

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Redevelopment of existing school site to provide a new Academy at The Skinners Kent Academy, Land East of Blackhurst Lane and between Sandown Park & Pembury Road, Tunbridge Wells – KCC/TW/0434/2010

A report by Head of Planning Applications Group to Planning Applications Committee on 15 March 2011.

Application by Kent County Council Building Schools for the Future & Academies Team to redevelop the existing school site to provide a new 3/4 storey Academy; Alterations and additions to existing sports centre; Retention of existing CDT block; External provision of new floodlit all weather pitch on Site 2, 165 car parking spaces and 164 cycle spaces (to replace existing provision), an external amphitheatre, dining terrace and energy centre on Site 1; Relocation of floodlit Multi-Use Games Areas; Reconfiguration of bus set down area and the provision of hard and soft landscaping; The Skinners Kent Academy, Land East of Blackhurst Lane, and between Sandown Park & Pembury Road, Tunbridge Wells (KCC/TW/0434/2010).

Recommendation: Planning permission be granted subject to conditions.

Local Member:	Mr. K. Lynes Mr. J. Scholes (adjoining Local Member)	Classification: Unrestricted
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Site

1. The Skinners Kent Academy (SKA) comprises the existing buildings and grounds of the former Tunbridge Wells High School located to the east side of Tunbridge Wells. The site is located just north of the Pembury Road (A264), the main arterial route connecting Tunbridge Wells town centre with the A21, Pembury Village and other outlying villages further east of the town centre. The site is accessed principally from Blackhurst Lane, with a secondary entrance off Sandown Park. Both are residential streets leading north from Pembury Road. The centre of Tunbridge Wells is located some 2.4km west where Tunbridge Wells railway station is located, whilst the suburban centre of High Brooms and its railway station are located some 2.7km north west. The A21 is situated approximately 1.6km to the east of the application site and provides the only direct road access to the M25 from Tunbridge Wells.
2. Extending to approximately 5.3 hectares in total area, the application site is split into two distinct areas, hereafter referred to as "Site 1" and "Site 2". Additional land owned by the Academy, but not forming part of this planning application, is referred to hereafter as "Site 3". A description of each site is provided below:
 - (i) **Site 1:** Comprises the existing school building campus, located in a predominantly residential area with development surrounding the site being largely detached dwellings. Site 1 is bounded on the east, south and west sides by Blackhurst Lane and Sandown Park residential streets. The rear gardens of properties along Ospringle

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Place back onto the northern boundary of the site and an undeveloped area of trees extends south to meet the junction of Sandown Park and Blackhurst Lane. A block of key worker flats and associated parking (known as Cecil Kirby House) is located adjacent to the north-eastern corner of the site. The main vehicular entrance to Site 1 is from Blackhurst Lane to a dedicated car park, with two further secondary vehicle access points off Sandown Park used by school buses to pick up and drop off pupils. A student access provides pedestrian only access from the southern part of Blackhurst Lane into the heart of the school campus. The boundaries of Site 1 are generally well defined by a dense margin of mature trees, evergreen shrubs and native hedgerow which to a large degree visually contain this site. The northern boundary, which is only enclosed by a timber close-boarded fence, forms a sensitive edge with the adjoining block of key worker housing and gardens of private residences in Ospringe Place. Site 1 contains a publically accessible sports centre (known as the Blackhurst Lane Sports Centre) and two external floodlit Multi-Use Games Areas (MUGAs) with eight metre high lighting columns. The Sports Centre and external sports facilities are used by both the existing Academy, and in the evenings and weekends outside of school hours for community use. Community use of the sports centre and floodlit MUGAs is restricted by planning condition to between the following time periods: -

During school term periods:

Monday-Friday: 18:30-22:30;

Saturdays, Sundays and Bank Holidays: 08:30-22:30

During school holiday periods:

Monday-Friday: 10:00-16:30 and 18:30-22:30;

Saturdays, Sundays and Bank Holidays: 08:30-22:30

Site 1 is located within the urban area of Tunbridge Wells and is defined within the Limits to Built Development within the Tunbridge Wells Borough Local Plan. The southern part of the site falls within the Pembury Road Conservation Area. The site does not contain any protected trees and is not located in any other designated area of environmental or landscape importance.

(ii) **Site 2:** Forms the existing playing fields for the Academy located on the east side of Sandown Park and physically detached from Site 1. The topography of Site 2 rises approximately 2 metres in a gentle slope from the north adjacent to Sandown Park (approximately 150m AOD) to the south adjacent to Pembury Road (approximately 152.6m AOD). The site is bounded by Pembury Road along its southern boundary where a 2 metre high timber close-boarded fence has recently been installed behind a hedgerow and linear tree planting adjacent to Pembury Road. The site is bounded by the rear garden of properties along Sandown Park along the south western side of the site where established tree and evergreen vegetation is present. On the north eastern side rear gardens of properties in Sandown Close back onto the site, with the grounds of the Leonard Cheshire Disability Seven Springs care home adjoining most of this boundary. Site 2 is secured by a substantial hedge with a timber close-boarded access gate along the boundary with Sandown Park and significant screening along the south western and north eastern sides from trees and shrubs located along these boundaries. It is acknowledged that intermittent gaps are present within this existing vegetation screening, notably on part of the northern section of the north western boundary, and a southern section of the south eastern boundary, the latter being adjacent to several residential bungalows occupied by the Seven Springs care facility. Access to the site is largely pedestrian (with limited emergency vehicle access) and is

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solely from Sandown Park. In the south eastern corner is a disused brick built subway which provides pedestrian access, under the Pembury Road, to Site 3. Site 2 is located within the urban area of Tunbridge Wells and is defined within the Limits of Built Development within the Tunbridge Wells Borough Local Plan. The far south edge of the site (nearest to Pembury Road) falls within the Pembury Road Conservation Area. Site 2 is also located adjacent to two Areas of Landscape Importance (defined by Local Plan Policy EN22) to the east and west, and an Important Landscape Approach to the south along Pembury Road (defined by Local Plan Policy EN23). The site does not contain any protected trees and is not located in any other designated area of environmental or landscape importance.

(iii) **Site 3:** Comprises additional land owned by the Academy and is located on the southern side of Pembury Road. It comprises a substantial area of fallow grass and woodland. The land is currently not used by the Academy, but parts are used as ancillary land by Oakwood School which is located immediately adjacent to the north east. Site 3 does not form part of the planning application area, although it is shown within this planning application as land under the ownership of the applicant. Site 3 falls within the Metropolitan Green Belt and High Weald Area of Outstanding Natural Beauty. It also contains a number of high value specimen trees.

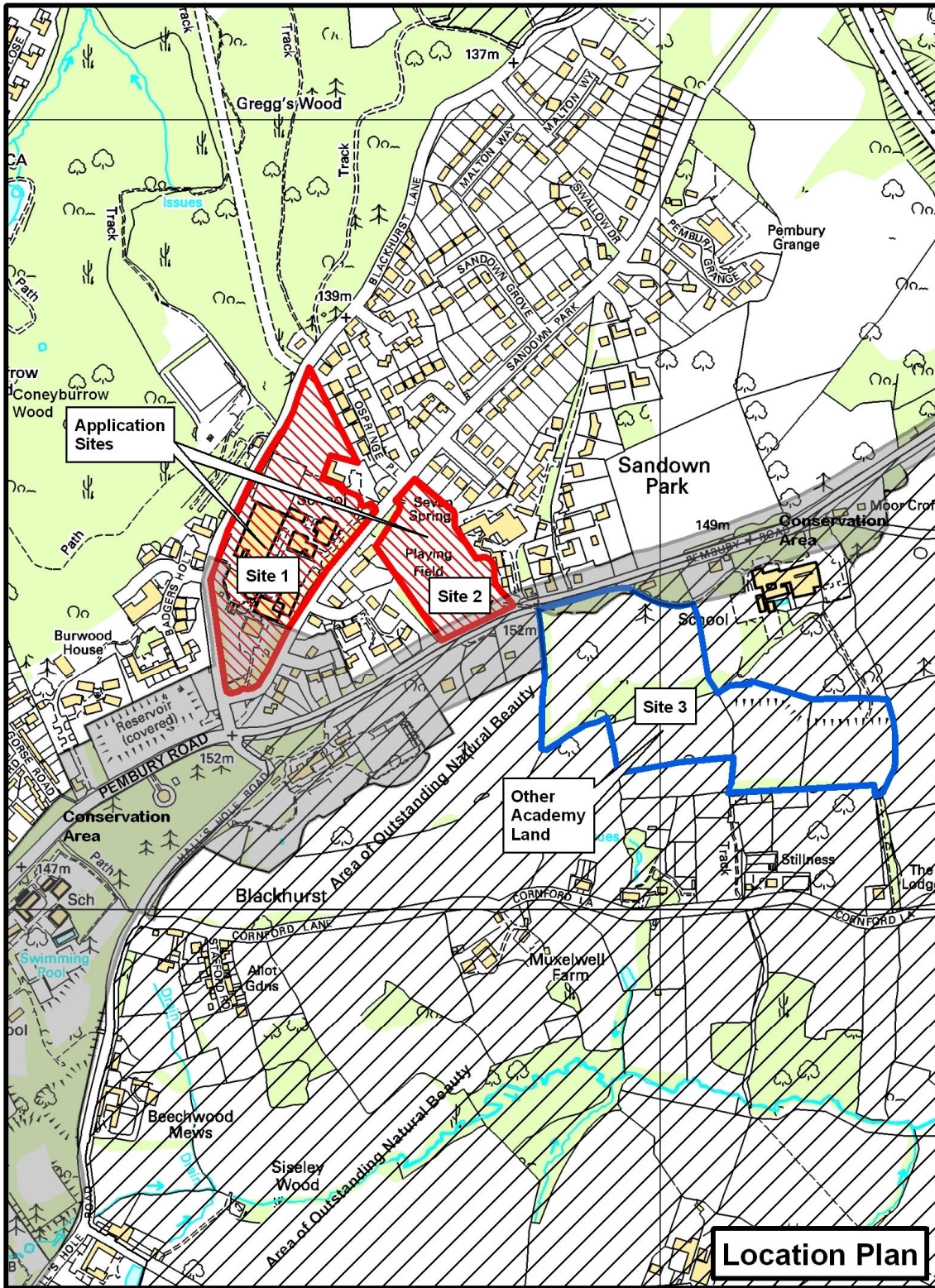
3. Ancient woodland (Gregg's Wood) is located north west of Site 1, with two Local Wildlife Sites (Gregg's Wood and Coneyburrow Wood) located to the north west of Site 1. These areas are also within the Rural Fringe as identified in the Tunbridge Wells Borough Local Plan. The nearest Site of Special Scientific Interest (Pembury Cutting & Pit) is located approximately 1 kilometre north east of the application sites. There are no Public Rights of Way within the application sites, nor are there any Listed Buildings within the immediate vicinity.
4. Vehicular access to the Skinners Kent Academy site is obtained from the town centre direction (from the west) or from the Pembury direction (from the east) via an existing 4 arm junction on Pembury Road. This junction is met by Blackhurst Lane to the north and Halls Hole Road to the east. Congestion problems are experienced at this junction on a daily basis, resulting in road users experiencing substantial difficulties exiting from both Blackhurst Lane and Halls Hole Road onto the Pembury Road on the basis of priority movements into and out of the town centre. At present this junction does not benefit from traffic signal control, but instead has a modest central refuge area for cars to wait when turning off the Pembury Road to either Blackhurst Lane or Halls Hole Road. An existing traffic signal pedestrian crossing is located just west of this junction.
5. A site location plan identifying Sites 1, 2 and 3 together with the key landscape and heritage designations can be found on page D1.4. A wider location plan identifying the geographic position of the Academy within the context of Royal Tunbridge Wells can be found on page D1.5.

Background and Site History

6. The Skinners Kent Academy (SKA) formed in 2009 as part of the previous government's Academies programme. The Academy forms the lead project in the Kent Batch 2 Academies programme and the creation of a new school site and buildings forms a crucial part of the delivery of this programme. The Academy comprises the former Tunbridge Wells High School and operates from an existing split campus. The school is permitted to allow the schooling of up to 960 pupils (**see important note below*) and

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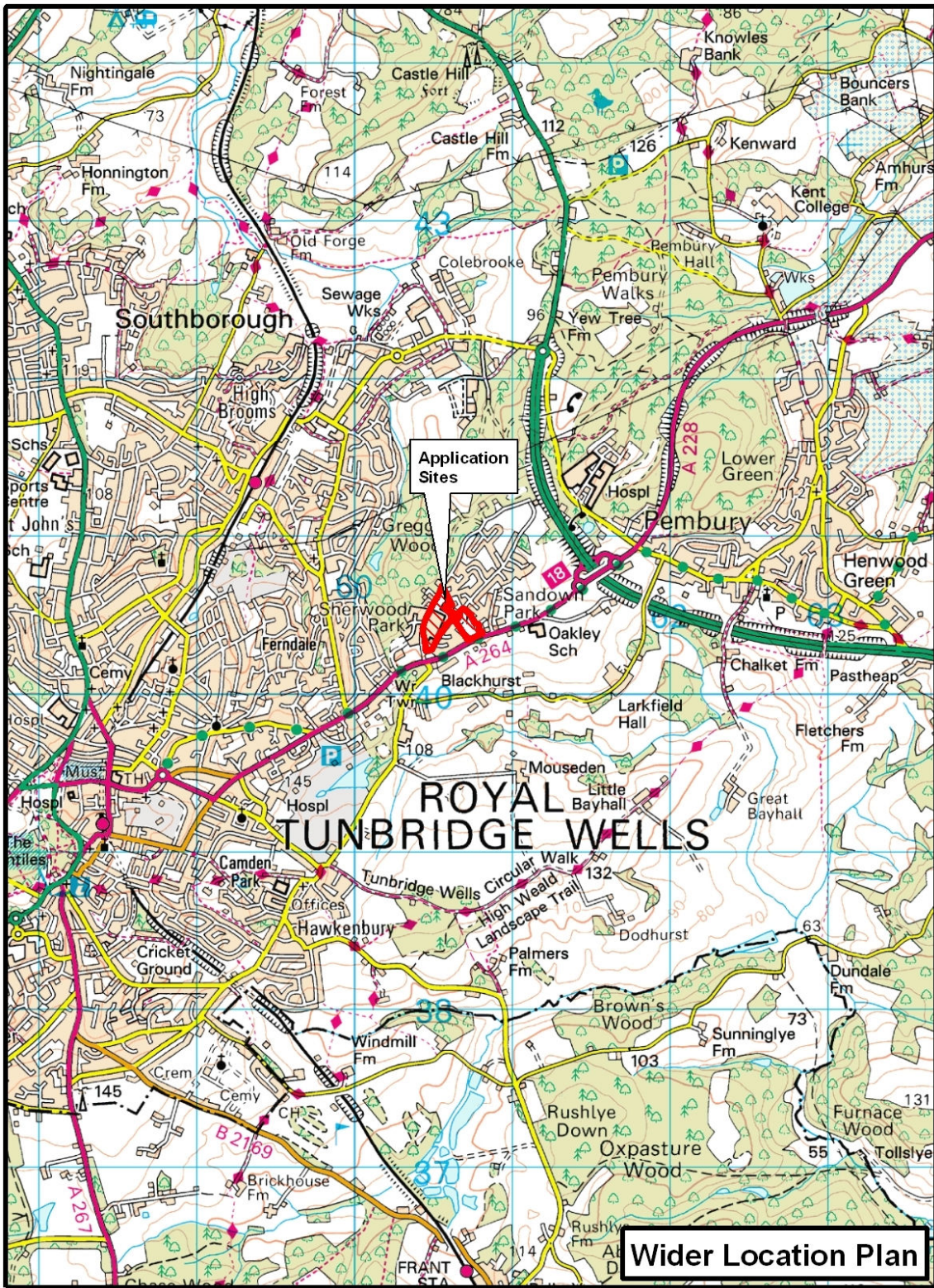
Site Location Plan



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Wider Location Plan



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Site 1 Layout Plan



Dwg No.: W103218102
 Revision: G
 Status: 600 @ A1
 Drawn By: JLN
 Checked By: KO
 Approved By: AL
 Date: 04.02.11
 Date: 04.02.11
 Date: 04.02.11

Skinners Kent Academy
 Landscape Masterplan

WILLMOTT DIXON
 whitelaw turkington



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Typical Elevations



South Elevation

10/04/10/02 B.01.1 - 100% - Not for Construction - 10/04/10/02
10/04/10/02 B.01.1 - 100% - Not for Construction - 10/04/10/02

South Elevation



North East Elevation

10/04/10/02 B.01.1 - 100% - Not for Construction - 10/04/10/02
10/04/10/02 B.01.1 - 100% - Not for Construction - 10/04/10/02

North East Elevation

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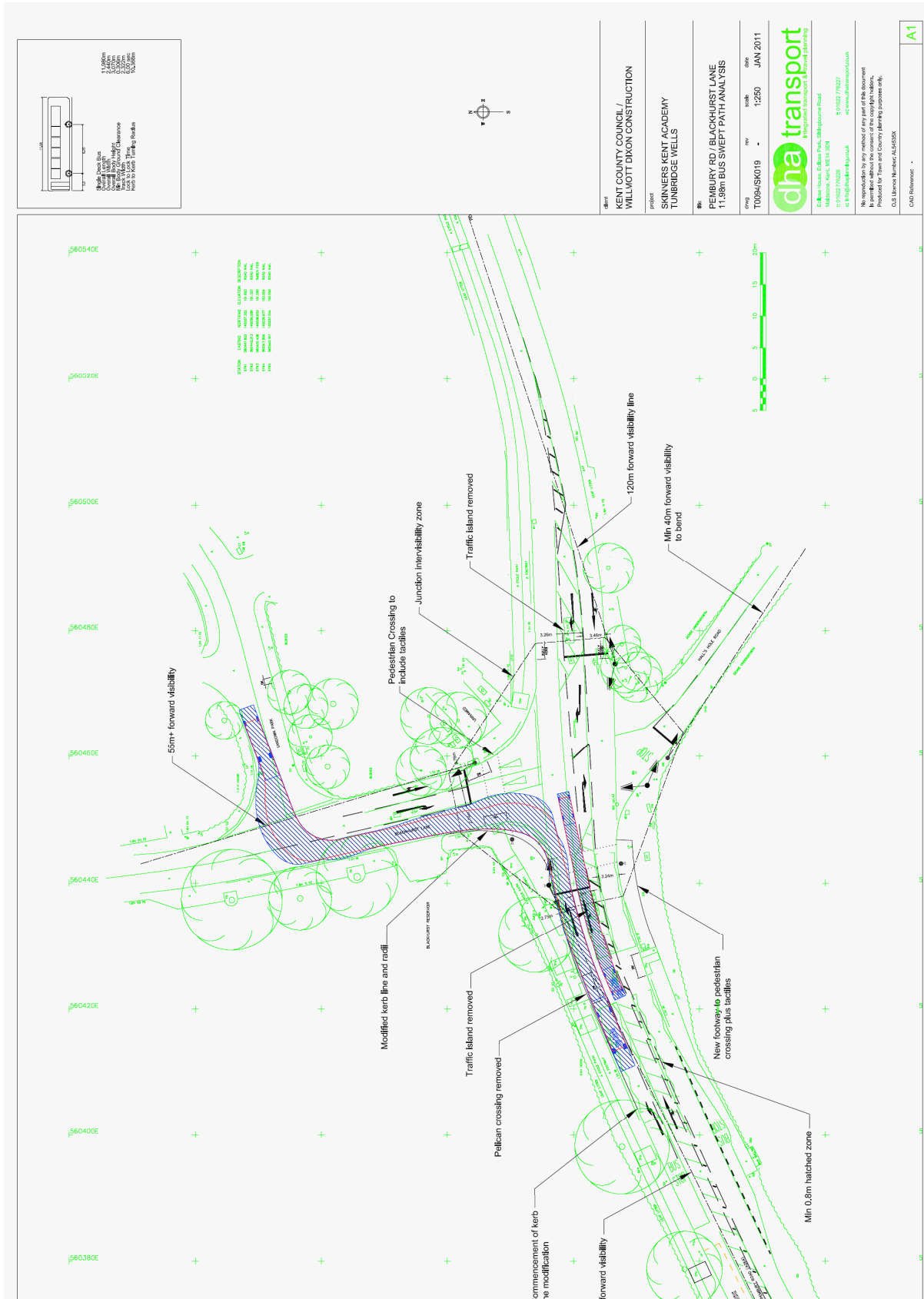
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Typical Elevations



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Proposed Junction Improvements



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approximately 125 staff but currently operates significantly under capacity. Tunbridge Wells experiences lots of commuting out to schools elsewhere because of the lack of choice as Skinners Kent Academy is the only non-selective secondary school in the town. The new Academy would seek to reverse this trend and attract more pupils as first choice from within the town by significantly improving the educational offer through a shift in teaching focus and practice and the substantial upgrade and improvement in teaching facilities and in the built and natural environments.

** Important Note on Capacity Assumptions:*

The School is permitted to allow the schooling of up to 960 pupils. This figure represents the maximum number of pupils the site can theoretically accommodate under its lawful planning usage and under currently accepted education space standards. This figure is the realistic potential of the site in planning terms as no further planning consent is required for the site to accommodate up to 960 pupils.

A second threshold of 750 is a negotiated baseline assumption used within this planning application for transport modelling purposes. This figure was agreed by the applicant, the Planning Authority and Kent Highway Services and represents a much more robust position on the traffic effects of granting planning permission for buildings with a proposed 1150 pupil capacity, as the difference between 750 and 1150 is greater than between 960 and 1150. Transport modelling has therefore assumed a greater increase in the pupil roll than might occur if the site was at its maximum allowable capacity (i.e. 960 pupils).

7. The main sponsor for the project is the Skinners' School. The co-sponsors for the project are West Kent College and Kent County Council. The role of the sponsor is to help develop the culture and direction of the new Academy. The sponsor will also hold a number of seats on the governing body which is typically smaller than a maintained school's governing body.
8. Various stakeholder engagement sessions were undertaken by the applicant as part of this projects development. First, a pupil engagement session was undertaken to help shape the layout, internal and external areas of the Academy to reflect as far as possible student's ideas and identified needs. Pre-application meetings were held with the County Planning Authority and a public exhibition was held at the Skinners Kent Academy (SKA) in November 2010 by the applicant to allow the public the opportunity to view the proposals in advance of the formal planning application being submitted. A second public exhibition was held by the applicant at the end of January 2011 after the initial period of consultation and neighbour notification undertaken by the County Planning Authority. The second public exhibition was organised by the applicant in response to the concerns raised by local residents at the initial planning application consultation stage. At the second public exhibition a number of amendments were outlined by the applicant and residents' views on these changes were sought. It is important to note that these stakeholder engagement sessions (including the two public exhibitions) did not form part of the formal planning application process undertaken by the County Planning Authority. Further information was submitted by the applicant shortly after the second public exhibition amending and amplifying the planning application. These changes are discussed throughout this report.
9. There have been a relatively few number of planning permissions granted for development at the site, the key applications include the following:
 - In 1997 outline planning permission was granted by Tunbridge Wells Borough Council (under application reference: TW/97/00925) for the demolition of the existing sports hall and swimming pool and the construction of a new sports hall, changing

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and reception area and two new Multi Use Games Areas with floodlighting. The hours of use of the sports hall and floodlit MUGAs are controlled by planning condition – the details of which have been outlined in paragraph (2i) above;

- A 'Reserved Matters' application was granted by the Borough Council (under application reference: TW/99/00440) relating to the outline consent for the new sports hall and floodlit sports pitches;
- Permission was granted in 2000 by the County Planning Authority for a new technology teaching block, under application reference: TW/99/2089;
- Permission granted by the County Planning Authority for an enclosed porch with associated steps and ramp at the site in February 2007, under application reference: TW/07/227.

10. Tunbridge Wells Borough Council's Joint Eastern and Western Area Planning Committee recently resolved to grant planning permission on 26 January 2011 to Tesco Stores Limited for the construction of a new foodstore to replace the existing Pembury foodstore, associated car parking and landscape works, together with the construction of a 320 space Park and Ride Facility and associated bus facilities (under application reference: TW/09/01265). As part of these proposals, Tesco is required to enter into a Section 106 Agreement with the Borough Council that includes the payment of financial contributions towards, amongst other matters, bus priority measures along Pembury Road. A detailed Transport Assessment was submitted with the application which considered expected traffic impacts on the local highway network and the strategic road network (i.e. the A21). After negotiations between the applicant, Borough Planning Officers, Kent Highway Services and the Highways Agency and the submission of further information in respect of transport modelling, it is noted that both Kent Highway Services and the Highways Agency did not raise objection to the proposal subject to off site highway improvements, Section 106 Agreement contributions and the submission of a Store Travel Plan. The proposal was considered to be a departure from the adopted development plan and therefore has been referred to the Secretary of State for the Department for Communities and Local Government for consideration.

11. A Screening Opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 was issued by the County Planning Authority on the 20 December 2010 advising the applicant that this planning application for the SKA redevelopment does not constitute EIA development. Following the receipt of further information amending and amplifying the application a further Screening Opinion was issued to the applicant on the 22 February 2011 advising that the proposed Academy redevelopment (as amended and amplified) does not constitute EIA development.

Proposal

12. The application is made by Kent County Council Building Schools for the Future & Academies Team and seeks planning permission for the redevelopment of the existing school site to provide a new 3/4 storey Academy. It involves alterations and additions to the existing sports centre, the retention of an existing CDT block, the external provision of a new floodlit All Weather Pitch (AWP) on Site 2, 165 car parking spaces and 164 cycle spaces (to replace the existing provision), an external amphitheatre, dining terrace and energy centre on Site 1. It also includes the relocation of floodlit Multi Use Games Areas (MUGAs), the reconfiguration of a bus set down area and the provision of hard and soft landscaping. It is easiest to consider the proposals on a site by site basis as set out below:

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Site 1

13. The main campus would be focussed on Site 1 where the new 3/4 storey Academy building would consist of a single core 'circular' building with three 'wings' set within recreational grounds, sports facilities and amenity areas. The 'wings' would provide accommodation for the senior houses, whilst the conical heart of the building would provide accommodation for dining and kitchen space, circulation and break-out areas, drama, music, gallery and teaching space. The applicant states that the proposed building would represent a rationalised layout and a more compact footprint than the existing array of buildings on site, in turn allowing more efficient movement throughout the building and site generally. They also state that the new Academy building would be located further north west than the current academy buildings, to make maximum use of the topography of the site to allow the car parking to be located to the south away from surrounding residential properties. As a result, the existing floodlit MUGAs would be located further northwards.
14. The existing sports hall would be retained on Site 1 with alterations made to improve the operation and quality of sport facilities provided. The existing CDT block would also be retained to provide a studio for future technology projects and is known within the new Academy plans as the "Future Skills Academy".
15. The proposed building would primarily be a three storey building with the taller volume located on the south eastern side of the site where the building would effectively be cut-in to the sloping landscape to provide a four storey appearance with a lower ground floor level. The application details that the four storey element has been designed to be located in the least visually prominent part of the site on the basis of the dense tree screening and sloping nature of existing ground levels. The senior house 'wings' would be three storeys in height and would present the closest relationship to existing surrounding residential properties along Osprunge Place to the south and to Cecil Kirby House to the north east. The circular core and senior wings would all sit under a modern flat roof form, with various plant and equipment installations rising above the finished roof height.
16. The overall design strategy for the new Academy seeks to improve the appearance and operation of the current school, providing a more flexible and functional space to learn, which provides for the needs of all users whilst creating an innovative and inspiring learning environment. The application details that it was important to ensure that a bold and identifiable school building was developed to in order to provide students attending the new Academy from the wider community in Tunbridge Wells an inspirational education environment, whilst ensuring that the wooded and green elements of the landscape are retained. The new Academy has been designed to incorporate energy efficient measures, including: a well-insulated and airtight building; good natural daylight levels within the building; exposed thermal mass (concrete soffits) coupled with secure night time ventilation; effective natural ventilation to the majority of spaces; and high efficiency fluorescent lighting with automated occupancy and dimming controls. The building has been designed to achieve, as a minimum, a BREEAM rating of "Very Good" however at the design stage the building has been assessed as being capable of reaching an "Excellent" rating.
17. The proposed building includes the installation of a biomass boiler as an integral part of the design concept, following initial concerns received relating to the originally proposed stand-alone 'Energy Centre' building. The biomass boiler is now proposed to be located within the envelope of the main Academy building and would use wood pellets as the fuel source. The biomass installation would consist of a fuel storage container, a

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biomass boiler rated at 300kW output and associated flue and fuel handling systems. Fuel deliveries would arrive using the highway network and would gain access to the site from the service access road leading from Sandown Park. The applicant states that deliveries would be undertaken by 12 metre long 4 metre wide delivery vehicles with a gross vehicle weight of 26 tonnes. By providing a bulk fuel source, deliveries are not expected to be more frequent than every two weeks in the peak winter season, with significantly less deliveries occurring during summer months. The fuel delivery process is anticipated to last between 45-60 minutes from the time that the delivery vehicle arrives at the site and would consist of a pneumatic blower used to transfer the wood pellets from the delivery vehicle to the fuel storage container. The boiler and flue would be located away from the site boundary and integrated within the mass of the new Academy building. The flue height has been calculated in accordance with the requirements of the Clean Air Act and meets the required minimum clearance from opening rooflights in the new school building and neighbouring properties. The flue would extend some 3 metres above the highest part of the roof of the Academy building.

18. The main pedestrian entrance to the school would be from the south western side of the site, leading from Blackhurst Lane. An entrance plaza would be created from the existing site entrance at the south end of the existing service road. A safe pedestrian route through a plaza leading pedestrians towards the building entrance would be physically separated from vehicles by bollards. Two of the three existing pedestrian access points to the site would now be closed as part of the proposals. The existing pedestrian access on Sandown Park and the most southerly access at the junction of Sandown Park and Blackhurst Lane would be closed leaving a single pedestrian access point further round on Blackhurst Lane. The most southerly access is currently used as an informal lay-by by parents for pick-up and drop-off, often causing congestion and road safety concerns from local residents. This area is proposed to be closed off, levelled, paved and kerbed to discourage this practice in the future. The existing service entrances from Sandown Park would be retained as a visitor and bus/coach entrance. A 4 metre single and one-way loop route (utilising the route of the existing service road) would provide access for coaches, buses and visitors. Lay-bys along the loop road would provide both disabled and visitor parking spaces as well as drop-off/pick-up areas for 4 coaches to be used at the beginning and at the end of the day. The application details that these coach bays would also provide additional disabled and visitor parking during the day. The existing main access from Blackhurst Lane would become a secondary entrance providing access to the car park and also to a new parent drop-off loop. During morning arrival and evening departure times, only students arriving by car would access the building via a tree-lined pedestrian link through a supervised gate to the outdoor dining terrace, continuing up steps leading directly to the main entrance plaza at first floor level. Service deliveries to the kitchen and other school facilities would be obtained from Blackhurst Lane, through the proposed car park to a delivery yard between the kitchens and the sports hall. Enclosed refuse stores would be located close to the delivery yard and would be accessed by refuse collection vehicles following the same route as deliveries, with the overall aim of ensuring proper segregation of pedestrians/students and delivery/refuse vehicles. Emergency vehicles would be able to be brought up to both key entrances from Sandown Park and Blackhurst Lane.
19. The new Academy scheme proposes the retention of the existing sports centre (known as 'Blackhurst Lane Sports Centre') and seeks to fully integrate it into the overall Academy design. The sports hall itself would be upgraded to provide better visibility for spectators and the internal arrangement rationalised to create a more legible layout. The existing activity studio would be extended southwards to provide for an upgraded fitness suite. The changing rooms would be entirely reorganised to provide a total capacity for 90 pupils plus staff changing. The school and community entrances would lead directly

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into a centrally located foyer area which would visually connect the sports hall and activity studio by glazed viewing screens. The access to the sports centre would be via a corridor to the north from the school, whilst a separate and independently accessed entrance for the community would be located on the south western side of the building. The sports hall would continue to provide teaching and learning space not only for students of the Academy, but for sports, training and courses attended by the wider community. The application details that the Sports Hall is proposed to be open between the following times: Monday – Friday 06:00-22:30; Saturday 08:00-22:30; Sunday and Bank Holidays 08:00-22:30. The hours of use of the existing sports centre would not change as a result of these proposals.

20. The application details that an integral part of the design of the Academy is the range and quality of sports provision that can be provided on all sites. On Site 1 existing floodlit MUGAs would be moved northwards to provide flexible use as either 3 Netball courts or 5 tennis courts. An informal basketball court would be constructed broadly on the site of the existing floodlit MUGAs which currently contain 6 tennis courts. The floodlit MUGAs would be lit by 16 (8 metre high) flood lighting columns with flat glass type fittings specified to minimise light spill. These would be 'modern-standard' lighting units compared to the lights on site at present which are now over 10 years old. The surface of the MUGAs and basketball court would consist of porous macadam. The application details that the proposed floodlit MUGAs would be used between the following times: Monday to Friday 07:30-22:30; Saturday 08:00-22:30; Sunday and Bank Holidays 08:00-22:30. As previously noted in paragraph (2i) the existing MUGAs can be used seven days a week (including Bank Holidays) until 22:30 under the existing planning consent granted by the Borough Council. The floodlit MUGAs are proposed to be screened by 3 metre high timber acoustic fence on the north-western boundary (facing Blackhurst Lane), northern boundary (facing Ospringe Place) and eastern boundary (facing Cecil Kirby House). In addition, the MUGAs would be surrounded by 3 metre high welded mesh ('ball stop') fencing.
21. Additional casual recreation areas would be provided on Site 1 including within courtyard areas between the senior house 'wings', a canopied amphitheatre area and a small grassed playing field to the far north of the relocated MUGAs. The amphitheatre would be used as an outside classroom, performance space, social gathering point and play area. This space is considered by the applicant as important, in educational terms, as any of the internal learning spaces within the Academy building. It is not proposed to have any form of external audio or lighting equipment fitted in this area and it would be for the sole use of the Academy. In order to access the sports pitches on Site 2, a designated route alongside the MUGAs on Site 1 would link with the existing route adjacent to Cecil Kirby House and continue via the existing access on Sandown Park to the gated entrance to Site 2. That would allow community users of Site 2 to park within the main site, to use changing and toilet facilities within the sports centre and then make their way across to Site 2.
22. A reconfigured and significantly enlarged car park is proposed on Site 1, consisting of 165 car parking spaces, including 8 for mobility impaired users. This compares to the current provision of just 33 car parking spaces on site. The main car parking area would be located on the south western side of the new Academy building and would be accessed via the Blackhurst Lane entrance. This car park would provide for staff parking as well as the community out of school hours. The site zoning would ensure that the community would be able to access the sports facilities independently, without having to pass through other areas of the site. Cyclists would arrive at the site via the existing entrance on Sandown Park where a gently ramped path would lead to a secure, covered cycle provision located on the south side off the main entrance plaza for 164 bikes in

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stacked stores, compared to the existing on site provision of just 40 cycle parking spaces. Additional cycle parking (10 covered and 24 uncovered) would be installed near the sports hall entrance for use by the community.

23. A tree survey report submitted with the application identifies many fine individual specimens mostly located towards the site boundaries or contained within the fenced off areas to the perimeter of the site, which most likely pre-date the development of the school. It notes that the few trees located between the school buildings have been more recently planted and tend to be 'standard issue' amenity tree planting species, such as Cherry or Rowan. 7 trees are proposed to be removed from site 1, together with one group of trees. One of the trees is dead and should be removed for sound arboricultural reasons, whilst the remaining 6 trees consist of a mix of Rowan, Silver Birch, Monkey Puzzle, Ash and Leylandii of varying category grading. A group of ornamental cherry trees is also proposed to be removed. All trees due to be removed fall within the footprint of the new development, with the exception of the tree to be removed for sound arboricultural reasons which is located on the north western boundary of the site adjacent to Blackhurst Lane. The report recommends that all trees to be retained are afforded protection during construction activities in accordance with the current British Standard. The application proposes new tree and hedgerow planting with an indicative landscaping strategy scheme submitted with this application.

Site 2

24. The proposals for Site 2 consist of the construction of an All Weather Pitch (AWP) measuring 82 x 55 metres (plus runoff). The pitch would be constructed with third generation polyethylene sand and rubber filled synthetic grass. There have been a number of changes made to the proposed development on Site 2 since the original application was made, notably with changes to the size of the AWP as a result of initial concerns raised by Sport England and the positioning of the pitch in response to local concerns. When the application was originally submitted, Site 2 development consisted of a floodlit AWP located approximately in the centre of the field, with a grass mini football/rugby pitch located to the south adjacent to the Pembury Road boundary. A running track circled the original floodlit AWP.
25. Following concerns received from consultees and local residents in respect of Site 2, the applicant amended the scheme to increase the size of the floodlit AWP and move it southwards adjacent to the Pembury Road boundary. A further public consultation was undertaken by the County Planning Authority on this change (amongst others) to the original scheme and the public and consultees were invited to express views on the amended proposals. As a result of continued concerns to this element of the scheme, the applicant has now withdrawn the floodlighting element from Site 2. Therefore, the proposals for Site 2 now include the installation of an AWP (with no floodlighting) to the south of the site, with a grass mini football pitch/rugby pitch to the north adjacent to Sandown Park. Other sporting facilities to be located on Site 2 include a 100 metre grass running track along the north eastern boundary and a grass shot put area in the northern corner of the field.
26. The AWP is proposed to be surrounded on the north eastern and south western sides by 3 metre high timber acoustic fence. Discussions have taken place between the applicant, officers from the County Planning Authority and the County Council's Noise Advisor to establish the best position for such fence. Following these discussions the applicant has provided further revised proposals for Site 2, as shown on Page D1.9, which details acoustic fence located on the immediate north eastern edge of the AWP, acoustic fence located some 3 metres from the south western edge of the AWP (to allow

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for an area for limited spectator viewing space), and acoustic fence running along the north eastern and south western boundary of the playing field in the locality of the proposed mini football/rugby pitch. The exact positioning and specification of this acoustic fence is provided by the applicant at this stage as indicative details only, with the final positioning and specification being a matter requested to be reserved by condition in the event of planning consent being granted. A 3 metre high welded mesh ('ball stop') fence would surround the perimeter of the AWP on all sides. An upgrade of boundary fencing between a section of the playing field boundary and three bungalows within the Seven Springs care home is proposed by the applicant. This upgrade shows 1.5 metre high chain link fencing, but this is provided as indicative details only with the final details/specification to be agreed at a later date to allow discussions to take place with the users and management of Seven Springs care facility. Supplementary native planting is proposed along the north eastern and south western boundaries of the playing field to strengthen the existing residential boundaries.

27. As part of the amendments made to the proposals, the application details that hours of use of Site 2 (covering the use of the AWP and additional grass areas) be limited to between the following times: Monday – Thursday 07:30-21:00; Friday 07:30-20:00; Saturday 10:00-16:00; Sunday and Bank Holidays – no use. These hours have not changed as a result of the withdrawal of the floodlighting element from Site 2.

Site 3

28. As noted in paragraph (2iii) above, there is no development proposed on Site 3 as part of this planning application. The applicant intends to eventually accommodate an informal Cricket pitch with wicket facilities, trim trail and athletics space on this site. A separate planning application would be submitted to the County Planning Authority for consideration at a later date should planning consent be required.
29. The application proposes the upgrade of the existing underground subway between Sites 2 and 3 as part of this application. This would involve the refurbishment of an existing walkway with new lighting and security measures. The intention is to facilitate improved access to Site 3 which is not currently used by the Academy.

General Issues

30. A Transport Assessment accompanies the planning application which sets out in detail the current baseline position of the Academy site and calculates the predicted increase in staff and pupil numbers, the mode of travel and the impact of the increased use of the site. As noted in paragraph 6 above (*Important Note on Capacity Assumptions*) the theoretical maximum number of the pupils the site could theoretically accommodate, under its lawful planning usage and on the basis of currently accepted education space standards, is 960, supported by approximately 125 staff. The proposals increase that to 1150 pupils, supported by approximately 150 staff. A negotiated baseline of 750 pupils and 100 staff was accepted by Kent Highway Services as a reasonable figure to assess any transport related impact against. The net increase in pupil numbers over and above the agreed baseline (750 pupils and 100 staff) is 400 and 50 respectively.
31. The Transport Assessment recognises that the site is well served by non-car transport provision, particularly by bus services running along the Pembury Road giving access to at least 3 bus services per hour throughout the day. It also notes that footway and cycle infrastructure is very good in the site vicinity, particularly along the Pembury Road. A road safety analysis has been undertaken by the applicant for the surrounding highway

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network which has identified that there have been no fatal accidents on the local or strategic networks under consideration.

32. The Transport Assessment considers the impact of the proposed increase in staff and pupil numbers at the site, taking account of predicted growth arising from the use of the new Pembury Hospital, the implementation of the Tesco Pembury store redevelopment and predicted traffic growth generally for 2020. It concluded that subject to existing School Travel Plan targets being fully implemented, which seeks to reduce pupil drop-off and pick-up journeys from 13% to 8% by September 2012 that the proposals should not result in significant detrimental impacts in transport terms on the local or strategic road networks.
33. Following issues raised during the application consultation and publicity process, the applicant has submitted details of a scheme of traffic mitigation for the Blackhurst Lane/Pembury Road/Halls Hole Road priority junction. A number of alternative junction improvements were considered, including signalisation (traffic lights) of all arms of the junction and a small roundabout. The preferred option put forward by the applicant comprises an arrangement where single ahead lanes are provided on the Pembury Road, with the addition of a separate left only lane on the west side of the junction serving traffic turning left into Blackhurst Lane. Two exit lanes would be provided on the Blackhurst Lane approach (as currently exists), and a single approach on Halls Hole Road. Following detailed discussions with Kent Highway Services (and their technical advisors), refinements were made to the scheme to remove central islands, and provide enhanced right turn facilities into Blackhurst Lane from Pembury Road east. Further modifications were made to the kerb radii on the north west side of the junction, following swept path analysis assuming a 12 metre long bus/coach turning left from Tunbridge Wells direction. Minor changes were also made to signal head and pedestrian crossing points in accordance with current design guidance. A Stage 1 Road Safety Audit has been carried out on the proposed junction improvement scheme. No significant safety issues have been raised as part of this process.
34. The applicant's transport consultant details that, compared to the existing priority junction arrangement, the proposed junction would be far safer, reducing current level and conflict and taking away the need to take risks pulling out of the side roads. They note that the layout is seen to work effectively in modelled scenarios, with the ability to refine timings to improve main road (Pembury Road) flows should it be deemed necessary. The applicant has now agreed to meet the financial costs of providing the junction improvements and to implement these works in full prior to the first occupation of the new Academy. Details of this junction improvement were provided to statutory consultees and local interested parties for their views under a second period of consultation as part of the further information received amending and amplifying the original planning application in early February 2011.
35. A construction management plan has been submitted as part of the further information requested from the applicant. The overall construction programme would last approximately 22 months. SKA would remain a functioning school whilst the construction of the new Academy is carried out. Proposals have been provided detailing various phases of the development. Construction traffic routeing details have been provided in respect of both sites. Site offices, staff parking and welfare facilities would be located within Site 1. There is proposed to be no waiting of construction vehicles on surrounding residential roads. Wheel cleaning measures would be used at both sites, deliveries would be controlled by a banksman and the local community will be kept informed of ongoing construction issues. Third party suppliers and contractors visiting the site would be made aware of the construction access and routeing arrangements at the start of the

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project. The site management would be responsible for ensuring compliance with the construction access arrangements at all times.

36. A Phase 1 habitat survey has been undertaken for Site 1 and is included with the application. It identifies that the presence of bats, dormice, badger, hedgehog, nesting birds, reptiles, great crested newt and common toad within the site is possible. The report makes a number of recommendations for limited measures to be taken into account before and during development works within Site 1. The recommendations do not include a requirement for further survey work. More recently, an Ecology Survey has been submitted in respect of Site 2 which details that the proposals for Site 2 are considered unlikely to have any direct impact upon protected species. Instead the report identifies precautionary measures to take into account when installing acoustic boundary fencing.
37. The application is accompanied by a Landscape & Visual Impact Assessment Report. This report identifies the two application sites (Sites 1 & 2) and examines the impact on four long distance views (more than 1 km away) and four close views (less than 250 metres away). It identifies that there would be no significant predicted visual effect of the proposed development on long distance views. It also notes that there would be some 'minor adverse' predicted visual impacts arising from Site 1 proposed development on close views.
38. The application is accompanied by a Noise Impact Assessment Report relating to the external floodlit sports pitches on Site 1, the AWP on Site 2 and the biomass boiler. The report has been updated as a result of the changes made by the applicant. The report addresses the noise impact on the nearby residential properties surrounding Site 1 through comparing noise levels currently experienced from the existing floodlit facilities against those likely to occur with the proposed relocated facilities taking account of the proposed acoustic fencing. Site 2 noise impacts have been assessed through the use of typical noise data from a 5-a-side football game that has 8 pitches in simultaneous and continuous use and comparing this to background noise level readings measured on Site 2. Noise information has also been provided relating to the operation of the proposed biomass boiler and the noise impacts associated with the delivery of fuel stock.

Planning Policy

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

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

Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development. This sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Guidance Note 2 (PPG2) – Green Belts. This sets out planning policies for long term protection of land within the Green Belt from inappropriate development which is by definition harmful. *It is only relevant in so far as part of the school site (site 3 as set out in para 2(iii) above) is within the Green Belt, although outside the application site area.* Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice

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the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

Planning Policy Statement 5 (PPS5) – Planning for the Historic Environment. This sets out the planning policies on the conservation of the historic environment and to particular heritage assets.

Planning Policy Statement 7 (PPS7) - Sustainable Development in Rural Areas. This sets out the planning policies applicable to rural areas *and is relevant in so far as land to the south of application Site 2/Pembury Road is within the High Weald Area of Outstanding Natural Beauty*. PPS7 confirms Areas of Outstanding Natural Beauty (which are nationally designated) as having the highest status of protection in relation to landscape and scenic beauty.

Planning Policy Statement 9 (PPS9) - Biodiversity and Geological Conservation. This sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Note 13 (PPG13) – Transport. This sets out how the Government seeks to integrate planning and transport through the planning system.

Planning Policy Statement 17 (PPS17) - Planning for Open Space, Sport & Recreation. Amongst other matters it considers development affecting playing fields and open spaces, and enhancement of existing open space and sport and recreational facilities.

Planning Policy Statement 22 (PPS22) – This sets out the key principles for renewable energy provision, requires targets for energy reduction within new development to be set at regional and local level, and has regard to locational considerations and impacts from such development.

Planning Policy Statement 23 (PPS23) – Planning and Pollution Control. This provides guidance on how planning controls may interact with the separate pollution control regime set out in the Pollution Prevention and Control Act 1999 and the Pollution Prevention and Control Regulations 2000. *It is relevant, in particular, to consideration of the emissions from the biomass boiler.*

Planning Policy Guidance Note 24 (PPG24) - Planning and Noise. This sets out guidance on controlling the effects of noise pollution, including consideration of the location of proposed developments and measures which would mitigate the adverse impacts of noise.

Planning Policy Statement 25 (PPS25) – Development and Flood Risk. This sets out the Government's aims and approach to ensure that flood risk is taken into account at all stages of the planning process to avoid inappropriate development in areas at risk from flooding, and to direct development away from areas at highest risk.

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

- Policy SP2** Policies and proposals that support and develop the role of regional hubs will be included in local development documents. Tonbridge and Tunbridge Wells are identified as a joint hub.
- Policy SP3** The prime focus for development in the South East should be in urban areas, in order to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel.
- Policy AOSR8** States that the local development framework for Tonbridge and Tunbridge Wells will amongst other things at Tunbridge Wells give priority to conservation of the urban and natural environment and the setting of the town. It will also support high quality proposals for intensifying or expanding the knowledge sectors at established and suitable locations.
- Policy CC1** Seeks to achieve and maintain sustainable development in the region.
- Policy CC2** Measures will be implemented to mitigate and adapt to the effects of climate change through the application of local planning policy and seeks to ensure Local Authorities include policies in their plans and strategies to help reduce carbon dioxide emissions to particular standards.
- Policy CC4** The design and construction of all new development will be expected to adopt and incorporate sustainable construction standards and techniques.
- Policy CC6** Promotes the creation of sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy CC7** States that the scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of new development. Where this cannot be demonstrated the scale and the pace of the development will be dependent on additional capacity being released or the provision of new infrastructure.
- Policy T4** Sets out the approach to parking standards to be taken in Local Development Documents including restraint-based maximum levels of parking provision for non-residential development in line with PPG 13 and provision of adequate secure cycle parking.
- Policy T5** Requires Local Authorities to ensure they identify those categories of major traffic generating developments existing and proposed for which travel plans should be developed.
- Policy NRM2** Water quality will be maintained and enhanced through avoiding adverse effects of development on the water environment.
- Policy NRM4** Confirms that the sequential approach to development in flood risk areas set out in PPS25 will be followed.
- Policy NRM5** Requires Local Planning Authorities and other bodies to avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.
- Policy NRM9** Seeks to achieve improvements in local air quality.
- Policy NRM10** Seeks to locate new, noise sensitive development away from existing or planned new sources of significant noise.
- Policy NRM11** Seeks to ensure all new non-residential development of more than 1000m² secures at least 10% of their energy from renewable or low carbon sources unless this is not feasible or viable.

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- Policy BE1** Local Authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment.
- Policy BE6** Gives support to proposals which protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place. *This policy is relevant in so far as the proposed development may affect the Conservation Area which crosses the southern end of Sites 1 and 2.*
- Policy C3** High priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context. *This policy is relevant in so far as it may affect the land to the south of application Site 2/Pembury Road which is within the High Weald Area of Outstanding Natural Beauty.*
- Policy S1** Supports measures for developing and shaping healthy sustainable communities, including: community access to amenities such as open spaces and physical recreation activity; and healthier forms of transport.
- Policy S3** States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities.
- Policy S5** Increased and sustainable participation in sport, recreation and cultural activity should be encouraged by Local Authorities.
- Policy S6** Encourages the mixed use of community facilities in order to make effective use of resources and reduce travel and other impacts, and requires community facilities to be located and designed appropriately.
- Policy W2** Requires development design, construction and demolition which minimises waste production and associated impacts.

Important note regarding the South East Plan:

As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions.

As a result of the legal challenge Members will be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the RSS as material considerations. However the weight to be accorded is a matter for the decision makers. Members should also note that Cala Homes has been granted leave to appeal the recent High Court judgement and are seeking clarity on how much weight should to be given to the RSS in light of the intention to revoke.

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(iii) The adopted Tunbridge Wells Borough Core Strategy 2010:

- Policy CP1** Affords priority to the use of previously development land within the Limits of Built Development.
- Policy CP3** Encourages the increased use of sustainable transport such as walking cycling and public transport and requires all significant traffic generating development proposals to provide a Transport Assessment and Travel Plan to demonstrate how car based travel can be minimised.
- Policy CP4** Seeks to conserve the locally distinctive character of the Borough's urban and rural landscapes, including the High Weald Area of Outstanding Natural Beauty. Refers to the Borough Local Character Assessment 2002 being used to manage, conserve and enhance the landscape as a whole. Applies a hierarchical approach to nature conservation and biodiversity protection seeking to avoid net loss and states opportunities will be taken for biodiversity enhancement. Heritage assets, including Listed Buildings, Conservation Areas and Scheduled Ancient Monuments, will be conserved and enhanced with special regard had to their settings.
- Policy CP5** Requires all new development to employ sustainable design and construction standards and techniques and to make efficient use of water resources, comply with the sequential test set out in PPS25 in respect of reducing flood risk, have regard to and implement the renewable energy and energy efficiency targets sets out in the South East Plan, manage and seek to reduce air, light, soil and noise pollution and be designed to reduce waste creation and disposal. Developments should also be of high-quality design which will create safe, accessible, legible and adaptable environments, and conserve and enhance the public realm.
- Policy CP8** Seeks to maintain and enhance where appropriate the capacity, quality and accessibility of community facilities and importantly pledges specific support for the provision of additional facilities where there is a continuing demonstrable need and this will be provided on a single site or provide multi-use facilities.
- Policy CP9** Reaffirms the priority of conserving the towns built and natural heritage and landscape assets. Requires new development to respect and where necessary contribute to an integrated approach to improving movement into and around the town including promoting improved cycling and waking routes and increase use of public transport.

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

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

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- Policy EN5** Sets out criteria for development within conservation areas including, amongst others: that the proposal would preserve or enhance the buildings, related spaces, vegetation and activities which combine to form the character and appearance of the area; the use, or intensity of use, would be in sympathy with the character and appearance of that part of the conservation area in which the proposal would be situated; the proposal would not result in the loss of trees, shrubs, hedges or other features important to the character of that part of the conservation area in which the proposal would be situated; and, in meeting the car parking and access requirements, the character and amenity of the area would not be adversely affected.
- Policy EN8** Proposals for new outdoor lighting must present the minimum lighting necessary and should be unobtrusively sited or well screened by landscape or other site features. The specification of the lighting should minimise glare and light spillage having regard to local character, visibility if the night sky, residential amenities of surrounding and adjoining occupiers and public safety.
- Policy EN13** Provides for protection of trees in conservation areas.
- Policy EN14** Development proposals which would affect the habitat of a protected species will only be permitted where it would not have a detrimental effect on the nature conservation of the site.
- Policy EN22** Small areas, to the west of the western end of site 1 and to the east and west of site 2, are identified on the Proposals Map as areas of landscape importance. Policy EN22 states that proposals for development will only be permitted where no significant harm would be caused to the appearance or landscape character of the designated area and the development would not materially detract from the contribution which that area makes to the locality.
- Policy EN23** Pembury Road is identified as an Important Landscape Approach characterised by being lined principally by mature hedges and native trees which partly conceal built development and give the impression of the countryside extending into the built up area. The policy seeks to protect this character and to prevent discordant elements of development.
- Policy TP1** Large scale non-residential development (in particular new or significantly expanded schools) will be required to provide a Transport Assessment and Travel Plan to demonstrate the adequacy of transport infrastructure to serve the development. Where this can not be demonstrated the Local Planning Authority will seek provision of or a contribution towards appropriate measures which will address the identified inadequacy.
- Policy TP4** Development proposals will need to demonstrate that the surrounding road network has adequate capacity to cater for the traffic generated by the development taking account of the use of non-car modes of transport. Within the Limits to Built Development the intensification of use of an existing access directly onto a primary or district distributor road must be demonstrated to not significantly worsen traffic delays or the risk of accidents. Traffic generation from the proposal should not compromise the safe free flow of traffic along roads and where highway improvements are necessary the developer is expected to meet the cost of the

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	improvements where these are fairly and reasonably associated with the development.
Policy TP5	Confirms that Kent County Council's Vehicle Parking Standards will be applied to development proposals.
Policy TP9	Within the Plan area, the cycle parking standards for non-residential development set out in the latest Kent County Council's Cycling Strategy for Kent will be applied.
Policy RF1	Land to the north east of Site 1/Blackhurst Lane is identified on the Proposals Map as Rural Fringe.

(v) Other relevant guidance/documents:

1. **Royal Tunbridge Wells and Rusthall Conservation Areas Appraisal (2000).** This details the special character of the Borough's Conservation Areas.
2. **Tunbridge Wells Borough Council Supplementary Planning Document - Renewable Energy (2007).** Seeks to ensure renewable energy measures are introduced wherever appropriate as a means of addressing the effects of climate change.

Consultations

40. **Tunbridge Wells Borough Council:** raises no objections to the proposals subject to the following comments and conditions:

- *"Raise no objection to the redevelopment of Site 1 for a new school, and the school building proposed;*
- *Notwithstanding the amended highway details submitted for the Pembury Road/Blackhurst Lane junction, the Borough Council wishes to be consulted on the highway details at this junction as it has specific concerns in relation to: (i) the avoidance of further congestion of Pembury Road in the vicinity, to the detriment of the town centre and town as a whole, caused by this development; and (ii) the occupation of the proposed development being conditional upon suitable highways details being agreed and implemented and the resourcing of the required highways works;*
- *The hours of use of MUGAs and AWP and floodlighting of those areas should be limited to between the hours of Monday to Saturday 08:30 to 19:30 and not at all on Sundays and Bank Holidays in order to protect residential amenities;*
- *No objection in relation to various other matters subject to appropriate conditions to cover design details and landscaping;*
- *An amended plan to show a landscape buffer strip at least 4 metres wide between allotments and pond to northern end of Site 1 and adjacent houses in order to protect adjacent residential amenities;*
- *An amended plan to show an increased gap and landscaping between new car parking and Blackhurst Lane near the entrance to protect visual amenities of the immediate locality;*
- *An amended plan and implementation of a landscaping scheme to show additional planting on and near the Pembury Road frontage of Site 2 in order to reduce the impact of the works on the character and appearance of the conservation area;*
- *Prior to the first use of the premises, details of any plant (and associated equipment) shall be submitted to and approved by the Planning Authority;*
- *Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved by the Planning Authority; and*

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- *The amphitheatre and outside dining area shall not be open to the public other than between the hours of 08:30 to 19:30 Monday to Saturday and not at all on Sundays and Bank Holidays in order to protect residential amenities”.*

41. **Divisional Transportation Manager:** raises no objections to the proposals, subject to the various undertakings as detailed below and the imposition of a number of conditions:

“The existing school roll is substantially below the theoretical maximum capacity, but the proposal would enable that maximum to rise by a further 400 pupils. Local residents have expressed concern about the likely impact of additional traffic generated as a result and in particular how this would affect the nearby junction of Blackhurst Lane and Pembury Road. All traffic to and from the school and residential properties in Blackhurst Lane and Sandown Park must use this junction.

It was concluded that there were three options available. The junction, which is acknowledged to operate over theoretical capacity at present, could be left as it is with the consequent likelihood of increased delays for those entering or leaving Blackhurst Lane. A second option was to consider the installation of a roundabout at the junction and a third, to introduce signal control. The first option was not considered to be acceptable. The local highway authority has long been aware of the need to manage traffic at this location but lack of funds has prevented this from being progressed. Although some of the impact resulting from a much larger school can be mitigated through the operation of a Travel Plan, it is accepted that there will be a noticeable increase in traffic movement, and that an already stressed highway network cannot cope without a likely adverse impact on highway safety. Roundabout and signal schemes were designed for the junction and whereas the former was found to be unviable on the highway land available, a signalisation proposal has been refined to the point where we are satisfied that it can function beneficially, although there will possibly be some extra delays for through traffic on the A264 at the busiest times. The necessary preliminary safety audits and technical assessments have been completed.

The first recommendation, therefore, is that the school should not open until the junction of Blackhurst Lane and Pembury Road has been signalised. A number of options for when the signalisation should take place were considered, but trigger points relating to numbers of pupils would be complicated. They also may not provide the much needed solution for many years.

At present the school has a relatively small and poorly laid out car park which has no circulation areas and is inadequate for the existing uses. The result is that parking regularly takes place on adjoining streets and interferes with the safety and free flow of traffic on the local network. A significantly larger school and greater levels of staffing will result in a need for improved car parking facilities and we are satisfied that what is being proposed in that respect is appropriate without running the risk of undermining the objectives of the Travel Plan which seek to encourage non car travel wherever possible. Because the school already has sporting facilities used by others, there are different aspects to the parking issue and many of the complaints from local residents have been on the subject of inconvenient and potentially hazardous on street parking by users of the school's facilities. The second recommendation, therefore, is that the on site vehicle parking and turning areas (as detailed within the application) be provided and maintained for those purposes.

It is possible that, in extreme situations, the car park may not cater for all potential users. This is common to most developments and facilities are rarely if ever designed to provide for the worst possible case. In this instance, it is suggested that the situation be

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monitored by the County Planning Authority and Local Highway Authority and that funding be secured to cover the installation of waiting restrictions should they prove necessary at some point in the future. It is not considered necessary or appropriate to promote such restrictions in anticipation of a problem which may not occur.

The provision of an all-weather pitch accessed off Sandown Park will create a separate demand for car parking facilities and it is understood that outside school hours, the area accessible off Sandown Park for coach and bus parking will be made available to satisfy that need. It is, therefore, recommended that this area (as detailed within the application) should be provided and maintained for bus and coach parking when required by the school and that at all other times it be available to users of the all-weather pitch. A further recommendation is that a pedestrian link between the main school car parking area and Sandown Park be provided and maintained for users of the all-weather facilities.

The proposal involves the rationalisation of pedestrian access points to the school with one being closed in Sandown Park near the Blackhurst Lane junction. A further recommendation is that, when the access in question is closed, the adjoining footway be reinstated with full height kerbing.

Whilst the signalisation of the Blackhurst junction will incorporate pedestrian facilities, the provision needs to be enhanced between the junction and the school entrances. Measures detailed within the application should be completed prior to first occupation of the school.

The following conditions are also recommended:

- *Prior to commencement of works, a pre-construction highway condition survey shall be undertaken in Sandown Park and Blackhurst Lane, together with a post completion survey and completion of any consequent remedial measures;*
- *A construction management plan should be submitted and agreed and include details of lorry routing and traffic management measures. On site provision shall be made for all contractors' vehicles and measures implemented to ensure that all vehicles are cleaned before leaving the site to prevent the deposit of mud and debris on the highway; and*
- *A School Travel Plan shall be submitted, agreed and implemented.*

In forming the above views, the comments and concerns of others, including local residents, have been taken into account"

42. **Highways Agency:** raises no objections to the proposals. Considers that the Transport Assessment submitted within the application is robust, is based on appropriate methodology, uses an appropriate baseline model, takes account of Pembury Hospital and Tesco (Pembury) store developments and are content that the resultant traffic impact associated with the development would not result in a material impact on the Strategic Road Network (SRN).

Further notes that they do not regard the predicted impact on the SRN junctions (i.e. the A21 slip road junctions on to/off the Pembury Road) as inconsequential given the existing peak hour congestion issues and therefore require the associated Academy Travel Plan to be robust. In this respect, suggest that the proposed school parking strategy be consistent with the aim of encouraging sustainable modes of transport and therefore should be linked to travel planning measures identified in the process. Consider that for the Travel Plan to be enforceable and successful the annual monitoring survey should be carried out during a neutral time of the year, aiming to collect at least

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95% of all person trips into and out of the site during the surveyed day. Monitoring arrangements must be agreed with Kent Highway Services and the Planning Authority at the outset and must include appropriate triggers/restrictions if targets are not met. If modal split targets are not met (i.e. reducing the sole use of private car) then enforcement measures must be introduced. Considers that this monitoring process must be continually monitored and updated over an agreed period of time to ensure that modal split targets are consistently met.

43. **Environment Agency:** raises no objections to the proposals, subject to the imposition of a condition to cover ground contamination. Advises the applicant of the need to apply for an Environmental Permit from the Agency to operate the proposed biomass boiler.
44. **Sport England:** raises no statutory objections to the proposals, making the following comments:

“Sport England is disappointed to note the removal of the floodlighting element of the proposed all weather pitch and is similarly disappointed to note that the hours of use of the all weather pitch have been reduced considerably. With the proposed changes, the all weather pitch is only likely to be used by the community on Saturday’s, particularly in the winter months as the AWP would not benefit from any natural light during later afternoon/evening. As such, the revised proposals seriously hinder the potential benefit (to the development of Sport) of the all weather pitch. With the hours of use proposed and the omission of floodlighting, it is considered that the all weather pitch provides little or no benefit over and above the existing position. Whilst Sport England is not raising a statutory objection with regards to Site 2, we request that our concerns be reported to Committee and duly considered.

With regards to the proposed changes to the hours of use of the MUGAs on Site 1, we raise no objection from a planning perspective, however the absence of an objection in the context of the Town and Country Planning Acts, does not in any way prejudice Sport England’s position with regards to any past, present or future related application for grant funding”

45. **County Council’s Landscape Consultant:** raises no objections to the proposals and makes the following comments, as separated out into individual sites below:

Site 1:

- Considers the general approach and methodology set out within the submitted Landscape & Visual Impact Assessment to be in accordance with the latest guidance;
- Considers that the Zone of Visual Influence is reasonably well contained by the surrounding landform, woodland cover and built development. Notes that longer distance views towards the proposals would be limited and agrees that there would be no significant change in such views. Also agrees with the significance of visual effects (‘minor adverse’) assigned to more immediate, shorter distance, views assessed;
- Notes that the existing buildings on Site 1 are a little scattered in terms of layout and their physical condition appears to be deteriorating. In principle, considers that a more condensed footprint of the buildings would therefore rationalise the layout of the school and make better use of the surrounding space. However, notes that the buildings would be taller and would generally appear more bulky than the existing structures, and the extent of floodlighting would increase on Site 1;

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- Notes that the site is located in close proximity to the west of the High Weald AONB, falls partially within the Pembury Road Conservation Area and is nearby other locally designated landscapes. However, does not consider the proposals would have any significant effect on High Weald AONB because they would not be clearly viewed in the foreground to or from the designated landscape. Also does not consider the proposals on Site 1 would significantly affect the character of Pembury Road Conservation Area because this is a redevelopment of an existing school site;
- Notes that it is fortunate that the proposals would not necessitate extensive removal of existing vegetation. Notes that much of the vegetation to be retained across the site has been assessed as being of the highest quality and value (Category A) and therefore considers it important that this is adequately protected during construction;
- Considers the landscape proposals for Site 1 to be appropriate in terms of the extent of planting and the detailed specification;
- Acknowledges that trees are no longer proposed along the northern boundary of Site 1, adjacent to properties along Ospringe Place, because of residents' concerns regarding shading. Considers that these properties would incur some of the worst visual effects because the proposals would increase the extent and intensity of floodlighting and the new buildings would appear higher, bulkier and therefore more prominent. However, accepts the reasons for omitting the originally proposed planting in this location;

Site 2:

- Does not consider the AWP and associated fencing would cause any significant effects on the Pembury Road Conservation or High Weald AONB because the site is reasonably well enclosed by development and vegetation.
- Considers that the character of views from surrounding overlooking properties would be adversely affected by the AWP and associated fencing, but considers the proposed native infill planting specification around the north eastern and south western edges of Site 2 to be appropriate in helping to filter views of the of the fenced AWP from these surrounding properties;
- Request that a detailed specification for acoustic fence installation around Site 2 be provided to ensure that minimal disturbance to existing boundary vegetation;

46. **County Council's Noise and Air Quality Consultant:** raises no objections to the proposals and notes that the applicant has provided a Noise Assessment (NA) which assesses the noise impacts associated with proposed new sports pitches on Site 1 and Site 2 including barrier attenuation calculations. The following comments are made, as separated out into individual sites below:

Noise - Site 1:

- The NA addresses the noise impact of the proposed sports pitch upon the nearby residential properties through comparing noise levels currently experienced from the existing netball facility against those likely to occur with the proposed new sports pitches. Notes that the NA concludes that with the introduction of a 3 metre high acoustic fence, noise level exposure from the proposed sports pitches at nearby residential properties would not exceed that currently experienced and indeed the aural environment would likely be improved, with reductions in both the overall noise level and peak noise levels. Having reviewed the proposed location of the 3 metre high acoustic fence, he concurs with the NA's conclusion;
- Considers that the hours of use of the proposed facility should be restricted to those currently employed to avoid additional exposure to noise;
- Has considered the detail submitted by the applicant in terms of noise impact associated with the delivery of biomass fuel [maximum of a delivery every 2 weeks in the peak of winter] and requested that a condition be placed on any consent

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ensuring that the rating level emanating from the facility (i.e. in terms of the fuel delivery process) at nearby residential premises when assessed in accordance with BS 4142 shall not exceed the background noise level by +5 dB.

Noise - Site 2:

- Notes that the floodlighting element of Site 2 has now been withdrawn by the applicant;
- Considers that noise levels emanating from the use of the sports pitch is likely to result in adverse noise impacts at nearby properties for a variety of time periods, with noise levels increasing by up to 7 dB. However, further details provided by the applicant in respect of noise barrier calculations demonstrate the effectiveness of the proposed 3 metre barrier in attenuating noise levels from the pitches at the surrounding properties. The calculations shown that a 3 metre high fence would give a noise reduction of between 10 and 15 dB. Considers that the inclusion of a 3 metre high acoustic fences along the north eastern edge of the pitch, together with a barrier along the south western perimeter of the pitch would produce the required noise reduction to reduce the impact of the pitches use.

Air Quality

- Given the level of traffic on Pembury Road, concurs with the applicant's transport consultant that the additional increase in traffic would not generate the level of traffic (+/-5%-10% AADT) on Pembury Road to trigger the need for an air quality assessment;
- Requests that full details of the biomass boiler be reserved for later consideration by condition prior to installation.

47. **County Council's Lighting Consultant:** raises no objections to the proposals (with floodlighting from Site 2 AWP removed). Notes that the light spill drawings show lighting levels of 2-3 lux falling on the side of Blackhurst Lane and up to 2 lux on the adjacent property (The Lodge). Considers that existing trees along this boundary would reduce the problem but states that floodlights along this edge may need to have cowls fitted to the rear to reduce this light spill. Recommends that lighting details for the proposed car park and general areas be submitted for consideration by the Planning Authority and considers that car park lighting should be designed to achieve an average of 10 lux with a uniformity of 0.25 to meet Best Practice guidelines.
48. **County Council's Biodiversity Officer:** raises no objections to the proposals as is satisfied that the ecological importance of Sites 1 and 2 have been adequately assessed. Notes that the survey reports conclude that the development is unlikely to result in significant impacts on protected species, provided the recommendations for precautionary mitigation (as detailed in the application) are carried out prior to development.
49. **County Council's Archaeological Advisor:** raises no objections to the proposals subject to the imposition of a condition to cover a programme of archaeological work, including a historic site survey and a watching brief on below ground works.
50. **Kent Fire & Rescue Service:** raises no objections to the proposals. Confirms that the means of access is considered satisfactory.
51. **Southern Gas Networks:** raises no objections to the proposals. Advises the applicant the presence of a Low/Medium/Intermediate Pressure gas main in the proximity to the site.

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52. **UK Power Networks:** raises no objections to the proposals.

Local Members

53. The local County Member, Mr. K. Lynes and the adjoining local County Member, Mr. J. Scholes were notified of the application on the 20 December 2010. Both Members were notified of further information received amending and amplifying the application on the 8 February 2011.

Publicity

54. The application was publicised by the posting of six site notices around the application site (Sites 1 & 2), a newspaper advertisement in the Kent and Sussex Courier (Tunbridge Wells edition) and the individual notification of 308 nearby residential properties. Copies of all the planning application documents were sent to the Sandown Park and Blackhurst Lane Local Community Group, as well as being made accessible via the County Council's website. As discussed in paragraph (8) above, the applicants held a public exhibition at the school prior to submitting the planning application, and again prior to submitting amendments and further information on the proposals. A second round of publicity was carried out on receipt of the amendments and further information, including the posting of six further site notices around Sites 1 and 2, a further newspaper advertisement in the Kent and Sussex Courier (Tunbridge Wells edition) and the individual notification of the same 308 nearby residential properties notified of the original application. Individual notifications were also sent to all people who had written in to the Planning Authority regarding the original application, living outside of the area of original notification carried out by the Planning Authority. A full copy of the further information amending and amplifying the planning application was sent to the Sandown Park and Blackhurst Lane Local Community Group.

Representations

55. Comments in response to the two public exhibitions have been collated and summarised by agents acting on behalf of the applicants. These comments in response to the public exhibitions have fed into the changes made by the applicant to the proposals. Letters received directly by the County Planning Authority have been made in response to the application as originally submitted and then subsequently in response to the amended proposals. Some 130 letters of representation were received in response to the original submission, very largely from adjacent addresses in the Sandown Park area of Tunbridge Wells. Most responses are not objecting to the principle of the proposed development but have serious concerns over certain aspects. Whilst many people have raised the same points in their own words, the key points of concern and objections can be summarised under the following headings:

Traffic issues:

- Object to the application because insufficient consideration has been given to the safety and convenience of residents and other users of the Blackhurst Crossroads, who have no alternative access to Blackhurst Lane.
- The application is flawed since it makes no provisions to address the dangerous situation at Blackhurst Crossroads on Pembury Road, where regular accidents cannot be allowed to continue.
- The volume of traffic on Pembury Road has increased due to various recent and planned developments, including the new hospital at Pembury, the expansion of the

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Tesco supermarket, new residential development, traffic avoiding congestion in other areas such as Longfield Road and the forthcoming A21 improvements, and the closure of all other accesses to Sandown Park has created a bottleneck at Blackhurst Crossroads.

- If KCC cannot solve the road traffic problem, then an alternative site for the Academy should be sought.
- Whilst the Academy would be a welcome addition to secondary schooling, resolution of the outstanding problems at Blackhurst Crossroads need to be addressed as part of the application.
- A roundabout solution was proposed in 1984, for completion in 1990/91, but never completed despite 248 houses being since permitted and other exits from Sandown Park being closed off.
- The list of recorded accidents in the Transport Assessment bears little relation to actual accidents at this junction, since local residents have more extensive records.
- KCC has benefitted from the redevelopment of landholdings in Sandown Park over the years and cannot absolve itself from the responsibility for the traffic problems.
- Following recent developments, several hundred houses are now accessed off the Blackhurst junction, and with inadequate public transport it is unreasonable to expect local residents not to rely on private cars.
- Some of the funding for this proposed development must be devoted to road improvements, such as traffic lights or a roundabout at the Pembury Road junction.
- The junction should be improved and on-street parking restrictions agreed prior to the start of construction. Pembury Road speed limit should be reduced from 40 to 30mph to reduce the high accident risk.
- Exiting Sandown Park/Blackhurst Lane onto Pembury road is a risky manoeuvre. What improvements are proposed to make this safe for the increased traffic?
- The junction is already incapable of efficiently dealing with the traffic, and the Traffic Assessment acknowledges that the side roads have no spare capacity at peak times.
- The suggestion that increased pedestrian movements at the junction would allow more traffic to exit Blackhurst Lane and that the additional traffic would discourage people from driving is just wishful thinking.
- The highway consultants recognise there are significant capacity problem at this junction and the proposed development would significantly add to that.
- Traffic congestion would worsen with school traffic returning to its earlier levels here, especially with more sixth form students now driving, so some traffic controls at the junction would be essential.
- Traffic lights are urgently required at the Pembury Road junction and the existing Pelican crossing should be decommissioned in favour of full traffic signals, with Halls Hole Road being one-way away from the junction. Halls Hole Road could be made one-way towards Hawkenbury, if Cornford Road was used two way from the [old] A21.
- Traffic signals should be installed before any school redevelopment plans are approved or work undertaken.
- £60,000 was allocated for traffic surveys on Pembury Road which have never been properly evaluated, and a timetable for installing traffic lights is urgently needed; developer funds should be available for these works.
- The need for such traffic controls is undisputed and consequently should have the Highway Authority's urgent consideration, and be in place before the Academy opens in September 2012.
- A sensible junction improvement would be widening to include a right turn lane for school buses. Traffic lights would cause excessive traffic queuing on Pembury Road, since the road is not wide enough to cope.

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- A mini-roundabout could be the solution to the junction problems to enable free flowing movements.
- The application should be refused until the Local Authority can afford to solve the Pembury Road junction.
- The Transport Assessment is based on an assumed current maximum number of 750 pupils but there are only 300 at present on roll, so the traffic forecasts are unreliable and flawed with the actual increase likely to be from 300 to 1150 pupils.
- The suggestion that most pupils would travel by bus is not supported by the scant service available, and the predictions of reduced car use in the School Travel Plan would be outweighed by the extra community use of the facilities not covered by the Plan.
- The Transport Assessment contains technical data which only a highways expert could properly assess, and it is unclear how enforceable the School Travel Plan is, especially with regard to the community users, who are not quantified.
- There has been no research into the increased traffic from the commercial activities, the community use of the proposed amphitheatre and the numbers using the sports facilities.
- Support the new school development but are concerned that the on-street parking outside the site would increase threefold. What provision has been made to keep parked cars off the local roads?
- There is not enough parking provided on-site, and the school frontage should be widened to allow overspill parking at busy times.
- Would the on-site parking be sufficient once the academy is at full capacity, and would the pupil drop-off area be properly used?
- Additional on-street parking would cause even more inconvenience for residents, with access already hampered by parking on both sides of the road and too close to driveways.
- What provision is being made to prevent parking in Sandown Road? Since residents have ample private parking, we would welcome double yellow lines.
- Parking space within the school grounds for community users would be too distant from Site 2 and needs to be closer to avoid the use of Sandown Park.
- Existing on-street parking congestion in Blackhurst Lane from the Sports Centre needs to be addressed, as well as the delivery vehicles for the biomass fuel supply.
- Traffic congestion could be addressed by charging for on-site parking, yellow line restrictions in Blackhurst Lane and a new roundabout at the Pembury Road junction.
- There is no priority pedestrian/cycle link between the Pembury Road routes and the Academy, and a route should be provided along Blackhurst Lane.
- Object to the increased use of the Sandown Park access; the principal access point should remain in Blackhurst Lane.
- Additional parking provision on-site would not prevent inconsiderate on-street parking by school parents, particularly at the Blackhurst Lane/Sandown Park junction.
- The existing school access is a disgrace because of indiscriminate parking on the grass verges; parking should be restricted at all times at least 100m either side of the entrance, with high kerbs and/or posts to maintain a satisfactory appearance.

Amenity issues:

- Whilst community use of the school facilities is desirable, persistent use in evenings and weekends would be a potential problem for residents with noise nuisance and on-street parking.
- The proposals pay scant regard to the impacts on residential properties, and therefore are incomplete and flawed. The whole development brings problems with it, most notably the impact on residents from noise and light pollution, plus traffic infrastructure.

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- The additional community leisure elements should not take priority over the education of our children, since adult leisure seekers have alternative facilities around the town.
- The Academy should not transform a quiet residential area into a commercial enterprise zone, exploiting new sports facilities for financial reward at the expense of the local community.
- The Site 1 floodlit sports pitches already cause recreational noise until 11pm, including shouting, foul language and spectator noise.
- The existing floodlit sports pitches on Site 1 are poorly designed and are currently subject to an Environment Agency investigation into the adverse noise and light pollution.
- The existing floodlighting on Site 1 could be better controlled since it is often left on unnecessarily, and the repositioning of the MUGAs 50m closer to housing would cause us significant noise and light pollution; we also object to the junior football pitch backing onto gardens in Ospringe Place due to noise and loss of privacy.
- The proposed planting of trees along the boundary with Ospringe Place is also objected to because of the overshadowing of gardens, unless they were further away from the fence line.
- The design of the existing sports centre on Site 1 was unsympathetic and did not respect its setting, and has not been adequately maintained externally.
- Opportunity should be taken to rectify shortcomings in the planning conditions imposed in 1997, to protect the amenities of neighbouring properties.
- The nearest house to the Site 1 MUGAs is only 12m away and at a lower level, so the noise, light spill and glare from the luminaires would be unacceptable and disrupt children's sleep.
- Site 2 produces most problems and the all-weather pitch proposal lacks any rationale or justification with other nearby floodlit facilities at Hawkenbury and St. John's Road.
- Site 2 is closely bordered by housing and currently only used during school hours, so the increased use would bring unacceptable noise and lighting pollution.
- Artificial sports pitches are noisier than grass ones, and Pembury Road is already too busy with no traffic calming, so noise is already unbearable.
- All-weather pitches should be at least 12m and ideally 30m from residential properties, according to Sport England, and given that there are several such houses, the pitch is in the wrong location.
- Floodlighting on Site 2 would be visible on entering the town on Pembury Road and be out of character with the surroundings, as well as a major source of nuisance for residents, potentially detrimental to health if intruding into bedrooms.
- Site 2 adjoins the Pembury Road Conservation Area, which is an important landscaped approach to the town and would be compromised by the proposed floodlighting.
- Our main concern is the floodlit all-weather pitch on Site 2 because of the lightspill and the potential noise shattering the current peaceful environment, plus the likely on-street parking.
- The development of Site 2 would considerably change the character and appearance of the area, and the artificial pitch would endanger local wildlife and constitute a change of use to commercial use, seriously affecting the lifestyle and health of disabled and seriously ill residents at the adjacent Cheshire Home (Seven Springs).
- Extra activity on Site 2 would entail substantial noise from whistles, the players and spectators (including shouting and foul language) every day and up to 11pm, disrupting children's sleep and the peace and quiet of gardens.
- The Site 2 sports proposals should be developed on Site 3 instead.
- Site 2 could be developed for an all-weather pitch without any floodlighting, plus reduced usage (e.g. only 4 hours community use per week, no use on Sundays and a curfew time of 7.30pm).

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- Floodlit sports facilities elsewhere in the town are closed at 7.30 pm and a similar restriction should be imposed here.
- Residential security could be jeopardised with the presence of unsupervised strangers.
- The adjacent Leonard Cheshire Home (Seven Springs) would be harmed by the lighting, since the residents live most of the time in their rooms and after 7pm this would be difficult to cope with.
- As Service Manager at Seven Springs, my main concerns for the residents are the noise and light pollution from the all-weather pitch. Some residents require afternoon rest, and many have to go to bed early; lack of rest and sleep is detrimental to their health and wellbeing. When windows are open in Summer, the noise would cause unnecessary upset and suffering to their daily lives.
- Those of us living at the Cheshire Home will be greatly affected by the noise from Site 2, and the floodlights would shine directly into our bungalows which back onto the field. Most of us are light sleepers and some are sensitive to light and wear sunglasses a lot because of that.
- The floodlights on Site 2 would be taller than the surrounding fencing so light would spill into neighbouring gardens; if the fencing was increased in height then sunlight would be lost.
- Any floodlighting on Site 2 would cause light trespass and light reflection to the detriment of wildlife as well as residents.
- Hours of use of the sports pitches by the community must be restricted, with consideration to the amenities of the neighbouring properties.
- Community use should be restricted to 9pm or 9.30pm at the latest to avoid considerable disturbance to residents from noise and light pollution.
- Sixteen 12m high [actually 10m] lighting columns and use until 11pm would be out of keeping with the residential nature of Sandown Park, and deny our rights to enjoy our property.
- The applicants have not produced adequate noise survey or lightspill data relating to the additional sports use on Site 2, and there are discrepancies in lighting column heights with 12m columns likely to be more detrimental than the 10m columns tested.
- The proposed extra after-hours use on Site 2 would not be for the benefit of pupils, and the School already provides for community use on Site 1.
- How can the extension of use on Site 2 lessen the existing incidence of foul language from the participants?
- Sport England is not involved in funding the academy development, so there is no funding prerequisite that floodlighting be included on Site 2.
- A new community sports centre open to the public all hours as part of the redevelopment would be totally insensitive to the local context and should not be allowed.

Building issues:

- The designers can be commended for pleasant views from the buildings and the eco balance, but what about the views of residents being impeded by a concrete monstrosity?
- The existing buildings may have some merit as examples of 1950s architecture and should be assessed by building historians.
- The building of an unscreened energy centre poses a potentially detrimental addition to the site, and would require the removal of trees previously promised to be retained for screening the whole development. No energy strategy accompanies the application.
- Alarmed at the scale of the proposed energy centre – a 4m high warehouse type building topped with 8m high chimney – which would not be shown in the originally

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exhibited proposals and unlike the rest of the development would not be shielded from view by trees.

- The energy centre would be ugly, visually and maybe environmentally damaging, badly sited and out of character with the locality, so it should not be permitted in its current form.
- Transporting fuel for the biomass plant from Rye is not very environmental in itself, and the local roads are not sufficiently durable to sustain the impact of the 38 tonne fuel delivery lorries, nor is there adequate space for such vehicles without impeding access for other traffic, including emergency vehicles.
- Smoke and fumes from this plant would be very near to houses, and the airborne pollution would be unacceptable and damaging to the environment and residents' health.
- The latest scientific research does not support this type of heating and it is now not considered to be environmentally friendly.
- If such an energy centre is built, it should be well camouflaged, with no trees or hedgerows removed, and site away from neighbouring housing, or built into the main part of the development.
- The energy centre would be constructed close to a mains gas pipeline, which might have safety implications for residents with spontaneous combustion dangers.
- The energy centre could be a noise nuisance, produce ash and soot and present a fire risk, and so should be moved further away from housing or use an alternative fuel such as gas.
- An industrial scale incineration plant would presumably require daily truck deliveries bringing in fuel and taking away waste.
- Biomass energy centres are not recommended in residential areas and the use of wood pellets can produce chemicals harmful to human health.
- Consent should be withheld until an alternative energy system without such huge fuel storage requirements is proposed.
- Are the 400 seat amphitheatre and the outdoor dining terrace for commercial use, since that would have noise and traffic implications?
- Object to the use of the proposed open-air amphitheatre being marketed and used commercially because of potential noise intrusion.

General issues:

- No objection to the plans in principle but serious concerns about traffic access and the energy centre that need addressing before any consent is given.
- Support the modernising of the school buildings in general and accept that the construction work would be disruptive for local residents, but the proposals are fundamentally flawed and based on inaccurate and misleading data.
- The needs of residents have been neglected in the planning application, and commercialisation to make money for the School should not be at the expense of residents' wellbeing. It is imperative that concerns such as the traffic issues are addressed before the development goes ahead.
- It is not clear why the proposed development is not on a new site, nor whether Site 3 would ever be used. The development could be better sited on the currently redundant Kent and Sussex Hospital site.
- Distributing the proposed built development across all 3 sites, as originally proposed by Gensler, would have lessened the impact on residential amenity overall and better protected biodiversity.
- The use of Site 3 for recreational use and a working farm is a concern because of increasing traffic on Pembury Road.
- Can the seldom used accesses into Site 1 from Sandown Park be removed and planted, with the kerblines reinstated to prevent parking?

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- Construction activity should be restricted to the hours of 8am to 4pm weekdays, and not take place on weekends, plus conditions should be imposed to prevent mud and waste deposited outside of the site.
- Object to the loss of any trees in the vicinity of the school, since that would increase the visibility of the development. Concerned at the loss the huge rhododendrons and other trees and shrubs as a result of the development.
- Site 1 adjoins a Site of Nature Conservation Interest and trees along the site boundary accommodate bats, so a bat survey should be carried out to assess the disturbance to bats from the development before deciding the planning application.
- Trees have not been assessed in detail for use by bats, nor has the ecologist considered the trees to be removed; insufficient information has been submitted to demonstrate that bats would be protected.
- Some properties would clearly devalue as a result of the Site 2 proposals.

Procedural issues:

- The proposals are not defined County Matters and therefore should be considered by the District Planning Authority.
- Concerned that the County Planning Authority is considering the Council's own proposals, which conflicts with Human Rights issues since there is no third party appeal rights, other than legal challenge.
- The heritage assessment is lacking in that it does not consider the impact of the lighting columns on Site 2 on the adjacent Conservation Area.
- It is unclear of what built development is proposed for Site 3, and that might affect the consideration as to whether the total development would constitute Environmental Impact Assessment development.
- The EIA screening opinion predates the availability of significant further information, important to the consideration of the environmental effects; the cumulative effects of all the missing or subsequently submitted information is important to the EIA screening, including any later phases of development on the more environmentally sensitive Site 3.

56. **The Sandown Park and Blackhurst Lane Local Community Group** represents most of the residents who have contributed the above points, and has compiled its own detailed documentation in response to the planning application. The Group welcomes and supports the notion of the Academy with its focus on quality and enhancing the lifetime opportunities of young people, but has particular concerns over:

- the quality and accuracy of the Planning Statement;
- the absence of mitigation for traffic and parking impacts;
- the proposed all-weather pitch and associated floodlighting;
- the proposed energy centre and storage facility; and
- various other aspects.

An executive summary of the detailed concerns is included at Appendix 1.

57. Some 76 letters of representation have been received in response to the submitted amendments to the original submission, and the key further points of concern and objections can be summarised as follows:

Highway Issues:

- Pleased to see that junction improvements for the Blackhurst Crossroads have now been incorporated in the planning application, but remain concerned that these would not be carried out until the school has been redeveloped; this must be revisited before permission is given, to ensure a commitment that such works be carried out at a non-deferrable date before the redevelopment begins.

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- Traffic signals are welcomed but the junction would be more congested and dangerous during the construction period; cannot temporary lights be used during the construction? Why has a mini-roundabout not been considered? Traffic signals would create a further problem for traffic flows on Pembury Road, and a 20mph restriction should be introduced for Sandown Park.
- Priority pedestrian and cycle routes along Blackhurst Lane and Sandown Park should be required by condition.

Amenity Impacts:

- Continued concern that insufficient attention has been given to residential amenity impacts, i.e. a reasoned analysis of the overall effects, so the application remains incomplete and flawed.
- Control of on-street parking in Blackhurst Lane and Sandown Park still needs to be addressed, especially by sports users, to avoid dangerous parking on the bends and obstructing residents' driveways.
- If the Site 1 MUGAs are moving, why must the existing contracted hours remain unchanged? The proposed acoustic wall is an untested gesture and the rebounding of balls would add to noise, and the gaps in the proposed fencing would deflect the sound elsewhere.
- The Site 1 MUGAs could be kept in their current location if further consideration is given to the design of the new buildings, thereby lessening the visual and audible disturbance to neighbouring residents.
- Continued hours of use on the Site 1 MUGAs to 10.30pm remains completely unacceptable - land use planning matters should not be compromised by other legal considerations.
- The extra numbers using the Site 1 MUGAs, closer to neighbouring houses, would be intolerable and prevent quiet enjoyment of gardens, and some of us work nights and need to sleep during daytime.
- The existing 66.5 hours of community use on Site 1 far exceeds Sport England's required 40 hours. Even so, could the hours therefore be reduced outside of school term-time to end at 7pm?
- Do not agree that the acoustic wall would considerably improve the environment for local residents if there is to be 66 hours of additional, use.
- Replacement of the proposed tree planting on Site 1 with hedging is welcomed, but confirmation is sought over the restricted access to and use of the proposed junior football pitch.
- The locality is generally dark, so any floodlighting distorts the natural level of light, and natural habitat would be irretrievably damaged by the light and noise from the extended use of the pitches.
- The Site 1 pitches are generally only used about 8 hours per week, so full use up to 66 hours would have hugely detrimental effects on residents. We ask for similar protection to our amenity as TWBC has provided at Rosehill School in 2010 (ie. 7.30pm curfew).
- Concerns over the legality of the 1997 planning consent [by TWBC] for MUGA on Site 1 before the houses in Ospringle Place were built and occupied, so the residents were not able to make objections even though the MUGA was developed afterwards.
- The significant change in location of the Site 1 MUGAs warrants completely new terms to the contractual agreement with Sport England in 1997 to provide 40 hours of community use, given the development of neighbouring houses since then.
- Noise monitoring of the existing MUGAs at the neighbouring property have concluded that the noise is unacceptable in terms of residential amenity, noise within the home from netball games increases by 15dB (33% above complaint levels), noise level is in excess of a doubling of subjective loudness, and the nature of the

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noise is extremely intrusive. Restricting the hours of use would not remove the established unacceptable level of noise, but merely limit its duration.

- The proposed 3m high acoustic fencing would need to be continuous and surround the noise source completely, and there is currently a 5m wide gap directly opposite the nearest property.
- Moving the floodlit pitch on Site 2 would benefit some residents, but have devastating impacts on the disabled residents of the Cheshire Home and the character of the Pembury Road Conservation Area.
- As agents for Leonard Cheshire Disability, we object to the revised proposals, and whilst have no objection in principle to improved recreational facilities here, object strongly to the AWP with its floodlighting and fencing within a few feet of the supported living dwellings, on the grounds of unacceptable noise pollution, light pollution and the impact of the character and amenity of the area resulting from the intensification of use and associated equipment.
- The floodlighting would have an unacceptable detrimental impact on the Home's residents, with direct glare and indirect illumination into the bungalows given the deciduous boundary vegetation. Since background noise reduces at present in the evenings, it is ludicrous to assert no additional noise would be generated, and the noise reduction from the proposed fencing would be reduced by its distance from the noise source. The lighting columns and the 3m fencing would be discordant and incongruous features, visually harmful to the character of the area.
- We residents at Seven Springs are devastated at the loss of freedom to enjoy the gardens, effect on wildlife, and the loss of natural light at the bungalows. Whilst such a development could be hugely beneficial to the community, it would be intrusive and detrimental to our quality of life. Some bedrooms and the communal lounges face onto Site 2 and would be hugely affected by the floodlighting, including sleep disturbance up to 11pm. Noise from use on Sundays is already a disturbance and we are concerned at it continuing throughout the week and late into the evening. We are also concerned at users parking in the surrounding streets and obstructing our driveway, given the need for emergency access, and reducing wheelchair access to surrounding pavements.
- The floodlights on Site 2 are not a prerequisite of Sport England, and there are adequate floodlit facilities elsewhere in the Tunbridge Wells area. What about the impact of the floodlights on Pembury Road, and the potential distraction for motorists?
- The lighting consultants fail to take account of upward reflected light, sky glow and glare, as well as the effects of diffraction. Even if the change in lighting is within the accepted ILE standards, the existing dark grass area would certainly change with the introduction of floodlights.
- The lighting drawings do not show that the combination of cut-off luminaires and distance would avoid any light spill into neighbouring premises or vegetation used by bats, but direct light spill and reflection from the pitch surface is actually likely to occur.
- Reducing the usage from 7 to 6 days per week on Site 2 is only a minor concession and shows no regard for the peaceful community.
- The proposed acoustic fencing on Site 2 is totally unacceptable, since it would be visually oppressive, and would provide only marginal attenuation. Reducing the curfew time to 9pm is an insult and still unacceptable in terms of noise and light nuisance. Why does the acoustic fencing not run along the Sandown Park side, since the noise would be channelled in that direction towards other houses?
- The proposed 3m high fencing would be a hideous eyesore. The cost of restoring the Hawkenbury sports facility only 1 mile away would be less than providing a new AWP, or the new facility at St. John's could be better used by the community.

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- Reduction in the hours of use on Site 2 is much appreciated, but 3m high fencing would be totally oppressive where house eaves are at only 1.8m, and entirely unwarranted if the predicted noise levels would not exceed the existing levels as suggested. Some house-bound residents might appreciate viewing the sports activities.
- The noise consultants claim that the noise levels on Site 2 would be no greater than those from Pembury Road, but that road is not 3m away from houses and would be additional to the prevailing noise. 7dB attenuation from the acoustic fencing does not take account of sound wave diffraction, and noise at bedroom height above the 3m fence.
- How can the consultants conclude that there would a decrease in noise levels? Since Site 2 currently has only limited use, the increase in activity would obviously increase noise levels.
- All-weather pitches are notoriously noisy, with the artificial grass pitch surface creating and reflecting more noise than grass when is use.
- Sport England advises against pitches being sited near deciduous trees because to the maintenance problems with leaf fall.
- The Noise Assessment takes no account of irregular peaks in noise, such as whistles, shouting and swearing, and can only be based on 'guestimates' because there is nothing currently to record.
- The noise evidence is incomplete and compares predicted LaeqT noise ratings with Laeq 15 mins, which is not a true comparison, plus there is no means to be clear on whether the example of pitches elsewhere is truly comparable with Sandown Park and in terms of background noise. The attenuation benefit of the acoustic fencing cannot realistically be assessed as acceptable in advance of knowing actual effects before and after its installation. Account needs to be taken of the pattern of peak noise events, which the report does not indicate, and which the 3m fencing would not mitigate for to any material degree.
- Site 2 is too small to accommodate the proposed uses, which would conflict with Sport England's guidance on setting pitches away from adjoining residential areas.
- Why cannot the sports uses be relocated to Site 3, which would be an appropriate use in an Area of Outstanding Natural Beauty and would not affect the openness of the Green Belt? Any development on Site 2 should be refused, and the floodlit pitch, if needed, relocated to Site 3.
- Spacious grass pitches are already available on Site 3, so why destroy an eco-friendly green sports area and replace it with a noisy AWP with night sky polluting floodlighting?
- Would strongly oppose any redevelopment of Site 3.

Building Issues:

- Re-siting the energy centre in the main building is welcomed, but there are some anomalies in the revised drawings and more assurance is needed on emissions, with no use of landfill material or household waste as fuel.
- Continued concerns over the noise and odour effects of the energy centre, pus the visual impact of the protruding stack. Prevailing winds would direct smells to houses in Ospringe Place and the surrounding area to the north and east. The pollutants cause breathing problems in children, create acid rain and will add to poor air quality on Pembury Road.
- The pollution potential of biomass is unknown, so tried and tested heating fuels should be relied upon rather than experimenting. Biomass boilers are more expensive to install and run than gas ones, and present a greater fire hazard. What provision has been made of solar or wind power?

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- A more detailed study of the actual local effects of the biomass boiler is needed, given the emissions of nitrogen oxide and particulates in an area being considered as an Air Quality Management Area. Please consider a cleaner fuel such as gas.
- The 20.8m high stack is completely out of context in a residential area and more in keeping with an industrial site.
- The noise from the pneumatic delivery of the wood pellets has been likened to that from a domestic lawnmower, which clearly has the potential to disturb nearby properties.

General Issues:

- Why is this development being shoehorned onto the existing site, rather than onto a Greenfield site? The site is too small to accommodate all that is proposed.
- Why cannot the new buildings be sited on the footprint of the existing buildings, rather than damaging local residential amenity?
- School only use of the amphitheatre is welcomed, but continued objection to its potential commercial use, which must have no sound or lighting installations.
- Continued objection to outdoor dining area overlooking neighbouring gardens, and as a further noise nuisance. Is this area to be used by visitors and the general public?
- Parking provision must be made on site for construction workers, unless a park and ride system is adopted. Continued concerns over construction traffic and large lorries having to negotiate the Sandown Park/Blackhurst Lane junction and locking in residents.
- The Ecology Reports are superficial with little reference to bats, grass snakes and birds, such as sparrow hawks, and neither are detailed surveys for protected species. A bat survey is a mandatory requirement if there is evidence of bats in the area and must be carried out prior to planning approval.
- Despite constant references to community use, there is little regard for the neighbouring community of Sandown Park.

Procedural Issues:

- Consultation on this whole development has been abysmal, with tight deadlines for responses, late amendments to plans and inaccurate information.
- Concern at applicants' inappropriate responses to residents' concerns and the short notice given to residents of the recent exhibition.
- The Site 1 sports proposals should not be proceeded with since the use of existing courts amounts to a statutory nuisance, and use of the Site 2 facilities might also have to be curtailed if noise nuisance is successfully established.
- We ask that the revised application be refused, and particularly the outdoor sports elements.
- The further EIA screening opinion is flawed and fails to take into consideration future development on Site 3, even if it is excluded from the current application; case law has established that the whole project should be properly screened and assessed rather than just a part of it.
- Continued concern that the procedures under the Town and County Planning General Regulations 1992 are contrary to the Human Rights Act 1998, given the absence of any meaningful independence or impartiality and any merits review process. County Council Members are not the local planning authority for this area and were not principally elected to determine planning applications in their area, so the applications should be directed to Tunbridge Wells Borough Council to determine.
- Consent should not be given in advance of sight of the Construction Management Plan and further details on the biomass proposals.

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- Despite contrary claims, the whole proposals are clearly commercially oriented. Please consider this development as if it was within 35 yards of your own home.
- Concerned that planning officers and the Committee are not being given enough time to fully consider and respond to all residents' views, and disappointed that officers have not visited individual properties.
- The application documents and reports contain various misleading anomalies, errors and inaccuracies.

58. **The Sandown Park and Blackhurst Lane Local Community Group** has complied further documentation in response to the amendments to and further information on the planning application. The Group welcomes the Academy and believes that it would make a vital contribution to the lives and futures of young people in Tunbridge Wells and the surrounding area, but are concerned that:

- the inevitable escalation of the widely acknowledged and long standing traffic problems at Blackhurst Crossroads,
 - the construction activity and operational aspects of the Academy,
 - the additional parking difficulties,
 - the construction of an industrial level biomass heating facility,
 - the floodlit all-weather pitch on Site 2 and its public use, and
 - the building of new MUGAs on Site 1 alongside existing residential properties,
- would all combine to increase the risk of serious accidents to students and residents, and harm the lifestyles and interests of residents.

An executive summary of the further concerns is included at Appendix 2.

59. A petition has been received with 34 signatures from 11 properties in Ospringe Place objecting to the proposed location and hours of intended use of the MUGAs on Site 1:

“We all believe the relocation of the courts closer to Ospringe Place will cause a significant and detrimental effect to the residents' lives of all properties in the immediate locality. Notwithstanding the addition of an acoustic wall, the proposed extensive hours and the associated noise and light pollution will deprive us of our right to the quiet enjoyment of our gardens and homes.”

A copy of this petition is included at Appendix 3.

Discussion

Introduction

60. The application seeks planning permission for the redevelopment of the existing school site to provide a new 3/4 storey Academy. It involves alterations and additions to the existing sports centre (known as 'Blackhurst Lane Sports Centre'), the retention of an existing CDT block (referred to within the proposed plans as the 'Future Skills Academy'), the external provision of a new All Weather Pitch (AWP) on Site 2, 165 car parking spaces and 164 cycle spaces (to replace the existing provision), an external amphitheatre, dining terrace and energy centre on Site 1. It also includes the relocation of floodlit Multi Use Games Areas (MUGAs), the reconfiguration of a bus set down area and the provision of hard and soft landscaping. The application is being reported to the Planning Applications Committee for determination as a result of the objections received from local residents (as summarised in paragraphs 55-59). In considering this proposal, regard must be had to the most relevant Government Guidance/Statements and adopted Development Plan Policies as outlined in

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paragraph (39) and any other key material planning considerations relevant to take into consideration in the decision making process. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

61. As discussed in the proposals section above, the applicant submitted further information amending and amplifying the original application following the initial period of publicity and a second public exhibition held at the Academy by the applicant. The key changes as a result of this amendment included: the inclusion of highway junction improvements at Blackhurst Lane/Pembury Road/Halls Hole Road and the commitment by the applicant to implement these improvements prior to the first opening of the new Academy; the relocation of the Energy Centre (biomass boiler) within the envelope of the new Academy building; alterations to proposed hours of use, further acoustic details and mitigation measures for sports facilities on Sites 1 and 2; the submission of additional ecological information relating to Site 2; the closure of several pedestrian access points into Site 1; and the details of a Construction Management Plan. The applicant has also now withdrawn the previously proposed floodlighting element from the AWP on Site 2 pending further consideration.
62. The key planning considerations in this particular case can be categorised under the following headings:
- the principle of improved educational facilities on Sites 1 and 2;
 - the impact on the local and strategic road networks, highway safety and the adequacy of vehicle parking;
 - the visual impact on surrounding landscape and heritage designations;
 - residential amenity considerations from the proposed development on Site 1 and Site 2;
 - ecological considerations;
 - biomass and air quality considerations;
 - construction impacts; and
 - other issues.

Principle of improved educational facilities

63. Skinners Kent Academy formed in 2009 as part of the Government's Academies programme. It replaced a well established secondary school (Tunbridge Wells High School) principally located on a split site, whereby the main campus buildings are located on Site 1 and the main sports field on Site 2. The Academy serves the local area of Tunbridge Wells and surrounding outlying areas. There is also a well established sports centre (Blackhurst Lane Sports Centre) on Site 1 which serves both the Academy during school hours and the local community during out of school periods. In principle, the use of Site 1 as the main campus facility and Site 2 as the main playing field site is considered appropriate in planning terms and closely underpins the existing arrangements. Furthermore, the school's educational contribution to the local community is acknowledged in terms of an important community asset. It is noted that Core Policy 8 of the Tunbridge Wells Core Strategy seeks to maintain and enhance (where appropriate) the capacity, quality and accessibility of community facilities. Core Policy 1 of the Core Strategy states that priority will be given to the use of previously developed land for these purposes. I consider that the existing school buildings on the main campus site to be of no architectural merit sufficient to warrant preservation as opposed to their demolition and rebuilding with a purpose built educational building which would have clear benefits to

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pupils attending the school in the future. The Academy is reasonably well located in relation to public transport links and to walking and cycling routes of the immediate population it seeks to serve, and there is the potential to improve public transport measures to/from the site as detailed in the site's existing Travel Plan which seeks to reduce pupil drop-off and pick-up journeys from 13% to 8% by September 2012. Taking account of Core Strategy Policies CP1 and CP8, I see no reason, in policy terms, to presume against the principle of the redevelopment of educational facilities suitable for modern learning requirements on Sites 1 and 2.

Impact on the local and strategic road networks, highway safety and the adequacy of vehicle parking

64. The Transport Assessment (TA) which accompanies the planning application uses an agreed baseline of 750 pupils and 100 staff in order to assess the highway impacts of the proposal to increase the school roll following redevelopment up to 1150 pupils, supported by approximately 150 staff. This baseline figure was agreed between Kent Highway Services and the applicant at the pre-application stage. It is noted that the Highways Agency has confirmed (see paragraph 42 above) that they consider the submitted TA to have used an appropriate baseline model. It should be noted that the existing Academy operates significantly below the agreed baseline, with the school roll typically ranging between 400-500 pupils for some years. The TA has taken into consideration the impact of increased school traffic on the local and strategic road networks under different circumstances, including taking into account whether the proposed Tesco (Pembury) store redevelopment is implemented and the impact of the use of the new Pembury Hospital.
65. Members will note that all traffic to and from the school site has to use the nearby junction of Blackhurst Lane/Pembury Road/Halls Hole Road. Many existing road users from all directions have raised considerable concerns over the existing junction as part of these proposals. An intensification of the use of the Academy site from the agreed baseline of 750 pupils and 100 staff to the proposed 1150 pupils and 150 staff (and increase of 400 pupils and 50 staff respectively) would clearly increase the use of this junction on school days, although additional housing in recent years has increased traffic movements as well at all times. The Divisional Transportation Manager (see paragraph 41) has noted that this junction is acknowledged to operate over theoretical capacity at present, and therefore the option of 'doing nothing' to improve this junction would lead to the consequent likelihood of increased delays for those entering or leaving Blackhurst Lane. He goes on to identify that the local Highway Authority has long been aware of the need to manage traffic at this location but the lack of funds has prevented this from being progressed to date. He recognises that whilst some of the impacts resulting from a much larger school could be mitigated through the operation of a successful Travel Plan, it is accepted that there would be a noticeable increase in traffic movements, and that an already stressed highway network could not cope without a likely adverse impact on highway safety. Obviously the funds provided for the new school development must be invested in the school development and not used for remedying off-site highway problems. However, the Highway Authority would normally expect developers to pay towards any necessary highway improvement works, since it does not have the funds for such works itself. Under the circumstances, negotiations have taken place between the applicant, the Highway Authority and the Planning Authority to explore the potential for junction improvement here.
66. Proposals have now been submitted for signalisation of the junction as detailed above in paragraphs 33-34. The Divisional Transportation Manager is satisfied that these signalisation proposals would be functionally beneficial, although he recognises that

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there would possibly be some extra delays for through traffic on the A264 (Pembury Road) at the busiest times. The signalisation proposal has undergone necessary preliminary safety audits and technical assessments, with no significant concerns arising from them. The junction improvement works now form part of the planning application and the applicant has given a commitment to carry out these works prior to the first occupation of the new Academy. Statutory consultees were consulted and local residents notified of the proposed junction improvements in early February 2011 with 21 days to comment. The views received are summarised above in paragraphs 55-59.

67. Local Plan Policy TP4 recognises that within the Limits of Built Development (in which the site is located) the intensification of use of an existing access directly onto a primary or district distributor road must be demonstrated to not significantly worsen traffic delays or the risk of accidents. It stresses that traffic generated by the proposals should not compromise the safe and free flow of traffic or the safe use of the road by others. It requires that where a proposal necessitates highway improvements, the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development. I considered that in this instance there is sufficient justification to seek the applicant to undertake highway improvement works to the Blackhurst Lane/Pembury Road/Halls Hole Road junction to include traffic signalisation as part of their proposals. That would involve further safety and technical assessment of the proposed junction scheme, as detailed on page D1.10, the approval of the detailed scheme by the Highway Authority and full implementation prior to the first occupation of the new Academy. Based on the professional advice received from the Divisional Transportation Manager, I note that without such junction improvement the intensification of use of the Academy would otherwise be unacceptable in highway capacity and safety terms.
68. Members will note that the Borough Council (see paragraph 40) has requested that they be formally consulted on the highway details of this junction improvement scheme as they have specific concerns in relation to: (i) the avoidance of further congestion of Pembury Road in the vicinity, to the detriment of the town centre and town as a whole, caused by this development; and (ii) the occupation of the proposed development being conditional upon suitable highways details being agreed and implemented and the resourcing of the required highway works. Whilst I acknowledge the concerns raised, in my view sufficient details have been provided to enable the junction improvements to be agreed in principle and these were provided to the Borough Council under the second period of formal consultation on this application in early February 2011. The detailed design would be a matter for the Highway Authority to agree before giving the works final approval. On the basis that the signalisation works fall within the extent of existing highway ownership land, planning permission would not be required for the works per se, but the scheme should be a conditional requirement to be implemented (in accordance with final details to be agreed with the Highway Authority) prior to the first occupation of the new Academy, in the event that planning consent was granted in accordance with the advice of the Divisional Transportation Manager.
69. Local residents have expressed concerns that the junction improvements must be fully implemented prior to the commencement of construction activities. In the light of the Divisional Transportation Manager's views I do not consider that it is necessary or reasonable to require these to be carried out before construction commences. Furthermore, the time required to undertake further detailed safety and technical assessments of the proposed junction scheme before its final approval by the Highway Authority would, in my view, unreasonably jeopardise the delivery of this project. It

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should be borne in mind that the junction improvement is necessitated by the enlargement of the Academy and its roll number, and not by the actual construction activity.

70. The Highways Agency has raised no objections to the proposed development (see paragraph 42) and are content that the resultant traffic impact associated with the development would not result in a material impact on the strategic road network (i.e. the A21). However, they do not regard the predicted impact on the strategic road network junctions (i.e. the A21 slip road junctions on to/off the Pembury Road) as inconsequential given the existing peak hour congestion issues and therefore require the associated Academy Travel Plan to be robust. Tunbridge Wells Core Policy 3 encourages the increased use of sustainable transport such as walking, cycling and public transport and requires all significant traffic generating development proposals to provide a Transport Assessment and Travel Plan to demonstrate how car based travel can be minimised. As discussed above, the application is accompanied by a TA which details the predicted impacts of increased traffic movements on the local and strategic highway network. An existing School Travel Plan is already in place at the site which seeks to reduce pupil drop-off and pick-up journeys from 13% to 8% by September 2012. I consider that the school site is well related to the urban populations of Tunbridge Wells and Pembury, and therefore in my view is in a relatively sustainable location from a transport point of view. I support the views received from the Highways Agency in terms of the need for a new robust School Travel Plan, a view which is also shared by the Divisional Transportation Manager. I therefore propose that a condition be placed on any forthcoming planning consent requiring the submission for approval, the implementation and ongoing monitoring of a robust new School Travel Plan. I consider this approach to accord with general principles contained within National Planning Policy Guidance Note 13 and be consistent with the requirements of Local Plan Policy TP1.
71. A reconfigured and significantly enlarged car park is proposed on Site 1, consisting of 165 spaces compared to the existing on site provision of just 33. Car parking would be provided for Academy staff parking as well as the community out of school hours. Cycle parking provision would similarly be significantly upgraded to provide 164 bike spaces in stacked stores for the school use, with an additional provision of 10 covered and 24 cycle spaces for sports hall community use. A coach/bus drop off zone would be provided within the internal service road accessed from Sandown Park. The general arrangement and location of parking and drop off areas are deemed to be acceptable and I note that the Divisional Transportation Manager is satisfied that what is being proposed is appropriate without running the risk of undermining the objectives of the Travel Plan, which actively seek to encourage non car travel wherever possible. I am therefore satisfied that the proposals are in accordance with Local Plan Policies TP5 and TP9 and South East Plan Policy T4 in relation to parking provision. I also consider the proposals to accord to general principles contained in National Planning Policy Guidance Note 13. Furthermore, I recommend that in accordance with the Divisional Transportation Manager's views that the areas shown on site for vehicle parking and turning be provided and maintained solely for that purpose prior to the first occupation of the new Academy.
72. Concerns have also been expressed from local residents (as summarised in paragraphs 55-59) relating to problems with existing staff cars being parked in surrounding residential roads, notably Sandown Park and Blackhurst Lane, as opposed to within the campus site. It is acknowledged that given the current lack of parking on Site 1 staff regularly park outside of the Academy grounds. However, the parking provision proposed as part of this application should avoid such problems

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occurring to any significant degree in the future. In this respect, the Divisional Transportation Manager notes that it is possible that, in extreme circumstances, the proposed car park may not cater for all potential users. That is common to most developments and facilities are rarely ever designed to provide for the worst possible case. In this instance he has suggested that the situation be monitored by the County Planning Authority and Local Highway Authority and that funding be secured from the applicant to cover the installation of waiting restrictions on roads surrounding the Academy should they prove necessary at some point in the future. He has stressed however that at present it is not considered necessary or appropriate to promote such restrictions in anticipation of a problem which may not occur. I therefore propose that in the event of planning permission being granted, a condition be imposed to the effect that the applicant is required to fund the installation of reasonable waiting restrictions should they prove necessary in the future.

73. The Divisional Transportation Manager notes that the provision of an AWP on Site 2 would create a separate demand for car parking facilities outside school hours, but that facilities would be made available within Site 1 to accommodate adequate parking provision for such community use. It is therefore recommended that a condition be placed on any forthcoming consent to ensure that adequate parking provision be made available at all times within Site 1 for vehicle parking associated with the community use aspect of Site 2. In addition, a condition requiring a secure pedestrian link between the main school car parking area and Sandown Park be provided and maintained for users of the AWP (as detailed within the application).
74. The application proposes the closure of two of the three existing pedestrian access points to Site 1. An entrance on Sandown Park and the most southerly access at the junction of Sandown Park and Blackhurst Lane would be closed with boundary fencing erected to match the existing boundary treatment and infill vegetation planting where required. An informal lay-by used by parents dropping-off and picking-up students, occasionally causing congestion and road safety concerns for local residents, would be closed off, levelled, paved and kerbed to discourage such continued use. A condition would be imposed on any planning consent requiring the full reinstatement of this section of footway to the satisfaction of the Highway Authority.
75. Having considered the highway impacts of the proposed development, in relation to the local and strategic road networks, the impact on highway safety and the adequacy of on-site parking provision I am satisfied that the proposals are acceptable in planning policy terms and note that no objections have been raised by the Divisional Transportation Manager or the Highways Agency. For the reasons discussed above, I am satisfied that the timing of the junction improvement works should be fully implemented prior to the first occupation of the new Academy, but do not consider it is necessary or reasonable to require these works to be carried out before construction commences in light of the views received from the Divisional Transportation Manager. In my view, I consider this to be a reasonable approach, which would not significantly delay the commencement of the project pending further technical assessment and approval of a final scheme by the Highway Authority. I therefore recommend that the junction improvement works be a condition requirement of any planning consent. As outlined above, I also consider that highway related conditions in respect of on-site vehicle parking being provided and retained for the duration of the development, that vehicle parking be made available at all times on Site 1 for community uses associated with Site 2, footway reinstatement, a prior and post completion highway survey, code of construction practice, measures to guard against mud and debris on the public highway during works and the submission of a new School Travel Plan be made conditional requirements of any forthcoming consent.

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Visual impact on surrounding landscape and heritage designations

76. The application is accompanied by a Landscape and Visual Impact Assessment Report which the County Council's landscape consultant has considered to be sound in terms of its general approach and methodology. They consider that the zone of visual influence is reasonably well contained by the surrounding landform, woodland cover and built development and that there would be no significant change as a result of the proposed development on long distance views (greater than 1km). They also consider that the significance of visual effects (classified as 'minor adverse') would be experienced from close views (less than 250 metres away). The application has also assessed the heritage impacts of the proposed development on Site 1 and Site 2 in respect of the Pembury Road Conservation Area, as required by National Planning Policy Statement 5.
77. The built form of the new Academy building itself has given rise to very little objection from the local community and statutory consultees. It would however be striking in visual appearance and different in style and form from the design of existing school buildings on Site 1 and the built form of surrounding domestic development. That in itself is not considered to be a reason to presume against the proposed new Academy design, but instead I consider the design approach adopted to be appropriate for a modern purpose built educational building. I therefore would not raise concerns to the proposed building form which has been the subject of extensive pre-application discussions, subject to the final approval of a suitable quality and appearance of external materials. Furthermore, I consider that the design of the new Academy building to be appropriate for its setting, taking into consideration what it is trying to achieve in terms of being a striking 21st century educational building to inspire the future generations of secondary school pupils within the Tunbridge Wells area. I therefore consider the proposed new Academy to accord with general high-quality design and amenity principles contained in Core Strategy Policy CP5 and Local Plan Policy EN1. The outside spaces surrounding the new Academy building, the retained Sports Hall and Future Skills Academy buildings have been well thought out and comprise courtyard spaces between the new Academy 'wings', an external partially canopied amphitheatre and a generally well hard and soft landscaped site. The proposed development has been designed to retain, as far as was reasonably possible, existing mature trees which make a valuable contribution to the Conservation Area (located to the southern most part of the site) and the screening of the site from the surrounding street scene and nearby residential properties. I consider that the retention of the vast majority of this boundary vegetation makes an important contribution to protecting visual and residential amenity. I therefore consider that the built form and landscaping proposed on Site 1 are acceptable and broadly accords with Core Strategy Policy 4 and Local Plan Policies EN1 and EN13.
78. The vast majority of existing trees on Site 1 are proposed to be retained as part of the proposed development. Given the substantial benefit that these trees provide in terms of screening Site 1 from the adjoining Conservation Area and nearby residential properties I consider that sufficient protection should be afforded to them during all construction/demolition works. I therefore propose that a condition be placed on any consent requiring tree protection fencing to be installed and maintained surrounding all retained trees during proposed development works. I note that concerns have also been expressed in terms of an impact on trees to be retained surrounding Site 2 in terms of the installation of sections of proposed acoustic fencing. I therefore propose that in order to fully consider this matter in detail, in order to retain and avoid any unnecessary impacts on these trees, that a condition be placed on any consent

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requiring tree protection measures to be submitted for Site 2 prior to the commencement of any works.

79. The southern part of Site 1 is within the Pembury Road Conservation Area (as can be identified on page D1.4). In my view this part of the site would remain open from built development, with a dominance of mature soft landscaping retained, particularly at the site boundary. Whilst the demolition of the vast majority of existing school buildings on site and the construction of the proposed 3/4 storey Academy building would affect the setting of the Conservation Area in this locality, the impact would only be marginal and is considered to preserve and enhance the character of the Conservation Area in my opinion. The retention of the vast majority of mature trees on Site 1 together with their protection during construction activities, as detailed within the application, would help to ensure that there is no significant detrimental impact on the character and/or appearance of the Conservation Area. It is noted that Site 1 is located in relative close proximity to the west of the High Weald AONB and other locally designated landscapes, but given the separation distance from existing built development I am satisfied that the proposals would not have any significant effect on the High Weald AONB as they would not be clearly viewed in the foreground to or from the designated landscape. For the same reasons, I do not consider there to be any adverse impact on the openness of the Metropolitan Green Belt which is located broadly on the same boundary as the High Weald AONB (to the south of Pembury Road). Overall, I consider that the proposals for Site 1 comply with Tunbridge Wells Core Strategy Policy 4, Local Plan Policy EN5 and South East Plan Policies BE6 and C3. Furthermore, I consider the proposals accord with national planning policy guidance contained in PPG2 and PPS7.
80. Site 2 is located adjacent to two Areas of Landscape Importance (defined by Local Plan Policy EN22) to the east and west and an Important Landscape Approach (defined by Local Plan Policy EN23). The latter designation identifies Pembury Road as an Important Landscape Approach characterised by being lined principally by mature hedges and largely native trees which partly conceal built development and give the impression of the countryside extending into the built up area. The southern part of the site, fronting Pembury Road, is within the Pembury Road Conservation Area. Beyond the Pembury Road sits the boundary of the High Weald AONB (as shown on page D1.4) and Metropolitan Green Belt. I note that the County Council's Landscape Advisor (paragraph 45) considers that the AWP and associated 3 metre high welded mesh ('ball stop') and 3 metre high timber acoustic fence would not cause any significant effects on either the Pembury Road Conservation or High Weald AONB as the site is reasonably well enclosed by development and mainly deciduous vegetation. With the recent removal of the floodlighting columns which were previously proposed for the AWP on Site 2, any potential impacts on the Conservation Area and High Weald AONB are substantially reduced. On this basis, I do not consider it necessary to seek additional planting along the Pembury Road frontage of Site 2 as suggested by the Borough Council. I note that this request was made by the Borough Council at the time when the floodlighting elements were still being proposed. I propose however that the existing vegetation along this boundary be afforded suitable protection during the construction of the AWP, satisfying the requirements of Local Plan Policies EN13 and EN23. Based on the current proposals for Site 2, I am satisfied that the proposals comply with Tunbridge Wells Core Strategy Policy 4, Local Plan Policies EN5 and EN22 and South East Plan Policies BE6 and C3. Furthermore, I consider the proposals accord with national planning policy guidance contained in PPG2 and PPS7.

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Residential amenity considerations from the proposed development on Site 1 and Site 2

81. Members will note that residential concerns have been expressed regarding the potential use of the external amphitheatre on Site 1 outside of school hours, particularly for social gatherings/concerts. The applicant has confirmed that the amphitheatre would be used as an outside classroom, performance space, social gathering point and play area. It is not proposed to have any form of external audio or lighting equipment fitted in this area and it would be for the sole use of the Academy. I note that the Borough Council has recommended that a condition be placed on this specific aspect of the proposal to limit the use of the amphitheatre to between the hours of 08:30 to 19:30 Monday to Saturday, with no use on Sunday and Bank Holidays. In the interests of the preservation of surrounding residential amenity, I support that recommendation and propose that a condition limiting the hours of use of the amphitheatre to those suggested by the Borough Council be imposed on any forthcoming planning consent. Concerns have also been raised over the proposed external dining area as a potential noise nuisance. However, there is no intention for this area to be used commercially and its use by pupils is unlikely to cause any more disturbance than the current use of other outdoor parts of the site.
82. Acoustic details of all plant and equipment which would be installed on the roof/external façade to the new Academy building have been requested for later approval by the Borough Council (see paragraph 40). On the basis that there is potential that any external plant/equipment installed on the external façade/roof of the new building could lead to noise concerns at nearby noise sensitive receptors, I suggest that a suitable condition be placed on any decision requiring the submission for approval of acoustic details relating to all external plant/equipment proposed.
83. Acoustic details have been provided on the day-to-day operation of the biomass boiler, together with predicted noise levels which would be experienced when fuel (wood pellet) deliveries arrive at the site. The boiler itself would be located within the new Academy building, with its day-to-day operation not considered to present any acoustic concerns outside of Site 1. Increased noise levels are expected to be experienced at the nearest residential properties (located some 50 metres away) during the fuel delivery process which is expected to occur, at a maximum, of every two weeks during peak winter months. This process would use a pneumatic blower to transfer wood pellets from the delivery vehicle to the fuel store located within the main building. This process is expected to last between 45-60 minutes from the time that the delivery vehicle arrives at the site. The County Council's Noise Consultant has considered the detail submitted by the applicant in terms of noise impact associated with the delivery of biomass fuel and has requested that a condition be placed on any consent ensuring that the rating level emanating from the facility at nearby residential premises when assessed in accordance with BS 4142 shall not exceed the background noise level by +5 dB. I therefore propose that this requirement be placed on any forthcoming consent and accordingly request the applicant submit details for the prior approval of the County Planning Authority of how this requirement would be met.
84. Members will note that the existing floodlit MUGAs are proposed to be extended and relocated further north on the north western part of Site 1, adjacent to the site boundary with Blackhurst Lane. These new pitches would be illuminated by a total of 16 (8 metre high) flood lighting columns with flat glass type fittings specified to minimise light spill. It should be noted that two existing floodlit MUGAs are located in a broadly similar position, although the proposed floodlit MUGAs would extend closer to the rear boundaries of rear properties in Ospringle Place and the key worker flats at

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Cecil Kirby House. At the closest point, the nearest part of the proposed floodlit MUGA pitch would be located some 30 metres from the rear façade of no. 3 Ospringe Place, 17 metres from the western façade of Cecil Kirby House and some 18 metres from the front façade of The Lodge (located to the west of the proposed courts and separated by Blackhurst Lane). This compares to the existing floodlit MUGAs currently on site which are located some 75 metres from the rear façade of no. 3 Ospringe Place, approximately 25 metres from the western façade of Cecil Kirby House and some 18 metres from the front façade of The Lodge. The existing floodlit pitches on Site 1 are lit by 8 metre high lighting columns.

85. The associated amenity impacts of the proposed new pitches need to be considered in respect of acoustic and lighting impacts, having regard to the existing consented floodlit sports pitches already located on Site 1. It should be noted that the Borough Council granted permission for these pitches in 1997 (under application reference: TW/97/00925) whilst the school was outside of County Council control. This consent granted by the Borough Council allows for use of the existing floodlit pitches until 22:30 seven days per week, including Bank Holidays. The Borough Council has informed me that their Environmental Protection Team is currently investigating a complaint of noise nuisance caused by the use outside of school hours of the MUGAs and has recently completed noise monitoring using recording equipment within the complainant's home. They have advised me that the outcome of this investigation is still ongoing and that representatives of the School and the company who run the facility will be contacted separately in this regard. Whilst I note this ongoing issue, I consider that this matter is one which the Borough Council is dealing with relating to the sports pitches for which they granted planning consent themselves for. The noise and visual amenity aspects of the proposed new sports pitches should, in my opinion, be considered on their own merits, separately from this ongoing complaint.
86. The applicant has provided an acoustic assessment in respect of the proposed floodlit MUGAs on Site 1. This assessment considers the potential noise impact on surrounding noise sensitive receptors through comparing noise levels currently experienced from the existing floodlit facilities against those likely to occur with the proposed relocated facilities. This assessment has led the applicants to propose the installation of 3 metre high timber acoustic fence along the western boundary of the MUGAs (adjacent to Blackhurst Lane), to the northern boundary of the MUGAs (facing the boundary with properties in Ospringe Place), and to the eastern boundary of the MUGAs (facing the boundary with Cecil Kirby House). I note that residential concerns have been expressed regarding a current gap in the proposed acoustic fence, almost opposite The Lodge, causing a weak point in the overall acoustic mitigation strategy. I have discussed this issue with the applicant further and have agreed that a continuous boundary of 3 metre high acoustic fence should be located along the entire length of the western site boundary adjacent to the proposed MUGAs. As the details of fencing provided by the applicant at this stage are indicative, I recommend that the exact positioning and specification of the acoustic fence at this location be reserved for later consideration. The intention is to also plant up against the acoustic fence to help soften its visual appearance within the site and from surrounding areas, which from a visual perspective is supported in principle. It should be noted that at present there is no acoustic fencing on Site 1 to assist with noise attenuation from the existing floodlit MUGA facilities. Members will note that the acoustic assessment of proposed sports pitches on Site 1 has been assessed by the County Council's Noise Advisor (see paragraph 46), who considers that with the introduction of a 3 metre high acoustic fence, noise level exposure from the proposed sports pitches at nearby residential properties would be no worse than that currently experienced from the existing use of

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the netball courts and considers that the aural environment would likely be improved, with reductions in both aural noise level and peak noise levels.

87. The applicant has provided details of vertical and horizontal light spills associated with the proposed relocated MUGAs. These details have been assessed by the County Council's Lighting Consultant (see paragraph 47) who raises no objections to the proposals, noting that the submitted light spill drawings show lighting levels of 2-3 lux falling on the ground on the side of Blackhurst Lane and up to 2 lux on the façade of an adjacent property (The Lodge). It should be noted that the section of Blackhurst Lane northwards beyond the main school vehicle entrance is not lit with streetlights, which would typically provide 2-3 lux on neighbouring properties, whilst the section between the Pembury Road junction and the school entrance on Blackhurst Lane has streetlights. These light spill levels are considered by the County Council's Lighting Consultant to be acceptable when considered against Best Practice guidelines, contained in the Institute of Lighting Engineers' Guidance Notes for the Reduction of Obtrusive Light. It should be noted that these Best Practice guidelines allow up to a maximum level of 5 lux limit on windows of surrounding properties in suburban areas. Based on the technical advice received in this respect, I am satisfied that the proposed sports pitch floodlighting is acceptable in planning terms and would not constitute unacceptable harm to surrounding residential amenity when considered against the existing floodlighting currently installed on Site 1. I therefore consider the proposed lighting scheme to accord to the general principles contained in Local Plan Policy EN8.
88. Having considered the acoustic and lighting details relating to the Site 1 sports proposals, it is important to consider the hours of use of the proposed pitches. The applicant has sought that hours of use of floodlit sports pitches be limited to between the following times: Monday to Friday 07:30-22:30; Saturday 08:00-22:30; Sunday and Bank Holidays 08:00-22:30. Whilst I acknowledge that a principle was established by the Borough Council in granting permission for floodlighting on Site 1 up until 22:30 seven days per week (including Bank Holidays), I am mindful that the proposed pitches would be located closer to residential properties as outlined in paragraph (84) above. In view of that, and in order to preserve residential amenity, I propose that the hours of use proposed by the applicant relating to Site 1 be further reduced by planning condition to a level I consider to be acceptable in the event of permission being granted. I note that the Borough Council has expressed the view (see paragraph 40) that the hours of use of the proposed sports facilities should be limited to between the hours of 08:30-19:30 Monday to Saturday and not at all on Sundays and Bank Holidays. In order to strike a suitable balance between the wider benefits to sport (in terms of extended hours of use by the community out of school hours) and the preservation of residential amenity, I recommend that the hours of use of the floodlit sports pitches on Site 1 be limited, by condition, to between the following periods: **Monday-Friday 08:30-22:00; Saturday 08:30-21:00; Sunday and Bank Holidays 08:30-20:00**. I do not support the Borough Council's views that the proposed hours of use should be curtailed to 19:30 on weekday and Saturday evenings, with no use on Sundays or Bank Holidays since that would barely allow time for Academy use and very little time for community use. Moreover, that approach could not, in my opinion, be justified in planning terms based on the acoustic mitigation measures proposed by the applicants (to include 3 metre high acoustic fencing), and in light of the professional technical advice received from the County Council's Noise Consultant (as detailed in paragraph 46).
89. The upgrade and intensification of sports facilities on Site 2 have attracted a high level of objection from the local community (as summarised in paragraphs 55-59 above). The proposals involve the construction of an AWP measuring some 82x55 metres

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(plus runoff) on the southern end of the site, nearest to Pembury Road. The pitch would be constructed with third generation polyethylene sand and rubber filled synthetic grass. The original proposal sought permission for the floodlighting of this pitch, with 14 ten metre high lighting columns. The applicant has now withdrawn the floodlighting element of the proposed development on Site 2, pending further investigations of lighting possibilities, but still seeks permission for the installation of the AWP surface and associated infrastructure. An additional grass mini football pitch/rugby pitch would be located to the north of Site 2 adjacent to Sandown Park, with a 100 metre running track proposed along the north eastern boundary of the site and a grass shot put area in the northern corner of the field.

90. Members should note that Site 2 currently forms the main grass playing field for the Academy. The use of this site is currently uncontrolled from a planning perspective, in that the Academy is free to use this existing facility during hours chosen by them with no planning control. The current site is however constrained in sporting use terms by existing daylight hours and suffers heavily from becoming waterlogged during winter months and therefore it is not used as extensively as it could be.
91. The construction of the AWP would arguably intensify the use of Site 2 beyond that experienced at present. An acoustic assessment of the proposed AWP on Site 2 has been submitted by the applicant which assesses noise impacts through the use of typical noise data from a 5-a-side football game that has 8 pitches in simultaneous and continuous use and comparing this to background noise level readings measured at the site. This assessment has led to the applicant proposing the erection of 3 metre high timber acoustic fencing to help mitigate the impacts of noise arising from the use of the AWP on surrounding noise sensitive properties, including the Seven Springs residential care facility. However, in the light of objections to the visual intrusion of acoustic fencing on parts of the site boundary, the applicants have now agreed instead to have acoustic fencing located on the north eastern and south western boundaries of the AWP itself, with a slight 'wrap-around' on the northern and southern edges to limit noise diffraction. Two further sections of 3 metre high acoustic fencing are now proposed along the north eastern and south western field boundaries, adjacent to the ends of the grass mini football/rugby pitch. An upgrade of fencing would take on the boundary between the playing field and three bungalows within the Seven Springs residential care facility, subject to further discussion taking place regarding the specification and exact positioning with users and the centre manager in due course. The fencing strategy for Site 2 has therefore been provided by the applicant as an indicative scheme at this stage, the final detail, specification and location of which should be secured by planning condition if planning permission is granted.
92. Hours of use of Site 2 (AWP and grass pitch/areas) are proposed within the application to take place between the following periods: Monday to Thursday 07:30-21:00; Friday 07:30-20:00; Saturday 10:00-16:00; Sunday and Bank Holidays – no use. These hours of use currently proposed were reduced by the applicant following the initial period of publicity on this application and in light of a substantial number of complaints from local residents. The applicant had previously proposed hours of use up until 22:00 hours seven days a week. The hours set out above have not been changed by the applicant as a result of the recent withdrawal of the floodlighting elements. However, in order to strike a suitable balance between the benefit to sport (in terms of extended hours of use by the community out of school hours) and the preservation of residential amenity, I recommend that no hours of use on Site 2 commence before 8:30am Monday to Friday. This approach would be consistent with the proposed start times of sports pitches on Site 1. I therefore recommend that in the

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event of planning permission being granted, the hours of use of Site 2 (AWP and grass pitch/area) be restricted by condition to only take place between the following periods: **Monday to Thursday 08:30-21:00; Friday 08:30-20:00; Saturday 10:00-16:00; Sunday and Bank Holidays – no use.** Members should note that in the absence of floodlights on Site 2, the maximum use during winter evenings would be substantially curtailed beyond the hours I have suggested due to the lack of daylight hours.

93. The County Council's Noise Consultant has considered the acoustic assessment provided in respect of Site 2, noting that floodlighting on this site has now been withdrawn. He considers that the noise levels emanating from the use of the sports pitch (without acoustic fencing) is likely to result in adverse noise impacts at nearby properties for a variety of time periods, with noise levels increasing by up to 7 dB. He notes that further details provided by the applicant in respect of noise barrier calculations demonstrate the effectiveness of the proposed 3 metre barrier in attenuating noise levels from the pitches at the surrounding properties and that the calculations shown that a 3 metre high fence would give a noise reduction of between 10 and 15 dB. He considers that the inclusion of a 3 metre high acoustic fences along the north eastern edge of the pitch, together with a barrier along the south western perimeter of the pitch would produce the required noise reduction to reduce the impact of the pitches use. He therefore does not raise objection to the construction and use of the AWP on Site 2.
94. I recognise that the withdrawal of floodlighting columns from the AWP on Site 2 has significantly reduced amenity impacts on surrounding residential properties in relation to lighting issues. I understand that the applicant intends to further consider the issue of floodlighting on the proposed AWP in the future and note that should they wish to pursue this option they would need to apply for planning permission under a separate application. Any permission granted for these current proposals would ensure that no floodlighting could be installed at the site under that consent, but that would not stop the applicant from submitting a further planning application for the installation of floodlighting on this site in the future. This would need to be considered on its planning merits at the time any application was made.
95. On balance, I am satisfied that on the basis of the technical and professional advice received from consultees, the mitigation measures proposed by the applicant, and the reduced hours of use of floodlit sports facilities on Site 1 and a reduced start time of sports facilities on Site 2 that there are no overriding amenity considerations sufficient to warrant objection to the current sports proposals on Sites 1 and 2. Furthermore, I consider the proposals to have a positive impact on the benefits to sporting facilities of the Academy, and note that Sport England has not raised any statutory objections to the proposals. I note that Sport England have expressed some concerns that the removal of the floodlighting element of the proposed AWP and the reduction in its hours of use would seriously hinder the potential benefit (to the development of sport) of the AWP, in turn considering that the AWP would provide little or no benefit over and above the existing position. However, I am satisfied that there would be clear and demonstrable benefits to the installation of the AWP from the Academy's curriculum perspective given the current difficulties experienced on this field at present through a waterlogged pitch during winter months. I therefore see no reason to presume against the installation of the AWP on Site 2.

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Ecological considerations

96. The application is accompanied by a Phase 1 habitat survey undertaken for Site 1 which identifies that the presence of protected species within the site is possible, and makes a number of recommendations for limited measures to be taken into account before and during development works within this site. The recommendations for Site 1 do not require further survey work to be undertaken in respect of any protected species, including birds and bats. More recently a Ecology Survey was submitted in respect of Site 2 which details that the proposals for this site are considered unlikely to have any direct impact upon Protected Species. Instead, the report for Site 2 identifies precautionary measures to take into account when installing the proposed acoustic fencing. Members will note that the County Council's Biodiversity Officer (see paragraph 48) is satisfied that the ecological importance of Sites 1 and 2 have been adequately assessed. Furthermore, they advise that a condition should be placed on any consent requiring the recommendations for precautionary mitigation be carried out for both sites prior to development. I am therefore satisfied that ecological considerations have been satisfactorily addressed in this instance and consider the proposal accords with Core Strategy Policy CP4, Local Plan Policy EN14 and South East Plan Policy NRM5. Furthermore, I consider the approach taken in this instance to be consistent with best practice guidelines contained in National Planning Policy Statement 9.

Biomass and air quality considerations

97. The proposed energy centre has provoked many objections from local residents, initially because of its late inclusion as the proposals were evolving, but also because of its originally proposed location and appearance as a stand alone building, the delivery of the fuel supply by lorries, and the danger of harmful odours and emissions. Note that there has never been any intention to import household waste or any other form of waste to this site as an energy source, which would be an entirely different type of planning application. Biomass energy is a relatively new form of harnessing energy from renewable fuel supplies, unlike coal, oil and gas, and is therefore being strongly promoted by both Government and several environmental bodies. In April 2010 the Government will introduce the Renewable Heat Incentive, which will provide financial incentives for the development of alternative energy technologies such as biomass in new housing developments, hospitals, schools/colleges, hotels and public buildings. As part of the Carbon Reduction Commitment, Kent County Council is duty bound with all other local authorities to reduce its carbon outputs, and to aim for carbon neutrality where opportunities for major rebuilding of public buildings arise. Achieving low carbon emissions has also been a design stipulation for the new academies and schools built under the Building Schools for the Future initiative, and is a key aspect of attaining the sought after "Very Good" BREEAM rating for the environmental performance of the buildings. The general concept of supporting the use of renewable energy is supported by Tunbridge Wells Core Policy 5, South East Plan Policy CC2 and National Planning Policy Statement 23.
98. Biomass heating not only relies on a supply of wood from sustainable/replaceable sources, but also uses highly efficient boilers with significantly lower production of ash and emissions, compared to more conventional heating systems. It is certainly not untested technology, and contrary to some of the local opinions is a cleaner form of combustion than most domestic heating systems, which involve high carbon release and potentially harmful fumes when improperly maintained. The smart technology employed in modern biomass plant ensures constantly monitored combustion

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efficiency, thereby greatly maximising heat capture and minimising the release of emissions. Nor is biomass technology new in Kent or in County Council buildings, since it is employed at Shorne Wood Visitor Centre, and several new secondary schools in Gravesend and Maidstone; in Tunbridge Wells it is used at St. Augustine's Catholic Primary School. At the main Skinners School site, renewable energy and energy efficiency are key elements of their curriculum, and various commendable projects have been pursued including the installation of photo-voltaic panels. Assessment work has identified reductions in carbon emissions of 90%, and the initially higher installation costs are soon offset by the savings on fuel costs. Even allowing for the transport of imported fuel to the site, according to research, the carbon emissions from wood based heating fuel are over 7.5 times lower than from mains gas and over 11 times lower than from oil. Under the circumstances, I would contend that the objections to the proposed energy plant on the basis of harmful emissions and sustainability are greatly unfounded.

99. The applicant has submitted a report detailing that the operation of the proposed biomass boiler would be operated within the limits of the Clean Air Act. It also notes that the application site is not within an Air Quality Management Area (AQMA). A specific biomass boiler has not been selected at this design stage, although the report has assessed a number of different boilers. The report details that the combustion process with commercial wood pellets is efficient and clean. The pellets are combusted at a very high temperature with a secondary combustion process to combust the gas emissions from the heated fuel bed. Due to this double process, many commercial wood pellet boilers are certified for use in smoke free areas. Particulates are released during the burning of solid fuels but pellets have been chosen over wood chip partly because they are cleaner burning and the quality of the fuel is better controlled to give a more consistent combustion. Exact levels of particulate emissions vary between boilers. On the basis that the exact biomass boiler has not been chosen by the applicant at this stage, I recommend that a condition be placed on any decision requiring the submission of details for approval relating to the specification of the boiler and a full assessment of any potential air quality impacts. This approach is supported by the County Council's Air Quality advisor.
100. I also note the advice received from the Environment Agency (see paragraph 43) which advises the applicant of the need to apply for an Environmental Permit to operate the proposed biomass boiler. The issues surrounding air quality impacts would also therefore be fully considered by the Environment Agency at such time as an Environmental Permit application is made by the applicant.
101. In respect of increased traffic movements associated with the proposed Academy redevelopment as a whole, the applicant considers that the proposals would not generate the level of traffic (+/-5%-10% AADT) on Pembury Road to trigger the need for an air quality assessment. It is noted that Pembury Road is not within an AQMA, and neither the Divisional Transportation Manager or the Highways Agency raised the need for an Air Quality Assessment at the application scoping stage for the Transport Assessment. The County Council's Air Quality Advisor (see paragraph 46) states that he also considers there to be no requirement for the applicant to undertake further air quality assessment in respect of this application on the basis of additional traffic movements. In this regard, it needs to be borne that vehicle numbers on Pembury Road are likely to increase generally because of various permitted (and future) development in the locality irrespective of the predicted growth of the Academy.

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Construction issues

102. A construction traffic management plan has been submitted as part of the further information requested from the applicant. This plan details measures proposed for key phases including the new build on Site 1, the construction of the AWP on Site 2 and the demolition of existing school buildings on Site 1. It details routeing arrangements for both sites, that there would be no waiting of construction vehicles in roads adjacent to the site, that construction related vehicles would be held in a holding area within the construction access road, that wheel washing facilities would be available for the duration of groundworks and that deliveries would not be permitted between the following key school times: 08:45-09:15 and 15:15-15:45. The plan details that during construction of the new Academy on Site 1, all vehicles would use a dedicated construction site entrance on Sandown Park. All construction traffic would be directed from Blackhurst Lane immediately onto Sandown Park, with appropriate signage along Blackhurst Lane to advise no access for construction traffic. During the construction of the AWP on Site 2, the same principle would be applied whereby all construction traffic would be directed directly off Blackhurst Lane down Sandown Park. In contrast, during the demolition phase construction traffic would use the existing vehicle entrance on Blackhurst Lane, with appropriate signage advising all construction vehicles of no access for construction traffic along Sandown Park. Recent confirmation has been provided by the applicant that construction delivery vehicles would come straight to the site and be held on site if necessary, as opposed to the previous suggestion that some vehicles may be held in lay-bys on the A21 and called to the site on an individual basis.
103. Given that there are neighbouring residential properties in close proximity to Sites 1 and 2, if planning permission is granted, it would, in my view, be appropriate to impose a condition restricting hours of construction for the Academy project in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 08:00 and 18:00 Monday to Friday and between the hours of 09:00 and 13:00 on Saturdays, with no operations on Sundays and Bank Holidays. Whilst some residents have asked for more strict hours, that would arguably lengthen the construction period and any associated inconvenience it might involve.
104. Members will note that the Borough Council has recommended that a Code of Construction Practice be submitted for approval. They suggest that the Code covers (amongst other matters) aspects such as an indicative programme for carrying out the works; measures to minimise the production of dust on the sites; measures to minimise noise (including vibration) generated by the construction and demolition process; design and provision of site hoardings; measures to manage the production of waste and to maximise the re-use of materials and measures to minimise the potential for pollution of groundwater and surface water. Given the sensitivities surrounding the application sites, I consider that such request is justifiable in this instance. I therefore propose that a condition be placed on any forthcoming consent requesting the submission of a Code of Construction Practice for approval prior to the commencement of development. The provision of such a strategy would also address the conditions required by the Divisional Transportation Manager with regards to construction activities.
105. In addition, the Divisional Transportation Manager has recommended that prior to commencement of any works, a pre-construction highway condition survey be undertaken in Sandown Park and Blackhurst Lane. A post completion survey should then be undertaken and completion of any consequential remedial measures undertaken as appropriate. I recommend that this measure be secured by planning

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condition and would, in my view, avoid potential discrepancies relating to damage caused to the surrounding road network superficially by construction activities, rather than general wear and tear.

Other issues

106. The County Council's Archaeological Advisor (see paragraph 49) has raised no objections to the proposals, subject to the imposition of a condition to cover a programme of archaeological work, including a historic site survey and a watching brief on below ground works. I agree that such measures are justifiable in this instance, are consistent with the general guidelines contained in National Planning Policy Statement 5, and therefore recommend that a condition be placed on any consent to this effect.
107. The Environment Agency has also raised no objections to the proposals, subject to the imposition of a condition being placed on any consent covering ground contamination. I support this approach, which I consider to be consistent with general guidelines contained in National Planning Policy Statement 23.
108. The County Council's Lighting Consultant (see paragraph 47) recommends that lighting details for the proposed car park and general areas be submitted for consideration. Furthermore, he recommends that the lighting should be designed to achieve an average of 10 lux with a uniformity of 0.25 which would be in accordance with Best Practice. I support this view and recommend that such detail be secured by condition for later consideration. I further recommend that an informative is placed on any decision advising the applicant of the recommended car park/general areas lighting design. This approach would allow the County Planning Authority to assess the impacts of this element of site lighting at a later date in the interests of preserving nearby residential amenity, notably against Tunbridge Wells Borough Local Plan Policy EN8.
109. In accordance with the advice from Southern Gas Networks (see paragraph 51), I propose to include an informative on any decision advising the applicant of the presence of Low/Medium/Intermediate pressure gas mains in proximity to the application sites. However, the presence of gas mains within and close to the development site is not in itself any reason to presume against the proposed development, since such services would need to be introduced were they not already present.
110. Concerns have also been raised by some residents over procedural aspects. In particular, it has been suggested that the application should be dealt with by the District Planning Authority and that Planning Authorities considering the development proposals by another arm of their own authority is at variance with Human Rights issues. Members will be fully aware that the Planning Legislation requires all Planning Authorities to consider their own authority's planning applications, be they County, District or Unitary Authorities, and has been the case since 1992 (and 1976 prior to that). Whilst the Human Rights Act has emerged subsequently, its provisions have been introduced into the town and country planning procedures by Government, and it is not within the gift of Local Authorities to amend legislation to further enshrine human rights issues. In the event that UK planning legislation was deemed to be deficient with regard to human rights, it would be a matter of challenging Government through the High and European Courts. It has also been suggested that the application has not been properly screened under the Environmental Impact Assessment procedures, on

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the basis that the cumulative effects of the total development have not been taken into consideration. As mentioned previously, there are no current proposals for the rest of the school site, and Site 3 is therefore not part of the application. Whilst the applicants have indicated for information purposes that Site 3 is hoped to be used in the future for a cricket pitch with an ancillary sports pavilion/equipment store, there are currently no other proposals for this land, which was excluded from consideration for further built development at the pre-application planning stage because of its location within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty. Under the circumstances, the EIA screening opinion has correctly taken into consideration the totality of the proposed development.

111. Whilst some residents have clearly gone to a lot of trouble to document what they regard as errors and misleading points in the planning application and its supporting documents, it is not necessary to itemise every point of detail in this report, which deals principally with the main determining issues. In any case, where appropriate many of the items have either been corrected, superseded by amendments to the proposals or are generally immaterial. Moreover, if permission is granted, some of these points would be addressed by further detailed submissions reserved by condition.
112. The County Council's Planning Applications Group has had proper regard during the processing of this planning application for the requirements of the Human Rights Act 1998 and the Equality Act 2010, including engagement with those with protected characteristics.

Conclusion

113. The application proposes new Academy buildings and associated sports facilities on well-established education sites. In principle, I therefore see no overriding objection to the proposed development. The proposal would provide a significant improvement in the provision of new and modern education and community facilities together with a building of a high standard of design in terms of external appearance and finishes. Whilst I note that a significant amount of local concern has been raised to the proposals, primarily relating to highway, amenity, building and procedural issues, I am satisfied that based on the professional advice received from technical consultees that subject to the imposition of conditions as set out below, the proposals are acceptable in planning terms. I consider that subject to the implementation of the Blackhurst Lane/Pembury Road/Halls Hole Road junction improvements prior to the first occupation of the new Academy, the proposed acoustic measures to mitigate the impacts of sports facilities on Sites 1 and 2, and the reduced hours of use of sports facilities on both Sites 1 and 2 as recommended within this report, the proposals accord with the general aims and objectives of the relevant Development Plan Policies and there are no other material planning considerations that indicate that planning permission should not otherwise be granted. I therefore recommend accordingly as set out in paragraphs (114) and (115) below.

Recommendation

114. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions to cover (amongst other matters) the following:
- 5 year implementation period;
 - the development to be carried out in accordance with the permitted details;

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- junction improvements implemented in full (in accordance with final details to be agreed with Highway Authority) prior to first occupation of new Academy;
- on-site vehicles parking and turning areas be provided (as detailed within the application) prior to first occupation of new Academy and maintained in perpetuity thereafter;
- coach, vehicle and cycle parking (as detailed within the application) shall be made available for community use associated with Sites 1 and 2 at all times when the community facilities are in use;
- pedestrian link between the main Academy car park area and Sandown Park (to access sports facilities on Site 2) be provided and maintained for users of the AWP;
- pedestrian footway reinstatement at existing pedestrian entrance to be closed as detailed within the application to include full kerbing;
- pedestrian enhancement facilities be carried out (as detailed within the application) prior to the first occupation of the new Academy;
- prior to commencement of works, a pre-construction highway condition survey shall be undertaken in Sandown Park and Blackhurst Lane, together with a post completion survey and completion of any consequential remedial measures;
- measures to guard against the deposit of mud and debris on the public highway during construction/demolition operations;
- requirement for applicant to fund the reasonable installation of waiting restrictions on surrounding residential roads should they prove necessary in the future;
- submission of a new School Travel Plan, its implementation and ongoing monitoring;
- submission of a Code of Construction Practice;
- details of ground contamination;
- submission of lighting details for car park/general areas for approval;
- full implementation of ecological recommendations for precautionary mitigation carried out prior to commencement of development;
- programme of archaeological work, including a historic site survey and watching brief on below ground works;
- submission of external materials for approval;
- submission of acoustic details of all external plant/equipment on new Academy building;
- details and specification of all fencing proposed on Sites 1 and 2 for approval;
- hours of construction limited to: Monday to Friday 08:00-18:00, Saturday 09:00-13:00; Sunday and Bank Holidays – no operations;
- submission of detailed landscape/vegetation planting schemes for Sites 1 and 2, implementation within first planting season following the completion of development and maintenance for period of 5 years thereafter;
- tree protection details implemented on Sites 1 and 2 in accordance with British Standard 5837:2005 (Trees in Relation to Construction);
- noise levels of biomass fuel deliveries be limited to ensure that the rating level emanating from the facility shall not exceed the background noise level at nearby residential properties by +5 dB when assessed in accordance with BS 4142;
- hours of use of floodlit MUGAs (Site 1) be limited to: Monday to Friday 08:30-22:00; Saturday 08:30-21:00; Sunday and Bank Holidays 08:30-20:00;
- hours of use of AWP (Site 2) be limited to: Monday to Thursday 08:30-21:00; Friday 08:30-20:00; Saturday 10:00-16:00; Sunday and Bank Holidays – no use;
- hours of use of external amphitheatre (Site 1) be limited to: Monday to Saturday 08:30-19:30; Sunday and Bank Holidays – no use; and
- details of biomass boiler be submitted for approval.

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115. I FURTHER RECOMMEND that the applicant be advised by way of INFORMATIVES the following matters:

- the applicant is required to seek an Environmental Permit from the Environment Agency to operate the proposed biomass boiler;
- the applicant be advised of Low/Medium/Intermediate pressure gas mains in proximity to the application sites;
- the applicant be advised that lighting for the car park/general areas be designed to meet an average of 10 lux with a uniformity of 0.25 to meet ILE Best Practice guidelines.

Case officer – Julian Moat 01622 696978
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Background documents - See section heading
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