

## Item D6

# Retrospective application for the relocation of earth mound and slide, Cartwright & Kelsey Primary School, Ash, nr Canterbury – DO/06/1424

A report by Acting Head of Planning Applications Group to Planning Applications Committee on 13 February 2007.

Application by the Governors of Cartwright & Kelsey Primary School and Kent County Council Children Families and Education for the retrospective permission for the relocation of earth mound and slide, including ancillary works on landscaping and fencing, Cartwright & Kelsey Primary School, Ash, nr Canterbury – DO/06/1424.

Recommendation: Planning permission be refused

Local Member(s): Mr. L. Ridings

Classification: Unrestricted

### Site

1. The new Cartwright and Kelsey Primary School is located just to the north-west of Ash centre within a residential area. The site comprises the new school buildings, a car park, hard play area and playing fields. Vehicular access is via School Road, with a further pedestrian-only access via Molland Close. A Public Footpath runs along the western boundary of the site. The school playing field is designated as an Open Space in the Dover District Local Plan.

*A site location plan is attached on the next page.*

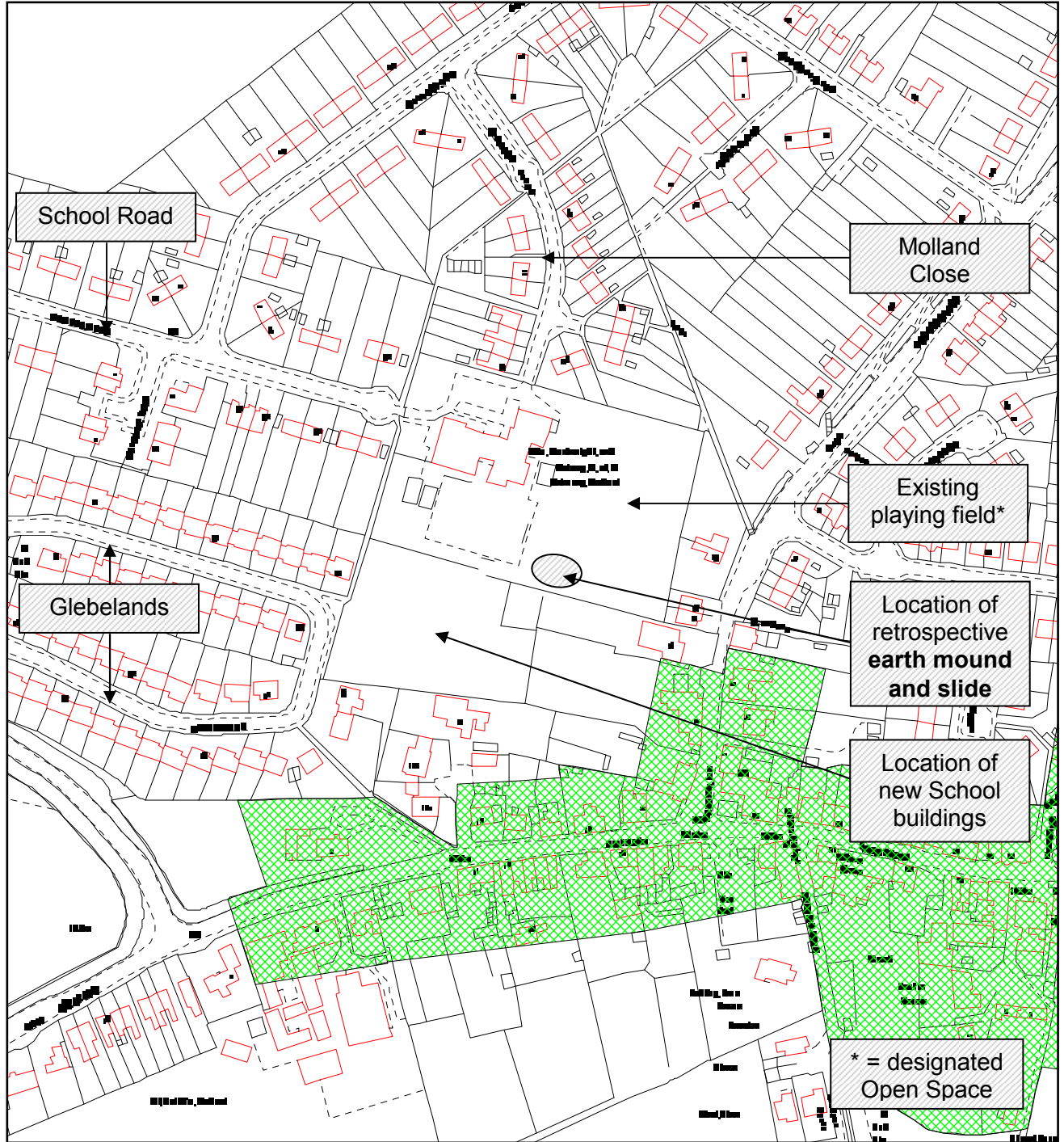
### Background and Proposal

2. Ash Cartwright & Kelsey Primary School has recently had new school buildings which were opened in 2005. The new buildings are situated directly south of the former 1960s building that they replaced under permission reference DO/03/339.
3. The application has been jointly submitted by the Governors of Cartwright & Kelsey Primary School and KCC Children, Families & Education, and seeks retrospective permission to retain an earth mound and slide, along with associated ancillary works on landscaping and fencing.
4. The applicants state that the reason behind the application is that the slide was originally part of the school play area where the new school building now sits, hence the relocation took place when the new school was constructed. It has been stated by the applicant's that an earth mound and slide have been present on the site for many years, with its original location on the south-eastern boundary adjacent to the neighbouring residential plot. The current location, as shown on the site location plan, has been chosen by the applicants to avoid any detrimental impact on the size and use of the adjacent sports field. The applicants also claim that the School has paid particular attention to safety and supervision by keeping the slide near the school building and the existing playground.
5. It is stated within the application documents that the applicants do not have any other alternative location for the earth mound and slide.

# Item D6

## Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424

### Site Location Plan



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Ash Conservation area shown hatched

Scale 1:2500

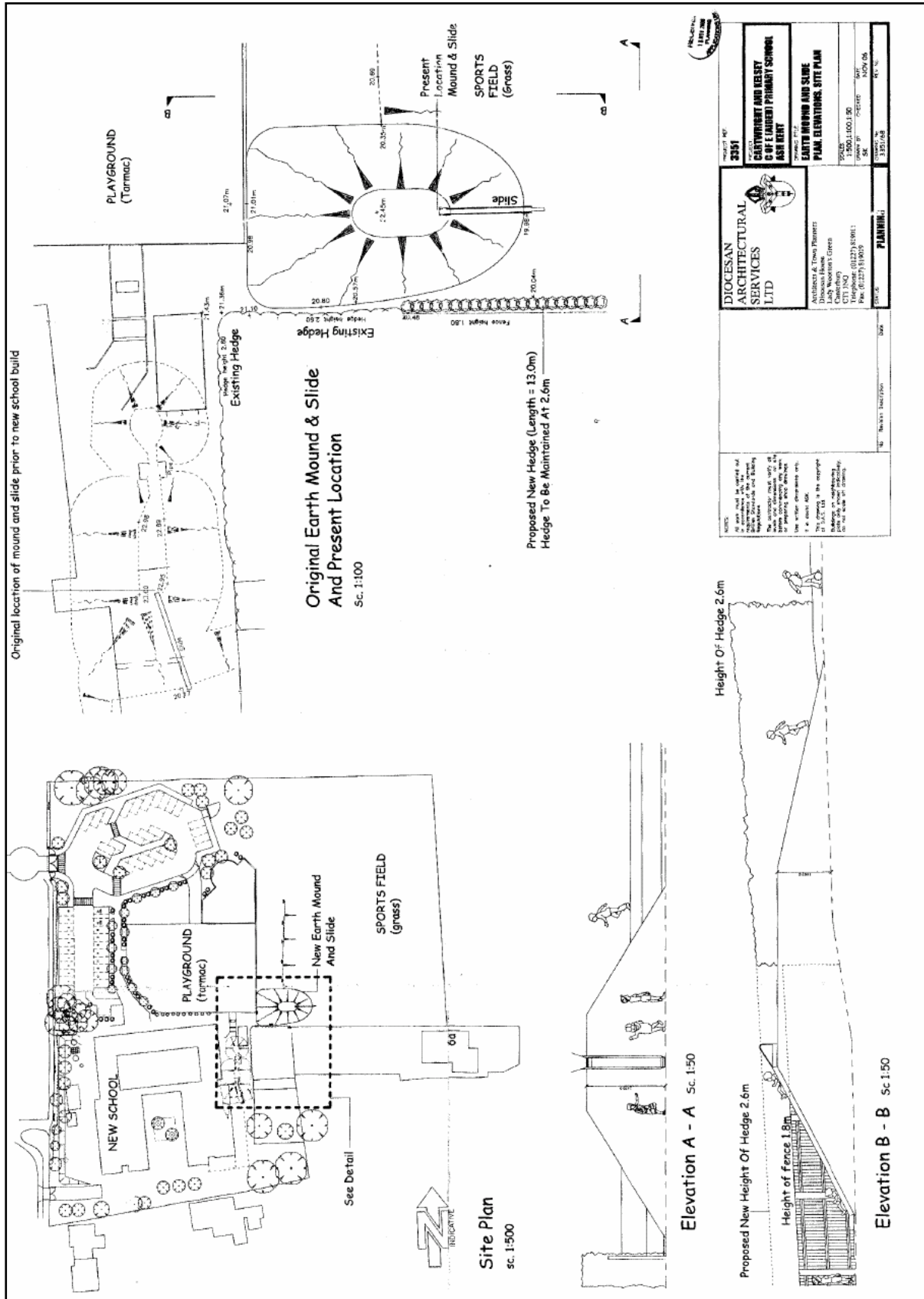
## **Item D6**

**Retrospective application for retention of earth mound and slide,  
Cartwright & Kelsey Primary School, Ash – DO/06/1424**

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### **Site Plan**

**Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424**



6. The earth mound is approximately 11m wide by 17.5m long. The ground level adjacent to the foot of the earth mound and slide is 19.98m, whilst at the top of the earth mound

### Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424

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the ground level is 22.45m, thus making a change of height between the foot and tip of the earth mound 2.47 metres. In comparison, the adjacent close-boarded fence that borders the school site and a neighbouring residential property is 1.8m high.

7. To address the fact that the retrospective earth mound and slide is higher than the adjacent close-boarded fence, the applicants have indicated that they would undertake additional ancillary landscape and fencing works in order to lessen the development's impact on the adjacent residential property. This would include hedgerow planting along the inside (school side) of the close-boarded fence to a height of 2.6m. Given that this planting would take a number of years to reach the proposed height, the applicants have proposed a temporary extension to the existing close-boarded fence from 1.8m to 2.6m high.
8. In addition, the applicants have stated that the slide would be used only during the summer months when the ground is dry enough to access the field. They have also offered some proposed hours of use of the slide, as follows:

Break Time: 10.15 to 10.30 am

Lunch Time: 12.40 to 13.10pm

The applicants have also stated that the maximum number of children using the slide would be 33, and it is envisaged to allocate a day to each Class.

### Planning History

9. Planning permission was granted for the erection of the new Cartwright & Kelsey Primary School and associated nursery buildings under reference number DO/03/339 in August 2003.

### Planning Policy

10. The Development Plan Policies summarised below are relevant to consideration of the application:

- (i) **The Adopted 2006 Kent & Medway Structure Plan:**

**Policy SP1** – The primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting the Kent countryside and its wildlife for future generations;
- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments;

**Policy QL1** – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local

**Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424**

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surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

**Policy QL11** – Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

**Policy EN1** – Kent’s countryside will be protected, conserved and enhanced for its own sake. Development in the countryside should seek to maintain or enhance it.

**Policy EN9** - Tree cover and the hedgerow network should be maintained. Additionally, they should be enhanced where that would improve the landscape, biodiversity, or link existing woodland habitats.

(ii) **The Adopted Dover District Council Local Plan**

**Policy CF1** – Proposals for the establishment of community facilities will be permitted, provided that they would not be detrimental to residential amenity and the character of an area.

**Policy DD1** – Proposals for development will not be permitted unless they are acceptable in terms of layout and function needs of the development, siting, massing and scale of new buildings, landform and landscaping and privacy and amenity

**Policy OS1** – Proposals for development which would result in the loss of open space, will not be permitted unless:

- in the case of a school site, the development is for educational purposes, or
- in the case of small scale development, it is ancillary to the enjoyment of the open space, and
- the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

**Consultations**

11. **Dover District Council** – raises no objections to the relocation of the earth mound and slide.

However, they have expressed the following views: -

“Although the District Council do not raise a specific objection it would seem more reasonable to look for the development of this facility further away from the boundary with immediate neighbours to lessen the potential nuisance from the use of the mound and slide, particularly bearing in mind that there was shown to be no building in the area where the mound and slide has been put. It is by no means certain that the provision of a hedge along the boundary will protect the neighbours’ gardens and their property from damage from unruly children / persons using the slide or mound because of its proximity

**Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424**

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to the boundary. It may well be that the children during school times will be controlled and not cause problems, however, outside school times there is potential for others to gain access and cause additional nuisance to the immediate neighbours.”

**Ash Parish Council:** has raised no objections provided that the landscaping work is carried out prior to the slide being put into use (i.e. the height of the fence is increased with timber panels until the hedge that is to be planted reaches its envisaged height of 2.6m average)

**Environment Agency:** has no objection to the retrospective proposal, but has stated that should planning permission be refused, the developer as a waste producer has a duty of care to ensure any materials removed go to an appropriate licensed disposal site and all relevant documentation is completed in line with regulations.

**Jacobs (Landscaping):** have made the following comments regarding the retrospective development:

“Upon construction of the mound and slide there will be no view of the actual mound from property 6a. However, it will be possible to view children standing on top of the mound over the top of the proposed hedge and temporary fence extension.

The height of the proposed hedge as shown in elevation B-B will mean that it will be possible for children standing on the top of the mound to obtain a view into the garden of property 6a. A direct view onto the house would be limited by existing garden vegetation.

In conclusion, given the distance between the mound and property 6a accompanied by the proposed new hedge planting and temporary extension to the fence, it is recommended that the impact of the development would be minor”.

**Local Members**

12. The local County Member, Mr L. Ridings, was notified of the application on the 28 November 2006.

**Publicity**

13. The application was publicised by the posting of two site notices, one on the main entrance to the school off School Road, and the other on Chequer Lane, to the east of the site. The application was also advertised by the individual notification of 14 neighbouring residential properties.

**Representations**

14. To date, 3 letters of objection have been received. The main points of the letters are summarised below:

- The unauthorised development is totally unacceptable in terms of harm to the living conditions of adjoining residential properties;
- The applicants claim that there has been an earth mound and slide on the school site prior to the construction of a new school is totally mis-leading;

**Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424**

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- The security in relation to health and safety is material consideration in the determination of this application – children are able to stand on the mound and have, before it was fenced off, thrown a large log through neighbouring greenhouses causing several panes of glass to be broken;
- The new mound is intrusive and undermines the security provided by a tall hedge along this part of the perimeter;
- The rear gardens of adjoining residential properties are on rising ground and when the earth mound and slide is used it would allow the children to have a panoramic view into the entire gardens.
- Given the rising ground levels, any attempts to safeguard any loss of privacy using extra screen fencing and/or planting would be overbearing;
- The slide will concentrate noise on the boundary to residential properties and no amount of screening will be able to compensate for this factor;
- Considers that no suitable planning conditions could be used in order to safeguard residential amenity;
- It was unfortunate that the slide was not included in the original plans for the new school. It appears to have been an after thought that could easily have been placed on another part of the school's extensive grounds.
- Strong concerns raised with the proposed extension to the height of the existing fence from 1.8m to 2.6m. The fence in question was replaced by adjoining owners and the posts have not been dug in deep enough for an extension of 0.8m. In the event of strong winds, the fence would simply blow down;
- A new hedge would take approximately 10 years to grow to a height of 2.6m, therefore would not safeguard any loss in residential amenity;
- The pupils of the school enjoy a very wide range of outdoor facilities, including playground equipment. It is not necessary for them to have a slide mounted on a very large earth mound which, in essence, was created to save costs during the construction of the new school.

**Discussion**

15. In considering this proposal, regard must be had to the Development Plan policies outlined in paragraph (10) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include the impact upon residential and visual amenity, as well as the impact of the earth mound and slide on the Open Space Policy as set out in the Adopted Local Plan.

Impact on Open Space

16. As outlined above, the school playing field is designated as an Open Space (Policy OS1) in the Dover District Council Local Plan. Policy OS1 of the Adopted Local Plan states that *'proposals for development which would result in the loss of open space will not be permitted unless: - in the case of a school site, the development is for educational purposes [...]'*. Given that the development is for the retention of an earth mound and slide for the use of the School, I consider that the retrospective proposed would not be contrary to this Development Plan Policy.

Impact on residential and visual amenity



**Retrospective application for retention of earth mound and slide,  
Cartwright & Kelsey Primary School, Ash – DO/06/1424**

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17. Given that the retrospective development is located a couple of metres from the boundary of the adjoining residential dwelling, there is the potential for a detrimental impact on the residential amenity of the adjoining dwelling house. As set out in paragraph 6 (above) the maximum height of the slide, from the ground level besides its foot is approximately 2.5 metres. This can be compared to the current height of the existing close-boarded fence that is currently 1.8m high. As can be seen from the photographs attached (see Figure 1), the views from the top of the slide stretch down the duration of the adjoining owner's garden, and to roofscape of the nearest residential property. However, it should be noted that the views, which can currently be gained from the slide do not show any windows of the nearest property.
18. In relation to the views shown in the photograph attached (see Figure 1), this is of the current situation, and does not show any addition to the close-boarded fence from 1.8m to 2.6m high, or show new hedgerow planting across the entire duration of the existing close boarded fence. However, it needs to be considered whether the extension of the existing close-boarded fence and hedgerow planting would be overbearing in terms of a change of height with the addition of a further 0.8 metres.
19. In addition, the applicants have proposed the hours of use (as shown in paragraph 8) of the slide to be 15 minutes in the morning and 30 minutes around mid-day. Although the duration of the periods of use seem minimal, this would largely be at the School's own goodwill, as any such condition limiting the hours of use would be difficult to enforce. It should also be noted that the District Council has raised concerns (see paragraph 11) regarding the unauthorised use of the slide outside school times which would cause additional nuisance to the immediate neighbours.

Landscape and hedgerow planting

20. The extension of a close-boarded fence and hedgerow planting from 1.8m to 2.6m high would, in my opinion, cause an additional amount of visual clutter for several adjoining residential properties. Given the current height of the existing fence of less than 2 metres, the current views along the boundary are relatively open, and therefore closing this in would, in my opinion, cause an overbearing and detrimental impact on the visual amenity of adjoining residential properties.
21. Whilst I recognise that the hedgerow planting would be extended to a similar height to which it currently is maintained at, given the length of time for this to establish and provide a substantial screening, I consider that in the short term the benefits of such planting would be very minimal in terms of lessening the impact of the slide on the amenity of the adjoining residential dwelling. Therefore, whilst I acknowledge that in future years the planting may prove to be helpful in lessening the visual and noise impacts of the slide, in the short term the planting would be inadequate.
22. In conclusion, whilst I acknowledge that the extension of the close-boarded fence to 2.6m high would provide a short-term answer to the screening of the view of the adjacent garden from the retrospective development, and that the planting may be useful in the longer-term, the short-term impact of the slide, given its close proximity to the boundary, would be detrimental to the amenity of the adjacent property.

Noise

23. Whilst I acknowledge the location of the retrospective development on the school playing field, I note that the development, by its very nature, would generate high concentrations of noise on the boundary with a residential property. However, given that

**Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424**

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the location of the earth mound and slide is at the end of the garden of the nearest property, and is furthest away from the residential house, I do not consider that the noise which would be generated from the slide would be sufficient to refuse this application on its own. Notwithstanding this point, I acknowledge the fact that the proposal would give rise to an increased level of noise on the boundary with a residential property.

Design of slide

24. The earth mound and slide is, in essence a mound of earth which has been piled up with a metal slide installed on one side, (see Figure 2). When considering the design of the retrospective development, and looking at ways to lessen the height and massing of the mound, there is a limited amount of work which can be undertaken to reduce the overall size of the structure, given the set distances between the top and bottom of the metal slide, and the gradient needed to achieve the slope.
25. Alternative positions were looked at, including turning the actual slide on the mound through 90° to the east (towards the playing field). However, when considering the overall impact of doing that, there would be little beneficial effect given that the top of the mound would have to remain at the same height to achieve the slope required to install the metal slide. Therefore, in terms of the views and concentration of activity at the top of the mound, the effects of turning the slide through 90° would only be very marginal.

Alternative sites

26. The applicants have claimed that alternative sites have been considered, but they claim to have no other alternative for the retrospective development. Although the grounds of the school appear extensive, the applicants claim that there would be no other suitable location for the relocation of the slide without impacting on sports provision, access to the field, or the existing drainage provisions. Accordingly, the applicants have not revised the application to re-locate the site elsewhere in school grounds.

**Conclusion**

27. In conclusion, it is unfortunate that the application that is to be determined is retrospective and was erected before the applicants realised the need to seek planning approval. I understand the intentions for the School wishing to retain the slide as a sporting activity for its pupils, and given that the applicants have claimed that there has always been a slide at the school site in the past. However, in balancing up the retrospective development's scale and massing, and proximity to a residential boundary, I have to consider the detrimental impact which I consider this development gives rise to. Whilst I acknowledge that the site chosen is within the school playing field, which in itself leads to a high level of noise generation, given the fact that the slide, by its very nature, would concentrate noise in close proximity to a boundary, I consider that the earth mound and slide leads to an overall detrimental impact on the adjoining property owners. I also acknowledge the proposed attempts to lessen the slide's impact on the adjoining properties through ancillary landscape and fencing works, however, it is my opinion that this would be overbearing and cause an increased amount of visual clutter in the wider landscape. Accordingly, I would recommend that the application be refused as being contrary to Policy QL1 of the Kent and Medway Structure Plan and Policies CF1 and DD1 of the Adopted Local Plan.

**Recommendation**

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

## **Item D6**

### **Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424**

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- The earth mound and slide, along with the proposed ancillary works to include landscaping and fencing, due to its scale and massing, would have a detrimental impact on the adjoining residential properties, contrary to Policy QL1 of the Kent and Medway Structure Plan;
- The retrospective development would be detrimental to visual amenity, which would affect the neighbouring residents' enjoyment of their homes from an in-appropriately sited development in close proximity to their boundary, contrary to Policies CF1 & DD1 of the Adopted Local Plan.

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