

Construction of new Special Education Needs (SEN) School for the relocation of The Foreland School at land north of Ellington and Hereson School, Newlands Lane, Ramsgate – TH/14/112 (KCC/TH/0388/2013)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 July 2014.

Application by Kent County Council Property and Infrastructure Support for the construction of new single storey Special Education Needs (SEN) School for pupils aged between 2 and 19, with associated car parking and hard/soft landscaping for the relocation of The Foreland School, at land north of Ellington and Hereson School, Newlands Lane, Ramsgate – TH/14/112 (KCC/TH/0388/2013).

Recommendation: the application be referred to the Secretary of State for Communities and Local Government and subject to his decision, and subject to a Memorandum of Understanding relating to highway improvements, planning permission to be granted, subject to conditions

Local Members: Mr Trevor Shonk & Mr Martyn Heale

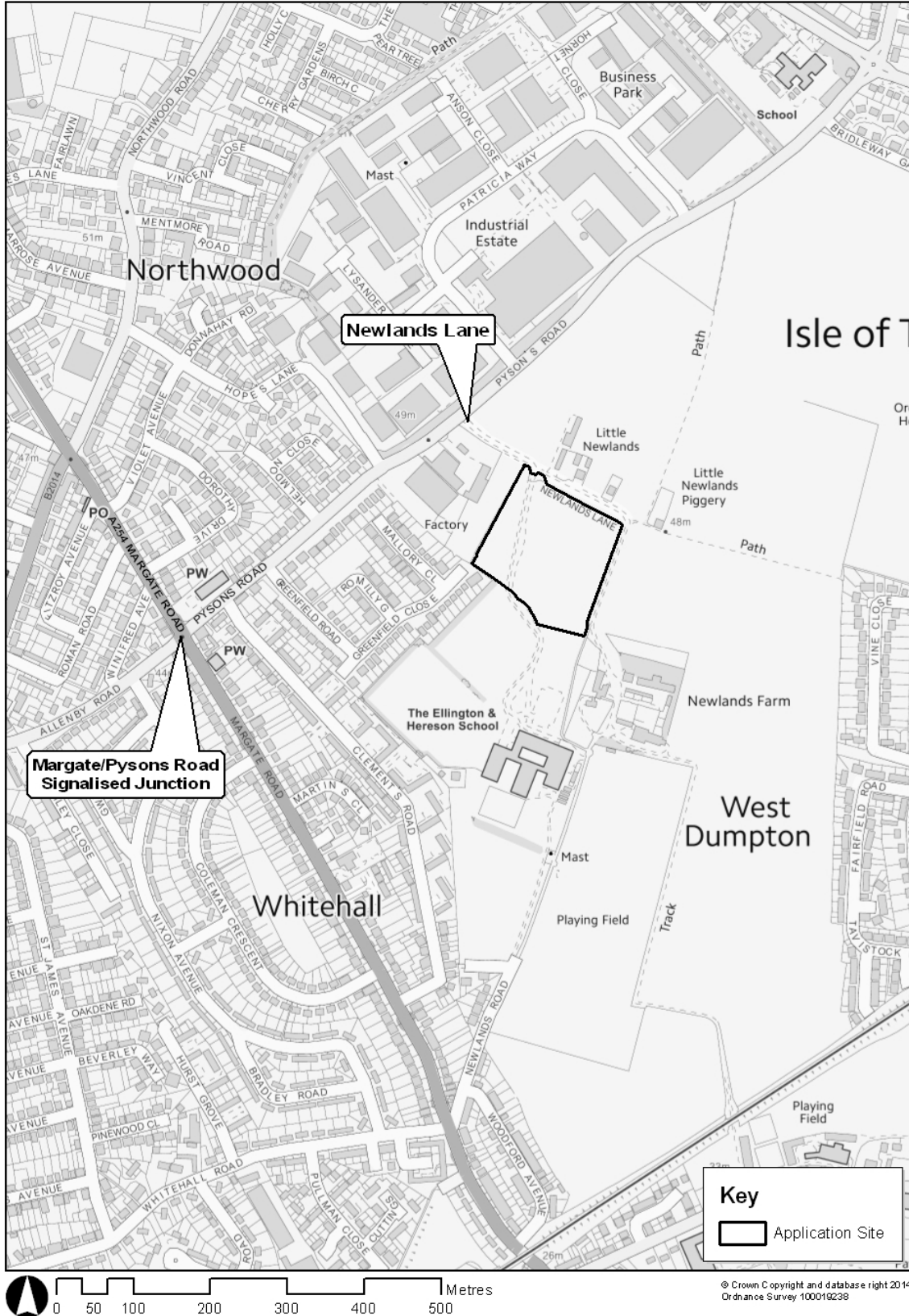
Classification: Unrestricted

Site Description/Background

1. The Foreland School is currently located at Lanthorne Road, Broadstairs, and is an all through nursery, primary and secondary school (ages 2–19). The school is a Local Authority Special School catering for pupils who have Profound and Multiple Learning Difficulties (PMLD), Severe Learning Difficulties (SLD), Complex Learning Difficulties (CLD), Primary Autistic Spectrum Disorder (ASD) and/or Primary Communication and Interaction Difficulties (C&I). The School currently has 172 pupils. However, as a result of Kent's Special School Review it has been agreed that the School roll should increase to 200 pupils. The applicant advises that the existing school facilities and site are not fit for purpose, and are not capable of accommodating the required increase in pupil numbers. It is therefore proposed to relocate the school to new purpose built facilities on a green field site next to Ellington and Hereson School, located to the north of Ramsgate.
2. The application site is fairly central within the Isle of Thanet, located to the north of Ramsgate, the south of Margate and to the south west of Broadstairs. The A254 Margate Road, which links Ramsgate and Margate is located to the east of the application site (separated from it by housing and Ellington & Hereson School), with the application site accessed via Newlands Lane, a turning off Pysons Road. Until such time as the Ellington and Hereson School was built in 2007 (outline application TH/03/1433, reserved matters applications TH/04/1266 & TH/05/1433), Newlands Lane was primarily an access to Newlands Farm and a small number of properties. That farm is still accessed via Newlands Lane, although the western end has been widened and surfaced to provide appropriate access to the Ellington and Hereson School. Beyond the school entrance, the road is private with pedestrian right of way only.
3. The 2.54 hectare application site is within the existing fenced boundary of the Ellington and Hereson School site, to the north of the existing school building and associated school facilities. The application site is mown amenity grassland, and is divided into two parts by the vehicular access to the Ellington and Hereson School which runs from Newlands Lane, through the application site to the buildings beyond. The application site, and surrounding land to the north, south and east (including the existing Ellington

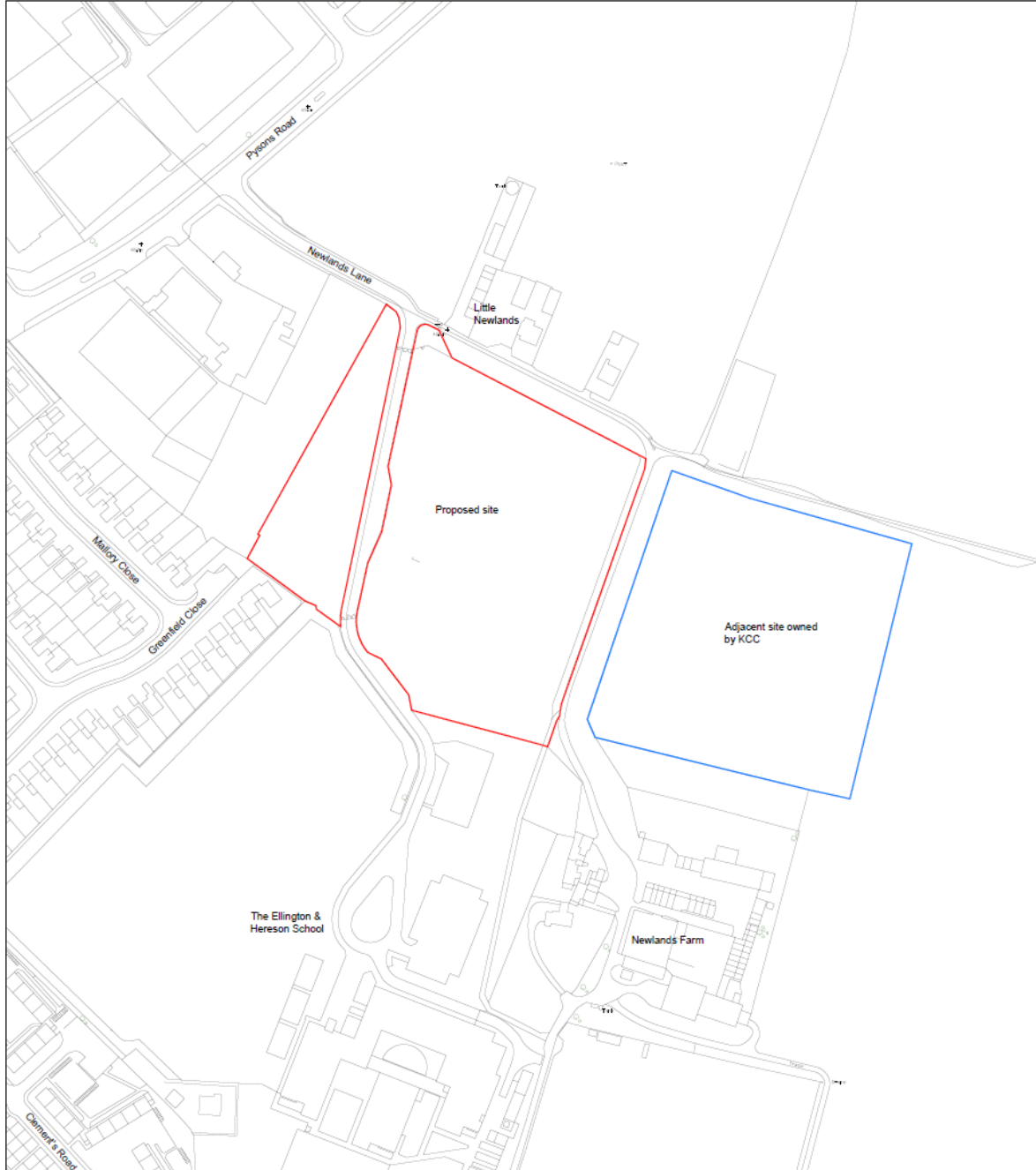
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Site Location Plan



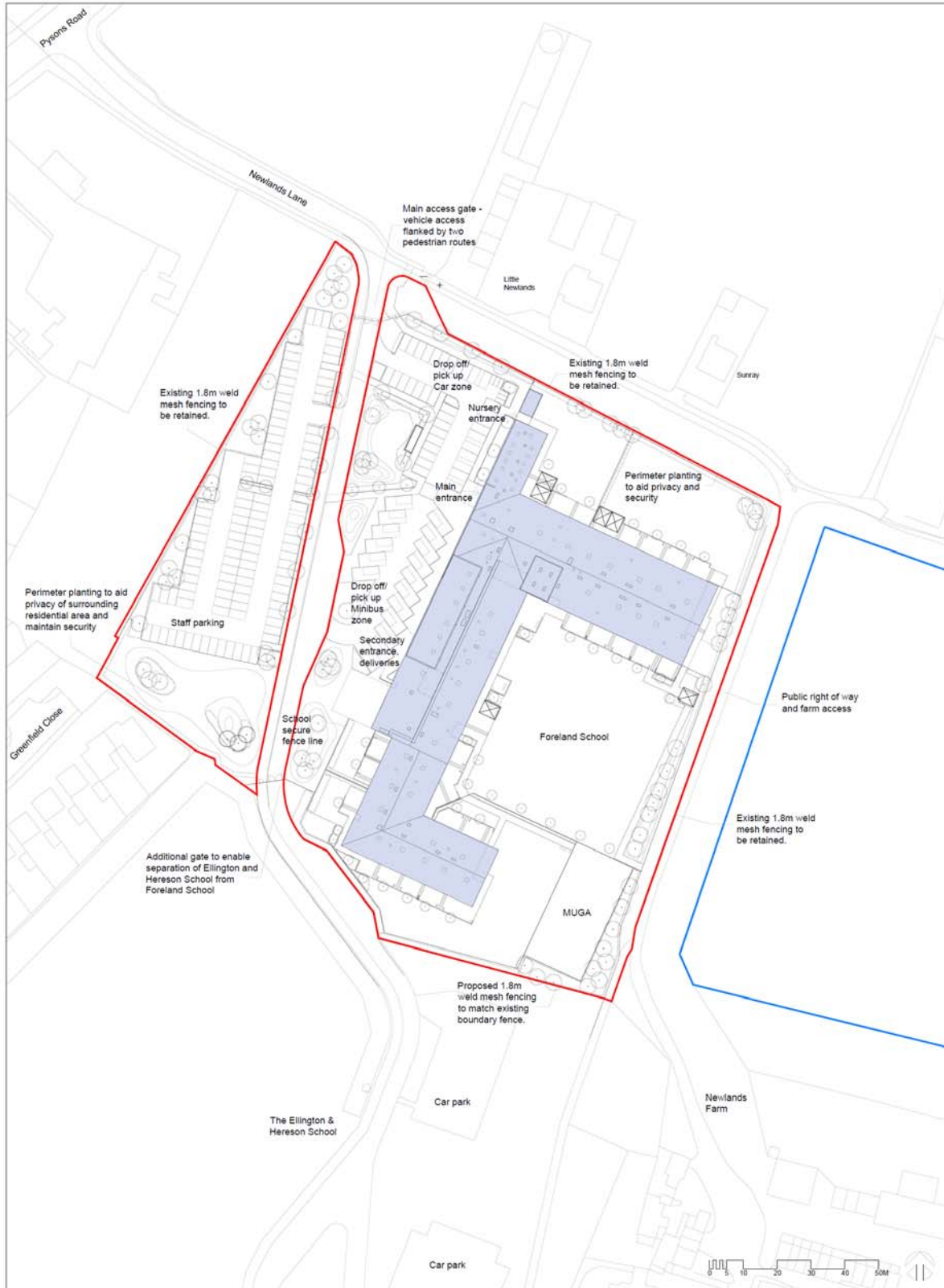
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Site Plan



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Proposed Site Plan



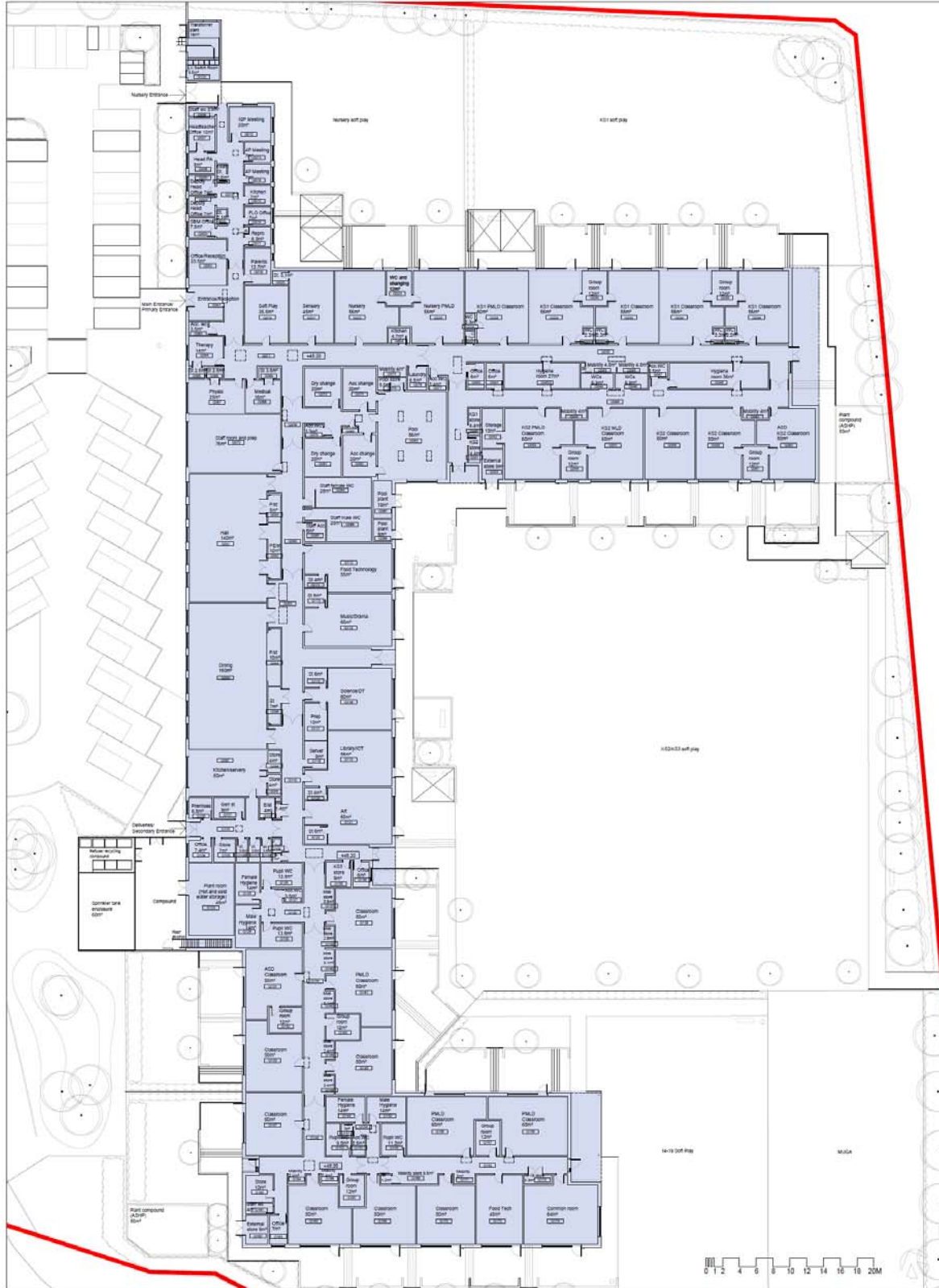
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Title Proposed Site Plan Client The Foreland School Kier Construction (Southern)	Date July 13 Scale 1:500
Project No. 1611 FLS-HMY-GA-00-00-002	Revision PS Approval



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Proposed Floor Plan



PLEASE NOTE:
NEW CONSTRUCTION ELEMENTS ARE SHOWN IN RED
EXISTING WORK IS SHOWN IN GREY
COLLATION WITH ALL RELEVANT PROJECT DETAILS
ALL DIMENSIONS MUST BE CHECKED ON SITE AND TO
CONTRACTOR'S RECORDS AND APPROVED BY THE ARCHITECT
TO THE SATISFACTION OF THE ARCHITECT AND CONTRACTOR

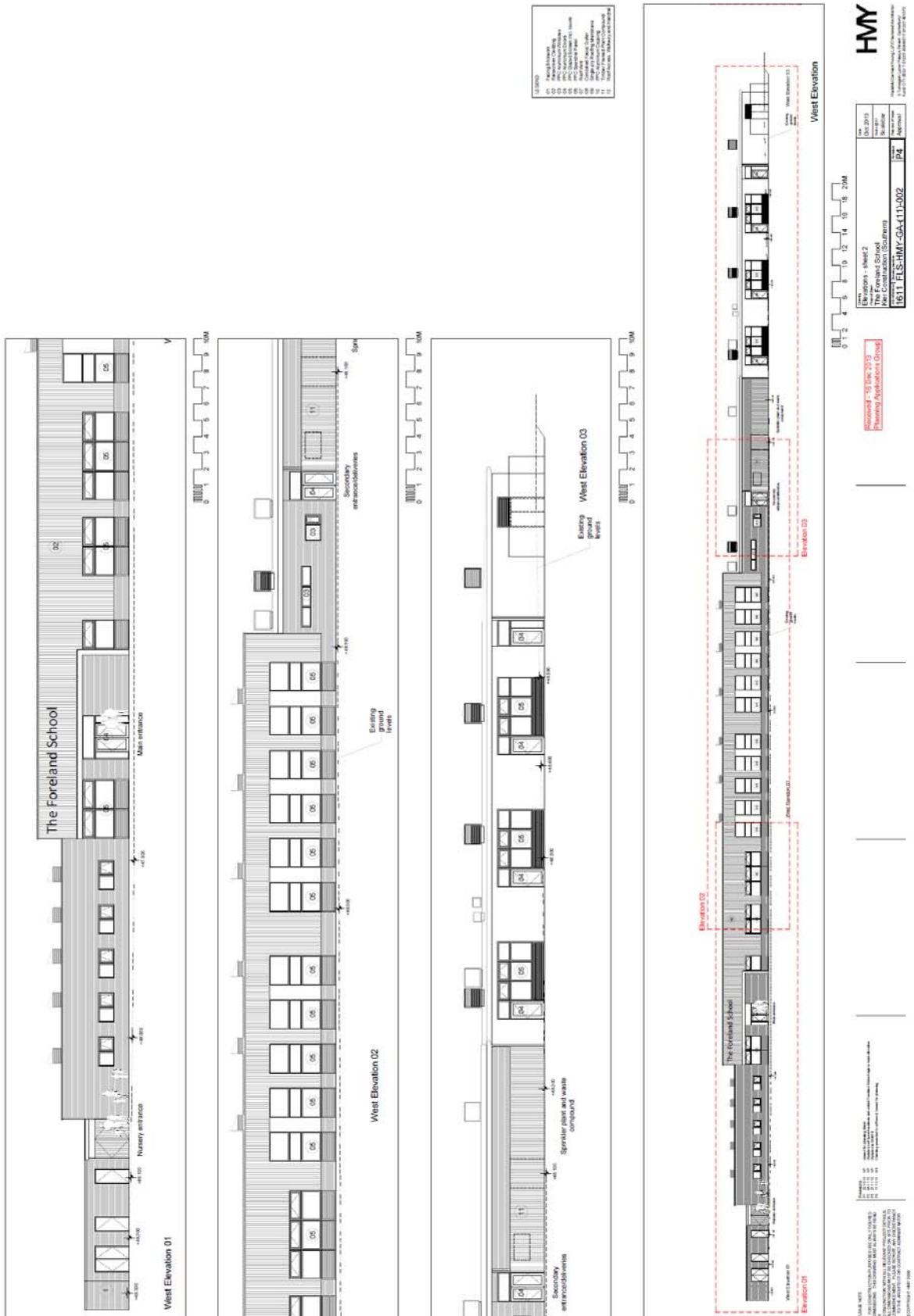
Revisions	Revised Date	Revised By
1	15/07/13	HMV
2	15/07/13	HMV
3	15/07/13	HMV
4	15/07/13	HMV
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GA Ground Floor Plan	Date: July 13
The Foreland School	Drawn by: HMV
Kier Construction (Southern)	Scale: 1:200
1611_FLS-HMV-GA-(10)-00-001	Project No: 1611
P9	Information



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Proposed Elevations



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Landscape Master Plan



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- Proposed Tree
- Proposed Hedge
- Proposed Planting
- Amenity Grass
- Wetland Grassland
- Proposed Mounding
- Cemetry / Shelter
- Asphalt Road
- Asphalt Footpaths
- Concrete Flag Paving
- Concrete Block Paving
- Coloured Paving
- Pavement
- Pavement

Prepared by: J.L.S.TOD Ltd./JPS-C
 New Construction
 Foreland SEN School
 Landscape Master Plan

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and Hereson School) is located within the Green Wedge (Policy CC5 of Thanet District Local Plan 2006), being of 'landscape value' separating the built up areas of Ramsgate and Broadstairs. However, the application site, and land to the south and east (again including Ellington and Hereson School) is also allocated as a 'new education site' under Policy CF6 of the Thanet District Local Plan, which seeks to provide an educational complex in this location.

4. The application site is bounded by Newlands Lane to the north, with two facing residential properties and development associated with the farm on the northern side of the Lane. Open agricultural fields extend to the north and east of the application site. A Public Right of Way follows the line of Newlands Lane, which turns to the south at the eastern edge of the application site, following the eastern boundary of the application site and providing access to the Newlands Farm buildings beyond. To the south of the application site lies Ellington and Hereson School. Residential properties lie adjacent to the south western corner of the application site, and a timber yard and other industrial buildings lie to the west of the site, accessed via Pyson's Road.

Relevant Planning History

5. The application site has an expired outline planning permission (planning reference TH/09/955 which was granted on 27 May 2010). That outline permission was for the relocation of Laleham Gap Special School buildings, including a single storey school building for 164 pupils age 3 - 16 and 130 staff and a two storey residential institution building for 60 pupils and 8 staff. That development had a total internal area of approximately 6,400 sq m.

Amendments

6. When originally submitted this current application met with objection from Kent County Council Highways and Transportation on the grounds that the development would exacerbate existing capacity problems at the A254 Margate Road/Pysons Road junction. Highways and Transportation considered that the initial mitigation measures proposed by the applicant, including shorter traffic signal cycle times, were not acceptable as they would compromise future highway network enhancements. Highways and Transportation concluded that appropriate mitigation would require the removal of the existing central islands on the Margate Road approaches of the junction and the provision of dedicated right turn lanes. Subsequently, the applicant has agreed to undertake the works required by Highways and Transportation, and has agreed to fully fund the provision of the right turn lanes. This will be detailed further within the discussion section of this report.

Proposal

7. This application has been submitted by Kent County Council Property and Infrastructure Support, and seeks to provide relocated purpose built facilities for the intended expanded Foreland School (currently located at Lanthorne Road, Broadstairs). The applicant advises that the proposed building would provide for an increased role of 200 special educational needs pupils aged 2-19 years. The existing school currently has 172 pupils, 104 full time staff and 50 part-time staff. This would increase to 138 full time staff and 62 part-time staff to support the increase in pupil numbers. The school will continue to cater for children with Profound and Multiple Learning Difficulties (PMLD), Severe

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Learning Difficulties (SLD), Complex Learning Difficulties (CLD), Primary Autistic Spectrum Disorder (ASD) and/or Primary Communication & Interaction Difficulties (C&I).

8. The proposed school building would be located to the eastern side of the existing access road through the site. The 'U' shaped building would be single storey throughout to ensure ease of access to all parts of the school for all pupils and give good access to outdoor play and learning spaces. The proposed building would provide a gross internal floor area of 4312 sq m, which the applicant advises has been derived from the guidance in Building Bulletin (BB) 102 Designing for disabled children and children with special educational needs, adjusted to suit current Department for Education funding requirements and also in response to consultations with The Foreland School and Kent County Council. The class bases would be contained within two distinct wings, one containing Nursery, KS1 & 2 (Primary) and the other KS3 and 14-19 (Secondary). Each class base would have access to an external learning area and soft play areas beyond.
9. The western elevation of the building would contain the main entrance to the school, in addition to two further entrances to be used at pick-up/drop-off to relieve congestion at the main entrance. Shared and communal facilities are proposed along the west elevation, enabling easy access for the various Key Stage class bases and for community access. The single storey building would have a single membrane insulated flat roof system, coloured light grey, with parapet detailing. A simple palette of pale yellow facing bricks are proposed for the external walls with powder coated aluminium windows and doors. The general colour finish to the powder coated elements would be mid-grey, although some doors and infill panels would be various colours to differentiate each class base. The taller elements of the building (4.5 metres internal height) such as the hall and dining room, are proposed to be finished with a contrasting timber rain screen cladding with a vertical emphasis to provide some height against the long low brick elevations.
10. Externally, the applicant advises that the mix of hard and soft surface play and learning spaces have been designed using guidance from BB102. Outdoor learning spaces are proposed adjacent to each classroom, leading onto soft grassed play areas beyond. The centre of the site, enclosed on three sides by the 'U' shaped building, has a large open grassed area bounded by paths with a multi-use games area (MUGA) to the south-east. The external areas proposed across the whole site are divided as follows:
 - Vehicular asphalt roads and hardstanding 3,870 m²
 - Pedestrian areas 1,943 m²
 - Outdoor learning areas 722m²
 - Multi Use Games Area 685m²
 - General amenity grass 6,992m²
 - Wildflower meadows 1,385m²
11. The proposed school would use the existing Ellington and Hereson School vehicular and pedestrian access point on Newlands Lane. The existing access gates into the site from Newlands Lane would be modified to allow remote controlled secure access by both the Ellington and Hereson School and the proposed Foreland School. To maintain Ellington and Hereson School's control over their own site, it is further proposed that an additional access gate would be provided along the existing access road at the southern boundary of the Foreland School site. This would ensure that the two schools are separately secured.

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12. The alignment of the existing access road would be retained which, as previously explained, splits the application site into two parts, the larger eastern portion which would accommodate the school buildings, and a smaller triangular shaped area to the west. That triangular shaped area would accommodate 114 parking spaces for staff and visitors only. The applicant advises that that area would not be suitable for pupil pick-up/drop-off due to the fact that the access road would need to be crossed in order to reach the building. Therefore, to the east of the access road, to the immediate frontage of the proposed school building, the applicant is further proposing 36 car parking spaces for parents and visitors, including pupil pick-up/drop-off, and a further 16 mini bus parking spaces. 20 cycle stands and 4 motorcycle bays are also proposed.
13. The applicant advises that the building has been designed to achieve a BREEAM rating of 'very good', with an energy strategy predicting an overall carbon emission saving of 15.37%. The development includes a number of sustainable design features, including:
 - A natural ventilation system consisting of localised wall mounted inlet louvres and roof turrets which would cool and ventilate the classrooms;
 - The building has been designed to utilise the maximum potential of natural daylighting to illuminate the occupied areas in accordance with the BREEAM requirements;
 - High efficient lighting systems;
 - External LED lighting with intelligent lighting control;
 - The building fabric components shall comply with or better where possible the requirements of the Building Regulations 2010; and
 - Air Source Heat Pumps to service under floor heating systems and heating of water.
14. The application site is within the fenced boundary of the Ellington and Hereson School, which is secured with black weldmesh fencing. It is proposed that that fencing be reinforced with hedging to provide further screening and security. The southern site boundary is undefined and currently open as it is part of the wider Ellington and Hereson School site. It is proposed to secure the southern boundary with 1.8 metre high black weldmesh fencing, to match the existing. The application site is open mown amenity grassland and, as a result, the development would not result in the loss of any trees. Extensive soft landscaping is proposed, including ornamental planting beds, structural tree planting, amenity grassland, wildflower meadows, native species hedgerows and ecology areas. With regard to ecology and biodiversity issues, the applicant has submitted an Ecological Scoping Survey with this application which does not recommend the need for more detailed species specific surveys. However, management of the site and further recommendations are made with regard to reptiles, nesting birds, badgers, hedgehogs and hares. Biodiversity enhancement measures are also recommended.
15. On the current Foreland School site the facilities are not conducive to community use and therefore the School have not been able to develop relationships. The new building and site would provide an opportunity to broaden links with the wider community and offer contemporary facilities which would be attractive to parents, visitors and local groups. It is recognised that the adjacent Ellington & Hereson School has a more attractive mix of sports facilities for community use, but the Foreland School would be able to offer complementary facilities including specialist therapy, meeting rooms, hall and dining hall to the community.

The application is supported by a Design and Access Statement, Accommodation

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Schedule, Landscape Design Strategy, Environmental Strategy, External Lighting Design, BREEAM Assessment, Ecology Scoping Report, Geotechnical Report, Phase 1 Contamination Assessment, Geophysical Survey, Flood Risk Assessment, Ambient Noise Level Survey, Waste Management and Construction Plan, Planning Statement, Travel Plan and Transport Assessment/Statement.

Planning Policy Context

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

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

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

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

- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- minimising impacts on biodiversity, and protecting and enhancing valued landscapes, contributing to the Government's commitment to halt the overall decline in biodiversity;
- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;

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

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

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(ii) **Development Plan Policies**

The adopted 2006 **Thanet District Council Local Plan (Saved Policies)**:

- Policy D1** All new development is required to provide high quality and inclusive design, sustainability, layout and materials.
- Policy D2** Development proposals will be well landscaped and maximise the nature conservation opportunities wherever possible.
- Policy HE12** Archaeological sites will be preserved and protected.
- Policy CC1** Within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.
- Policy CC5** Within the Green Wedge new development will not be permitted unless it can be demonstrated that the development is not detrimental or contrary to the stated aims of the Policy. New development that is permitted should make a positive contribution to the area in terms of siting, design, scale and use of materials.
- Policy CF1** Planning permission will be granted for new community facilities if the proposals are not contrary to other Local Plan policies and the community use and location are demonstrated as acceptable.
- Policy CF6** The site around Newlands Farm is allocated to provide an education complex, and development which would preclude development for such purpose will be refused. Development will be permitted only at such time as a comprehensive master plan has been developed.
- Policy SR3 -** Proposals for the multiple use of existing facilities and new development which will create opportunities for recreational use by the public additional to the existing use of the facilities will normally be permitted.
- Policy SR12** Built development will not be permitted on playing fields if it would be detrimental to the character of the area. Moreover, no development will be permitted on land last used as playing field unless there are exceptional circumstances.
- Policy TR12** Substantial development generating travel demand will be required to provide convenient and secure cycle parking and changing facilities.
- Policy TR15** Development proposals likely to generate significant travel demand and/or traffic movement will be required to demonstrate, through Green Travel Plans, specific measures to encourage and facilitate the use of walking, cycling and public transport in preference to private car travel.
- Policy TR16** Proposals for development will be required to make satisfactory provision for the parking of vehicles.

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Consultations

17. **Thanet District Council:** no comments received to date (consulted 30 January 2014).

Broadstairs and St Peters Town Council recommends approval of the application and consider the proposals to be beneficial to the School.

Manston Parish Council is of the opinion that although they recognise there is a necessity for this school, it would be better suited at an alternative site, separate from other schools and the industrial area, in order for the children's needs to be more appropriately met.

Kent County Council Highways and Transportation has no objection to the application, subject to conditions, and comments as follows:

"I confirm that confirmation of appropriate mitigation has been agreed by the applicant to offset their traffic impact at the junction of Pysons Road and Margate Road.

To address resident concerns, I confirm Newlands Lane is a private road and any queuing occurring at drop off/pick up time back onto the private street is not an issue for KCC. If it affects the operation of the school then the school should seek to widen the approach or address the junction arrangement. In accordance with current crash data for the last three years there have been no crashes occurring at the junction. I do not consider that the widening of Newlands Lane to accommodate large HGVs or farm vehicles an issue for KCC either. As pointed out, Newlands Lane is private and only gets busy in terms of vehicular traffic for two short periods of time, during school drop off between 8.30am and 9.00am and afternoon pick up between 3.00pm and 3.30pm. and I would anticipate that farm vehicles are more than aware of these busy periods and do themselves not generate such a high degree of trip generation as to be considered a material issue.

The introduction of the SEN school will not attract additional parent parking as all the transport needs of the children are catered for by minibus and private ambulances/taxis and will only collect and drop of within the curtilage of the school grounds with some of the vehicles already being retained at the site throughout the day. I hope this clarifies our viewpoint in regard to the operation of Newlands Lane/Pysons Road junction.

I therefore have no objection to the proposal subject to conditions covering:

- 1) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- 2) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- 3) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- 4) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- 5) Provision and permanent retention of the vehicle loading/unloading and

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turning facilities shown on the submitted plans prior to the use of the site commencing.

6) Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

7) The applicant will need to enter into a Section 106 Agreement to secure the funding for the necessary road works.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement.”

Sport England objects to the application and comments as follows:

“Whilst Sport England has not visited the site, the proposed development would appear to be sited on an existing area of playing field. Locating the proposed development on the existing playing field would prejudice the use of the playing field. Furthermore, protecting the existing playing field from the proposed development would be supported by Thanet District Council's adopted Local Plan (2006) Policy SR12 – Playing fields.

In light of the above, Sport England objects to the proposal because is not considered to accord with any of the exceptions in Sport England's Playing Fields Policy.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit.”

Environment Agency has no objection to the application subject to the imposition of conditions regarding land contamination and the infiltration of surface water.

The County Council's Biodiversity Officer comments as follows:

“We have reviewed the ecological information which has been submitted with the planning application in conjunction with the desk top information we have available to us. We are satisfied with the information which has been provided and we require no additional information to be submitted prior to determination of the planning application.

Reptiles

The precautionary mitigation detailed within the ecology report must be implemented to ensure that the site does not become suitable for reptiles before or during construction works if planning permission is granted.

The landscape plan shows that there is landscaping proposed. We recommend

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that landscaping to the south and west of the car park is designed to be suitable for reptiles. This will increase the amount of suitable reptile habitat within the area. We advise that if this area is designed to be suitable for reptiles there is a need for a management plan to be produced to ensure it can be managed appropriately.

Bats

The ecological survey has advised that the site may be used by foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design.

Other

The report has made recommendations for precautionary mitigation for hedgehogs we advise that the applicant implements these recommendations when the work is being carried out, if planning permission is granted.

Enhancements

We advise that the School erects a number of bat and bird boxes within the grounds of the school to incorporate ecological enhancements in to the site."

The County Council's Landscape Officer has no particular concerns over the proposed application, but requests that boundary planting uses locally appropriate and native species.

Public Rights of Way has no objections to the application but requests that the applicant's attention is drawn to the following points;

- no furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;
- there must be no disturbance to the surface of the right of way, or obstruction of its use, either during or following any approved development; and
- The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the highway Authority.

County Archaeologist raises no objection subject to a condition being placed on any grant of planning permission requiring the securing of the implementation of a programme of archaeological work, to be undertaken in accordance with a written specification and timetable which should be submitted for prior approval.

Manston Airport Operators no comments received.

The County Council's School Travel Plan Advisor states that the Travel Plan is good and meets the County Council's criteria. However, the action plan needs to have some more specific dates added, but it is considered that these can be added when occupation is known and dates can be formalised.

Local Members

18. The Local County Council Members, Mr Trevor Shonk and Mr Martyn Heale, were notified of the application on the 4 February 2014. The County Members for the adjacent Division, Mr Alan Terry and Ms Zita Wiltshire, was also notified of the application on the

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4 February 2014.

Publicity

19. The application was publicised by the posting of 3 site notices around the application site, a newspaper advertisement and the individual notification of 34 neighbouring properties.

Representations

20. To date I have received 7 letters of representation, from 5 properties including the adjacent timber merchants, Newlands Farm and The Corporation of St. Lawrence College, the freehold owners of Newlands Farm. The main points of concern/objection are summarised as follows:-

Access and Highway Matters

- Local roads are already congested, and this application would make that worse;
- Queuing traffic on Pysons Road often blocks the turning into Greenfield Road;
- Congestion at peak times already occurs at the traffic light controlled junction between Pyson's Road and Margate Road. The proposed development would make this worse;
- The site has inadequate highway access. Observing day to day issues with cars, buses and pedestrians accessing the site from a busy road, in a predominately industrial area is an accident waiting to happen;
- Newlands Lane was originally only a farm road. The access was upgraded when Ellington and Hereson School was built, but continued agricultural use was regarded as being most important and needing full retention;
- Farm use of Newlands Lane is steady over a 12 to 18 hour period. Even with the current levels of traffic, at peak times farm traffic (including HGVs and Tractors) is unable to turn into Newlands Lane due to the volume of cars entering and leaving the road, coupled with cars parking close to the school;
- The school entrance is narrow and not wide enough for two buses to pass;
- The proposed development would extend AM and PM peak school traffic periods by 45 minutes;
- The Pyson's Road/Newlands Lane junction needs to be substantially enlarged, or indeed a new vehicular access for non school users should be created;
- Parents already park on the farm track part of Newlands Lane whilst waiting for their children. Signs should be erected to prevent non-farm vehicle movements into this part of Newlands Lane;

General matters

- The development is proposed to be built upon playing field;
- The site has the Ellington & Hereson School access road running through it. Is that not a safety issue?
- Part of the access road to the school, adjacent to the road junction and the timber merchants is built on land which does not belong to KCC - the title's are retained by the timber merchants;
- Pupils at the Ellington and Hereson School have broken down fences and cut through adjacent farm land. This is not only trespass, but also causes crop damage on a regular

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basis. Increasing the pupil numbers on site means that if the fences are not upgraded there would be a very significant increase in trespass, and the risk to pupils wandering across an active farm;

- High fencing should be erected around the whole school site;
- More effective screening of the school should be provided, to not only lessen the impact of the development on the outlook from an adjacent property, but to screen pupils from farming activities and noise;
- A 3 metre hedge around the school site is requested;
- Contractors vehicles should not block or park on Newlands Lane and appropriate signage should be erected during construction.

Discussion

Introduction

21. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 16 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 Development Plan Policies, Government Guidance, including the new National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon the highway network, playing field provision, general amenity matters, and whether the development is sustainable in light of the NPPF.
22. In this case the key determining factors, in my view, are the impact upon the highway network, playing field provision, general amenity matters, and the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on amenity and other material considerations. In the Government's view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in Circular 11/95.

Access and Highway Matters

23. As can be seen in paragraph 20 of this report, local objection to the development is primarily with regard to access and highway matters. It is considered that local roads are already congested, including Pyson's Road and the Pyson's Road/Margate Road Junction, and that Newlands Lane cannot safely accommodate additional traffic with existing issues regarding accessing and exiting Newlands Lane and conflicts with farm vehicles. First, with regard to congestion on local roads, this was an initial concern of Kent County Council Highways and Transportation, who considered that without appropriate mitigation the traffic impacts of the proposed relocation would be severe at

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the junction of Pyson's Road/Margate Road. Transport Assessments submitted with the application demonstrate that the junction already operates above capacity during the morning peak and that the relocation of the Foreland School would generate additional traffic at that junction. Mitigation originally proposed by the applicant included an alteration to the phasing of the traffic signals which, the Transport Consultants considered, would bring the junction back to within capacity. However, the County Council's Traffic Signals expert were of the opinion that the methodology proposed by the applicants would not be effective and could result in increased queuing on the approaches to the junction. In addition, Highways and Transportation considered that altering the phasing of the signals at the junction (which Highways and Transportation consider to be a 'strategic location') would compromise future network enhancements. For these reasons the initial mitigation proposed by the applicant was not accepted by Highways and Transportation and objection was raised to the application on the grounds of the impact of the proposals on the Pyson's Road/Margate Road signalised junction.

24. Kent County Council Highways and Transportation, as a result of further investigative work carried out by design engineers, consider that appropriate mitigation to address the impacts of the development would require the removal of the existing central islands on the Margate Road approaches of the junction and the provision of dedicated right turn lanes. Indicative costs to carry out these works are in the region of £35,000, although I am advised that such costings do not take account of 'lane rental' charges. Subsequent to the advice of Highways and Transportation, the applicant's Transport Consultants prepared additional information in support of the development, including the provision of dedicated right turn lanes at the Pysons Road/Margate Road junction. Having drawn up the scheme, the Transport Consultants concluded that the works would increase traffic capacity at the junction and vastly improve junction reliability and reduce blocking.
25. The applicant initially proposed to make a contribution towards the cost of the scheme, and stated that they would fund no more than a third of the scheme. Highways and Transportation rejected such a contribution as the junction improvements would need to be completed prior to occupation of the development. The Highway Authority could not, therefore rely on other developments coming forward within the given timescales from which to seek the remainder of the costs for the work. The applicant has subsequently agreed to fund all of the works.
26. Kent County Council Highways and Transportation raise no objection to the development as now proposed, subject to the necessary junction improvements being completed prior to occupation of the development. It was requested that this be secured by way of a Section 106 Agreement. However, as the County Council is both the applicant and the determining authority, and due to the fact that the County Council cannot enter into a legal agreement with itself, a Section 106 Agreement is not an appropriate way of securing the works. Instead, a Memorandum of Understanding is being drawn up between the applicant and the Highways and Transportation which will detail the required works, funding mechanisms and a timeframe for implementation. That document would be signed by relevant parties, and would thereafter be referred to within the planning decision and relevant conditions of consent, should permission be granted. Subject to the preparation and signing of a Memorandum of Understanding, and further subject to the provision of the required off site highway works prior to the occupation of the development, I am satisfied that appropriate mitigation for the development has been provided. I therefore do not consider that the development would have a significantly detrimental impact on the local highway network

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27. However, further concerns have been expressed regarding the Newlands Lane/Pysons Road junction, and the suitability of Newlands Lane to accommodate additional traffic movements. As detailed in paragraph 2 of this report, until such time as the Ellington & Hereson School was built in 2007, Newlands Lane was only an access to Newlands Farm and a small number of residential properties. Following the development of the Ellington and Hereson School the western end of the lane, between the school site and Pysons Road, was widened and surfaced to provide appropriate access to the school.
28. Local representations consider that the Newlands Lane/Pysons Road junction needs to be upgraded, or a separate access provided so that school and farm vehicles are separated. Parents parking in Newlands Lane, and the volume of school traffic, also prevent/hinder farm vehicles accessing the lane. First, as noted in Highways and Transportation's views on this application, Newlands Lane is a private road, albeit the western end is built to an adoptable standard, and therefore any congestion/issues within the road are not a matter that can be dealt with by the County Council. However, crash data for the last three years do not record any crashes at the Newlands Lane/Pysons Road junction. The access also only gets busy for two short periods of time (start and end of the school day), Monday to Friday in term time only. Highways and Transportation also consider that farm vehicles would not generate a sufficient degree of trip generation to warrant a purpose built access. In any event, the County Council is not in a position to seek and/or provide such an access.
29. However, to mitigate an increase in traffic at peak school times, the applicant is proposing to stagger the start and end of the school day to avoid the start and end times of Ellington & Hereson School. Although this would extend the peak traffic period in the morning and afternoon, it would aid in the better functioning of the school access and the junction with Pysons Road by separating out school traffic. In addition, and as stated by Highways and Transportation, the introduction of a SEN school would not result in parents parking in Newlands Lane and/or other local roads as all the transport needs of the pupils are catered for by minibus/private taxis and would only collect and drop-off within the curtilage of the school grounds. Highways and Transportation are of the view that sufficient car parking is proposed on site to cater for staff (in considering car sharing, lunch time/part time staff using parent drop off parking, and Travel Plan targets encouraging sustainable transport), and any parents visiting the site have adequate parking facilities adjacent to the school entrance. In light of the above, and in considering the views of Highways and Transportation, I am of the opinion that the proposed development would not have a significantly detrimental impact on the Newlands Lane/Pysons Road junction or the operation of Newlands Lane itself. However, car parking, cycle parking, vehicle loading/unloading and turning facilities on site should be provided prior to occupation of the building and thereafter retained. In addition, should permission be granted, I also consider that a revised School Travel Plan should be submitted within 6 months of the date of occupation of the development, and that staggered school start/end times are implemented. Subject to the imposition of conditions covering these matters, I am satisfied that the development would not have an unacceptable impact on Newlands Lane and its users.

Sport England Objection

30. As can be seen in paragraph 17 of this report, Sport England has raised objection to this application as they consider that the proposed school would be constructed upon existing playing field. Sport England was not originally consulted on this application as the site is not, in my opinion, playing field land. However, due to a neighbour

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representation which objected to the proposal as the site was used as playing field, I considered it necessary to seek further clarification from the applicant and to also consult Sport England.

31. As outlined in paragraphs 3, the 2.54 hectare application site is within the fenced boundary of the Ellington and Hereson School, and is mown amenity grassland. Ellington and Hereson School has, to the south of the site, formal playing fields which meet Sport England requirements. The applicant has confirmed that the application site, previously a meadow area within the school, was mown by the school and used as a social/recreational area during school break times only. I am further advised that the School's Physical Education Department have infrequently used the field for some informal sports, but that pitches are not marked out. In addition, it is important to note, as outlined in paragraph of this report, that the application site has an expired outline planning permission (planning reference TH/09/955 granted 27 May 2010) for the relocation of Laleham Gap School. In addition, the site is allocated within Thanet District Council Local Plan as a 'new education site' under Policy CF6.
32. I am of the opinion that, although the application site is used informally for recreation, it is not formal playing field and is surplus to the playing fields requirements of the Ellington and Hereson School. In considering the above, I am of the opinion that the loss of some informal recreation space should not warrant an objection, especially when balanced against the need for the development, the wider benefits to the community of this education facility, and the replacement facilities proposed. I do not therefore consider there is any basis for a planning objection on the grounds that the development would lead to unacceptable loss of playing field land or would affect the ability of the Ellington and Hereson School to use playing fields as they have adequate provision to the south. Whilst I understand Sport England's objection in principle to the loss of any playing field land, it is important to view that in the wider context of needs other than just sport. In addition, I am firmly of the view that the application site is not playing field.
33. Should Members be minded to agree with the recommendation of this report and grant planning permission subject to conditions, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the Secretary of State for Communities and Local Government for his consideration

Design/Siting/Massing

34. Development Plan policies promote high quality design, sustainable development, and significant improvements to the built environment. Although no objections to the design and general principle of the proposed development have been received, it is important to discuss these matters to ensure that the proposal is in accordance with the general design principles expressed in Development Plan policies. It should also be noted here that the application site is within the Green Wedge as designated under Thanet District Local Plan Policy CC5. That Policy states that new development within the Green Wedge will not be permitted unless it can be demonstrated that the development is not detrimental or contrary to the stated aims of the Policy. However, the site is also designated under Policy CF6 of the same Local Plan as an education complex. Development of the nature proposed would therefore, in my view, be acceptable in principle in terms of Policy designations, and would not be detrimental to the functioning of the Green Wedge in terms of settlement separation as the application site is already within the fenced boundary of an existing school. New development within the Green

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Wedge should, however, make a positive contribution to the areas in terms of siting, design, scale and use of materials.

35. Although a local resident has requested additional screening and a secure site boundary (to be discussed later in this report), I have not received any objections to the siting, massing and/or design of the school. The single storey building would not, in my opinion, be unduly visible or prominent within the wider landscape, and the layout of the site is such that the development would not result in overlooking of neighbouring properties, or be overbearing in nature. Although the site is split into two by the existing access road for Ellington and Hereson School, the applicant has designed the scheme to make best use of available land and used the smaller part of the site for car parking for staff and visitors only. Pupils would not, therefore, have to cross that road at any time. I consider the layout of the site to be logical, providing a building and facilities that are fit for purpose and designed to meet the needs of the user group. In my view, the siting and massing of the development is appropriate for the site, and would not be contrary to the relevant principles of Development Plan Policy, with particular regard to Policy CC5 of the Local Plan.
36. The applicant advises that the single storey building would have a single membrane insulated flat roof system, coloured light grey, with parapet detailing. A simple palette of pale yellow facing bricks are proposed for the external walls with powder coated aluminium windows and doors. The general colour finish to the powder coated elements would be mid-grey, although some doors and infill panels would be various colours to differentiate each class base. The taller elements of the building (4.5 metres internal height) such as the hall and dining room, are proposed to be finished with a contrasting timber rain screen cladding with a vertical emphasis to provide some height against the long low brick elevations. I have no objection to the materials proposed, but consider that further details should be provided for approval should permission be granted. Subject to the imposition of a condition requiring the submission and approval of all materials to be used externally, I consider the design of the building to be acceptable and in accordance with Development Plan policies.

Landscaping, Screening and Site Security

37. As the site is open grassland this application would not result in the loss of any trees, nor would any trees be affected by the proposals. In addition, as detailed in the paragraphs above, I do not consider that the proposals would be detrimental to the character and appearance of the wider landscape, including the Green Wedge. However, local representations have raised matters regarding fencing and proposed landscaping which need to be considered and addressed.
38. As detailed in paragraph 14 of this report, the application site is within the fenced boundary of the Ellington and Hereson School, which is secured with black weldmesh fencing. It is proposed that that fencing be reinforced with hedging to provide further screening and security. The southern site boundary is undefined and currently open as it is part of the wider Ellington and Hereson School site. It is proposed to secure the southern boundary with 1.8 metre high black weldmesh fencing, to match the existing. First, with regard to fencing, local residents, including the occupants of Newlands Farm, consider that the perimeter fencing should be replaced and upgraded as existing pupils at Ellington and Hereson School climb over the fencing, resulting in trespass to adjoining farmland, which is not only illegal, but damages crops and is unsafe for the pupils. The applicant confirms, however, that the existing 1.8 metre weldmesh fence would be

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retained as the fence was approved as adequate for the original Ellington and Hereson School application and is also typical of security fencing at schools across the County.

39. The applicant further advises that the SEN nature of the proposed school and the physical capabilities of the pupils means that the children would be highly supervised when compared to a typical non-SEN school. The risk of pupils being able to attempt to climb a 1.8 metre high fence is therefore considerably lower than a non-SEN School. In addition, the older pupils at the proposed school (14-19), who may be more capable of climbing, are located in a part of the site where their external landscaped areas do not adjoin directly to the sites external boundary line. If any pupils of that age were able to climb over a fence, they would merely end up in another part of the school site, or in the adjacent Ellington & Hereson School. In addition to the existing fencing to be retained, a native species hedgerow is proposed to the inside of the fence line along the northern and eastern boundaries (to be discussed in more detail below). This would further discourage anyone from attempting to climb over the fence. Further to this, the applicant also advises that by far the majority of the pupils at the proposed school would be bought to and collected from the school by either parents or specialist transport. It is not anticipated that pupils would return home alone and/or unsupervised. Given the above, I consider it unlikely that pupils at the proposed school would climb over the security fencing and trespass in local farmland. In addition, the construction of the proposed school would actually have the affect of eliminating Ellington and Hereson pupils climbing over perimeter fencing as those pupils would no longer have access to the sections of fence in question, and would be forced to use the official school access road to enter and leave the site. I therefore consider the 1.8 metre high weldmesh fencing to be more than acceptable, and see no reason for this to be replaced with a higher or more industrial fencing type which would also be more visually intrusive.
40. It is also considered by the occupants of facing properties to the north of the application site that more effective screening of the school should be provided, not only to lessen the impact of the development on the outlook from their properties, but to screen pupils from farming activities and noise. A 3 metre high hedge around the school site is requested. The applicant advises that this matter was considered from the outset of the design process, hence the inclusion of a native species hedgerow and 'hedgerow trees' along the northern and eastern boundaries of the site. The applicant considers that the hedgerow proposed is fully capable of providing adequate and sufficient screening between the proposed school and Newlands Lane. The hedgerow is capable of being maintained at a range of heights, from 1.5 metres up to 6-8 metres. Due to practical maintenance issues, it is the intention that the hedgerow would be maintained at 2.4 metres which, when fully established would provide a solid and continuous enclosure to the site. Although it should be noted that protection of private views is not a material planning consideration, I consider the screening proposed by the applicant to be more than adequate. However, to agree final details of planting across the site, including the boundary hedgerow, I consider that a detailed scheme of landscaping should be submitted pursuant to condition should planning permission be granted.

Biodiversity

41. With regard the ecology, an Ecological Scoping Survey Report has been submitted which concludes that the development would not have a detrimental impact on biodiversity, subject to precautionary approaches with regard to bats, hedgehogs and reptiles. The County Council's Biodiversity Officer is satisfied with the level of information provided. However, should permission be granted, conditions of consent should be imposed

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requiring that the development is undertaken in accordance with the recommendations and precautionary measures as detailed within the submitted Ecological Scoping Survey Report. Biodiversity enhancement measures should also be explored, and I consider that this matter could be dealt with by way of an informative.

Public Right of Way

42. As outlined in paragraph 4 of this report, a Public Right of Way runs along the northern and eastern site boundary. As can be seen in paragraph 16 of this report, Public Rights of Way have been consulted on this application and have provided advice with regard to erecting furniture, disturbance to the surface, and obstruction of use. The applicant has confirmed that the Public Right of Way would be unaffected by the development, that no works are proposed to be undertaken to the Right of Way, and that no temporary closure would be required during construction works, should permission be granted. In this instance, therefore, I consider it sufficient to draw the applicant's attention to the advice provided by Public Rights of Way by way of an informative only.

Archaeology

43. The County Archaeologist has concluded that in order to secure the appropriate level of evaluation and mitigation of archaeological potential at the site, a condition of consent should be imposed. It is requested that no development takes place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable. I consider that the suggested condition would be an appropriate requirement in ensuring an acceptable level of evaluation and mitigation of the archaeological potential of the site. Therefore, subject to the imposition of the required condition, I do not consider that this proposal would have a detrimental impact on archaeological remains.

Drainage and land contamination

44. The Environment Agency raises no objection to the proposal, however requests a condition be attached to any consent requiring that there is no infiltration of surface water drainage into the ground at the site without the express written consent of the County Planning Authority. A further condition regarding land contamination is required. Therefore, should permission be granted, conditions would be imposed covering the matters raised above. That would ensure that the development would not result in an unacceptable level of pollution, in accordance with the principles of Development Plan Policy.

Sustainable construction

45. The applicant advises that the project would achieve a minimum 'Very Good' rating under BREEAM for schools. As outlined in paragraph 13 of this report, the building would include a number of sustainable features and I consider that the applicant has given sufficient information within the planning application to demonstrate how the rating of 'Very Good' would be achieved. I therefore consider it sufficient and acceptable to condition that the development achieve at least a 'Very Good' rating, but not to request the submission of further details in relation to this.

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Construction matters

46. Given that there are neighbouring residential and industrial properties, including Newlands Farm, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day. Given the neighbouring Ellington and Hereson School, and the joint access, I consider it appropriate that details of how the site access would be managed to avoid peak school times should also be included within the Construction Management Strategy.
47. I also consider it appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods and hours of working, location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid peak school times, signage to prevent use of Newlands Lane beyond the school entrance by vehicles associated with the construction, and details of any construction accesses. Such a strategy would also address the conditions required by Highways and Transportation with regard to the construction of the development. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.
48. In addition to the above, should permission be granted, conditions of consent would ensure that dust, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Conclusion

49. In summary, I consider that, subject to the imposition of appropriate planning conditions and the completion of the highway mitigation works, this proposed development constitutes sustainable development, with an appropriate standard of design and layout, which would not have significantly detrimental effects on the sporting facilities at the Ellington and Hereson School, the wider landscape, residential amenity or upon the local highway network. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies, as well as the National Planning Policy Framework. I am aware of no material planning considerations that indicate that the conclusion should be made otherwise.
50. However I recommend that various conditions be placed on any planning permission, including those outlined below. Given the Sport England objection, should Members support my views expressed in paragraphs 21 to 48 above and decide against refusal of this application, the County Planning Authority is required to consult the Secretary of State for Communities and Local Government at the National Planning Casework Unit and not grant planning permission until the Secretary of State has first had opportunity

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to consider the application. The Town and Country Planning (Consultation) (England) Direction 2009, requires that the Authority may only proceed to determine an application once the Secretary Of State has had an opportunity to consider whether or not to call in the application for his own determination.

Recommendation

51. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government and SUBJECT TO his decision, and SUBJECT TO a Memorandum of Understanding between the applicant and Kent County Council Highways and Transportation to address the provision of the required offsite highway works, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the submission of details of all materials to be used externally;
- the submission of the scheme of landscaping;
- the provision and permanent retention of the car parking, cycle parking, drop-off and turning/loading/unloading areas as shown on the submitted plans;
- the completion of off-site highway works prior to first occupation of the development;
- submission of an updated Travel Plan within 6 months of the date of occupation;
- staggered/offset school start and finish times;
- the development to be undertaken in accordance with the recommendations of the Ecological Scoping Survey;
- a BREEAM rating of 'Very Good' to be achieved;
- submission of a specification and timetable for the implementation of a programme of archaeological work;
- control of surface water drainage and infiltration to ground;
- control of the development should land contamination be identified;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- the submission of a Construction Management Strategy, including the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, signage to prevent use of Newlands Lane beyond the school access, and details of any construction accesses & management of the site access to avoid peak school times;
- measures to prevent mud and debris being taken onto the public highway.

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

- The applicant's attention is drawn to the letter from Public Rights of Way which contains general informatives with regard to works adjacent to and/or on a Public Right of Way. It is also advised that 'the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority;
- The applicant's attention is drawn to the letter from Highways and Transportation in which it is noted that it is the responsibility of the applicant to ensure that all necessary highway approvals and consents where required are obtained and that the

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limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement;

- the potential for biodiversity enhancement opportunities should be further explored.

Case officer – Mary Green	01622 221055
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Background documents - See section heading
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