic development opportunities that will additionally help provide essential new infrastructure.

Policy SP7 *Community services and facilities:*

Planning policies and development proposals will promote safe environments and a sense of community by increasing social networks by providing new services and facilities, and safeguarding essential and viable services and facilities from harmful changes of use and development proposals.

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

The Borough Council will grant planning permission for new or improved community services and facilities, and particularly those that include provision for wider public use.

Policy E1 *General development criteria:*

Development proposals should: accord with the Development Plan unless material considerations indicate otherwise; reflect positively characteristics and features of the site and surroundings; and protect and enhance the natural and built environments.

Policy E10 *Trees and hedges:*

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

Policy E11 *Protecting and enhancing the Borough's biodiversity and geological*

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interests:

Development proposals should ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered.

Policy E19 *Design quality and distinctiveness:*

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

Policy E21 *Sustainable design and build:*

Encourages all developers to adopt principles of sustainable design and build within their designs and layouts, and states that the Council will advocate meeting the 'Building Research Establishment Environmental Assessment Method' standard of 'good' as a minimum.

Policy T1 *Safe access to new development:*

Where appropriate the Borough Council will require the submission of a comprehensive Transport Assessment and Travel Plan with planning applications.

Policy T3 *Vehicle parking for new development:*

Development will only be permitted if appropriate vehicle parking is provided, in accordance with the adopted KCC Parking Standards

Policy T4 *Cyclists and pedestrians:*

New development proposals should have regard to the needs and safety of cyclists and pedestrians, including the disabled, and cycle parking facilities should be provided in a convenient, secure and safe location.

Policy T5 *Public transport:*

Where appropriate the Borough Council will expect the submission of a Travel Plan as part of a Transport Assessment.

- (iv) **Bearing Fruits 2031: The Swale Borough Local Plan Main Modifications** (draft) (June 2016). The Examination in Public into this document and the proposed modifications was resumed in January 2017 and closed on 8th February 2017:

Policy CP4 *Health and Wellbeing:*

Relevant organisations and communities will promote, protect and improve the health of Swale's population and reduce health inequalities across the Borough by working with the local PCT and GP surgeries; protecting health care facilities where a proven need exists; requiring health impact assessments for developments on land at strategic locations; promoting the provision of open space and access to nature; supporting proposals which increase access to a healthy food supply such as markets and farm shops; assisting with mitigating the effects of climate change through the use of open space and greenery for shading and cooling within urban areas; and maximising opportunities to deliver high quality social and community facilities.

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Policy DM6 *Managing transport demand and impact:*

Development generating a significant amount of transport movements will require a Transport Assessment (including a Travel Plan). Priority is given to the needs of pedestrians and cyclists, including the disabled, through the provision of safe routes which minimise cyclist/pedestrian and traffic conflict within the site and which connect to local services and facilities, with safe and efficient delivery of goods and supplies and access for emergency and utility vehicles.

Policy DM7 *Vehicle parking:*

Until a Supplementary Planning Document can be adopted, the Borough Council will continue to apply extant Kent County Council vehicle parking standards to new development proposals.

Policy DM14 *General development criteria:*

All development proposals should accord with the policies and proposals of the Plan unless material considerations indicate otherwise, respond positively to meeting the challenge of climate change, reflect the positive characteristics and features of the site and locality, conserve and enhance the natural and/or built environments, be both well sited and of a scale, design, appearance and detail that is appropriate to the location, and cause no significant harm to amenity and other sensitive uses or areas. Development proposals shall also meet a high standard of landscaping, and provide safe vehicular access, with convenient routes and facilities for pedestrians and cyclists and parking and servicing facilities in accordance with the County Council's standards.

Policy DM19 *Sustainable design and construction:*

Development proposals will include measures to address and adapt to climate change in accordance with national planning policy and where appropriate, will incorporate items such as use of materials and construction techniques which increase energy efficiency and thermal performance; reduce carbon emissions in new development; promotion of waste reduction; design of buildings which will be adaptable to change and reuse over the long term, and a demonstration of a contribution to the network of green infrastructure and biodiversity. All development proposals shall include measures to address climate change, using materials and construction techniques which increase energy efficiency, reduce waste and reduce carbon emission, and make efficient use of water resources. All new non-residential developments shall aim to achieve BREEAM 'good' standard or equivalent, and all new non-residential developments over 1,000 sq m gross floor area should aim to achieve the BREEAM "Very Good" standard or equivalent as a minimum.

Policy DM21 *Water, flooding and drainage:*

Sets out the requirement to follow national planning guidance, to include SuDS wherever possible, to avoid development in areas at risk of flooding or where development would increase flood risk elsewhere, and the requirement to provide specific flood risk

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assessments as directed by the NPPF.

Policy DM28 *Biodiversity and geological conservation:*

Development proposals will conserve and extend biodiversity, provide for net gains in biodiversity where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.

Policy DM29 *Woodlands, trees and hedges:*

Aims to protect trees that make an important contribution either to the amenity, historic, landscape or biodiversity value of the site or the surrounding area.

Consultations

10. **Swale Borough Council** object on the grounds that the new access and parking arrangements off North Street would involve the loss of mature trees and hedges, as well as the laying of a significant expanse of hard surfacing within the root protection areas of the trees to be retained. They state that the mitigation measures proposed in the Arboricultural Impact Assessment would be insufficient and as such the proposal would fail to protect the quality of the verdant landscape which makes a positive contribution to the character and appearance of the street scene, which would be contrary to Policies E1 and E19 of the adopted Swale Borough Local Plan and policies CP4 and DM14 of the emerging Swale Borough Local Plan Bearing Fruits 2031.

KCC Highways and Transportation Officer raises no objection subject to the imposition of conditions relating to the need for a Traffic Regulation Order to restrict residents using the parking and drop off facility on North Street; the replacement of highway trees; the permanent retention of the parking and cycle spaces; the provision of adequate visibility splays; the submission of a revised School Travel Plan; and a Construction Management Plan.

KCC Biodiversity Officer raise no objection to the application subject to the imposition of conditions regarding the protection of the eastern boundary hedgerow and submission of ecological enhancements within a landscape scheme; and informatives regarding development being carried out during the breeding birds season and bats being affected by any lighting on site.

County Archaeological Officer raises no objection to the proposal subject to the imposition of a condition which secures safeguarding measures to ensure the preservation in situ of any important archaeological remains, or the need for further archaeological investigation and recording.

Sport England object to the application as it considers the scheme does not accord with any of the exceptions to Sport England's Playing Fields Policy or Paragraph 74 of the NPPF.

Environment Agency raise no objection to the application. The EA maps show this site to be within Flood Zone 3 however this is due to the presence of a dry river bed running through the site with no associated water course. The site is outside of the modelled design outline for fluvial and tidal flooding, and the flood risk from other sources to the development is low.

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KCC Flood Risk Project Officer raises no objection in principle to the proposals, subject to the imposition of a sustainable surface water condition on any consent given.

Local Member

11. The local County Members at the time the application was submitted, Mr Roger Truelove and Mr Lee Burgess for Swale Central, were notified of the application on 27th March 2017. The electoral division boundaries for this area changed in May and following the recent elections the new member for Sittingbourne North, Sue Gent, was notified of the application on 10th May 2017. No views were received.

Publicity

12. The application was publicised by the posting of three site notices at the existing access points to the site, and the individual notification of 95 residential properties.

Representations

13. In response to the publicity, one letter of representation has been received. This raised concerns that the new access might be from Wyvern Close. I have written back to the neighbour to advise this is not the case (the proposed access would be from North Street) and his potential objection to the scheme has therefore been overcome.

Discussion

14. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 9 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.
15. This application is being reported for determination by the Planning Applications Committee due to the objections received from Sport England and Swale Borough Council. In my opinion, the key material planning considerations in this particular case are the principle of development in this location; the siting and design of the proposed extension in terms of its built form (and sustainability) and its impact on the appearance of the wider area; its siting which results in the loss of part of the playing field; the highway and transportation implications of the school expansion on the surrounding roads and the acceptability of the new access and parking arrangements.

Principle of Development

16. The school site lies within the wider urban residential area of Sittingbourne where the principle of development is accepted. There are no specific policy designations which apply to the school site, but it clearly has an established education use.

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Siting, Design and Impact on Wider Area

17. The new building has been designed to reflect the style of the original school, but with a modern interpretation. The building would be slightly taller than the original two storey elements but would be of a comparable height and would not seem out of proportion with the original structures. The large glazed windows would match the style of the classroom windows on the original and the timber grain composite panels would add an injection of colour to the design which would break up the building. The elements of facing brickwork would tie the new and old elements of the school together and the buildings would be connected by a glazed covered walkway.
18. In terms of its location on site, the building has been sited in close proximity to the original building allowing connectivity between the two buildings. Its location here allows the existing playgrounds to be retained as at present, but would result in the loss of a small section of grassed playing field, down the western edge of the playing fields. This is addressed further in paragraph 24 below. Given the proposed relocation of the main vehicular entrance from Middletune Avenue to North Street, it is considered that the new building is in an appropriate location as it will be clearly visible from this new entrance, and would draw pupils and visitors towards the school, providing a modern and welcoming building for those entering the school grounds. In this location the new building is sited well away from the shared school boundaries with residential properties in all directions, and the structure itself would therefore not raise any amenity issues with these occupiers. The building would be separated from the care home to the south-west by the existing boundary hedgerow and it would not project past the on-site car park for the care home. It would therefore not have any direct impact on the rooms of the care home itself, nor their amenity areas which are provided in a central courtyard and to the south, towards North Street.
19. In terms of the building design itself and its siting in relation to the existing school buildings and the surrounding properties it is considered that the scheme would be acceptable and accord with Policies E1 and E19 of the Swale Borough Local Plan 2008 and Policy DM14 of the Bearing Fruits to 2031 Plan, 2016.
20. The other part of the proposal is the new access to be created from North Street. This would involve the removal of the existing hedge along this southern boundary along with a number of trees. The trees in question lie outside the school boundary in a landscape strip which runs between the school and the road. This area is poorly maintained and the school caretaker has advised of ongoing problems with people loitering in this area. The new access would come across this strip and into the school grounds where the parent and visitor parking strip and drop off layby would be provided. A new hedge is to be planted behind the parking area and a grassed verge would be laid along the road frontage. Swale Borough Council have raised an objection to the creation of this new access and parking arrangement on the grounds that it “would fail to protect the quality of the verdant landscape which makes a positive contribution to the character and appearance of the street scene”.
21. It is considered that although there would be a loss of trees along here, which would alter the appearance of this small section of the road, the impact can be easily mitigated with the proposed new hedge planting, grassed verge and replacement tree planting. For any highway tree removed an additional two would need to be replanted (as required by KCC’s Arboricultural Team) and this could be secured via a condition as

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part of a general landscape scheme. The Borough Council had also suggested that those trees shown to be retained would not survive due to the amount of hardstanding proposed within the root protection zones. The applicant's arboriculturalist was asked to comment on this matter and has stated that he believed it would be possible to retain trees in this area using a 'no-dig' paved surface designed by an engineer in consultation with an arboriculturalist, and that the detail of such construction and implementing it under supervision could be secured via a condition. Large tree species at maturity (such as lime, oak, hornbeam or beech) could be planted within the highway verge, provided the paved area was constructed in a 'no-dig' porous form so that the potential rooting area was not constrained or hampered by the paving and so that moisture could penetrate beneath it. The planting of three trees in the verge have been shown on the proposed site layout plan, alongside those that would be retained. In addition the School have advised that they have recently undertaken extensive tree planting at the School, with 32 new trees being planted on the site itself. Furthermore 30 trees have been donated to the retirement home just to the west of the School (Court Regis) and 50 trees donated to Milton Creek Country Park, which lies at the eastern end of North Street.

22. In my opinion it is considered that the benefits of moving the main access from Middletune Avenue to North Street, and the provision of additional off-street parking and drop off facilities to accompany the new school facilities would more than outweigh the loss of the existing trees, provided the new planting scheme is secured by condition, as suggested. The reorganisation of this area would also alleviate the problems experienced by the School with unsociable loitering. Therefore despite Swale Borough Council's concerns it is considered that the scheme would be acceptable in this regard. The parking and highway issues themselves are covered below.
23. In terms of sustainability, the building has been designed with Policy E19 of the Swale Local Plan in mind which states that all development proposals should include measures to address and adapt to climate change in accordance with national policy. A Low Zero Carbon Feasibility Report was submitted in support of the application which looked at the various low and zero carbon technologies available for use and which would be appropriate for this site. A BREEAM assessment has not been carried out as the floor area does not exceed 1000sqm as set out in the requirements of Policy E21 (BREEAM stands for Building Research Establishment Environmental Assessment Method and is an established method for assessing, rating and certifying the sustainability of buildings). However a sustainable development has been designed to include things such as the use of local materials and contractors to reduce travel and distribution costs; the use of combined heat and power and the provision of an array of photovoltaic panels on the roof.

Loss of Playing Field

24. As stated above the proposed new building would be sited on the edge of the grassed playing field, and as a result the application has received an objection from Sport England on the grounds that it would not accord with any of the exceptions in their Playing Field Policy. This Policy states that Sport England would oppose any development that would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field unless in their judgement it meets one of the 5 specific circumstances. These are that there is an excess of playing field provision in the catchment area (illustrated by a quantified and documented

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assessment); that the development is ancillary to the principal use of the site as a playing field (i.e. changing room facilities); that the development is on land that is incapable of informing, or forming part of a playing pitch; that the playing field to be lost would be replaced by a playing field of equivalent or better quality in a suitable location; or that the development is for indoor or outdoor sports facility which would be of sufficient benefit to outweigh the detriment caused by the loss of the playing field. As with many of the recent applications approved by the former Planning Applications Committee, the County Council has had to take an holistic approach to applying the Sport England Policy, otherwise it would be almost impossible to expand the many primary schools situated in constrained plots surrounded by residential development, and this would result in the Council failing to fulfil its role in providing the required education facilities for the County, nor to have proper regard to the Policy Statement Planning for Schools Development 2011.

- 25. In the existing site plan layout, the location of the proposed new building is shown within the layout of one of the playing pitches, however the school benefits from a large playing field area and additional plans submitted by the applicant show how the required sports facilities can be easily accommodated on site with the new building in its proposed location. In the summer the school can provide two rounders pitches, a running track and oval and a 7v7 mini soccer pitch, whilst in the winter two 7v7 mini soccer pitches can be accommodated, as shown below.



(Drawing number 718.009 PL10 Rev A)

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26. Although the proposed new building would result in the loss of an area of useable playing field (approximately 544m²), it would not compromise the ability of the school to provide the required sports facilities (both hard and soft play) necessary for a 3FE primary school, in accordance with Building Bulletin 103. In submitting the application the applicants acknowledged that there would be an 'in principle' objection by Sport England but state that all possible locations for the new building were carefully considered with sports provision in mind, before this location was chosen.
27. In my opinion the proposed classroom block has been sited in the most appropriate location for the running of the School, close to the existing built form on the site. To build any form of extension at the School would result in the loss of either playing field or hard play spaces as this is what surround the existing school, and therefore to inflexibly apply the Sport England Policy would mean that no additional classroom space could be built on site (without extending up from the existing school). It is therefore considered that a more pragmatic approach should be applied, whereby we consider that although a small area of playing field would be built over, the requisite sports provision can still be adequately provided on site and therefore no sports facilities are actually 'lost'. However, because of the objection received from Sport England, if Members agree with this holistic approach and are minded to permit the proposals, the application would need to be referred to the Secretary of State for him to decide whether to call the application in for his determination.

Highway and Transportation Issues

28. In the current situation, the only vehicular access to the school is via Middletune Avenue, which provides access to other closes and which terminates at the school. Middletune Avenue is classed as a minor residential road with on-street parking permitted, which effectively restricts the width to a single carriageway. Existing parking problems occur at drop off and pick up times along this road, and also Volante Drive to the north, which also terminates at the school. On street parking for pupil drop off also occurs on North Street.
29. By providing a new access to the school from North Street, a facility would be provided to allow some parent vehicles to be removed from the residential roads of Middletune Avenue and Volante Drive, and provision made for both parking and drop off on the school site. The County's Highway and Transportation Officer has considered the proposed scheme and the accompanying Transport Statement, and concurs with the findings in this report regarding the overall traffic impacts in the area. He goes on to suggest that not only would it adequately absorb the extra vehicle movements associated with the school expansion, but is also likely to reduce the existing levels of on-street parking in the vicinity of the school during peak times.
30. In order to ensure the effective day to day running of these parking and drop-off facilities, the School have stated that staff would be on site to assist parents into free spaces and escort children into and out of school to allow a quicker turnover of spaces. Staff themselves would continue to use Middletune Avenue to access the extended car park. The Highways Officer has stated that the maintenance and on-going implementation of an effective School Travel Plan (STP) would be a key element of ensuring that the existing sustainable travel modes for pupils are continued and improved upon, and a condition requiring the submission of a revised STP can be

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imposed on any consent given to secure this. In addition he has suggested that there would be a need for a Traffic Regulation Order to be introduced to restrict the new parking areas being used by residents, and this can also be secured by condition.

31. The applicants have submitted a revised layout to ensure a footpath link is continued either side of the entrance and exit points of the new car park and drop off facility. Now that this has been amended the Highways and Transportation Officer has confirmed that the scheme is considered to be acceptable in relation to highway matters, subject to the imposition of conditions securing the submission of a Construction Management Plan (to secure parking provision for construction vehicles, turning and parking on site for such vehicles and wheel washing facilities); the provision and retention of the parking and drop off facilities prior to occupation of the new building; the provision and retention of the cycle facilities shown; the provision and maintenance of visibility splays at the new access at all times; and the introduction of a Traffic Regulation order to ensure the parking areas are not used by residents. Subject to these the scheme is considered to accord with Policies T1, T3, T4 and T5 of the Swale Borough Local Plan 2008, and Policies DM6, DM7 and DM14 of the Bearing Fruits to 2031 Plan, 2016.

Other Matters**Archaeology**

32. The application was supported by the submission of an Historic Environment Desk Based Assessment and a Written Scheme of Investigation (WSI), which has shown that on this site there is a medium-high potential for prehistoric and Roman remains, a medium potential for early medieval remains, and a low potential for medieval and post-medieval remains. Given the overall potential for archaeological remains it is possible that further archaeological work may be required on the site. The County's Heritage Officer has considered the report and concurs that an archaeological evaluation would be required in accordance with the WSI, and that such work should be secured via condition, to ensure the preservation in situ of any important archaeological remains or their recording.

Lighting

33. A lighting scheme can be secured by condition, so that the details of the types of lights and their location can be considered by the Planning Authority in order to ensure there would not be an adverse impact on the occupiers of the retirement home or surrounding residential properties. In particular the height and style of lighting at the new drop off and parking area along North Street would need to be carefully considered so as not to cause light pollution issues, and any lighting scheme could be linked to daylight sensor systems and timed to switch off once the school is not in use.

Construction

34. A condition requiring the submission of a full Construction Management Strategy, prior to commencement of development has been requested by the Highways and Transportation Officer and is considered appropriate given the School's location amongst residential properties. This would need to include the items set out in paragraph 31 and also restrict times of access to the site to avoid school peak times.

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Flood Risk and Drainage

35. The application was accompanied by a Flood Risk Assessment and Drainage Strategy which have been considered by the County's Flood Risk Project Officer and the Environment Agency. They have confirmed that although the EA flood maps show the site as being within Flood Zone 3 (an area where there is a high flood risk as defined by the Environment Agency) this is due to the presence of a dry river bed running through the site and there is no associated water course. As such the flood risk for development is low. A sustainable surface water drainage system can be secured through the imposition of a condition and the Flood Risk Officer confirms they would have no objection to the development subject to this. The scheme would be in accordance with Policy DM21 of the Bearing Fruits to 2031 Plan, 2016.

Ecology

36. The application was supported by the submission of a Preliminary Ecological Appraisal which assessed the site for its suitability for protected species and habitats, assessed the impact of the proposed development on the site, and considered any opportunities for integrating ecological features and enhancements within the development. The report was considered by the County's Biodiversity Officer, who agrees that the site does not provide optimum habitat for protected or notable species and therefore there is no need for specific surveys to be undertaken. One of the trees on site (T37) has suitable features for roosting bats, but this is shown to be retained. They note however, that given the likelihood of increased lighting on the site, it would be prudent to include an informative to any consent which makes the applicants aware of the Bat Conservation Trusts guidance on lighting. The eastern boundary of the site has been shown to have suitable habitat for reptiles and although this would not be affected by the proposed development, measures to protect the hedgerow from damage during construction should be included as a condition. A further informative is suggested which would inform the applicants of the need to protect breeding and nesting birds under the Wildlife and Countryside Act 1981 (as amended) and that if any trees and hedgerows are to be removed during this season they must first be examined by a qualified ecologist.
37. In order to ensure that opportunities to incorporate biodiversity in and around developments are encouraged, as set out in the NPPF, the Ecological Appraisal has made recommendations to enhance the site for biodiversity, however it is suggested that the landscape scheme to be secured by condition also details what specific ecological enhancements are to be provided. Subject to these conditions and informatives it is considered that the scheme would accord with the aims of Policy E11 of the Swale Borough Local Plan 2008 and DM28 of the Bearing Fruits to 2031 Plan, 2016.

Conclusion

38. In my view the key determining factors for this proposal are the planning policy aspects in relation to the highways and transport related issues, the siting and design of the new building, the objection received from Sport England regarding loss of playing field land and the objections raised by Swale Borough Council regarding the loss of trees along North Street. Weight also needs to be given to the NPPF's clear policy support for ensuring that a sufficient choice of school places be available to meet the needs of

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existing and new communities, and the need to create, expand or alter schools. Subject to the imposition of the conditions below I consider that the development would not give rise to any demonstrable harm as explained in the discussion above, would result in a sustainable form of development, and would meet the aims of the NPPF in relation to the guidance for school provision.

Recommendation

39. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government and SUBJECT TO his decision, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The standard 5 year time limit;
- The development to be carried out in accordance with the permitted details;
- The submission and approval of details of all construction materials to be used externally;
- The submission of a revised School Travel Plan prior to occupation of the new classroom building and its ongoing review via the 'Jambusters' system for 5 years, with monitoring results posted on the school's website;
- The submission of a Construction Management Plan, providing details of (amongst other matters) times of access to the site (to avoid school peak times), operative parking, wheel washing and delivery vehicle unloading and turning;
- The provision of measures to prevent the discharge of surface water onto the highway;
- The submission of a detailed sustainable surface water strategy to be submitted and approved in writing prior to commencement of construction;
- The provision of the vehicle parking spaces, cycle parking facilities and the vehicle pick up and drop off facilities shown on the submitted site layout prior to occupation, and their permanent retention thereafter;
- The completion and maintenance of the access shown on the submitted layout plan prior to the occupation of the new classroom block;
- The provision and maintenance of 2.4m x 43m x 43m visibility splays at the accesses with no obstruction above 1.05m above carriageway level with the splays being provided prior to the occupation of the new classroom block;
- The advertisement of a Traffic Regulation Order to introduce parking restrictions to prevent residents parking in the new car park and drop off facility on North Street, and once confirmed the works be implemented to the satisfaction of the County Planning Authority in association with Kent Highway Services;
- Prior to the commencement of construction, details to be submitted of the protection measures for the hedge along the eastern boundary during the construction period;
- The submission of a native species landscape scheme, which should also incorporate ecological enhancements for the site; the requirement for it to be planted in the first planting season following completion of development; and details of a maintenance scheme for such landscaping;
- Should any of the retained or new planting die, be removed or become damaged or diseased within 5 years of planting, that it be replaced with plants of a similar size and species;
- The undertaking of an archaeological evaluation in accordance with the submitted Written Scheme of Investigation. Following on from this, and prior to the

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commencement of groundworks (unless otherwise agreed by the County Planning Authority), any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording with a specification and timetable to be submitted and approved by the County Planning Authority;

- The submission of a detailed external lighting scheme to be approved in writing within 3 months of the commencement of development, and the scheme to include hours of operation.

40. I FURTHER RECOMMEND that the following INFORMATIVES be added:

- The registering with Kent County Council of the School Travel Plan through the “Jambusters” website following the link <http://www.jambusterstpms.co.uk>;
- That the applicant ensures that all necessary highway approvals and consents are obtained;
- The development should take account of the Bat Conservation Trust’s ‘Bats and Lighting in the UK’ guidance;
- To ensure that works to trees are carried out outside of the breeding bird season and if this is not possible that an ecologist examines the site prior to works commencing.

Case Officer: Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

Variation of details to allow increased ridge and eaves height, removal of external fire escape, addition of air source heat pumps and minor alterations to roofscape and elevations at Wentworth Primary School – DA/17/00648/CPO (KCC/DA/0091/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 19th June 2017.

Section 73 application to vary condition 2 of planning permission DA/16/1328 to allow an increase in the ridge and eaves height of the building to accommodate the steel frame modules, other minor alterations to the roofscape and elevations and the addition of air source heat pumps to the west elevation enclosed with timber fencing at Wentworth Primary School, Wentworth Drive, Dartford, DA1 3NG – DA/17/00648/CPO (KCC/DA/0091/2017)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr J Ozog

Classification: Unrestricted

Site

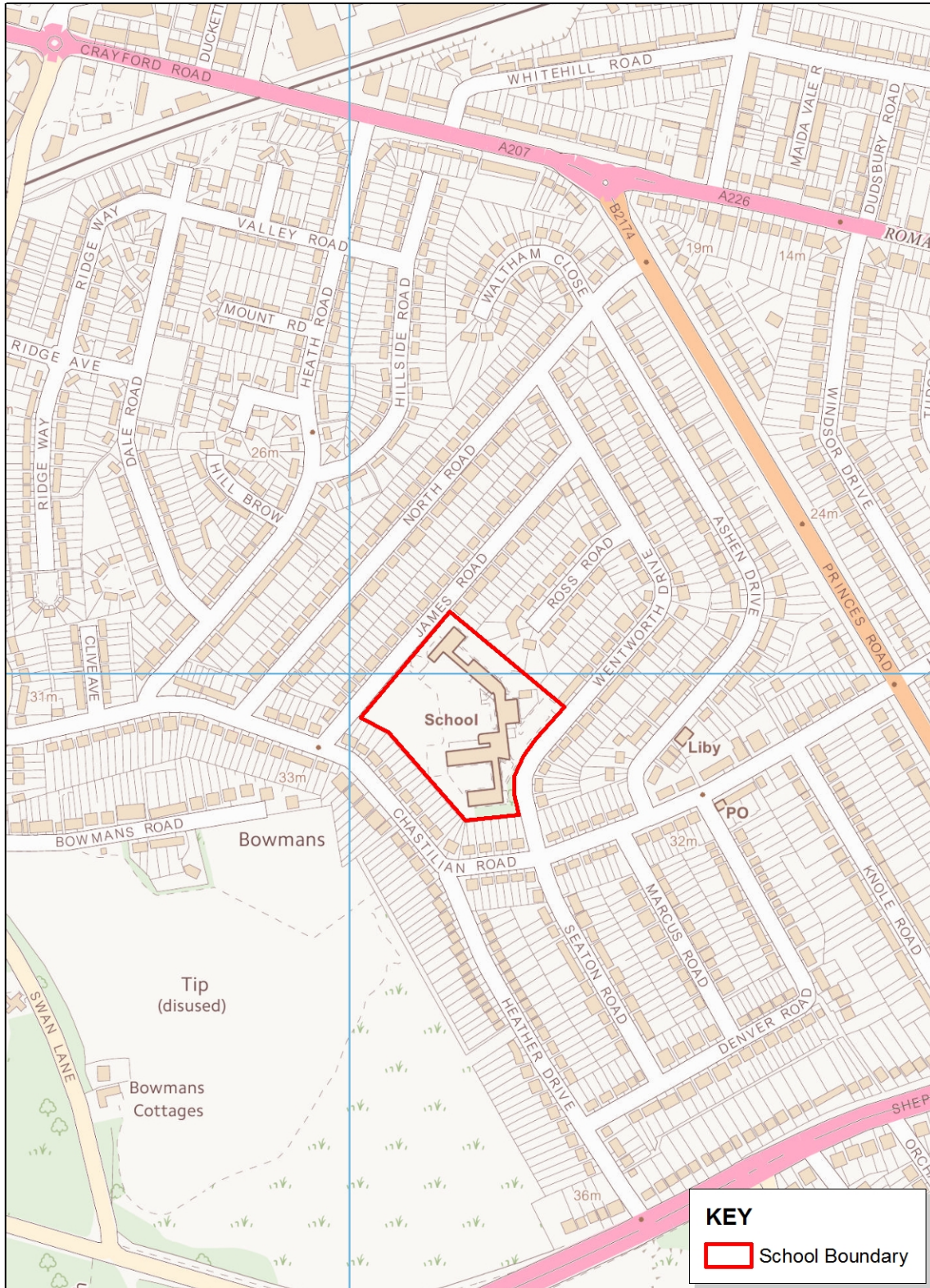
1. Wentworth Primary School is located in a residential area to the west of Dartford Town Centre and to the south east of Crayford. The main entrance to the school is on Wentworth Drive and a secondary entrance is on James Road. There is car parking on site near to both access points.
2. The school buildings are located to the north, east and south of the site enclosing the hard surface play areas and the playing fields which are located to the west of the site.
3. The nearest residential property to the proposed two storey building is approx. 45 metres north east of the proposal in Ross Road, which is a cul-de-sac. To the east the nearest residential property is approximately 54 metres in Wentworth Drive and to the south property is located approximately 92 metres in Chastilian Road. To the west the nearest residential property is located in James Road and Chastilian Road, between 79 metres and 88 metres away.

Background

4. In December 2016 Members of the former Planning Applications Committee resolved that planning permission be granted for the erection of a two storey classroom block alongside the existing Wentworth Primary School providing 7 classrooms and a group room with additional site car parking (DA/16/1328). The proposal allowed an expansion to a 3 FE school, in permanent classrooms and work commenced in early April 2017. In March 2017 the applicants sought advice about alterations to the proposed building. They were advised that they would need to apply for planning permission to vary the details already approved in relation to condition 2 of permission DA/16/1328 which states “the development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted details, documents and plans referred to above and/or as otherwise approved pursuant to the conditions below”. An application was received at the end of March 2017.

Variation of details at Wentworth Primary School – DA/17/00648/CPO (KCC/DA/0091/2017)

General Location Plan



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Variation of details at Wentworth Primary School – DA/17/00648/CPO (KCC/DA/0091/2017)

Existing approved drawings

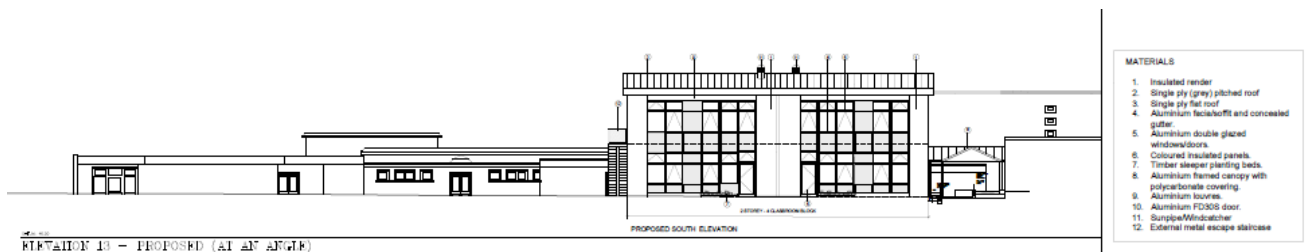
1) Contextual east elevation viewed from front of school



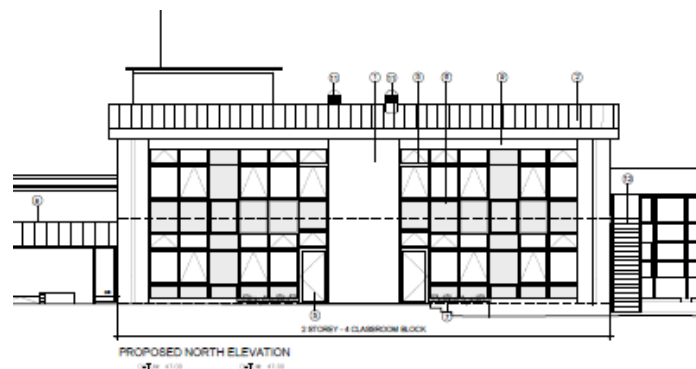
2) Approved contextual west elevation viewed from playground at rear of site



3) Views of Existing approved south elevation

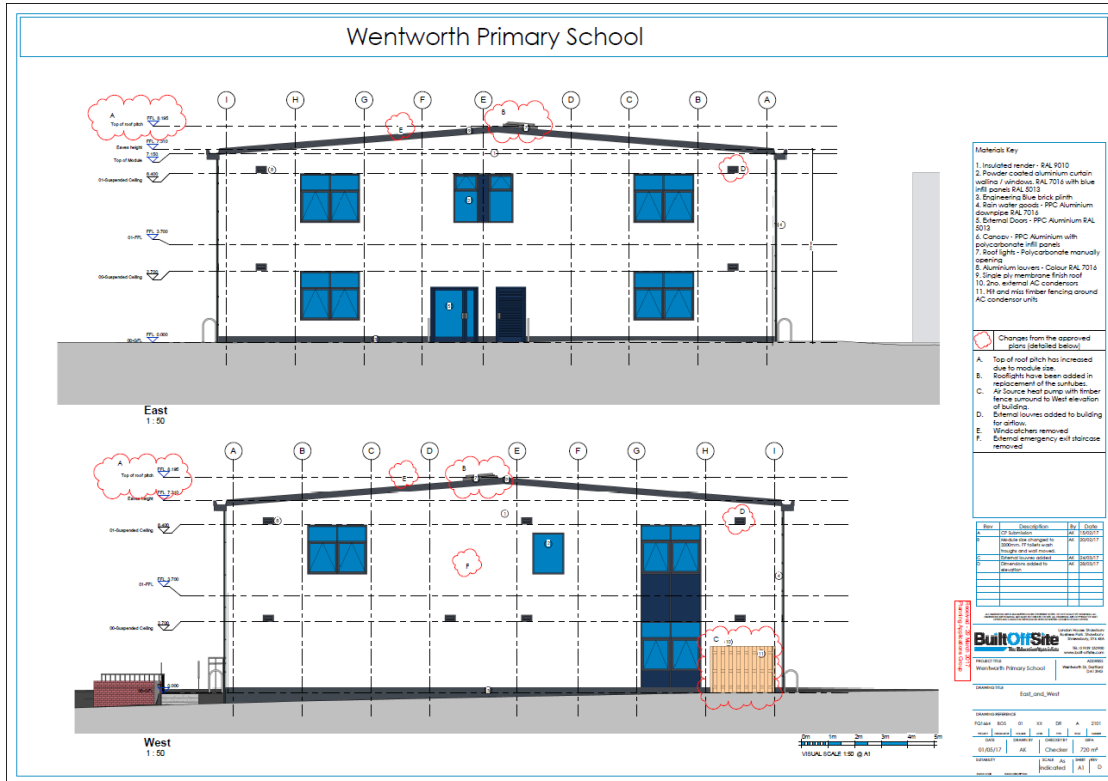


4) View of Existing approved north elevation

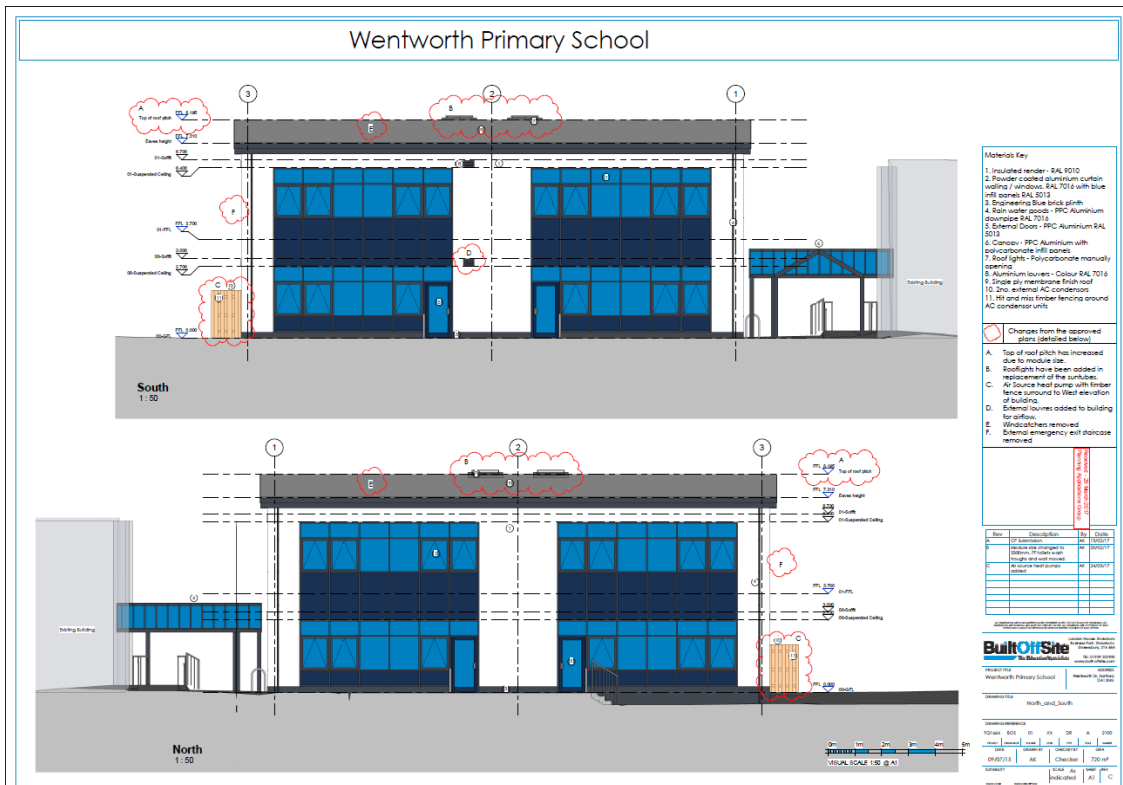


Variation of details at Wentworth Primary School – DA/17/00648/CPO (KCC/DA/0091/2017)

Proposed amendments to east and west elevation



Proposed amendments to north and south elevation



**Variation of details at Wentworth Primary School – DA/17/00648/CPO
(KCC/DA/0091/2017)**

Existing view from north west



View from east of site



**Variation of details at Wentworth Primary School – DA/17/00648/CPO
(KCC/DA/0091/2017)**

View of library and corner window of dining area in relation to extension



**Variation of details at Wentworth Primary School – DA/17/00648/CPO
(KCC/DA/0091/2017)**

Site History since 2002

5. Granted by Kent County Council

DA/16/1328 Two storey classroom block to provide 7 classrooms and group room and additional site car parking.

DA/09/508 Single storey extension to Wentworth School to form an ICT suite.

DA/06/867 Extension to form new conference room and office.

DA/04/1134 Proposed library extension.

DA/02/1005 New teaching block.

DA/02/665 Proposed additional car parking.

DA/02/636 Proposed external ramp.

6. Granted by Dartford District Council

16/00242/FUL Demolition of existing garage and erection of a single storey extension to provide a new caretaker's room, new glazing, windows and cladding to north and south blocks and new covered walkways to both blocks.

04/00887/FUL Siting of a detached single storey building to provide a new nursery block.

Proposal

7. The application seeks a number of amendments to the DA/16/1328 permission.

8. The two storey building permitted by the DA/16/1328 decision proposed external dimensions of 18.49m by 20.9m with a 5 degree pitched roof. The proposed height of the building to the eaves was 6.565m and to the ridge 7.52m. As originally proposed it included an external metal escape staircase to the west elevation providing a second means of access from the first floor of the building.

9. This application proposes to increase the height of the building to the eaves to 7.31m which is an increase of 0.745m to the existing permission. The height of the building is proposed to be 8.195m at the top of the roof pitch which is an increase of 0.67m to the existing permission. The top of the prefabricated modular frame structure is proposed to be 7.150m. The prefabricated modular frame structure to 7.150m is in place at the site and is shown in the photographs above.

10. The application also seeks to remove the wind-catchers and sun tubes from the roof of the building; replace the sun tubes with automatic opening roof lights to allow for more natural sunlight into breakout areas; include air source heat pumps and a timber fence to the West elevation of the building; to add external louvres to the building for ventilation purposes and to omit the external emergency exit staircase and replace it with a window.

Variation of details at Wentworth Primary School – DA/17/00648/CPO (KCC/DA/0091/2017)

Planning Policy

11. (i) **National Planning Policies** are set out in the **National Planning Policy Framework (NPPF) (March 2012)** and the **National Planning Policy Guidance (March 2014)**, which 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).

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:

- consideration of whether 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.

Development Plan Policies

(iii) **The adopted Dartford Borough Local Plan 1995 Saved Policies (2011)**

Policy B1 Development proposals should be appropriate for the location and should not have a detrimental amenity impact on the local area. A high standard of design should be implemented in proposals with layout, materials, adequate infrastructure, access and parking taken into consideration.

Policy B14 Development proposals should provide access for, and otherwise make suitable provision wherever possible, to meet the needs of disabled people, the elderly, and the less mobile.

Policy S6 Development proposals should conserve and improve the existing built environment and a high quality and standard of design shall be achieved in new development.

Variation of details at Wentworth Primary School – DA/17/00648/CPO (KCC/DA/0091/2017)

(iv) The adopted Dartford Core Strategy (2011)

Policy CS21 Seeks effective provision of community services.

Policy CS23 Seeks to minimise carbon emissions including through energy efficiency and use of renewable energy. The Council will require all new development to demonstrate that reductions in energy use through passive design and layout of development have been explored and applied, where practical.

(v) Emerging Dartford Development Policies Plan (Publication (Pre Submission) Document 2015)

Policy DP1 **Presumption in Favour of Sustainable Development:** A positive approach to considering development proposals will be had, reflecting the presumption in favour of sustainable development contained in the NPPF and the development needs of the Borough set out in the Core Strategy.

Policy DP2 **Good Design in Dartford:** Development will only be permitted where it satisfies the locally specific criteria for good design in the Borough by (a) reinforcing and enhancing localities to create high quality places, (b) ensuring heritage assets are retained, re-used and respected, (c) facilitating a sense of place through a mix of uses and careful design, (d) providing clear pedestrian and cycle linkages and permeability, active frontages and a mix of buildings and spaces. Provides further advice about determining planning applications in relation to scale, massing, form, materials, Conservation Areas and areas of heritage sensitivity, inclusive, safe and accessible places, management of natural resources and flood alleviation, and appropriate signage and advertisements.

Policy DP5 **Environmental and Amenity Protection:** Development will only be permitted where it does not result in unacceptable material impacts, and consideration must be given to potential amenity/safety factors such as traffic, access and parking, anti-social behaviour and littering, and intensity of use (amongst other matters).

Consultations

12. **Dartford Borough Council** verbally raise no objections to the proposal.
13. **Kent County Council Highways and Transportation** raise no objection
14. **Kent Fire and Rescue Service** – no response received

Local Member

- 15 The local County Member, Mr Jan Ozog was notified of the application on 6th April 2017.

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Publicity

16. The application was publicised by the posting of two site notices, and the individual notification of 115 residential properties.

Representations

17. In response to the publicity, 3 letters of representation have been received. A summary of the main planning issues raised/points made to date are set out below:

- Objection to the removal of the external fire escape from the proposal with concern that there is a reduction of the fire safety provision to the minimum standard and that in order to have a safe escape strategy the school will have to compromise the operation of the new building; the deletion of the first floor second escape route puts the children at increased risk. The location of the disabled escape refuge in the flow of the only remaining exit stairs further compromises the exit strategy. There is no clear indication of any mitigating actions in the application and no justification as to why the original design is being varied and the safety provision reduced.
- Concern that this is a very large and imposing building which is being built in close proximity to the single storey section of the school building and as such the canteen and library will no longer benefit from any natural light.
- Concern about the planning process in particular the applicants and contractors regard for the planning process, as work has already started on installing the prefabricated sections of the building before the publicity for the application had been completed and the application had been decided.

18. A number of points that were made in the representations refer to points of principle and are not material to the consideration of this application. These include the following and with the exception of the final point have already been considered in relation to the determination of the previous application DA/16/1328:

- Concern that the school cannot cope with the increased intake in numbers and that the infrastructure surrounding the school cannot support the additional traffic that this extension will create.
- Concern about the disregard for yellow zigzag restrictions, the blocking of residents' driveways, and safety for children crossing roads.
- Restricted parking to residents of James Road due also to commuter parking exacerbated in school time by parents using the James Road entrance.
- Considers that the Zig Zag lines opposite 83 James Road are unnecessary as the padlocked gate is not used. Requests that the school formalise the closure of the disused gate and remove the zig zag lines.

Discussion

19. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (11) 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. Issues of particular relevance in this case include the

**Variation of details at Wentworth Primary School – DA/17/00648/CPO
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acceptability of changes to the permitted building design, the access matters raised in the representations received and whether the development remains sustainable in light of the NPPF.

20. Members should note that this is partially a retrospective application and arises as a result of changes during detailed design. However, the need and principle of a two storey development in this location for the development has already been established. As the application does not amend any detail relating to car parking or add to the existing capacity of the school or seek to amend any of the details relating to highways matters, there are no new highways impacts to consider as a result of the proposal. Furthermore, Kent County Council Highways and Transportation advise that they have no objection to the application.

Design issues

21. Whilst the DA/16/1328 proposal attracted neighbour objection in relation to the size and scale of the proposal amongst other matters, it was considered to be acceptable within the context of the site and its surroundings. Therefore the former Planning Applications Committee resolved that planning permission be granted, subject to conditions.
22. National Planning Policy seeks to achieve good design and planning policy guidance states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
23. Dartford Planning Policy B1 seeks to ensure that development proposals are appropriate for the location and that they should not have a detrimental amenity impact on the local area, whilst encouraging a high standard of design with regard to layout, materials, infrastructure, access and parking. Policy S6 requires a high quality and standard of design in new development.
24. As a number of amendments to the design are now being sought, the policy as it relates to the amended design needs to be considered afresh. The amendments result from the method of construction that has been chosen by the applicant which is prefabricated modular design rather than the timber panel design originally proposed. The use of fixed modular structural frame sizes at this site results in a higher ceiling height at both floors and higher eaves. Allowing for the 5° pitched roof, a higher roof ridge also results.
25. A local resident has responded to the application with concern about the proposal which in their view is considered to be a very large and imposing building built in close proximity to the single storey section of the school building and impacting on the natural light received in the canteen and library. The resident also has concerns about the planning process and that the building is already taking place ahead of approval. This is discussed further below.
26. The top of the modular frame structure is proposed to be 7.150m, which is above the currently permitted eaves height of 6.56m. The modular frames have already been installed at the site. When viewed from neighbouring property I do not consider this increase will be significantly different to that already approved given the distance between the proposal and residential properties.
27. The proposed height of the building to the eaves in this application is 0.745m higher than previously approved. However, in my view when viewed in the context of the

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surrounding buildings again this is not a large increase and not so significant as to warrant refusal on the grounds of its design and residential amenity impact.

28. As a result of the change in method of construction, the overall height of the building is proposed to be 8.195m at the top of the ridge which is an increase of 0.67m to that already permitted. Care needs to be taken to ensure that the massing of the development is not unacceptably increased as a result of these amendments. However, in my view, the proposed amendments to eaves height and ridge height are not large and would not significantly change the overall appearance of the building to that already approved. In my view the scale of the amendments being proposed is acceptable when viewed within the site context. Furthermore, given the range of building types and heights at the site, I do not consider that the proposal would be out of place when sited amongst buildings ranging in height from 6.43 metres to 8.89 metres. I also do not consider the increased scale and massing of the building to be inappropriate in this location given the mix of existing buildings at the site. The building is partially screened by existing school buildings from the nearest residential property in Wentworth Drive and the west elevation is sufficiently distant from properties in Chastilian Road and James Road to not be overbearing. Views from the north and south would be partially screened by the existing buildings at the site.
29. With regard to the impact of the proposal for amendments to the availability of natural light for the canteen and the library, it is noted that the applicant would have had regard to building regulation requirements in relation to light and shading in the design of the original building and in these proposed amendments. The applicant has submitted sun path information to show that the proposal would not affect direct sunlight to the existing library and dining hall during a typical school day.
30. The extension is sited 8.7m from the library and 6.7m from the dining area and therefore a small increase in the eaves height may slightly reduce the amount of daylight received through the windows in these buildings. The applicant has submitted further information with regard to the effect of the proposal on daylight using Design Builder “Sunlight” modelling software. The model demonstrates that there is no overshadowing or loss of sunlight amenity during the school day as a result of the proposal. The model calculates the Average Daylight Factor (ADF) to check light levels within the library and canteen area before and after the proposal to demonstrate the impact of the proposal on the daylight within the library/canteen area. The results show that whilst there is a 0.71% reduction in the ADF from 4.06% prior to any development to 3.35% within the library/canteen, both of the results are above the Building Research Establishment (BRE) guidance of 2% ADF for good daylight practice in educational buildings. The impact of the proposal does not therefore in my view have a significantly adverse impact to the light levels within the library/canteen, or cause these existing buildings to fail the industry standards in relation to daylight.
31. It should be noted that the canteen is served by extensive full height glazing, in the eastern elevation and is therefore well lit from the east. The library building design includes extensive corner curtain glazing as well as velux roof windows. Having visited the library and the dining hall area with the modular in place to a height of 7.150m, there does not appear to be an unduly adverse impact to light received within the library or canteen. It should be noted also that additional roof windows could be added to the existing library building on the elevation facing the proposal to increase the natural light received to the library should it become necessary. It should also be noted that the dining hall and library are rooms which are intermittently used by the children within the site.

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32. Furthermore, it should also be noted that the nearest residential property is sufficiently far from the site to be unaffected by overshadowing and loss of daylight or sunlight.
33. The application also proposes the removal of sun tubes and wind catchers from the roof of the new building. The permission DA/16/1328 had required further details of these to be submitted pursuant to condition 11, including details of the number, design and layout and these details have not been submitted or approved. The applicant proposes to replace the sun tubes with automatic opening roof lights to allow for more natural sunlight into breakout areas. Two rooflights are proposed (shown on the roof plan) measuring 1m by 1m. The removal of the approved roof structures from the design, which are typically up to 1.2m tall and 1m wide for a wind catcher and 0.6m tall and 0.5m wide for a sun tube and replacement with opening roof lights, would in my view result in an overall improvement to the visual appearance of the proposal.
34. The applicant proposes to include two ground located air source heat pumps (air conditioning units) with a surrounding timber fence to the West elevation of the building. These will be screened by 'hit and miss' timber fencing and would not have adverse visual impact at ground level when viewed against the context of the school building. They would also be sufficiently distant from residential property to not cause adverse noise impacts.
35. External louvres have also been added to the southern, eastern and western elevations to the building for ventilation purposes which do not significantly alter the appearance of the building.
36. The proposal also includes the removal of the approved external fire escape from the western elevation. The applicant considers that the building will meet building regulations and the legal fire safety requirements without the external fire escape and that the external fire escape is not necessary to the design. It would appear that there are differing interpretations of the Building Regulation requirements but Building Regulation requirements per se are not, in my view, matters for the planning authority to consider.
37. However, the proposal to remove the external fire escape has met with objection from a local resident/parent at the school as detailed above. Whilst it would have been helpful in the application to include more information about the reason for the amendments being sought and the level of compliance without the external fire escape in the design, the applicant did provide further information to expand on the proposal in relation to the removal of the fire escape and this was included in the application during the course of processing it. The applicant did also correspond directly with the resident with regard to the concerns although notwithstanding this the objection has not been resolved.
38. The NPPF guidance on building design is that buildings should function well, form safe and accessible developments and make places better for people with consideration to the lifetime of the development. However, whilst the means of access and the visual impact of the arrangements for access are important design considerations in planning, the requirement for an adequate fire escape within the design of a building is governed by Building Regulations and Fire Safety Regulations. If it is necessary to have a fire escape then one should be provided and designed appropriately, whereas if one is not necessary the building should be designed appropriately without it. In this case, the Applicant's Approved Building Control Inspector considers that an external fire escape is not necessary in order to meet the statutory compliance of the building as all relevant statutory requirements are in their view met by the internal escape route. Therefore, the

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design and visual appearance of the western elevation of the building without the fire escape needs to be considered. The design of the western elevation is not in my view unacceptable with the proposed window amendments and with removal of the external staircase.

39. I have received confirmation from the applicant that proposal has been checked by the Building Control Approved Inspector to ensure compliance with Building Bulletin 100: Design for Fire Safety in Schools and a Fire Safety Schedule has been produced. Fire safety information is required to be given to a “responsible person” (as defined by the Regulatory Reform (Fire Safety) Order 2005, before the Approved Building Control Inspector can issue the final Fire Certificate for the building and this will aid the “responsible person” in carrying out their fire risk assessment. The use of space in the future and the fire safety arrangements once the building is in use are measures for the school to manage directly to ensure they meet their fire safety responsibilities after the building has been handed over to the school.
40. I therefore conclude that Building Regulation requirements in relation to whether or not a fire escape is required and Fire Safety requirements once the building is occupied are matters that are addressed by other legislation and that the removal of the external fire escape from the building does not adversely impact on the visual appearance of the building. I have consulted the Kent Fire and Rescue Service on the proposal and await their response.

Sustainability

41. The proposal to remove the sun tubes and to replace these with 2 openable rooflights is intended to increase the natural light entering the building and to assist with providing adequate ventilation for people in the building and in order to assist with the control of indoor air quality.
42. The removal of wind catchers from the design and the introduction of air source heat pumps results from the Applicant reassessing their energy model in relation to the overheating criteria for the type of construction used for the warmer months. The air source heat pumps are to provide cooling and warming of the building in a carbon efficient manner. I am informed by the Applicant that the amendments meet the Simplified Building Energy Model (SBEM) requirements which are used to determine CO² emission rates for new buildings in compliance with Part L (covering conservation of heat and power) of the Building Regulations and to generate energy performance certificates on construction.
43. Given that the amended proposal meets the Building Regulation requirements in relation to energy performance and ventilation strategy, I am satisfied that the planning policy requirements in relation to sustainability are also met.

Highways and traffic issues

44. National Planning Policy and Local Planning Policy seeks to address the highways and traffic impacts of development proposals. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The highways and traffic issues contained within the representations as summarised in paragraph 18 above are not material to the consideration of this application to allow an increased ridge and eaves height of the

**Variation of details at Wentworth Primary School – DA/17/00648/CPO
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building and other minor alterations to the roofscape and elevations. These matters were addressed in the report to committee in December 2016 and deemed to be acceptable and the application does not seek to change any of the highway related aspects of the proposal.

45. The representation concerning the necessity for zig zag road markings if the pedestrian access gate to the school opposite 83 James Road (to the south at the corner of the school field) is no longer used was not previously considered in the report to the December 2016 committee. The representation asks for the school to formalise closure of the disused gate and remove the zig zag lines which would allow additional on road parking to occur. The parking restrictions are no stopping on entrance markings between 0800 and 0930 hours and 1430 and 1600 hours Monday to Friday. However, the removal of the pedestrian access from James Road to the school and the removal of current parking restrictions on the highway outside of the pedestrian entrance are not included in this application and are matters for the school to consider outside of this planning application process. The use of the pedestrian access gate is therefore a matter for the school to manage and is not material to the consideration of this application. Notwithstanding this, it is noted that the School Travel Plan included within the DA/16/1328 application includes actions to increase walking to school. I would therefore suggest that an Informative could be used to request that the school give further consideration to the use and purpose of this pedestrian access and any amendments required to the associated road markings in James Road in their annual School Travel Plan review.

Process issues

46. The proposed increase to the eaves and to the overall building height is less than 1m. In my view, these are relatively small increases which do not significantly impact on the visual appearance or design of the proposal from nearby residential property. However, because of the wording of condition 2 and because of these changes in combination with the other amendments being sought, the applicant was required to submit a new application to allow consideration of the impacts afresh.
47. Since the application for the proposed amendments was made, building on site has progressed using the prefabricated modular frame construction method and the ground floor and first floor level is in place as shown by the photos above. The proposed amendments have met with some objection as described above, including the concerns with regard to the planning process given that the frame was installed before the publicity for the application had been completed.
48. The progress of the development in the absence of the relevant approvals being in place for the increased eaves and ridge height is clearly at the applicants own risk. However, whilst the Applicant has continued with work at the site I am informed by the Project Manager that works above the frame and to the roof have been postponed pending the Committee's decision.
49. Alleged contraventions of planning are considered by the County Councils Regulation Committee and this case will be reported to that Committee when it meets in July. However, it should be noted that as far as possible, the County Council endeavours to deal with a breach of planning control by negotiation and informal action, and if appropriate through the submission of a planning application to regularise the activity, which in this case has been done. This reflects good planning enforcement practice.

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Importantly, when considering retrospective planning applications, there are assessed on the basis that the development has not taken place.

50. The NPPF guidance on decision making is to approve development proposals that accord with the development plan without delay and to approach decision taking in a positive way to foster the delivery of sustainable development, looking for solutions rather than problems and that decision-takers at every level should seek to approve applications for sustainable development where possible. Therefore, in my view a decision on this proposal should not be delayed until after the Regulation Committee as applications are required to be considered in a timely fashion.
51. In my opinion, the proposal is in accordance with the development plan and there are no material considerations that indicate that Members should consider refusal of the proposal.

Conclusion

52. Given the presumption in favour of sustainable development and that planning proposals should be granted if they accord with planning policy without delay, I conclude that the development would not give rise to any significant material harm; is in accordance with the general aims and objectives of the development plan policies and accords with the National Planning Policy Framework and Planning Policy Statement for Schools (2011). Subject to the imposition of the conditions referred to below, I consider that the changes being sought to the development would not have a significantly detrimental impact on the character and appearance of the area by virtue of the design and would accord with the principles of sustainable development as set out in the NPPF. Therefore, I recommend that permission be granted subject to appropriate conditions.

Recommendation

53. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- that the development be carried out in accordance with the permitted details;
 - that all other conditions on permission DA/16/1328 continue to apply.

And Informatives:

- Concerning compliance with planning permission requirements
- Concerning fire safety requirements and compliance with Building Regulations.
- That the School give further consideration to the use and purpose of the pedestrian access and associated road markings to the south of James Road within the School Travel Plan review.

Case Officer: H Mallett

Tel. no: 03000 411200

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.

- DA/17/490 Change of use of the front yard from mixed commercial to an extension of the waste transfer and recycling use and the erection of a vehicle/plant workshop with offices over; removal of a first floor portacabin office; removal of a ground floor welfare portacabin with existing café portacabin on first floor to be sited at ground level.
Lees Yard, Rochester Way, Dartford
Decision: Permitted
- GR/15/1192/R17&18 Details pursuant to conditions of planning permission GR/15/1192 - improvement and enhancement of existing waste transfer site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall (17 - Dust and Litter Management Plan, 18 - Odour Management Plan).
Apex Business Park, Unit 4, Queens Farm Road, Shorne, Gravesend
Decision: Approved
- MA/17/501165 Planning application for use as a Non-Hazardous Waste Recovery Facility.
Cleansing Service Group Ltd, Cobtree House, Forstal Road, Aylesford
Decision: Permitted
- SW/11/1291/R8 Proposed foundation piling design pursuant to condition (8) of planning permission SW/11/1291.
Land north of Kemsley Paper Mill, Sittingbourne
Decision: Approved
- SW/11/1291/R4,9,10 Proposed details of vehicle parking, surface water, drainage and external finish of structures pursuant to conditions (4), (9) and (10) of planning permission SW/11/1291.
Land north of Kemsley Paper Mill, Sittingbourne
Decision: Approved
- SW/15/500406/R3&R10 Details pursuant to conditions 3 & 10 of SW/15/500406, external colour treatment of the portal buildings and fencing.
London And Kent Metals, D9(2) Brooker House, Eurolink Commercial Park, Symmonds Drive, Sittingbourne
Decision: Approved
- TM/15/3954/R Application for a non-material amendment: Changes to the footprint and materials of the Life skills building and minor changes to the ridge height, fenestration and canopies to the main school.
Land at Upper Haysden Lane, Tonbridge
Decision: Approved

TM/15/3954/R7

Details of further and amended fencing details pursuant to condition 7
of planning permission TM/15/3954.
Land at Upper Haysden Lane, Tonbridge
Decision: Approved

**E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS
MEMBERS' INFORMATION**

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

Background Documents – The deposited documents.

- AS/17/233 Renewal of Planning permission AS/13/556 for mobile accommodation currently being used by Stepping Stones Nursery for a further period of 5 years.
Wittersham CEP School, The Street, Wittersham, Tenterden
Decision: Permitted
- CA/15/2596/R Application for a non-material amendment to change 3 high level windows to ventilation louvres and a minor alteration to the parking layout.
Joy Lane Primary School, Joy Lane, Whitstable
Decision: Approved
- CA/16/1009/RVAR Submission of details of ground investigation (condition 4), SUD's design (condition 8), external materials (condition 11) and construction management (condition 14) of planning permission CA/16/1009.
Spires Academy, Bredlands Lane, Sturry, Canterbury
Decision: Approved
- CA/16/1436/R3 Submission of details of external materials pursuant to Condition 3 of planning permission CA/16/1436.
Simon Langton Grammar School for Boys, Langton Lane, Canterbury
Decision: Approved
- CA/17/622 Section 73 application (retrospective) to amend condition 2 of planning permission CA/15/2379 to raise eaves and ridge height to accommodate structural steel work required by the prefabricated system.
Hoath Primary School, School Lane, Hoath, Canterbury
Decision: Permitted
- CA/17/724 Install bullnose cladding to existing fascia boarding as an anti-climb measure, infill close boarding fencing between brick piers and extend existing fence as an anti-climb measure, modify existing curtail walling and subdivide 4no existing windows into 4no smaller panes/panels.
Orchard School, Cambridge Road, Canterbury
Decision: Permitted
- CA/17/823 Section 73 Application to vary details already approved in relation to condition 2 of CA/16/1009 including a reduction in height of building; size and location of windows and details of roof plant and roof lights.
Spires Academy, Bredlands Lane, Sturry, Canterbury
Decision: Permitted

DA/15/554/R3, 5 & 15	<p>Details of part submission of external materials (reinstatement of external facade awaited), external lighting and a construction management plan pursuant to conditions (3 in part) (5) and (15) of planning permission TM/15/554.</p> <p>The Judd School, Brook Street, Tonbridge</p> <p>Decision: Approved</p>
DA/16/1328/R3,4,5	<p>Details of a construction management plan (condition 3), external materials (condition 4) and drainage design (condition 5) of planning permission DA/16/1328.</p> <p>Wentworth Primary School, Wentworth Drive, Dartford</p> <p>Decision: Approved</p>
DA/16/1565/R3&R4	<p>Details of all external materials and a scheme of landscaping, tree planting and location of ecological enhancements pursuant to conditions 3 & 4 of planning permission DA/16/1565.</p> <p>The Brent Primary School, London Road, Stone, Dartford</p> <p>Decision: Approved</p>
DA/17/620	<p>New temporary single storey 2 classroom mobile, including ramp and stepped access (required until February 2018 when new permanent accommodation is due to be completed) and new artificial grass laid on an area of the existing playing field.</p> <p>The Brent Primary School, London Road, Stone, Dartford</p> <p>Decision: Permitted</p>
DO/17/254	<p>Erect permanent edge protection to the low level roofs. Roofs 1A, South Crescent (Roof 6) & North Crescent (Roof 7). Erect permanent edge protection to the mid & high level roofs, including bird netting on support posts - Roofs 1,2,3 & 4.</p> <p>Dover Discovery Centre, Market Square, Dover</p> <p>Decision: Permitted</p>
GR/15/700/R3,4&5	<p>Details of ground investigation, method statement for working in close proximity for trees and tree planting pursuant to conditions 3, 4 and 5 respectively.</p> <p>Gravesend Social Education Centre, Haig Gardens, Gravesend</p> <p>Decision: Approved</p>
MA/17/501206	<p>Proposed replacement hydrotherapy pool.</p> <p>Five Acre Wood School, Boughton Lane, Maidstone</p> <p>Decision: Permitted</p>
MA/17/501777	<p>Proposed new footpath and associated improvement works behind Horsa building.</p> <p>South Borough Primary School, Postley Road, Maidstone</p> <p>Decision: Permitted</p>

SE/16/3911	Demolition and removal of existing mobile classroom, internal remodelling of 2 no. existing classrooms to the junior classroom block to create a new self-contained nursery (with toilets etc), and a new two storey addition to the rear (south) of the site to provide a music room (former mobile classroom), library and two classroom (to replace those remodelled to form the nursery). St. Bartholomews Catholic Primary School, Sycamore Drive, Swanley Decision: Permitted
SW/16/502866/R3	Details of external materials pursuant to condition (3) of planning permission SW/16/502866. Bysing Wood Primary School, Lower Road, Faversham Decision: Approved
SW/16/502866/R10	Details of Reptile Mitigation Strategy and Management Plan pursuant to condition (10) of planning consent SW/16/502866. Bysing Wood Primary School, Lower Road, Faversham Decision: Approved
SW/16/502866/R13	Details of Construction Management Plan pursuant to condition (13) of planning consent SW/16/502866. Bysing Wood Primary School, Lower Road, Faversham Decision: Approved
SW/16/502866/R15	Details of School Travel Plan pursuant to condition (15) of planning consent SW/16/502866. Bysing Wood Primary School, Lower Road, Faversham Decision: Approved
TH/14/112/R7	Details of the staggering of start times and end times of Foreland Field School (Foreland School) and Royal Harbour Academy (Ellington & Hereson School) pursuant to condition (7) of planning permission TH/14/112. Land north of Ellington and Hereson School, Newlands Lane, Ramsgate Decision: Approved
TH/17/593	Removal of planters at the front of St Peter's House to allow for visitor and disabled car parking. Also, alterations to the front of St Peter's House to create a central entrance point. St Peters House, Dane Valley Road, Broadstairs Decision: Permitted
TM/16/853/R5	Application to discharge condition 5 (Construction Management Plan) of planning permission TM/16/853. Land adjacent to Hall Road, Wouldham, Kent Decision: Approved
TW/16/7888	Proposed new stand alone nursery building with covered walkway, and 8 additional car parking spaces. Oakley School, Pembury Road, Royal Tunbridge Wells Decision: Permitted

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.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*

- (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/DA/0104/2017 - Section 73 application to vary Condition 1 of planning permission DA/13/140 to allow the continuation of restoration operations until 31 May 2020. Stone Pit 1, Cotton Lane, Stone, Dartford

KCC/SW/0109/2017 - Section 73 application to vary conditions 15 and 16 of planning permission SW/12/1184 to permit the facility to operate during a wider range of hours and to also change the number of vehicle movements associated with the operations. Ballast Phoenix, Ridham Dock, Iwade, Sittingbourne

KCC/TM/0130/2017 - Section 73 application to vary conditions 2, 3, 5, 11 & 16 of planning permission TM/10/1481 to extend the end date for extraction until 17 May 2027, increase the annual amount of extraction, extend the extraction period and amend the working and restoration schemes.

Wrotham Quarry, Land south of M20 Motorway, Ford Lane, Wrotham Heath

KCC/TM/0307/2016 - Extension of existing sand extraction operations with restoration to original levels using imported inert fill.

Borough Green Sand Pits, Platt Industrial Estate, Borough Green

- (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

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

(a) 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.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

KCC/SCO/AS/0100/2017 - Request for a Scoping Opinion on the Environmental Impact Assessment for the restoration of the existing Hegdale Quarry and associated land by means of a proposed landfill and associated infrastructure.
Hegdale Quarry, Challock

KCC/SCO/CA/0027/2017 - Request for a Scoping Opinion to determine the information to be provided in an Environmental Statement to accompany a planning application for the proposed A28 Sturry Link Road.
A28 Sturry Link Road, Sturry.

