

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

26 March 2014

To: MEMBERS OF THE AREA 1 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in the Riverside Lounge, Angel Centre, Tonbridge on Thursday, 3rd April, 2014 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest
3. Minutes

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on Thursday 27 February 2014

Decisions to be taken by the Committee

4. Development Control 9 - 12

Introduction and Glossary

5. TM/13/03889/FL - Dry Hill Farm, Shipbourne Road, Tonbridge 13 - 34

NB Annex 2 to this report is available on request in larger print on A3 size paper

6. TM/13/01482/FL - Land at Bourne Grange Lane, Hadlow 35 - 100
College, Tonbridge Road, Hadlow

7. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

8. Exclusion of Press and Public

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

9. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr R D Lancaster (Chairman)
Cllr Ms V M C Branson (Vice-Chairman)

Cllr A W Allison
Cllr Mrs J A Anderson
Cllr Ms J A Atkinson
Cllr O C Baldock
Cllr Mrs P Bates
Cllr P F Bolt
Cllr D J Cure
Cllr M O Davis
Cllr T Edmondston-Low

Cllr Miss J R L Elks
Cllr Mrs M F Heslop
Cllr N J Heslop
Cllr M R Rhodes
Cllr Miss J L Sergison
Cllr C P Smith
Cllr Ms S V Spence
Cllr D J Trice

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 27th February, 2014

Present: Cllr Ms V M C Branson (Vice-Chairman, in the Chair), Cllr A W Allison, Cllr Ms J A Atkinson, Cllr O C Baldock, Cllr Mrs P Bates, Cllr P F Bolt, Cllr D J Cure, Cllr T Edmondston-Low, Cllr Miss J R L Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes and Cllr Miss J L Sergison

Councillor Mrs S Murray was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R D Lancaster (Chairman), Mrs J A Anderson, M O Davis, C P Smith, Ms S V Spence and D J Trice

PART 1 - PUBLIC

AP1 14/1 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct.

AP1 14/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 5 December 2013 be approved as a correct record and signed by the Chairman; subject to noting the apologies of Councillor Baldock submitted at that meeting.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3 PART 3 OF THE CONSTITUTION

AP1 14/3 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP1 14/4 TM/13/02224/FL - OAKHURST PARK GARDENS,
HILDENBOROUGH**

Construction of twelve houses, being an amended scheme to that previously approved under planning permission reference TM/06/00140/FL and including the addition of single storey additions to six of the houses, other elevational changes, and the creation of individual gardens at Oakhurst Park Gardens, Hildenborough.

RESOLVED: That the application be

APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

Members commented that retrospective applications should not be considered a legitimate approach in planning development.

[Speakers: Hildenborough Parish Council (Mr M Dobson); Mr M Ingle and Mr Murray – members of the public and Mr Webster – agent]

**AP1 14/5 TM/13/03128/FL - TONBRIDGE GRAMMAR SCHOOL FOR GIRLS,
DEAKIN LEAS, TONBRIDGE**

Construction of a floodlit synthetic turf pitch, including fencing, on school playing fields at Tonbridge Grammar School for Girls, Deakin Leas, Tonbridge.

RESOLVED: That the application be

REFUSED for the following reason:

- (1) The proposed use of the hockey pitch, when taken cumulatively with the existing range of uses that already take place at the school, would further intensify the overall levels of activity within and around the site and increase the comings and goings to and from the site, which is served only by a single vehicular access and surrounded by residential properties. This intensification in activity within and around the site would cause an unacceptable level of disturbance to the surrounding residents at times when they could reasonably expect a certain level of peace and quiet. Furthermore, the proposed level of illumination, by virtue of the siting of the floodlights and their proximity to the nearby dwellings would be intrusive and harmful to the enjoyment of those properties. For these reasons, it is considered that the proposal would cause an unacceptable level of harm to the residential amenities of the surrounding residential properties and is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010.

[Speakers: Mr P Ingrams, Mr I Terry, Mr N Hebditch and Mr A Linnington – members of the public and Ms R Joyce – applicant]

AP1 14/6 TM/13/03889/FL - DRY HILL FARM, SHIPBOURNE ROAD, TONBRIDGE

Demolition of existing workshop building and garages and erection of two, two-storey three bed houses at Dry Hill Farm, Shipbourne Road, Tonbridge.

RESOLVED: That the application be

DEFERRED for a Members' Site Inspection

[Speakers: Mr R Digby – member of the public and Mr D McDermott – agent]

AP1 14/7 TM/13/03905/FL - 20 GREENTREES AVENUE, TONBRIDGE

Side and rear extension with loft conversion and rear dormer at 20 Greentrees Avenue, Tonbridge.

RESOLVED: That the application be approved in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr P Parkinson – member of the public and Mrs Greener – applicant]

AP1 14/8 TM/13/03868/FL - 1 BARCHESTER WAY, TONBRIDGE

Retrospective application for a garage and playroom at 1 Barchester Way, Tonbridge.

RESOLVED: That the application be

REFUSED for following reason:

- (1) The proposed development, by virtue of its overall height, the design of the roof and specific siting, would appear as an incongruous feature and would be harmful to the visual amenity and appearance and character of the area. The proposal is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010 and paragraphs 17, 56, 57, 60 and 64 of the National Planning Policy Framework (2012).

[Speakers: Mrs C Bowden and Dr J Boyce - members of the public and Mr King – applicant]

AP1 14/9 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.35 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 16 August 2013

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CBCO	Chief Building Control Officer
CEHO	Chief Environmental Health Officer

CHO	Chief Housing Officer
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs
DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document (part of the emerging LDF)
DMPO	Development Management Procedure Order
DPD	Development Plan Document (part of emerging LDF)
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 1995
GPDO	Town & Country Planning (General Permitted Development) Order 1995
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust - formerly KTNC
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MLP	Minerals Local Plan
MPG	Minerals Planning Guidance Notes
NE	Natural England
NPPF	National Planning Policy Framework
ODPM	Office of the Deputy Prime Minister

PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement (issued by ODPM/DCLG)
PROW	Public Right Of Way
RH	Russet Homes
RPG	Regional Planning Guidance
SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCG	Tonbridge Conservation Group
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)

FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent
LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
ORM	Other Related Matter
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

Tonbridge Castle **559229 147160** **7 March 2014** **TM/13/03889/FL**

Proposal: Demolition of existing workshop building and garages and erection of two, two-storey three bed houses
Location: Dry Hill Farm Shipbourne Road Tonbridge Kent TN10 3DJ
Applicant: Derek Roberts Antiques

1. Description:

- 1.1 Members will recall that this application was deferred from the February meeting of the Area 1 Planning Committee for a Members' site inspection to take place. This was held on the 18th March 2014. A copy of my previous report and supplementary report is annexed for ease of reference.
- 1.2 Since the application was last reported to the Area1 Planning Committee, the applicant has amended the red line of the application site to include 4 car parking spaces.
- 1.3 A drawing has also been received from the applicant's agent in response to a request during the Members' site inspection for clarification of certain distances between the existing and proposed buildings and the north and east boundaries of the site. The drawing shows the northeast corner of the site upon which certain dimensions have been annotated.

2. Consultees:

- 2.1 Two further representations have been received since this application was reported to the February meeting of the Area 1 Planning Committee. One objects to the proposed development on the following grounds:
 - The building work could not be carried out without severely impeding vehicular access to neighbouring properties.
 - The modern building is not in keeping with the neighbouring grade II Listed Buildings.
- 2.2 The other letter does not object to the application on the understanding that the access into Dry Hill Farm which serves a number of houses will be no less accessible to emergency vehicles than at present.

3. Determining Issues:

- 3.1 Consideration of the merits of the proposed development is contained within my previous report, a copy of which is attached as an annex to this report. I shall, therefore, concentrate of issues and questions that have arisen since the

application was deferred from the last Area 1 Planning Committee meeting including those raised during the Members' site inspection.

- 3.2 The development as proposed is shown not to encroach into the access road that provides vehicular access to a number of other properties in the locality. Consequently, vehicles that can currently use the access to the neighbouring properties would still be able to do so with the development built as shown on the submitted drawings.
- 3.3 Concern has been expressed by local residents that the physical works of the development would impede the use of the adjacent access by neighbours. As Members will recall, the planning system does not normally involve itself with the construction aspects of a development, but rather the impacts of the finished product. However, in this particular case due to the close proximity of the existing and proposed buildings to the access road and given the limited size of the application site, I consider it reasonable to recommend the use of a condition to require details of a construction management plan to be submitted and approved by the Local Planning Authority prior to the development taking place. This would require details of how the development would be carried out without inhibiting the use of the access by other users.
- 3.4 The applicant has also amended the red line of the site location plan to now include four car parking spaces as part of the proposed development instead of the three spaces that were previously shown. The provision of 2 car parking spaces for each dwelling is considered to be acceptable.
- 3.5 Queries were raised during the site inspection regarding the distances between the east (flank) wall of the easternmost proposed dwelling and the site boundary compared to the existing building. I would refer Members to the drawing contained as an annex to this report. This has been submitted by the applicant's agent and contains certain dimensions which Members should find useful. I have listed some of these measurements below:
- The front corner of the east (flank) wall of the proposed building measures 2.4m to the boundary of the site.
 - The closest point of the flank wall of the proposed building to the east boundary of the site would be 1.61m.
 - The east elevation of the existing building (the single storey garages) measures between 2.4m and 1.39m from the east boundary of the site. The east elevation of the two storey part of the existing building stands 4.8m further to the west of the east elevation of the single storey garages.
 - The closest part of the box bay window on the east elevation of the building would be 1.01m from the east boundary of the site.

- The nearest part of the rear elevation of the proposed building to the north boundary of the site would be 4.57m. The recessed section of the rear elevation of the proposed building would be 5.2m away from the north boundary of the site. The two storey element of the existing building stands 6m from the north boundary of the site.
- 3.6 The submission of the drawing showing the position of the proposed building in relation to the boundaries with the neighbouring residential properties is useful to help assess its impact upon them. However, for the reasons set out in section 6 of my previous report, I remain of the opinion that the relationship between the proposed building and the neighbouring residential properties would be acceptable and the development would not result in material harm to their amenity in terms of loss of light or privacy.
- 3.7 An issue arose during the Members site inspection regarding the potential use of a small area of land to the west of the proposed building as a car parking space. This piece of land is not shown on the submitted plans to be used as such, but would be soft landscaped. In fact, this area of land is too small to fit a car parking space of the recommended dimensions (i.e. a minimum of 2.4m wide by 4.8m in length). Indeed, as this is located next to the flank wall of the proposed building, to be used as a recognised car parking space, this area of land would need to measure 2.7m wide. The piece of land in question measures a maximum of 2.2m wide and between 3.6m and 5m in length. If a car were to be parked on this piece of land in the future it is likely that it would stick out into the access road. I do not consider it likely, therefore, that this piece of land would be used for parking a car.
- 3.8 Details of landscaping can be required by a condition and I consider it reasonable to recommend such a condition in this case, as only limited information has been submitted with the current application. The landscaping condition protects trees and shrubs for 10 years so that if they die or are removed within this time, they have to be replaced. This would, in effect, protect the area of land to the west of the proposed building from being used as a car parking space for this length of time.
- 3.9 It would also be prudent to remove permitted development rights for the creation of hard standings within the residential curtilages of the proposed dwellings. This would enable the Local Planning Authority to control such works within the strip of land to the west of the proposed building.
- 3.10 In light of the above and the issues discussed in my previous report, I recommend that planning permission be granted.

4. Recommendation:

- 4.1 **Grant Planning Permission** as detailed in the following submitted details: Email dated 23.12.2013, Email dated 07.01.2014, Certificate B dated 08.01.2014, Bat Survey dated 17.12.2013, Desk Study Assessment dated 17.12.2013, Notice

ARTICLE 11 dated 08.01.2014, Existing Floor Plans 1231/P/01 dated 17.12.2013, Block Plan P02 dated 17.12.2013, Existing Elevations 1231/P/03 dated 17.12.2013, Proposed Elevations P14 A dated 10.02.2014, Email dated 07.03.2014, Letter dated 07.03.2014, Location Plan P04 B dated 07.03.2014, Design and Access Statement dated 07.03.2014, Site Plan P10 B dated 07.03.2014, Proposed Floor Plans P11 B dated 07.03.2014, Proposed Floor Plans P12 B dated 07.03.2014, Proposed Roof Plan P13 B dated 07.03.2014, Proposed Elevations P15 B dated 07.03.2014, Proposed Elevations P16 B dated 07.03.2014, Proposed Elevations P17 A dated 07.03.2014, Sections P18 B dated 07.03.2014, Sections P19 B dated 07.03.2014, Site Plan 1231-P20 dated 07.03.2014, Email dated 18.03.2014, Proposed Floor Plans P21 dated 18.03.2014, subject to:

Conditions / Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the North or East elevations of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property.

6. No development shall take place until:

(a) Further bat emergence and/or pre dawn re-entry surveys have been undertaken in accordance with the recommendations set out in section 5 of the Greenspace Ecological Solutions report received 17.12.2013 and the findings of those surveys have been submitted to the Local Planning Authority.

(b) Details of any mitigation measures required (where evidence of bat roosts or activity within the site has been discovered), have been submitted to and approved in writing by the Local Planning Authority.

The mitigation measures so approved shall be implemented prior to the first occupation of the dwellings hereby approved and shall be retained at all times thereafter.

Reason: In order to establish whether protected species are present within the site and to ensure that appropriate mitigation measures are undertaken if bats are found to be active or roosting within the site.

7. No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted.

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

8. The north and east facing windows located at first floor level on the north and east elevations of the building shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

- 9 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class F of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to enable the Local Planning Authority to regulate and control the future development of additional hard surfaces within this site in the interests of amenity.

- 11 No development shall take place until details of a construction management plan have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. The construction management plan shall include details of how the demolition and construction

works including the storage of building materials and the parking of contractors' vehicles, would be undertaken and managed without impeding the use of the access to the neighbouring properties.

Reason: In the interests of residential amenity

Contact: Matthew Broome

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Report of 27 February 2014

Tonbridge Castle **559229 147160** **8 January 2014** **TM/13/03889/FL**

Proposal: Demolition of existing workshop building and garages and erection of two, two-storey three bed houses
 Location: Dry Hill Farm Shipbourne Road Tonbridge Kent TN10 3DJ
 Applicant: Derek Roberts Antiques

1. Description:

- 1.1 It is proposed to demolish the existing workshop building and build a pair of semi-detached dwelling houses in its place. The building would measure 16.4m in length, a maximum of 10.2m in depth and would stand 7.5m high at ridge level. The dwellings would be built from facing brickwork, white painted timber weatherboarding and the pitched roof elements would be clad with plain clay tiles. The windows and external doors would be of timber construction and the windows would be painted white.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Branson given the constrained nature of the site and concerns over the relationship to neighbouring properties.

3. The Site:

- 3.1 The site is located within the urban confines, to the east of Shipbourne Road. The site lies within the Tonbridge Conservation Area (Sub Area E2). The site contains a brick and timber building currently used as a workshop, but was once used as a farm building.

4. Planning History:

TM/56/10166/OLD grant with conditions 3 July 1956

Builders Yard.

TM/76/11078/FUL Refuse 25 February 1976

Change of use of three garages to use as furniture storage building.

5. Consultees:

- 5.1 KCC (Highways): No objection.

5.2 Private Reps (including site and press notices): 0X/0S/2R. Two letters have been received, one from a local resident and one from a planning consultant on behalf of a local resident. They raise the following objections to the proposed development:

- Loss of privacy from the proposed dwellings.
- The building would appear overbearing from the neighbouring properties due to its size and close proximity to the boundary.
- The building would result in a loss of light to the neighbouring dwelling and its garden located to the north of the site.
- The demolition of the existing building would harm the setting of the adjacent Listed Building and Character of the Conservation Area.
- The proposed replacement building would harm the character of the Conservation Area and the setting of the adjacent Listed Building, due to its size, position and design.
- The development would appear cramped and fail to respect the cluster of buildings in this locality.
- The development is contrary to development plan policies CP 1, SQ 1 and SQ 2, as well as current Government policy contained within paragraphs 60 & 61 as well as section 12 of the NPPF.

6. Determining Issues:

6.1 Current Government guidance contained within the NPPF promotes the presumption in favour of sustainable development which should be seen as a golden thread running through the decision taking process. This is defined within paragraph 14 of the NPPF as:

“approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.”

-
- 6.2 The site lies within the urban confines of Tonbridge, where policy CP 11 of the TMBCS supports the principle of locating new development. The site is located close to the town centre and the proposed dwellings would be located on previously developed land. In light of the above, I consider that the principle of locating dwellings within this site is acceptable in broad policy terms.
- 6.3 Of course, many other considerations have to be taken into account. Policy CP 24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. All proposals must, in terms of scale, siting, layout, density, character and appearance, be designed to respect the site and its surroundings. Policy SQ 1 of the MDEDPD reinforces this by requiring developments to protect, conserve and, where, possible, enhance the character and local distinctiveness of the area.
- 6.4 Section 12 of the NPPF relates to development and the historic environment. It states at paragraph 131 that when determining planning applications, account should be taken of the desirability of preserving and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.
- 6.5 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), relates to developments within Conservation Areas. It requires that when exercising powers in respect of land or buildings within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the area.
- 6.6 The site, the subject of this application lies within Sub-Area E2 of the Tonbridge Conservation Area (Shipbourne Road). The Conservation Area Appraisal makes no reference to the site, the subject of this application, or the building within it. The appraisal notes that the use of traditional materials is predominant in this area with buildings built from red brick or painted render, with some weatherboard and hung tiles. Roofs are slate or tiled. The appraisal refers to the “haphazard character of Shipbourne Road” contrasting with “the more formal planned character of Asburnum Road or Manor Grove”.
- 6.7 I note the concerns of the local resident regarding the loss of the existing building. However, it is not a Listed Building. It is of red brick construction, although it does contain white coloured weatherboarding on its front elevation at first floor level. The roof is clad with clay plain tiles and diamond shaped patterns have been laid within the roof by using different shaped roof tiles. The building once formed part of Dry Hill Farm, before the surrounding area was developed. However, the building is not considered to be of such historical or architectural importance that its replacement with another would automatically result in detriment to the character or appearance of the Conservation Area.

-
- 6.8 The proposed building would occupy a similar position within the site as the building it would replace. The dwellings would be located further to the south of the position of the existing building, adjacent to the edge of the access road that serves this and neighbouring properties. It is larger than the building it would replace in terms of height, length and depth and it is true that the site is not extensive in terms of its area. However, the area close to the site is characterised by different sized buildings and plots and there is no one set pattern or size of development in the locality.
- 6.9 The proposed development, in terms of scale, form, height and design would not appear as a cramped over development of the site, given the particular context of the local area. The dwellings would have a traditional form and design and it is proposed to construct them from stock brickwork, white-painted, timber cladding and plain clay roof tiles. The windows would also be of timber construction and painted white. The dwellings would have an external appearance that is traditional and the materials are those cited within the Conservation Area appraisal as being a key feature of the Conservation Area. The overall character of the proposed building is not altogether dissimilar to that of the building it would replace and I consider this to be a sensitive development in terms of how it would relate to the historic environment and it would not detract from the local distinctiveness of this part of Tonbridge. Consequently, I do not consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area and I also consider that it would not harm the setting of the Grade II Listed Building at Dry Hill Farm located to the south west of the site.
- 6.10 One of the objectors considers that the proposal does not comply with paragraphs 60 and 61 of the NPPF. These relate to the quality of design of a development. In light of my comments in the preceding paragraph, I do not consider this proposal to be contrary to paragraphs 60 or 61 of the NPPF either.
- 6.11 With regard to the issues concerning residential amenity, the two storey section of the building would be located closer to the boundary with the neighbouring residential property at 21 Haydens Mews, than the existing building. However, this residential property has a large rear garden and the position/orientation of the proposed dwellings is such that they would not unduly dominate the outlook from this neighbouring property in my opinion. Two first floor windows are shown to be located within the flank wall of the dwelling facing this neighbouring residential property. However, one can be required to be obscured glazed and fixed shut as it would serve only a stairwell. A bedroom window originally faced this direction, but this has now been altered to a bay window with three sides, two of which can be obscured glazed and fixed shut, The other panel would face south, away from the dwelling house and private garden area within the neighbouring residential property, thereby protecting its amenity.

-
- 6.12 Concerning the neighbouring property 'Appledore', which lies to the north of the site, the proposed dwellings would cause some overshadowing to occur to the southernmost section of the garden of this neighbouring property. However, the majority of the residential curtilage of this property would not be adversely affected by this proposal. Furthermore, due to the distance separating the proposed dwellings and the existing one at 'Appledore', I am also satisfied that they would not cause an unacceptable loss of light to this neighbouring dwelling house. One of the letters of objection considers that the proposed dwellings would have a greater degree of dominance and overbearance when viewed from 'Appledore'. However, due to the scale, form, height, design and position of the dwellings, I do not consider that they would have such an overbearing impact, particularly when considering the fact that the dwellings would replace an existing two storey building in a similar position.
- 6.13 The two dwellings would be served by a total of three car parking spaces provided communally in front of them. In this location, the adopted car parking standards require 1 space to be provided for 3 bedroom dwellings. The Highway Authority has not objected to this proposal and it is considered, therefore, to be acceptable in terms of highway safety impacts. The site is considered to be a sustainable location in which to build houses, with good access to shops, services and public transport.
- 6.14 A desk based Environmental assessment has been submitted which recommends that site investigation be conducted to clarify the risk of contamination within made ground located within the site. A condition can be used to require such investigation to take place (together with any mitigation that is considered to be required).
- 6.15 A Bat Scoping report has been submitted with this application. It concludes that no evidence of bats was found whilst investigating the building itself and suggests that the building's potential to support bats is "Moderate". However, the report recommends that as bats are most active between the months of May and October, summer emergence or pre-dawn re-entry surveys are undertaken to determine whether the building is used by bats. Given that no physical evidence of bats was found within the building, including bat droppings, and that mitigation measures such as bat boxes can be undertaken, I consider that this matter can be dealt with by a suitably worded condition.
- 6.16 For the above reasons, I consider that this proposal is acceptable in planning terms and recommend that permission be granted for this development, subject to a number of conditions.

7. Recommendation:

7.1 Grant Planning Permission as detailed the following submitted details:

Email dated 23.12.2013, Email dated 07.01.2014, Certificate B dated 08.01.2014, Bat Survey dated 17.12.2013, Design and Access Statement dated 17.12.2013, Desk Study Assessment dated 17.12.2013, Notice ARTICLE 11 dated 08.01.2014, Existing Floor Plans 1231/P/01 dated 17.12.2013, Block Plan P02 dated 17.12.2013, Existing Elevations 1231/P/03 dated 17.12.2013, Location Plan P04 A dated 23.12.2013, Site Plan P10 A dated 10.02.2014, Proposed Plans and Elevations P11 A dated 10.02.2014, Proposed Plans and Elevations P12 A dated 10.02.2014, Roof Plan P13 A dated 10.02.2014, Proposed Elevations P14 A dated 10.02.2014, Proposed Elevations P15 A dated 10.02.2014, Proposed Elevations P16 A dated 10.02.2014, Proposed Elevations P17 dated 10.02.2014, Section P18 A dated 10.02.2014, Section P19 A dated 10.02.2014, subject to the following:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the north or east elevations of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property.

- 6 No development shall take place until:

(a) Further bat emergence and/or pre dawn re-entry surveys have been undertaken in accordance with the recommendations set out in section 5 of the Greenspace Ecological Solutions report received 17.12.2013 and the findings of those surveys have been submitted to the Local Planning Authority.

(b) Details of any mitigation measures required (where evidence of bat roosts or activity within the site has been discovered) have been submitted to and approved in writing by the Local Planning Authority.

The mitigation measures so approved shall be implemented prior to the first occupation of the dwellings hereby approved and shall be retained at all times thereafter.

Reason: In order to establish whether protected species are present within the site and to ensure that appropriate mitigation measures are undertaken if Bats are found to be active or roosting within the site.

- 7 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

- 8 The north and east facing windows located at first floor level within the north and east elevations of the building shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening as shown on drawing nos. P14A, P15A, P16 A. This work shall be effected before the relevant dwelling is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

Contact: Matthew Broome

SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEE

DATED 27 February 2014

**Tonbridge TM/13/03889/FL
Castle****Demolition of existing workshop building and garages and erection of two, two-storey three bed houses at Dry Hill Farm Shipbourne Road Tonbridge Kent TN10 3DJ for Derek Roberts Antiques**

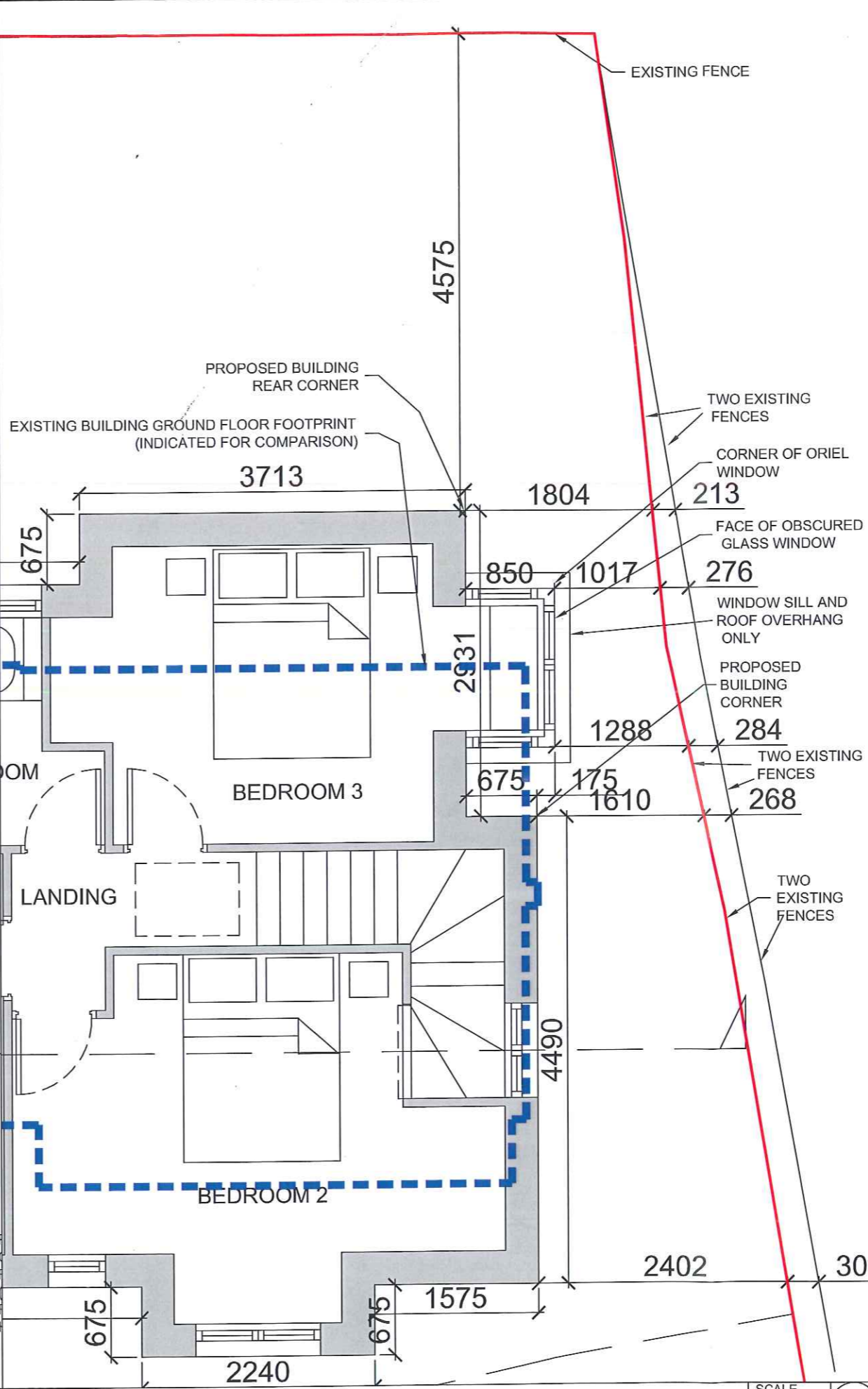
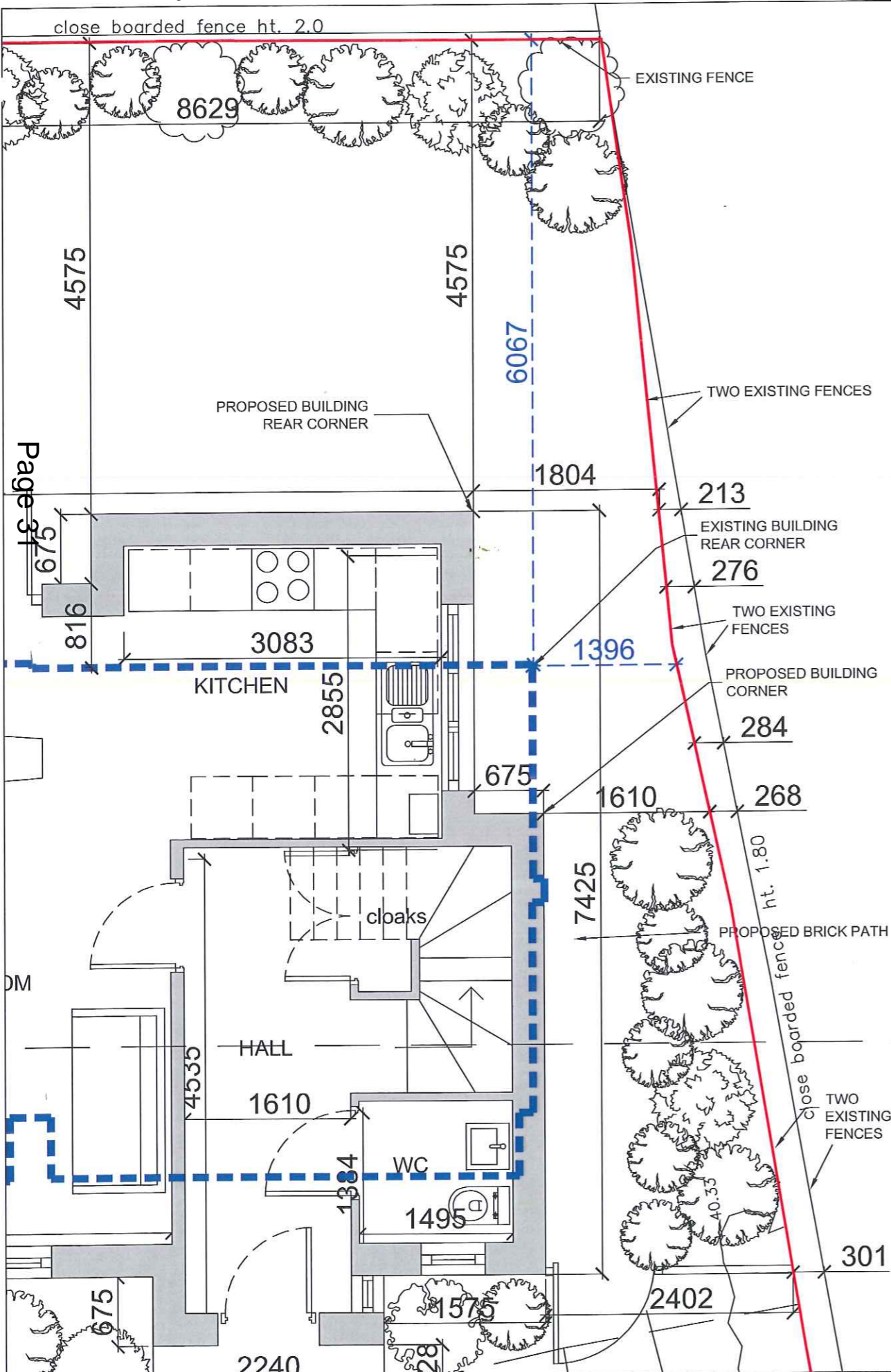
Private Reps: 1 further representation has been received raising the same concerns that have already been discussed in the main report.

The applicant has confirmed that of the three car parking spaces shown outside the red line of the application site, one is owned by him and will be available for use by one of the proposed dwellings. Therefore, 2 car parking spaces would be available for each of the proposed dwellings. The other 2 spaces are owned by the owners of the adjacent property (Dairy Cottage).

Notwithstanding the additional car parking space that will be available, Members will be aware from my main report that the provision of the three car parking spaces shown in the current application to serve the proposed development complies with the Council's adopted car parking standards in any case.

MY RECOMMENDATION REMAINS UNCHANGED

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ISSUED FOR:	Annex	DATE	
ISSUE			
No.	DESIGN PRE TENDER REVISIONS	DATE	
Rev Description			

CONTRACTOR SHALL BUILD ONLY FROM SETS STAMPED "CONSTRUCTION SET"

PLANNING ISSUE

ISSUE DATE:

No.	CONSTRUCTION REVISIONS	DATE	

PLANNING, HOUSING & ENVIRONMENTAL HEALTH SERVICES

18 MAR 2014

--- Existing building footprint
--- Site boundary

110 Bolsover Street London W1W 5NU
T: 020 7580 4499 / F: 020 7436 8191
Email: info@wintersgill.net www.wintersgill.net
Copyright © Wintersgill
Do not scale from drawing
Any discrepancy should be referred to Wintersgill

project
The Old Milking Parlour
Dry Hill Farm
Tonbridge
TN10 3DJ

drawing
Proposed Ground & First Floor Plans (Part)

scale @ size 1:50@A3
date MAR 2014 drawn DM checked .

drg. no. P21 revn

PROPOSED GROUND FLOOR PLAN (PART)

SCALE 1:50 @ A3

1

PROPOSED FIRST FLOOR PLAN (PART)

SCALE 1:50 @ A3

2

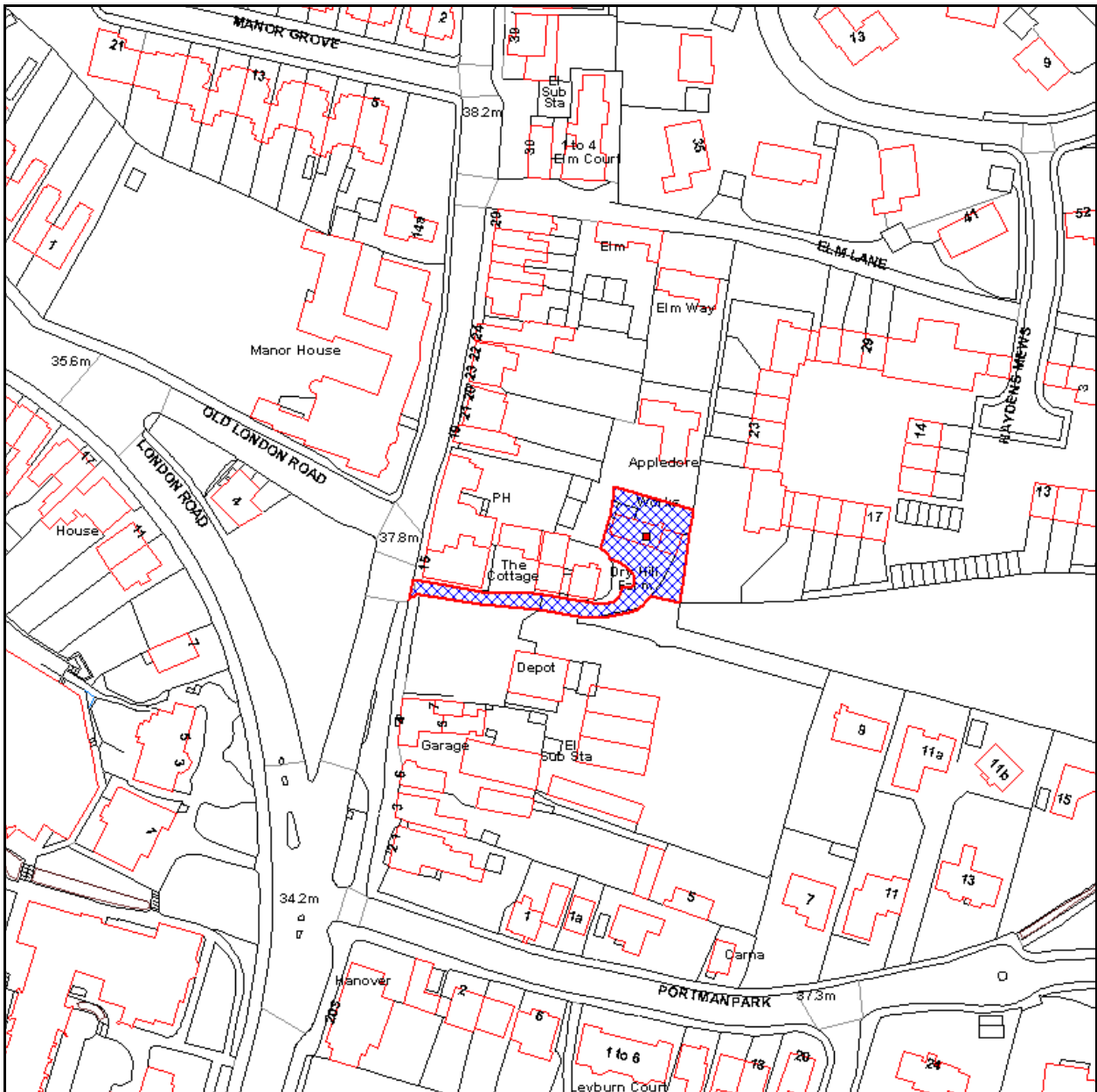
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TM/13/03889/FL

Dry Hill Farm Shipbourne Road Tonbridge Kent TN10 3DJ

Demolition of existing workshop building and garages and erection of two, two-storey three bed houses

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Hadlow (Hadlow) **562718 149914** **24 February 2014** **TM/13/01482/FL**
Hadlow, Mereworth And
West Peckham

Proposal: Erection of two storey school building together with access, car parking, vehicle circulation area, footway improvements and landscaping, relocate floodlighting within existing sports ground and change of use of agricultural land to a new unlit rugby pitch

Location: Land At Bourne Grange Lane Hadlow College Tonbridge Road Hadlow Tonbridge Kent TN11 0AL

Applicant: Hadlow College

1. Description:

- 1.1 This planning application was deferred from Area 1 Planning Committee on 12 September 2013, following a detailed debate which was informed by a Members' Site Inspection which had taken place on 6 September 2013. A copy of my earlier report, along with the associated supplementary report, are both annexed for ease of information and should be read in conjunction with this report where referenced.
- 1.2 In taking the decision to defer, Members were clear that there was not an objection to the overarching concept behind the development of a Free School with a rural ethos provided by Hadlow College. Furthermore, the argument put forward by the College in respect of the need for such a secondary school was not disputed *in principle*. The deferral reflected concerns about the specific siting of the school at Faulkners Farm and was designed to enable the College to further consider the possibility of an alternative site (sports field) along with the detailed design of proposed highway improvements to the A26 at Ashes Lane suggested by KCC and the applicants at that time. Given the length of time that has passed since the previous debate, it would be useful to summarise those particular issues in more detail, and these are set out as follows:

Impact on the openness of the Green Belt and visual impact on the countryside:

- 1.3 The desire to further examine alternative sites arose from the potential impact that the school building, with an overall footprint of 3,364 sq. m, and a height ranging from 7.9m to 10m, would have sited at Faulkners Farm. At that location it was considered to represent a significant additional physical presence in the rural area adjoining Ashes Lane which would be exacerbated by virtue of the exposed position of the site, its particular topography and the resultant views afforded when travelling along Ashes Lane and the A26.
- 1.4 The siting of the school at Faulkners Farm would have also necessitated the resiting of an existing lambing shed. Although it was accepted that this is an agricultural building that could reasonably be expected within a Green Belt location, its proposed re-siting to allow for the arrangements for the school to be

accommodated were considered to place it in a more open and exposed area of land. It was therefore considered that the combined impact of the various elements comprising development of the Faulkners Farm site would have a demonstrably harmful visual impact on the open nature and function of the Green Belt and rural amenities of the Green Belt.

Highway and pupil safety:

- 1.5 There was a general consensus amongst Members that the bus stops closest to Ashes Lane were not ideally suited to serve pupils of the proposed secondary school, given the general local traffic speeds on this stretch of road, with no crossing points and inadequate passenger waiting space at the bus stops. Members felt that despite the inclusion of a footpath proposed to run parallel to the A26 within the adjacent field, it was inevitable that some pupils using public transport would seek to use the bus stops closest to Ashes Lane given their proximity to the Faulkners Farm site and the associated convenience that these bus stops would offer. This was considered to represent a considerable risk to the safety of pupils and other road users alike. At the time, KCC had suggested a number of improvements to the A26 that could be undertaken at the cost of the College to mitigate the impact of the proposed development in these respects, but Members were not convinced that these would be sufficient in the absence of any detailed designs having been drawn up for consideration.

Residential amenity:

- 1.6 Members also expressed concerns about the impact of the proposed development on the residential amenities of the nearest neighbours given the proximity of the proposed bus drop-off point to their boundaries and the increased levels of activity that would arise as a result of the school use.

Outcome following Committee discussion:

- 1.7 Having listened to the debate and subsequently reconsidered their options, the College has taken the decision to amend the planning application, proposing an alternative location for the siting of the new school. The school is now proposed to be located on the sports pitches serving the College and would be accessed via the main access route through the College campus (Bourne Grange Lane). The College had previously discounted this site, stating that it was not available as it was reserved for its Sports and Applied Therapy centre, intended to consist of a sports hall, gymnasium and sports therapy centre. It is, however, clear that the issues identified by the Committee together with the local opposition to the Faulkners Farm site has led the College to rethink their overall strategy.
- 1.8 As part of the Members' Site Inspection that took place on 6 September 2013, Members usefully took the opportunity to walk through the main College campus along Bourne Grange Lane to the sports fields and along the private footpath

which runs along the southern boundary of the rugby pitch. They were, therefore, able to appreciate the context of this alternative site, albeit that it was cited as being discounted at that time.

- 1.9 As with the previous iteration of the scheme, the school itself is proposed to comprise a two storey building with a footprint of 3,248 sq. m to accommodate facilities for up to 330 pupils between the ages of 11 and 16. The building is to be set over two floors and is proposed to comprise of a series of teaching classrooms, science labs, an assembly/sports hall, a learning resource centre, a multi-use dining/breakout area and ancillary facilities. A mixture of brick, buff concrete blocks and cedar cladding are shown to be used in the construction of the building.
- 1.10 As with the previous scheme, a number of outdoor teaching areas are proposed adjacent to the science labs, along with a vegetable garden adjacent to the food tech room. A habitat area intended to be planted with a wide variety of plants/trees to promote local wildlife species is also proposed.
- 1.11 The submission explains that the building is intended to be based around a central outdoor courtyard which is intended to provide the pivotal hub for the school. The proposed building would wrap around three sides of this external courtyard. The sports/assembly hall is to be located within the northern wing of the building with the eastern and southern sides of the courtyard being enclosed by administration and teaching blocks.
- 1.12 Access to the proposed school is now proposed to be via the existing Hadlow College access, Bourne Grange Lane. A dedicated provision of a bus/car pick up area and vehicle circulation area are also proposed between Bourne Grange Lane and the school building itself. A staff and visitor car park (total of 33 spaces) is to be provided along with secure cycle parking for a minimum of 38 cycles. A hard and soft playground is proposed to be located to the south of the school building.
- 1.13 It is also proposed to alter an existing adjacent football pitch in order to provide a multi-use pitch, providing for both football and rugby. The floodlights currently serving the rugby pitch that is to be lost as a result of the new school building will be relocated to serve the multi-use pitch.
- 1.14 An additional, new football pitch has already been constructed on land to the north west of the proposed school (approved under planning reference TM/12/00362/FL) and this will be ready for use by the start of the 2014 season, prior to the loss of the rugby pitch arising from the proposed siting of the school. In addition, a further separate rugby pitch is proposed to be provided to the south west of the new school. This is not proposed to be served by any floodlighting.

2. Reason for reporting to Committee:

2.1 Significant local interest and Departure from the Development Plan.

3. The Site:

3.1 The site lies within the Metropolitan Green Belt, outside the rural confines of Hadlow and outside but immediately adjoining the Major Developed Site (MDS). The site is interlocked with the geographical extent of the MDS and forms an area of land immediately to the south west which is identified as “open space to be protected”, subject to policy OS1A – Hadlow College playing field. Major Developed Sites in the Green Belt are defined as being acceptable for infill development or redevelopment subject to a number of criteria concerning the scale and footprint of the development along with requirements relating to landscape setting and traffic generation.

3.2 The application site currently accommodates a series of sports pitches which are seen directly within the context of the wider College campus. The MDS itself effectively wraps around the application site to the north, south and east with open countryside to the west with Faulkners Farm situated beyond.

3.3 The site is located to the rear (south west) of the Hadlow College Student Union, adjacent to the Broadview Garden Centre and to the south west of the College’s main Campus.

3.4 Access to the site is taken from the main College access (Bourne Grange Lane), which links up with the A26 just outside the edge of Hadlow Village centre.

4. Planning History (most recent):

TM/12/00362/FL Approved 16 March 2012

Change of use from agricultural use to provide a football pitch

5. Consultees (received in connection with the revised location of the school):

5.1 PC: Agreed.

5.2 KCC (Highways): The applicant has demonstrated that the traffic generated from this development will operate within capacity standards with respect to its connection to the public highway network. The applicant’s transport consultant has further demonstrated that the car park proposed for staff use is suitable. It is noted on page 17 of the new Transport Assessment provided that 30 trips by car to the new school are expected. It is also noted on page 26 of this document that it is intended that the access road proposed, which is approximately 50m in length, will provide adequate waiting space for school buses to exit the site at the end of the school day and allow for parents to accumulate also at this time. From the plan

provided the access road proposed is to be of 5.5m width with 1.8m footways on both sides. It is considered for ease of movement at this time of the day that the width of the access road should be wider or at the very least that a length of outbound bus lay by should be provided. I would be grateful if the applicant could consider this issue further to ensure that the intended operation proposed is achievable.

5.2.1 It is noted from pages 11 and 12 of the original Transport Assessment provided that there was discussion regarding the accumulated need for a formal pedestrian crossing to be provided adjacent to the main college entrance, between the existing northbound and southbound bus stops on the A26 at this location. Encouraging safe sustainable transport use is considered to be key element for the college as a whole and for the success of this proposed free school. I would also be grateful, therefore, if the applicant could expand, with the latest proposal, its approach to the need for provision of a formal crossing on the A26 in this area. It is further considered that interruptions to traffic flow on the A26 provided by pedestrians using a formal crossing here, will assist the operation of the college Bourne Grange Lane entrance at peak times of traffic generation.

5.3 Sport England: It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

5.3.1 Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities.

Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

5.3.2 The planning application involves the erection of a two storey school building together with access, car parking, vehicle circulation area, footway improvements and landscaping, relocation of floodlighting within existing sports ground and change of use of agricultural land to a new unlit rugby pitch.

5.3.3 While Sport England has not visited the site, the proposed two storey school building, access, car parking, vehicle circulation area, footway improvements and landscaping would appear to be sited on an existing area of playing field, including a floodlit natural turf rugby pitch.

5.3.4 However, the proposed development includes the provision of a new area of playing field and this will accommodate the relocated rugby pitch. Furthermore, the existing floodlights will be relocated to the playing pitch to the north west of the pitch to be lost. This will accommodate a football and rugby pitch. Furthermore, an additional football pitch is being provided to the north west of the existing playing field (this is part of a separate planning application).

5.3.5 Therefore, Sport England is satisfied that the proposed development meets exception E4 of Sport England's Playing Field Policy which states:

E4 - The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

5.3.6 This being the case, Sport England does not wish to raise an objection to this application, subject to certain conditions being imposed which secure the provision of the replacement playing field prior to the occupation of new school building and which require a detailed scheme to be submitted in order to ensure that the playing field will be provided to an acceptable quality.

5.3.7 If your Authority decides not to attach the above condition(s), Sport England would wish to maintain/lodge a statutory objection to this application. Should your Authority be minded to approve this application without the above condition(s), 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.

- 5.3.8 From the applicant details, ownership certificate and recent site history, Sport England understands that the application (in whole or part) is local authority owned land/land currently used by an educational institution as playing field/ has at any time in the five years before the application been used by an educational institution as a playing field.
- 5.3.9 Sport England would recommend that the detailed design of the proposed sports facilities accords with Sport England's relevant design guidance in order to ensure that the facilities are fit for purpose and of an appropriate quality. The guidance is available to view on Sport England's website at <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>.
- 5.3.10 The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.
- 5.4 NE: No objections.
- 5.5 UMIDB: The relocation of the proposed school changes the route of off-site drainage. However, as the outline drainage proposals effectively remain the same as the original application (runoff restricted to 2.5l/s with on-site storage provided for to accommodate the 1 in 100 year rainfall event +30% for Climate Change) my comments broadly remain the same.
- 5.5.1 Please note that the revised location directly borders the Board's district, so formal consent is likely to be required for the discharge point, along with any other works affecting the existing downstream drainage ditch (a copy of the Board's byelaws was provided previously).
- 5.5.2 It is requested that drainage details be made subject to a condition requiring separate consent of the LPA. As part of this, the applicant should be requested to confirm the condition and capacity of this existing watercourse, including any downstream structures. I would be grateful to be consulted again in respect of this.
- 5.6 KCC PROW: Public Rights of Way MT114 footpath is Bourne Grange Lane and runs to the eastern boundary of the site and you have mentioned widening, however, this work should not obstruct the public right of way. Footpath MT127 does go through the football pitch. I have, however, enclosed a copy of the Public Rights of Way network map showing the line of this path for the information of yourself and the applicant. The County Council has a controlling interest in ensuring that the footpath is maintained to a standard suitable for use by pedestrians. Any maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners.

5.6.1 The granting of planning permission confers no other permission or consent on the applicant. It is, therefore, important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs;
- The duration of the closure is kept to a minimum;
- Alternative routes will be provided for the duration of the closure;
- A minimum of six weeks notice is required to process any applications for temporary closures.

5.7 Ramblers Association: No response received to date.

5.8 Kent Fire & Rescue Services: No response received to date.

5.9 Police Architectural Liaison Officer: No objections.

5.10 CPRE: No response received to date.

5.11 EA: No objections.

5.12 Private Reps: 107 + site + press notice/1X/1R/1S.

Objections raised can be summarised as follows:

- Development in the Green Belt is inappropriate and there is no clear case of need or very special circumstances;
- Infill development should take place within the Major Developed Site rather than on an open site;
- Floodlighting already causes harm to rural and residential amenity and future floodlighting should be explicitly prevented to avoid further light pollution;
- Pupil drop off/pick up should not take place from Faulkners Farm which is likely to be inevitable given the presence of a footpath between the two;
- Conditions still remain outstanding in respect of the temporary school permission.

Question how this revised submission effects the temporary permission at Faulkners Farm – a further permission here should not be allowed.

Comments made can be summarised as follows:

- Question why amendments have been accepted rather than the Council requiring a wholly fresh planning application to be submitted and the earlier scheme formally withdrawn;
- Wish to record thanks to the College for revisiting their proposals for the new school given the fundamental concerns raised in respect of the Ashes Lane site;
- Disappointing to see that the proposed development is still to be sited outside the Major Developed Site given the policy support for development in such areas. No detailed evidence has been submitted that demonstrates no site within the MDS could be developed for the school;
- Introduction of floodlights onto the multi-use pitch and the creation of a new rugby pitch closer to the residential properties in Ashes Lane – floodlights serving the multi-use pitch should be sensitively sited and timed;
- If planning permission is granted, conditions should be imposed controlling hours of use of the new pitch and preventing community use of the pitch;
- Controls should be put in place preventing access to the pitches or running track from Ashes Lane;
- Detailed landscaping and appropriate boundary treatment should be introduced along the southern and western boundaries to ensure access cannot be obtained from Ashes Lane, to screen views and act as an acoustic barrier.

5.12.2 Letter of support states that the issues previously raised have been satisfactorily examined and the application now represents a considered response that clearly demonstrates an exceptional circumstance where development in the Green Belt should be supported.

6. Determining Issues:

- 6.1 I would firstly like to take the opportunity to briefly explain why the decision was taken to accept the revised siting of the proposed school as an amendment to the current planning application rather than seeking an entirely fresh application, given that this matter has been expressly raised as part of the representations received.
- 6.2 There is no clear cut legislative provision that defines when a Local Planning Authority must seek an entirely fresh planning application, rather than accepting amendments to an existing application. Instead, this is largely a matter of fact and

degree. Ministerial advice generally holds that it is sensible and time saving to allow applicants to amend details of applications provided the amendments do not materially change the character and description of the development.

Fundamentally, the character and the description of the development in this case have remained the same, with the siting of the building and access arrangements serving that building now changed. The new site proposed for the school also falls with the "blue land" defined in the original submission as falling within the ownership of the applicant. It is also worth noting that most of the supporting evidence accompanying the application remains appropriate, albeit in an amended form to reflect the revised siting.

- 6.3 When considering these aspects on a cumulative basis, in a climate where the government repeatedly advises that red tape be kept to a minimum, allowing the planning system to become more responsive, cutting down on delays and unnecessary paperwork, this was seen to be the most pragmatic way forward in this particular case.
- 6.4 Notwithstanding the above, I would also like to make clear that the planning application in its amended form requires a thorough and detailed independent assessment to be undertaken. I do appreciate that the broad concepts that will form the basis of this assessment are similar to the earlier scheme, and that it may be difficult to not draw comparisons between the proposed site and that previously put forward at Faulkners Farm. However, that is **not** the fundamental test to be made on this occasion - the scheme in its revised form must be assessed entirely on its own merits. This assessment is set out below.
- 6.5 The application site lies within the Metropolitan Green Belt, albeit located on the edge of the MDS as described at paragraph 3.1, where restrictive policies apply. There are certain elements of the scheme which are compliant with Green Belt policy and I intend to address these first. The NPPF states that the provision of appropriate facilities for outdoor sport and outdoor recreation does *not* constitute inappropriate development as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 6.6 The playing fields proposed to serve the new school and the new rugby pitch proposed to compensate for the loss of the existing pitch would be located behind the school itself, in the south east end of the site. I am satisfied that these particular elements of the scheme taken alone do not constitute inappropriate development. The new rugby pitch is not proposed to be served by any floodlighting, which further suitably preserves the openness of the Green Belt.
- 6.7 The resurfacing of the existing football pitch to allow for rugby games to also take place would not cause any material harm to openness. This pitch would be served by the floodlights to be relocated from the existing rugby pitch. As such, there

would be no net increase in the number of floodlighting columns. This part of the scheme does not constitute inappropriate development.

6.8 Turning to the new school building itself, the NPPF indicates that new buildings within the Green Belt are considered to be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are, however, specific exceptions to this position which include:

- *“The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; or*
- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

6.9 It is clear that the construction of a new school building would constitute inappropriate development within the Green Belt, as it would not fall within any of the specific exceptions cited within the NPPF. As such, the project as amended can be granted planning permission *only* if it is demonstrated that very special circumstances exist to justify that permission, even if Members *prefer* this as an alternative to Faulkners Farm in locational terms.

6.10 In addition to the harm caused by virtue of the fact that the school building constitutes inappropriate development, it is also necessary to consider whether the development causes any other harm and, having done so, whether there are other considerations relevant to the overall balance that demonstrates very special circumstances.

6.11 It is undeniable that the footprint, massing and height of the building proposed are substantial and thus the physical presence on what is currently an undeveloped site would cause harm to the openness of the Green Belt. The site is predominately open in nature and is exposed to views from across the wider College campus and from the PROW that runs immediately north of the sports fields. Views from these areas would see a new, significant building against a wider background of open countryside. The school building on this site would, therefore, have a demonstrable impact on openness which to a degree would be harmful to the character and function of the Green Belt.

6.12 Policy OS1 of the MDE DPD states that development that would result in the loss of, or reduce the recreational value of existing open spaces will not be permitted unless a replacement site is provided which is equivalent or better in terms of quantity, quality and accessibility. In addition, Sport England policy P1 opposes the loss of a playing field unless one of several specific circumstances applies. Specific circumstance E4 states that in order for a development proposal which

involves the loss of a playing field to be acceptable *“the playing field or fields which would be lost as a result of the proposed development would be replaced by a playing field or fields of an equivalent or better quality and of equivalent or better quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.”*

- 6.13 The siting of the school would result in the loss of a single rugby pitch, managed and used by the College. Having regard to the above requirements, the applicant is proposing to retain and alter the existing football pitch which would be sited alongside the new school, to allow for both football and rugby to be played here. In addition, a further rugby pitch is proposed to be constructed on land to the rear of the new school and a football pitch already approved is shortly to be made available for use. It has already been established that these aspects do not constitute inappropriate development. I consider that the quantity of pitch provision will be better than the existing provision. There is, therefore, no objection in principle to the loss of the one rugby pitch provided that the alternative provision comes forward in a suitably timely fashion. I would suggest that this can be ensured through a suitably worded planning condition in the event that planning permission is granted that expressly requires a scheme timetabling implementation. With such a condition in place, the development would accord with the requirements of policy OS1 of the MDE DPD. I, therefore, consider that this aspect of the scheme would not cause any other harm to the openness of the Green Belt requiring very special circumstances to be demonstrated in its own right.
- 6.14 With the above in mind, it is clearly necessary to establish whether very special circumstances exist which outweigh the degree of harm caused by the proposed development by virtue of both its inappropriate nature and its physical impact on openness.
- 6.15 The NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt”* and such development should not be approved, except in very special circumstances. In view of the presumption against inappropriate development, substantial weight is attached to the harm to the Green Belt when considering any planning application concerning such inappropriate development. The NPPF states (paragraph 88)

“When considering any planning application, local planning authorities should ensure that substantial weight is given to the harm to the Green Belt. ‘Very special circumstances’ will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

6.16 In addition to setting out the national policy for development within the Green Belt, the NPPF also sets out its planning policy in respect of school facilities as part of the role of NPPF in “promoting healthy communities”. At paragraph 72 it states:

“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*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

6.17 Furthermore, the Planning for Schools Development Policy Statement (DCLG - August 2011) is an important material national policy consideration, and states that:

“...We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”.

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- ***There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.***
- ***Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.*** *The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.*
- ***Local authorities should make full use of their planning powers to support state-funded schools applications.*** *This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.*

- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible,** and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.
- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.** Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.
- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.
- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school..."

- 6.18 There is clearly a strong national policy impetus in favour of new state school development as a matter of principle, and the above is an important material planning consideration. Much of the case of very special circumstances put forward in this case continues to centre on the need for a new local secondary school in this part of West Kent and the need for local education in land based and food sectors. These aspects are discussed in detail below:

Need for a local secondary school:

- 6.19 The applicant submits that there is a shortfall of local secondary school places based upon forecasts by KCC for this area of West Kent. With regard to secondary

school provision in Tonbridge and Malling, KCC's Commissioning Plan for Education Report (2012 – 2017) states that:

“There is forecast to be a deficit of up to 80 places from 2016/17 to 2019/20. 180 places would be required at the peak if a 5% surplus is to be maintained.’ ‘The larger Year 7 cohorts will cause the total school numbers to rise, leading to an overall shortfall of places from 2018/19.’ ‘Post 16 numbers are forecast to increase throughout the forecast period reaching 2174 by 2021. There is a deficit of places throughout the period, although surplus accommodation in schools is sufficient to offset this until 2018.

At the time of writing, the Hadlow Rural Community School, a free school based at Hadlow College is being supported, and moving to the development stage. If this proceeds, it will provide 40 places per year group in Years 7 to 11. It is anticipated the school will open in September 2013, initially with intakes into Years 7 and 10.”

- 6.20 The applicant goes on to state that *“KCC suggest that school provision in Maidstone, Sevenoaks and Tunbridge Wells should also be taken into account when considering the need for schools in Tonbridge and Malling. The document stated that Maidstone and the northern part of the Sevenoaks District have pupil capacity, although predicted sustained growth in the southern parts of Sevenoaks District is not catered for. In Tunbridge Wells, KCC predicts that demand for non-selective schools can be managed through existing capacity at the High Weald Academy and Skinners Kent Academy.”*

Need for local education in land based and food sectors:

- 6.21 The applicant emphasises that the south east is a leading agricultural region and is expected to play a growing role in the supply of food and non-food products in the years to come. This sector makes a significant economic contribution to the sub-region and there are around 5,500 land based and food businesses in Kent and Medway (accounting for around 8% of the local business base in the area).
- 6.22 The submission explains that there are currently six other secondary schools in Kent with a ‘rural ethos’ but the rural facilities at these schools are of a far smaller scale than those at Hadlow College, which is a County specialist for land based provision. As part of the Hadlow College group, the new school will have access to the ‘*excellent*’ outdoor and educational facilities of the College for both their vocational, practical and academic studies. The applicant argues that *‘this gives an outstanding opportunity to contextualise studies within the classroom and to enrich and engage through the use of outdoor environment, leading to higher levels of motivation, better lessons and higher outcomes.’* The Department for Education, in approving the College’s bid for the new school, clearly accepts the logic and educational advantages of co-locating new land based secondary school with the Hadlow College facilities.

- 6.23 The existing six schools with a rural ethos are Brockhill Park, Hythe; The North School, Ashford; Kent College, Canterbury; New Line Learning, Maidstone; High Weald Academy, Cranbrook; and Homewood School, Tenterden. The applicant points out that these are located in Central and East Kent, leading to a lack of provision within West Kent. On this basis, the proposal would respond to the lack of rural specialist schools in West Kent and consequently also beneficially contribute to meeting the need for additional secondary school places in the local area (to address KCC predictions).
- 6.24 In terms of investment in education facilities of this kind, at this general location, and in the context of the general needs assessment and the policy context outlined above, the case for the proposal and its benefit to the community can be given significant weight. I am also mindful that Members did not dispute the wider need for such a new land based educational establishment serving this part of the Borough and West Kent more generally nor did they contend the general principle behind such a school requiring a Green Belt location given the recognised functional and educational links with land based Hadlow College; rather **it was the specific siting of the school at Faulkners Farm** that formed the basis of Member concern for the reasons discussed earlier in this report.
- 6.25 It cannot be disputed that the site now proposed still stands to be assessed against the same fundamental Green Belt tests as Faulkners Farm in terms of policy principles. However, in addition to the justification put forward in connection with the wider need for a school of this type and in this rural location (as discussed above) a case has also been set out which seeks to identify that very special circumstances exist for the specifically chosen sports field. In this respect, the College states that *“whilst the openness of the Green Belt will be affected, it is possible to associate the built form with the built up nature of the adjacent Campus.”*
- 6.26 It must be recognised that the proposed site is characteristically open and exposed to views from across the wider College campus and from the PROW that runs immediately north of the site. However, it is also important to recognise that these views are limited and the school building would be seen against the backdrop of the wider built environment of the College Campus, which wraps around the site, thus limiting its visual impact on the wider countryside. In support of this argument, a Landscape and Visual Impact Assessment has been prepared by Marpaul in support of the proposed development. This states:
- “The overall visual impact of the scheme will be minimal due to the proposed siting of the building in relation to existing structures and the proposed planting and landscaping work.*
- The landscape character of the site itself will change, with the new development. The character of the site is, however, already influenced by the adjacent built environment, and it is very well contained in the wider landscape. There will be a*

medium change to the landscape character of the site itself and combined with a medium landscape sensitivity will lead to a moderate landscape effect on the site itself.

The site itself contains little of intrinsic landscape interest, apart from the existing hedgerow and trees along all of the playing fields boundaries. The site is influenced in character by the surrounding land uses associated with the College's existing educational facilities constructed on the site."

6.27 At this point, it is useful to explain that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF states that the Green Belt serves a number of purposes including:

- to check the unrestricted sprawl of large built-up areas and;
- to assist in safeguarding the countryside from encroachment.

6.28 I appreciate that for many the ideal position might be for a site within the MDS to come forward for development. However, it should be acknowledged that there is not a blanket prohibition in policy terms concerning inappropriate development within the Green Belt. Instead, I would reiterate once more that it is necessary for very special circumstances to exist that outweigh the degree of harm caused to the Green Belt. Whilst some have suggested that the College have not been exhaustive in their discounting of alternative sites within the MDS which, in their view, might be better suited to accommodating the school, as I explained earlier, assessment now should not take place on the basis of what might be a *preferred* option. Crucially, the preceding assessment that took place in September did not identify a site within the MDS as potentially providing a suitable alternative, a matter that was discussed in detail within my previous report.

6.29 In balancing these related factors, I agree with the landscape and visual analysis provided by Marpaul and I conclude that the position of the new school building relative to the existing MDS serves to minimise its physical impact on the Green Belt. Furthermore, the proposed siting of the school in close proximity to the existing MDS would ensure that encroachment into the open countryside would be limited.

6.30 Of course in the original submission, the applicant placed considerable emphasis on the need to develop the Faulkner's Farm site due to the advantages it offered in providing safeguarding standards for pupils of the new secondary school. A crucial element of this was the need for the site to be served by a separate access, independent of the main College campus, whilst still maintaining the close links to the College for educational reasons. The original submission, in discounting alternative sites (including that now proposed) indicated that a separate and secure access was a funding requirement of the Department for Education. However, at no time was there any forthright statement demonstrating that there would be an absolute prohibition for development on the site now proposed in

regard to safeguarding. This is really a matter for the College, as the managing authority of the school, to correctly administer and need not play any further significant part in the assessment of this application.

The submission does also explain that this particular portion of the sports pitches is proposed for development to avoid any unacceptable conflicts with the HE facility, stating that:

“To locate a secondary school in the centre of a Higher Education Centre would have a significantly adverse impact upon the feel of the entire campus, transforming it from a university campus to a feeling more like the senior part of a secondary school.

Students choosing their college or university degree course make their choice on a number of factors, one of the stronger being the attractiveness of the campus. At this point of their lives, they are moving to an adult environment with all of the associated responsibilities and atmosphere that comes with higher education research projects.....In the proposed position, the school is sufficiently separated from the HE facilities to allow the College to retain its Campus feel.

For these reasons, the HRCS location is at the rear rather than the side of the Student Union.”

6.31 Part of the justification for the specific siting of the school building, therefore, now centres on retaining the attractiveness and viability of the main College Campus rather than there being a particular case for the safeguarding of pupils attending the secondary school.

6.32 *In the overall balance of all the factors that determine whether a justifiable claim for very special circumstances has been made in support of the elements of the proposal that constitute inappropriate development and harm to the MGB, I conclude that a sufficient case of very special circumstances has been made that outweighs the degree of harm that would arise in this instance. I will now turn to the various other issues to be considered in the assessment of this proposal.*

6.33 *Turning firstly to highways and transport impact, paragraph 32 of the NPPF states that: “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. [Plans and] decisions should take account of whether:*

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people; and*

- *improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are **severe**.*” (my emphasis).

6.34 Paragraph 34 of the NPPF goes on to state that planning “*decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximise. However, this needs to take into account of policies set out elsewhere in this Framework, particularly in rural areas.*”

6.35 Policy SQ8 of the MDE DPD states that before proposals for development are permitted they will need to demonstrate that any necessary transport infrastructure, the need for which wholly or substantially arises from the development, is in place or is certain to be provided. Development proposals will only be permitted where they will not significantly harm highway safety.

6.36 With regard to the matter of traffic and transport the proposal shows provision for 33 parking spaces. The proposal also identifies that pupils will be transported in a number of ways, including the running of a bespoke bus service which I understand is operating currently in respect of the temporary school at Faulkners Farm.

6.37 The submission explains that access is to be provided solely via the main College entrance, with new footway links to be provided within the College campus as necessary. The extent of these footway improvements has been indicated as part of the submitted Transport Assessment. Fundamentally, use of the existing College access onto the A26 means that this proposal will not give rise to vehicle and pupil activity nor any associated potential for increased vehicular movements, at the Ashes Lane junction with the A26 and along Ashes Lane itself, which is undoubtedly an improvement in terms of both highway and pupil safety. Now that the activity is to be focused at the main College entrance only, the revised documentation more robustly refers to the provision of a controlled crossing on the A26 close to the main College entrance, serving the bus stops on either side of the road at this point. As I explained in my previous report, it has long been the view of KCC that such a crossing would need to be in place *prior* to the school opening in order to ensure an acceptable degree of highway and pupil safety. I continue to support that view and the applicant has suggested that this could be secured by planning condition should Members now be minded to grant planning permission. Of course, the detailed design of a controlled crossing would need to be the subject of a safety audit and this would require close liaison with KCC. However, unlike the suggested improvements to the A26 at the Ashes Lane junction which were conceived only in very approximate terms and relatively last minute, I believe that the proposed controlled crossing, being a long held aspiration of the Borough and County Councils, is far more certain in terms of both feasibility and deliverability. I would suggest that this should lead Members to have the

necessary comfort that a planning condition controlling this aspect is appropriate in this instance, although I do appreciate that KCC Highways have suggested in their representations that further information be sought. Subject to relevant conditions I do not consider that further information is required at this stage.

6.38 Turning to matters related to visual and residential amenity, the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development and is indivisible from good planning (paragraph 56). It also stresses the need for development to respond positively to local character, reflecting the identity of local surroundings whilst not discouraging appropriate innovation (paragraph 58).

6.39 Furthermore, policy CP24 of the TMBCS requires that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD (2010) which states that all new development proposals should protect, conserve and where possible enhance:

- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
- the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

6.40 As I have already discussed at length, the new school would be seen directly against the backdrop of and within the context of the existing buildings that make up the MDS. These buildings are relatively simple in design but do vary in both scale and mass. I am satisfied that the proposed scale of the school would not be at odds with the adjacent College complex in any way. The detailed design of the building combined with the proposed palette of materials and associated landscaping would add some visual interest here but would not jar with the existing built environment. Rather than being seen as a separate, standalone entity, the school in occupying this position would be seen to provide some important synergy, not only in terms of the educational functionality of the wider College campus but also in terms of the built environment and the aesthetics of the wider site. I am, therefore, satisfied that the school design in itself and in combination with the other buildings in this complex, meets the tests of NPPF, CP24 and SQ1 in respect of design and visual impacts.

6.41 The school building and relocated rugby pitch are to be located a significant distance away from the nearest private residential dwellings. Although I appreciate that accommodation does exist in relatively close proximity, this is associated with the College itself, providing accommodation to staff and students.

6.42 I do acknowledge the representations put forward in connection with the potential for the pitches to increase disturbance to the properties in Ashes Lane, and their suggestion that the use of the pitches and means of illumination be restricted. The

pitch is located a considerable distance from the nearest residential properties in Ashes Lane and is not proposed to be illuminated. The relocation of the floodlights from the existing rugby pitch to what is proposed to become the multi-use pitch would shift the illumination in a north-westerly direction. The impact on residential amenity arising from this relocation would therefore be negligible.

6.43 Concern has also been raised as to the potential level of community use the new rugby pitch might attract. However, the applicant has explained within the Planning Statement that:

“In terms of community use of the pitches, currently Tonbridge Angels FC has use of one pitch for training but there is no other community use, as this is a College field used according to the academic requirements of academic courses in the week and for some College matches at weekends. The proposal is for Tonbridge Angels to continue to have this as their training ground, for Barming Ladies football team to use the new pitch for training and matches and for other community uses to be encouraged.”

6.44 I am confident that this arrangement can be suitably controlled by planning condition in order to protect residential amenity, but it must be remembered that outdoor recreation is a specifically identified purpose for the Green Belt.

Conclusions:

6.45 In considering applications in the Green Belt, and particularly in larger scale proposals such as this, the Council is required to address three key factors; whether inappropriate development is involved, whether there are very special circumstances to be taken into account and whether these very special circumstances are of sufficient weight to overcome the harm arising from the proposal.

6.46 I have explained in some detail that I consider that the school building itself constitutes inappropriate development but that aspects of national Policy, both in the NPPF and the Planning for Schools Development Policy Statement identify considerable policy in favour of the building of new state schools. The latter document does not focus on matters related to the Green Belt, but must be seen as a material consideration in the overall decision. This is especially so if the specialist nature of the school provision requires a rural location, as would be the case for a new secondary school co-located with other land based educational facilities simply because those other land based teaching facilities already exist very successfully in the countryside and in the Green Belt. It was this careful balance of factors in light of overt government support enshrined in the policy statement which led to my previous recommendation to approve the school at its original location at Faulkners Farm and I would again mention that these broad matters of principle were not brought into question during the previous debate.

6.47 It is undoubtedly clear that the College have carefully thought out the wide ranging and significant concerns expressed by Members along with the objections raised by the local community in proposing this alternative site. However, the question now arises as to whether the detail of the proposal in terms of specific site location and design (including any transportation related improvements/requirements) are sufficiently well developed themselves to override aspects of harm such that the Green Belt location, on the edge of the MDS, may be accepted. From the above analysis, I consider that, on balance, this case is made and the harm would be adequately mitigated by virtue of the physical relationship that would arise between the new school and the existing MDS, albeit that in some instances (such as the provision of adequate transportation/traffic related infrastructure and detail of materials/landscaping) this will require further details to be submitted, in due course, pursuant to conditions.

6.48 As a result, and when bearing in mind all of the above factors and the community benefits that would arise from the significant new educational opportunity, I am satisfied that a case of very special circumstances exists to justify the grant of permission for this school on the submitted site. Although I appreciate that this site suffers many of the same fundamental Green Belt concerns as those assessed in the case of Faulkners Farm, it must be inherently more logical and practical to locate the new school alongside the existing MDS in terms of both functionality and physical impact on the MGB and I therefore recommend that planning permission be granted. (Note: the intention to grant such permission in the Green Belt must be referred to the Secretary of State under the relevant Direction and such permission cannot be issued without the SoS acceptance.)

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 24.02.2014, Site Plan A620-PL- 401 dated 24.02.2014, Site Plan A620-PL- 402 existing dated 24.02.2014, Drawing A620-PL- 405 dated 24.02.2014, Existing Elevations A620-PL- 430 A dated 24.02.2014, Existing Elevations A620-PL- 431 dated 24.02.2014, Site Plan A620-PL- 501 proposed dated 24.02.2014, Site Plan A620-PL- 502 proposed dated 24.02.2014, Landscape Layout A620-PL- 503 dated 24.02.2014, Proposed Floor Plans A620-PL- 510 A dated 24.02.2014, Proposed Floor Plans A620-PL- 511 dated 24.02.2014, Proposed Roof Plan A620-PL- 512 dated 24.02.2014, Proposed Elevations A620-PL- 530 A dated 24.02.2014, Proposed Elevations A620-PL- 531 dated 24.02.2014, Proposed Elevations A620-PL- 540 dated 24.02.2014, Sections A620-PL- 550 dated 24.02.2014, Artist's Impression A620-PL- 560 sheet 1 dated 24.02.2014, Artist's Impression A620-PL-561 sheet 2 dated 24.02.2014, Artist's Impression A620-PL-562 sheet 3 dated 24.02.2014, Artist's Impression A620-PL-563 sheet 4 dated 24.02.2014, Tree Report dated 24.02.2014, Flood Risk Assessment dated 24.02.2014, Landscape Statement with visual impact dated 24.02.2014, Report Green Belt dated 24.02.2014,

Planning Statement dated 24.02.2014, Transport Assessment dated 24.02.2014, Travel Plan dated 24.02.2014, subject to:

7.2 Referral of the application to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 and;

7.3 The following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby approved shall be used solely as a Secondary School providing a land-based curriculum in association with the facilities available at Hadlow College.

Reason: To enable the Local Planning Authority to regulate and control the future use of the site in the interests of preserving the open nature and function of the Metropolitan Green Belt and in recognition of the very special circumstances advanced for inappropriate development in the Green Belt and in the interests of highway safety.

3 The development hereby approved shall not commence until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the visual amenity of the rural locality.

4 The development shall be constructed at the level indicated on the approved drawing.

Reason: To ensure that the development does not harm the visual amenity of the rural locality.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A of Part 32 of Schedule 2 to that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to regulate and control any such future development in the interests of preserving the function and character of the Metropolitan Green Belt.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 7 The number of pupils attending the school at any time shall not exceed that set out in the Planning Statement hereby approved.

Reason: In the interest of pedestrian and traffic safety.

- 8 No external lighting shall be installed in connection with the buildings or the new rugby pitch until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and or visual amenity of the locality and in the interests of residential amenity.

- 9 No development shall be commenced until a programme for the provision of a controlled pedestrian crossing across the A26 at the Hadlow College entrance, including a timetable for implementation prior to the opening of the school to pupils, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved programme and timetable.

Reason: In the interests of highway safety.

- 10 No development shall be commenced until a programme for the provision of the replacement rugby pitch, including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved programme and timetable.

Reason: To ensure the development accords with the requirements of policy OS1 of the Managing Development and the Environment DPD 2010.

- 11 Prior to the commencement of development a scheme for the management of traffic using the bus/car drop off area as identified on plan number A620-PL-501 hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The use of this area shall be carried out strictly in accordance with the approved scheme at all times thereafter.

Reason: In the interests of highway safety.

- 12 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 13 No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 14 Prior to the commencement of development hereby approved, details of a scheme of drainage for the site shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: Development without the provision of adequate means to drain the site is likely to contribute to the risk of localised flooding which should be avoided as anticipated in paragraph 103 of the National Planning Policy Framework (2012).

- 15 Prior to the first use of the pitches hereby approved, a scheme shall be submitted to the Local Planning Authority for approval, setting out arrangements for providing community use of both the replacement rugby pitch and multi-use pitch hereby approved. The development shall not be carried out other than in accordance with the approved scheme.

Reason: In the interests of residential amenity and highway safety.

- 16 No development shall be commenced until:

(a) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the replacement playing field which identifies constraints which could affect playing field quality; and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme which ensures that the playing field will be provided to an acceptable quality have been submitted to and approved by the Local Planning Authority.

The scheme pursuant to (b) shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(c) The approved scheme shall be fully implemented in accordance with a specified timetable to be agreed in writing by the Local Planning Authority.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and in accordance with policy OS1 of the Managing Development and the Environment DPD 2010.

Informatives:

- 1 The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport' (Sport England, 2011).
- 2 In seeking to formally discharge conditions 10 and 16, the applicant is strongly advised to liaise with Sport England.

- 3 In seeking to formally discharge condition 9, the applicant should ensure that the crossing be implemented prior to the first opening of the approved school.

Contact: Emma Keefe

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Report of 12 September 2013

Hadlow (Hadlow) **562446 149512** **5 July 2013** **TM/13/01482/FL**
Hadlow, Mereworth And
West Peckham

Proposal: Relocation of existing lambing shed and erection of two storey school building together with car parking, vehicle circulation area and landscaping
Location: Faulkners Farm Ashes Lane Hadlow Tonbridge Kent TN11 9QU
Applicant: Hadlow College

1. Description:

- 1.1 Planning permission is sought for the construction of a two storey building with a footprint of 3,364 sq. m to accommodate facilities for up to 330 pupils between the ages of 11 and 16. The building is to be set over two floors and is proposed to comprise of a series of teaching classrooms, science labs, an assembly/sports hall (3 courts), a learning resource centre, a multi-use dining/breakout area and ancillary facilities. A mixture of brick, buff concrete blocks and cedar cladding are shown to be used in the construction of the building.
- 1.2 Additionally, a number of outdoor teaching areas are proposed to be provided adjacent to the science labs, along with a vegetable garden adjacent to the food tech room, hard and soft play area and a habitat area which is intended to be planted with a wide variety of plants/trees to promote local wildlife species.
- 1.3 The submission explains that the applicant's Brief for the school requires the building to be based around a central outdoor courtyard which is intended to provide the pivotal hub for the school. The proposed building would wrap around three sides of this external courtyard. The sports/assembly hall is to be located within the southern wing of the building with the western and northern sides of the courtyard being enclosed by administration and teaching blocks.
- 1.4 A new car park with 33 no. car parking spaces is proposed to be provided to the west of the new school building. A hard and soft playground is proposed to be located to the east of the school building.
- 1.5 It is also proposed to create a fenced footpath link through the car parking area currently serving the Animal Management Unit (AMU), across grazing land, to a new pedestrian gate on the A26 at the north-eastern end of this field.
- 1.6 In addition, the existing lambing shed is proposed to be relocated into the field to the north of its current location with the existing site then used to provide a dedicated drop off/pick up circulation area for the new school. This area is proposed to be fenced with metal railings (1.8m high) between the proposed school site and the retained college facilities. The site boundary to the adjacent

fields is proposed to be enclosed by a 1.4m high hedge with 1.1m high post and wire sheep fence to the outside and a 1.8m high chain link fence to the inside.

- 1.7 A Members' Site Inspection has been arranged to take place on 6 September, the outcomes of which will be reported as a supplementary matter.

2. Reason for reporting to Committee:

- 2.1 Significant local interest and Departure from the Development Plan.

3. The Site:

- 3.1 Faulkners Farm currently accommodates the Hadlow College Animal Management Unit (AMU), a lambing shed, various outdoor animal enclosures, an atrium and other outbuildings in addition to additional teaching accommodation.
- 3.2 Faulkners Farmhouse belongs to Hadlow College but is privately let for office use.
- 3.3 Immediately adjacent to Faulkners Farm are four maisonettes (let to Hadlow College staff) and two privately owned semi-detached cottages (3 and 4 Faulkners Farm Cottages).
- 3.4 The Hadlow Grill restaurant (previously known as the Spice Lounge and before that the Rose Revived Public House) is located on the opposite side of Ashes Lane (to the west of the application site) and is a Grade II listed building. Old Chegs (also Grade II Listed) is a detached dwelling located some distance to the north of Faulkners Farm. To the south lies The Ashes, a detached private dwellinghouse.
- 3.5 Access to the site is taken from Ashes Lane via the A26. The site currently has a separate 'in/out' access.
- 3.6 Hadlow College facilities are provided, in addition to Faulkners Farm itself, within the main campus to the north-east and Blackmans Dairy to the south-east. The area for the proposed secondary school is to the immediate north of the AMU at Faulkners Farm and currently forms a grassed area of land that is bounded by hedgerow and fencing.

4. Planning History (most recent):

TM/03/02954/FL	Grant With Conditions	20 October 2003
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Extension to existing agricultural building

TM/06/02180/FL	Grant With Conditions	4 September 2006
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Single storey aviary to provide enhanced educational amenities for animal management students

TM/06/03047/RD Grant 1 November 2006

Details of waste disposal and vermin control submitted pursuant to condition 3 of planning permission TM/06/02180/FL: New aviary

TM/07/00482/FL Approved 2 May 2007

Consolidation of existing farm/agricultural buildings, new purpose built animal care, dog grooming and teaching block to replace temporary facilities

TM/07/01960/ORM Approved 8 August 2007

Amendments to the design of the teaching and dog grooming buildings, phasing and layout of planning permission TM/07/00482/FL: Consolidation of existing farm/agricultural buildings, new purpose built animal care, dog grooming and teaching block to replace temporary facilities

TM/08/01235/RD Approved 28 May 2008

Details of materials submitted pursuant to condition 2 of planning permission TM/07/00482/FL: Consolidation of existing farm/agricultural buildings, new purpose built animal care, dog grooming and teaching block to replace temporary facilities

TM/08/03765/RD Approved 19 February 2009

Details of materials being European Redwood submitted pursuant to condition 2 of planning permission TM/07/00482/FL (Consolidation of existing farm/agricultural buildings, new purpose built animal care, dog grooming and teaching block to replace temporary facilities) as an alternative to permission TM/08/01235/RD

TM/11/02861/FL Approved 6 December 2011

Installation of solar photo voltaic panels

5. Consultees:

5.1 PC: Whilst Hadlow Parish Council supports the principle of a free school with a rural ethos in Hadlow, we object to the application by Hadlow College for the following reasons:

5.1.1 Inappropriate development in the Green Belt – The proposed site for Hadlow Rural Community School would adversely impact the openness of the green belt. The applicant accepts that the application constitutes inappropriate development, but it fails to demonstrate adequately the very special circumstances that would outweigh its harmful effect in the green belt.

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- 5.1.2 We are disappointed that Hadlow College has not given sufficient consideration to alternative sites – particularly on the main campus, a major developed site as designated by TMBC where infill development or redevelopment may be permitted provided certain criteria are met. A site on or closer to the main campus would be less conspicuous in the landscape and therefore less harmful to the openness of the green belt. There would also be fewer issues regarding privacy, noise and impaired amenity for neighbouring residents. Moreover, a site on the campus, which is closer to the village centre, would be more likely to encourage local pupils to walk to school rather than be transported by car.
- 5.1.3 Inappropriate location due to concerns about highway issues – We are concerned that the proposed location of the school would adversely affect the safety of pupils and road users, and cause traffic congestion.
- 5.1.4 Safety – The Faulkners Farm site poses an unacceptably high risk of injury to pupils who may attempt to access or alight at the bus stops nearby where there is no safe place to cross the busy A26. It is unrealistic to expect all pupils to walk along the proposed footpath on College land to the proposed new crossing to the bus stops nearer the village, particularly on a dark wet winter's evening, when there are bus stops much closer.
- 5.1.5 The location also poses a risk to pupils cycling to the site, whether along the A26 or in the narrow lanes where visibility is poor.
- 5.1.6 The site poses an unacceptably high risk of accidents at the junction of Ashes Lane and the A26 given current speeds and volume of traffic.
- 5.1.7 We are concerned about the safety of pedestrians and car-users in Ashes Lane. The road, which is narrow and has poor visibility due to the blind bends, is not suitable for the increased traffic in both directions likely to be generated by the development.
- 5.1.8 Congestion – The development would create an unacceptably high level of congestion at peak times on the A26 at the approach to the junction with Ashes Lane and on Ashes Lane approaching the A26.
- 5.1.9 Transport Assessment – We have concerns that the number and timing of the traffic counts on just two days in winter 2012/13 that formed the basis for the Transport Assessment's alleged existing traffic flows were not representative of the actual levels of traffic at peak times near the entrance and exit of the application site. A greater number of traffic counts in different months would give a more accurate picture.
- 5.1.10 In addition to the above reasons for Hadlow Parish Council's recommendation to refuse this application, we would like to express our concern at the insufficient level of consultation conducted by Hadlow College with the population of Hadlow and, in particular, the neighbouring residents.

5.2 KCC(H&T): The applicant's strategy to encourage and direct school pupils to use the bus stops and a proposed formal pedestrian crossing centrally located near to the main Hadlow College entrance is understood and broadly welcomed. It needs to be recognised, however, that not all pupils would adopt this strategy at all times and that there may be occasions when pupils would utilise the bus stops adjacent, and opposite, to Ashes Lane. It is considered that enhancements to the A26 in this area would therefore be necessary. I consider that the provision of a further formal pedestrian crossing of the A26 at this location would be inappropriate. The Department for Transport document Local Transport Note 1/95 - The Assessment of Pedestrian Crossings is clear that caution should be exercised where pedestrian flows are generally light or light for long periods of the day and I consider that outside of school times the pedestrian crossing demand at this location would not warrant a formal crossing. I do consider, however, that the following improvements to the A26 would be appropriate in form and scale to mitigate the impact of the development proposals:-

- construction of a full depth bus stop and forward visibility improvements on the eastern side of the A26;
- installation of a pedestrian central island and right turning lane; and
- provision of school warning signs with flashing amber beacons on all approaches to the A26/Ashes Lane junction and the main Hadlow College entrance.

5.2.2 I would also request that the applicant gives consideration to the provision of a school crossing patrol at this location. The applicant should submit an outline design depicting these proposals in support of the application. Provision of a formal pedestrian crossing towards the centre of Hadlow as proposed near to the main Hadlow college entrance is supported and should be a condition of any planning approval.

5.2.3 The distance that warning signs should be placed from the corresponding hazard is dependent on the speed of traffic (Traffic Signs Manual, Chapter 4 – Appendix A) and it is noted that the southern boundary of the 40mph speed limit is approximately 80m from Ashes Lane. It is considered that further studies should be undertaken regarding traffic speeds on the A26 in this area. Whilst it is possible to coincide regulatory and warnings signs such as at the Hadlow southern 40mph gateway, it is preferable to separate messages to make them clearer to motorists. The relocation of the 40mph speed limit further south may therefore be necessary, subject to the outcome of the speed surveys and consultation with Kent Police. It is considered that flashing beacon school warning signs on the northbound approach to the main college entrance should be placed prior to Blackman's Lane, so that the section of roadside footway identified in the applicant's Transport Assessment is encompassed.

- 5.2.4 Turning to the independent Transport Assessment undertaken on behalf of one the residents of Ashes Lane, I can advise that study of data from nearby permanent automatic traffic counters indicates that traffic flows in March are similar to annual average daily traffic flows for this area. Figures for December are consistently around 90% of annual average daily traffic flows. With regard to congestion on Ashes Lane itself, I am satisfied that the applicant's consultant has demonstrated that the A26/Ashes Lane junction would operate satisfactorily and well within capacity with the proposed development in place. From a study of the width of Ashes Lane in this area I consider it unlikely that dropping off or picking up of children in Ashes Lane would occur to any significant degree. This is based on observations that motorists are averse to causing an obstruction. It is critically important, however, that the proposed picking up and dropping off area is provided so that congestion and conflict with the adjacent college car park here does not occur, causing backing up onto Ashes Lane. I do not consider that there is any scope for picking up or dropping off to occur in the college car park under any initial or interim arrangement. It is further considered that refurbishment and formalising of the existing college car park as proposed in paragraph 3.4.3 of the applicant's Transport Assessment needs to be included as a condition of any planning approval.
- 5.2.5 Transport Assessment Addendum received 9 August 2013: I cannot accept that pupils will not use the bus stops on the A26 at Ashes Lane. Whilst it may be possible for staff to direct pupils to the bus stops at the main College entrance at the end of the school day, there will be no controls in place to prevent pupils from alighting at these stops at the start of the day. The proposed minibus services may well carry the majority of pupils; however there will inevitably be occasions where pupils will choose to use the public bus services that pass the site. In view of this, I would reiterate KCC's previous request for the construction of a full depth bus stop on the eastern side of the A26 and the installation of a pedestrian central island. This should be conditioned on the main school application, in view of the small additional number of pupils expected to use the school during its first year of operation.
- 5.2.6 Having considered the 85th percentile wet weather speeds on the A26, I accept that the relocation of the 40mph speed limit is not required.
- 5.2.7 I am prepared to accept that the provision of the controlled pedestrian crossing adjacent to the main College entrance could be conditioned on the main school application, rather than the temporary use.
- 5.3 NE: Under section 40(1) of the *Natural Environment & Rural Communities Act 2006* a duty is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species.

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- 5.3.1 The NPPF expects local authorities to prevent harm to biodiversity and geological interests. Paragraph 118 makes clear how the government expects the council to consider planning decisions that could lead to harm to biodiversity and geological interests. Paragraph 109 identifies the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Protection for ancient woodland is included in Paragraph 118 of the NPPF and states that “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.
- 5.3.2 The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. However when considering this application the council should encourage opportunities to incorporate biodiversity in and around the development (Paragraph 118 of the NPPF).
- 5.3.3 The Town and Country Planning Association’s publication ‘*Biodiversity By Design*’ provides further information on this issue and the publication can be downloaded from <http://www.tcpa.org.uk/pages/biodiversity-by-design.html>
- 5.3.4 Examples of biodiversity enhancements that can be widely incorporated into development proposals include:
- 5.3.5 Green/brown roofs – The use of alternative roofing (turf, aggregate, brown and green roofs) can make a significant contribution to biodiversity, attenuation of rainfall, and energy efficiency as they can provide a high degree of insulation.
- 5.3.6 Landscaping – Native species of plant should be used in landscaping proposals associated with development, unless there are over-riding reasons why particular non-native species need to be used. The nature conservation value of trees, shrubs and other plants includes their intrinsic place in the ecosystem; their direct role as food or shelter for species; and in the case of trees and shrubs, their influence through the creation of woodland conditions that are required by other species, e.g. the ground flora.
- 5.3.7 Nesting and roosting sites – Modern buildings tend to reduce the amount of potential nesting and roosting sites. Artificial sites may therefore need to be provided for bats and birds. There is a range of ways in which these can be incorporated into buildings, or built in courtyard habitats. Their location should provide protection from the elements, preferably facing an easterly direction, out of the direct heat of the sun and prevailing wind and rain.
- 5.3.8 Sustainable urban drainage systems – Many existing urban drainage systems are damaging the environment and are not, therefore, sustainable in the long term. Techniques to reduce these effects have been developed and are collectively

referred to as Sustainable Urban Drainage Systems (SUDS). SUDS are physical structures built to receive surface water runoff. They typically include ponds, wetland, swales and porous surfaces. They should be located as close as possible to where the rainwater falls, providing attenuation for the runoff. They may also provide treatment for water prior to discharge, using the natural processes of sedimentation, filtration, adsorption and biological degradation.

- 5.3.9 Local wildlife sites – If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.
- 5.4 UMIDB: The site of the above planning application, whilst being located outside of the Upper Medway Internal Drainage Board's district, drains to an existing ordinary watercourse within it. The applicant should therefore be informed that any works within, under or over this watercourse will require the Board's formal written consent.
- 5.4.1 The applicant proposes to restrict off site drainage to 2l/s with on-site storage provided to accommodate the 1 in 100 year storm (+30% to accommodate the predicted effects of Climate Change), which is considered appropriate for this location. Whilst the provision of storage under permeable paving (as proposed) is technically feasible, the applicant should be urged to consider the use of open storage (such as ponds and swales) due to the additional benefits these provide to biodiversity and amenity. The future maintenance of these open systems is also more easily managed.
- 5.5 Ramblers Association: No objection in principle to the proposed development per se. However, I would like to make the following observations.
- 5.5.1 In 2007 and over a few years following I was involved in a proposal to divert Public Footpath MT114 which runs through Hadlow College's campus. One of the arguments for the diversion put forward at the time was based on the College's perceived 'duty of care to its younger students'. The matter was initially taken up under the Town and Country Planning Act and subsequently moved to the Highways Act. The KCC's Regulation Committee of five knowledgeable Councillors eventually rejected it and the matter was not pursued any further. In this current matter of the proposed new school, I note that the hard and soft areas are going to be relatively close to footpath MT127 which runs from the first bend in Ashes Lane to join up with MT114. With the experience of MT114 in mind I would request that the College is asked to confirm that the construction of the school would definitely not lead on to a proposal to divert MT127 on the same 'duty of care' basis.
- 5.5.2 Footpath MT127 links across Ashes Lane to Footpath MT140. Anyone walking from one to the other has to negotiate a short length of the lane between the two bends which can potentially be dangerous if two vehicles coming in opposite

directions hit the same short stretch at the same time as the walkers. I cannot quote any instances of actual accidents at this spot but clearly the potential danger would be enhanced by the increased number of vehicle movements which will result from the construction of the new school, both in the construction and the ultimate day to day use. In this regard, I would propose the following two alternative possible ways for reducing the potential for accidents on this length:

- Pedestrian warning signs placed before the two bends and/or;
- The extension of MT140 from its current termination at the Ashes Lane kissing gate to a point opposite the termination of MT127.

5.6 Kent Fire & Rescue Services: No objections.

5.7 Police Architectural Liaison Officer: No objections.

5.8 CPRE: CPRE Protect Kent's ethos is to preserve the Kentish countryside, to encourage tranquillity and to discourage light pollution in the countryside.

5.8.1 CPRE is very aware that Hadlow College is a valuable asset in our community that promotes excellence in the teaching of land husbandry and the importance of land based teaching. It is also acknowledged that the ability to deliver a broad spectrum of levels of horticultural teaching from school GCSE's through to degree level is advantageous to young people seeking a career in this field.

5.8.2 CPRE Tonbridge and Malling District Committee have given much consideration to the various reports prepared on behalf of the applicant and some reports prepared for local residents and contrasted with planning policy. A school has unique challenges when compared with other forms of built development. The size of the site in which pupils work and play is many times larger than the proposed built development hence the requirement for hard and soft play areas and the impact of the greater area needs to be considered. Also the capacity for noise generation is considerable, as anyone who has collected children from school will testify.

5.8.3 Access and egress is also challenging and the capacity for poor parking and traffic jams is considerable.

5.8.4 The capacity for noise, light pollution, traffic problems and urban sprawl make the siting of a school in the MGB by necessity a last resort and only if a well founded need has been established and there are no practical alternative sites available in the greater area.

5.8.5 The applicant conducted a search for alternative sites and then dismissed those options found within their ownership as impractical for various reasons. Sites outside of the applicant's ownership were not exhaustively considered and the applicant states that transporting pupils is impractical and expensive.

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- 5.8.6 It is noted that the Hadlow College campus has been identified within the Development Land Allocations DPD as a Major Developed Site in the Green Belt where both infill development and redevelopment is encouraged. A proposal in this area, which could involve a measure of redevelopment, would seem a more logical way forward. In any event the alternative site search was not rigorous enough and the reasons for dismissing sites, not supported by evidence within the report.
- 5.8.7 The report from Ibbett Mosely challenges the established need for the school within Tonbridge and Malling, citing two new schools that were not considered in the case for need. CPRE considers that the need for the proposal should be fully established at the outset of consideration of the proposal.
- 5.8.8 The Technical Appraisal of the Transport Assessment (TA) raises issues around the original methodology of the surveys undertaken and questions the safety of pupils attending by bus, citing that they are unlikely to alight early and walk half a kilometre in order to be on safe footways. The numbers of pupils attending by car, bus and walking is in part apparently based on Wrotham School, being of a similar size in a rural setting. However Wrotham School traffic regularly causes traffic jams at the beginning and end of the school day and we note that the A277 has considerable more traffic capacity than Ashes Lane. Many parents will visit the school at various times to discuss education matters with staff and the parking bay visitor numbers appear inadequate. Parking on the relatively narrow Ashes Lane could cause serious disruption at certain times.
- 5.8.9 In conclusion the siting of a school in the MGB considerably affects the openness of the area, the noise and activity within the greater site and will cause light pollution even with the “best designed” lighting possible.
- 5.8.10 CPRE considers that at present Hadlow College has not presented a sufficient case for the need, the absence of an alternative site and compelling special circumstances to overcome the harm the proposal will inevitably cause and therefore object to the proposal.
- 5.9 EA: No comments to make.
- 5.9.1 Private Reps: 81+site + press notice/0X/43R/0S. Objections made on the following grounds:
- Impact on the road infrastructure – already congestion at peak times and this development will only add to this;
 - Potential accident blackspot – there have already been numerous accidents in the immediate vicinity;
 - Fears for children’s safety;

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- Increased traffic would cause a further deterioration in the condition of Ashes Lane;
 - Loss of Green Belt land and significant harm to the Green Belt;
 - Loss of important agricultural land;
 - Question why a more suitable location could not be found closer to the main college campus;
 - Need for such a school has not been adequately demonstrated;
 - Negative impact on the landscape;
 - Neither of the bus stops at this junction on the A26 have adequate provision to safely pull in;
 - 40mph limit is not enforced and signage is poorly sited;
 - Increase in noise and disturbance to neighbouring dwellings;
 - Loss of privacy arising from two storey building and location of the bus drop off and turning area;
 - Air pollution and disturbance to nearest neighbours arising from the bus drop off area;
 - Adverse impact on outlook;
 - Increased dilution in rural tranquillity in the area;
 - Increased light pollution;
 - Lane is already used as a rat-run, this would be made worse;
 - Building will block views of the Tower;
 - Modern design is out of keeping with the rural character of the area;
 - Ecological survey is dismissive of wildlife value of the site – bats have regularly been seen flying in the area and a professional bat survey should be conducted;
 - Ashes Lane has no pavements or street lighting, which is in character with the lane, but this can make it hazardous particularly for pedestrians;

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- Question how school will manage parking during school events such as parents evenings, sports days etc – parking within the site is inadequate for such events;
 - Ashes Lane already suffers from water drainage problems – increased use of the drainage system will only serve to exacerbate this situation;
 - No-one would disagree with the importance of keeping children safe but unable to find any legislation which demands a physical separation from the rest of the College – only a general directive that children should be safeguarded;
 - Amount of information on the website already is misleading to parents and premature;
 - Entrance is already congested due to the AMU and dog grooming facility – the school would only make this problem worse;
 - College has breached conditions imposed on the AMU planning permission;
 - Lack of local consultation by the College;
 - Impact on the setting of listed buildings in Ashes Lane;
 - Question need for a secondary school – there is a surplus of non-grammar school spaces in the district;
 - Conflicting information within the submission regarding the employment opportunities the school will create;
 - No proof that connection with Hadlow College is a vital part of the new school;
 - Traffic surveys were undertaken in December and March – outside of normally considered neutral months and no indication of the weather on those days – surveys therefore cannot be relied upon;
 - Unlikely that pupils would use the footpath to the bus stops at the main College entrance, using those close to Ashes Lane is a more likely scenario and these are dangerous;
 - College has not analysed other sites that are not best and most versatile agricultural land;
 - The case for proximity to the AMU and sharing access and other areas seems to be at odds with the desire to keep pupils separate from the main College.

5.9.2 Petition also received which contains a total of 51 signatures and the accompanying letter of objection itself is signed by a total of 45 residents.

5.9.3 Additional information received 5 July 2013. 19 further representations received maintaining previous objections and stating that the supporting information provided is flawed and does not adequately demonstrate very special circumstances. Amendments to the footpath would further urbanise the rural area.

5.9.4 Amended plans [relating to design] received on 31 July 2013: 21 further representations received maintaining previous objections and making the following further objections:

- Changes to the design would exacerbate loss of privacy which formed previous ground of objection;
- Members should note that the field in question is usually grazed by sheep – the sheep may have been moved by the time of the Members' Site Inspection thus not giving a true picture of the situation;
- Amendments in no way overcome the fundamental concerns about the proposed Green Belt location;
- Question why the footpath does not follow the desire line across the field rather than around its perimeter as proposed – more likely to be used by children and less impact on neighbours;
- Planting the route of the footpath with a line of Poplars would improve the view of the AMU when viewed from the A26;

These letters in part also made reference to the Transport Assessment Addendum subsequently received but not formally consulted on. These are summarised below:

- Disputes contents of Transport Assessment Addendum as being unrealistic and suggests that this has been submitted in an attempt to salvage an application that is *'fundamentally flawed'*;
- Submission of the TA Addendum seems to suggest that highways and transport matters are the only remaining obstacles – no further information regarding very special circumstances have been provided;
- Management strategy to ensure pupils use the designated footpath is inadequate;
- Disagree with the conclusions of the TA Addendum that there is no need for the speed limit to be reduced;
- Sceptical about the data provided in respect of school travel patterns;

- DfE cites a 'small school' as being an establishment with 100 or fewer children of statutory school age. Applicant states that this would be a small school but with 330 children it would not comply with the DfE definition;
- Nothing has been put forward that would address traffic backing up along Ashes Lane as vehicles attempt to turn right onto the A26;
- College has not passed the first stage at EOI to be considered for funding for their Sports Centre project so this site should not have been discounted;

One letter also made reference to the fact that consultation on this one document had not taken place.

6. Determining Issues:

- 6.1 The application site lies within the Metropolitan Green Belt, outside the defined settlement confines of Hadlow, and is part of a wider landholding associated with Hadlow College, a further/higher education college, specialising in land-based studies. Within the wider land extent of the College and its farms, the core of the built College provision lies within an area defined in MDEDPD as "a Major Developed Site" (MDS) subject to policy M1 – this policy allows for infill development or new development subject to a number of criteria being met. Interlocked with the geographical extent of the MDS is an area of land immediately to the south west which is identified as "Open space to be protected", subject to policy OS1A - Hadlow College playing field.
- 6.2 The NPPF sets out the national planning policy for Green Belt land. It also sets out its planning policy in respect of school facilities as part of the role of NPPF in "promoting healthy communities". It reads:
- "72. 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*
 - *work with schools promoters to identify and resolve key planning issues before applications are submitted."*
- 6.3 NPPF also indicates that new buildings within the Green Belt are considered to be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are however specific exceptions to this position *which include:*
- *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; or*

- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

6.4 What is quite clear is that the development of a new school *per se* would constitute inappropriate development in the Green Belt. Additionally, the proposed school building would not fall within any of the specific exceptions cited within the NPPF where inappropriate development would be agreeable in its own right. Therefore the project can be granted planning permission *only* if it is demonstrated that very special circumstances exist to justify that permission. NPPF Green Belt policy is supported by policy CP3 of the TMBCS.

6.5 The NPPF states that “*inappropriate development is, by definition, harmful to the Green Belt*” and such development should not be approved, except in very special circumstances. In view of the presumption against inappropriate development, substantial weight is attached to the harm to the Green Belt when considering any planning application concerning such inappropriate development. NPPF reads, at paragraph 88, “*When considering any planning application, local planning authorities should ensure that substantial weight is given to the harm to the Green Belt. ‘Very special circumstances’ will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*” It is therefore necessary to consider whether the development causes any other harm beyond that caused by virtue of its inappropriateness and, having done so, whether there are other considerations relevant to the overall balance that demonstrates very special circumstances.

6.6 The Planning for Schools Development Policy Statement (DCLG - August 2011) is also an important material national policy consideration, stating that:

“...We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”.

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- ***There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.***

- ***Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the***

need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

- **Local authorities should make full use of their planning powers to support state-funded schools applications.** *This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.*

- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** *Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.*

- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible,** *and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.*

- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.** *Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.*

- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** *Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.*

- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school..."

6.7 There is clearly a strong Government impetus in favour of new state school development as a matter of principle. The analysis below recognises the relevance of all of these statements of Government policy – it should be noted that the Schools Policy Statement predates the publication of the NPPF by just a few months. I can also confirm that, in accordance with the Government's

expectations, pre-submission discussions took place. Further clarification on matters emerging from analysis of the submitted case and third party comments has also been sought, in an endeavour to make the proposal as readily understood as possible.

- 6.8 In light of the policy situation described above relative to the *principle* of development in the Green Belt, to which I will return, I now turn to the question as to whether any other harm would be caused, including to the Green Belt, as a result of this development in addition to the harm that is caused by virtue of the fact that it is inappropriate by definition. In terms of the built form that is being proposed, the building would have an overall footprint of 3,364 sq. m, with a height ranging from 7.9m to 10m. It would therefore be a significant building on currently undeveloped land. The building design sections provided indicate that the school building would be somewhat taller and bulkier than the lambing shed that is to be to be relocated to the west and which would be the building the school would most readily be seen in context with as its backdrop. The difference in height between the school and the nearby AMU (which is to the east of school site – between the school site and A26) is more marginal but the proposed school would nevertheless be slightly higher than the main body of the AMU. It is undeniable that the footprint, massing and height of the building are substantial both in themselves and in combination with the relocated lambing shed. The existence of the existing buildings at Faulkners Farm, including the most recent structures approved by the Council to form the AMU, provide some degree of context in terms of building location, but nevertheless the proposed school represents a significant additional physical presence in this rural area. Although the lambing shed alone is an agricultural building that could reasonably be expected within a Green Belt location, its proposed re-siting to allow for the arrangements for the school to be accommodated would place it in a more open and exposed area of land. As such, it is considered that the proposed development of the application site would have a demonstrably harmful visual impact on the open nature and function of the Green Belt.
- 6.9 The playing fields proposed to serve the new school would be located behind the school itself, in the north-east end of the site. The NPPF indicates that the provision of appropriate facilities for outdoor sport is *not* considered to be inappropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. I am satisfied that this particular element of the scheme alone does not constitute inappropriate development.
- 6.10 Having identified that the proposed school building constitutes harm by virtue of inappropriateness and the impact on the openness of the greenbelt, it is necessary to also establish whether any other harm would arise as a result of the proposed development.

- 6.11 Turning to transport impact, paragraph 32 of the NPPF states that: *“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. [Plans and] decisions should take account of whether:*
- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
 - *safe and suitable access to the site can be achieved for all people; and*
 - *improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 6.12 Paragraph 34 of the NPPF goes on to state that planning *“decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximise. However this needs to take into account of policies set out elsewhere in this Framework, particularly in rural areas.”*
- 6.13 Policy SQ8 of the MDE DPD states that before proposals for development are permitted they will need to demonstrate that any necessary transport infrastructure, the need for which wholly or substantially arises from the development, is in place or is certain to be provided. Development proposals will only be permitted where they will not significantly harm highway safety.
- 6.14 With regard to the matter of traffic and transport the proposal shows provision for 33 parking spaces. The proposal also identifies that pupils will be transported in a number of ways.
- 6.15 The School intends to set up and run a bespoke bus service. I am advised that of the pupils at the school in the first year of operation, it is anticipated that 55 will be on the school run mini-bus service, 9 have expressed that they will come by car and 5 have indicated they will walk. This appears to be based on returns from the parents who are intending to send their children to the school in September 2013. I understand that the College will be running minibuses for the first two years before engagement of coaches to support the transport policy that has been put in place for the school. No information has been provided that explains the likely use of such a service in the longer term.
- 6.16 Adequate provision therefore needs to be made for pupils and staff to be transported by various means in a safe fashion with adequate facilities to access these modes of travel safely. If this is not achieved and the adverse impact of traffic assessed as severe (the test set in NPPF) then this would amount to an

indication of unmitigated harm arising from the proposal. This project has been the subject of intense discussion between KCC highways and the applicants, the outcome of which is explained below.

- 6.17 The planning application makes passing reference to wider intentions, in the mind of the Highway Authority, to facilitate a controlled crossing on the A26 close to the main College entrance, serving the bus stops on either side of the road at this point. It is the view of KCC that such a crossing would need to be in place *prior* to the school opening in order to ensure an acceptable degree of pupil safety. I support that view. However, it should be stressed that at this time there is no definitive timetable for the provision of such a crossing as a standalone piece of provision. It cannot therefore be relied upon in assessing the project's capability for demonstrating that pupils will be able to safely use the bus stops closest to the main College entrance. To allow this provision to be part of the suite of measure to mitigate the harm, from a traffic/transport point of view, the applicants would have to guarantee the provision of such a crossing if it is to play a positive part in the consideration of this planning application. I deal below with mechanisms that could bring about the necessary level of legal control.
- 6.18 KCC has suggested that if the school were to be located as proposed then the arrangements around the Ashes Lane junction and the nearby bus stops should be enhanced. The applicant argues that the provision of a second controlled crossing in the vicinity of Ashes Lane and the associated bus stops would represent a safety risk because drivers would become complacent to the use of these stops and drivers would therefore tend to ignore them. This assessment, with regard to the provision of a further controlled crossing, is broadly accepted by KCC.
- 6.19 There is a consensus that the bus stops closest to Ashes Lane are not ideally suited to serve pupils of the proposed secondary school, given the general local traffic speeds of this stretch of road, with no crossing points and inadequate waiting space at the bus stops. The application therefore proposes the provision of a fenced footpath, routed through the car park serving the AMU and along the southern boundary of Faulkners Farm, running parallel to Ashes Lane, leading to a gate after which pupils are required to use the public footway to access the bus stops by the main College entrance.
- 6.20 The applicant has explained that pupils who will use public transport will be 'managed and overseen' by the school to ensure that the bus stops close to Ashes Lane are not used. Instead, pupils would be required to use the new footpath and crossing closest to the main College entrance, the future provision of which has already been established as being undefined at the time of writing.

- 6.21 The applicant maintains that pupils will be ‘*unlikely*’ to use public transport, but in the event that this does occur, duty staff at the end of the day will be placed in the front of AMU to direct pupils away from Ashes Lane, and ensure that bus stop is not used, while directing pupils to use the safer route through the college (also with staff on duty to direct and guide pupils the right way).
- 6.22 It is, however, unclear as to how robust these plans are and how they will operate in practice. It seems inevitable that some pupils using public transport will seek to use the bus stops closest to Ashes Lane given their proximity to the chosen site and the associated convenience that these bus stops would offer. This factor represents a considerable risk to the safety of pupils and road users alike. Paragraph 203 of the NPPF recognises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. In this respect, KCC (H&T) has suggested that it would be appropriate to require the College to undertake, or provide funding for the provision of, improvements to the A26 to mitigate the impact of the development proposals, at the Ashes Lane bus stops as follows:
- construction of a full depth bus stop and forward visibility improvements on the eastern side of the A26;
 - installation of a pedestrian central island and right turning lane; and
 - provision of school warning signs all approaches to the A26 / Ashes Lane junction and the main Hadlow College entrance.

The applicant has now agreed to these measures being put in place should planning permission be granted and, in association, KCC has requested that the applicant gives consideration to the provision of a school crossing patrol at this location.

Very Special Circumstances

- 6.23 It is now necessary to establish whether very special circumstances exist which outweigh the degree of harm caused by the proposed development by virtue of both its inappropriate nature and its physical impact on openness and the other harm identified in respect of highway safety.
- 6.24 On the basis of my assessment of impacts of traffic and pedestrian safety, with the assistance of the advice of KCC Highways, I consider that significant adverse harm would arise unless the improvements identified above at Ashes Lane and outside the main College entrance are provided as part of the proposed development. These matters may be secured by the application of relevant planning conditions in the event that the proposal is found acceptable in all other respects.

Need for a local secondary school:

- 6.25 The applicant puts forward the case that there is a shortfall of local secondary school places based upon forecasts by KCC for this area of West Kent. With regard to secondary school provision in Tonbridge and Malling, KCC's Commissioning Plan for Education Report (2012 – 2017) states that:

“There is forecast to be a deficit of up to 80 places from 2016/17 to 2019/20. 180 places would be required at the peak if a 5% surplus is to be maintained.’ ‘The larger Year 7 cohorts will cause the total school numbers to rise, leading to an overall shortfall of places from 2018/19.’ ‘Post 16 numbers are forecast to increase throughout the forecast period reaching 2174 by 2021. There is a deficit of places throughout the period, although surplus accommodation in schools is sufficient to offset this until 2018.

At the time of writing, the Hadlow Rural Community School, a free school based at Hadlow College is being supported, and moving to the development stage. If this proceeds, it will provide 40 places per year group in Years 7 to 11. It is anticipated the school will open in September 2013, initially with intakes into Years 7 and 10.”

- 6.26 The applicant goes on to state that “KCC suggest that school provision in Maidstone, Sevenoaks and Tunbridge Wells should also be taken into account when considering the need for schools in Tonbridge and Malling. The document states that Maidstone and the northern part of the Sevenoaks District have pupil capacity, although predicted sustained growth in the southern parts of Sevenoaks District is not catered for. In Tunbridge Wells, KCC predicts that demand for non-selective schools can be managed through existing capacity at the High Weald Academy and Skinners Kent Academy.”
- 6.27 The above information is of interest in providing a context for the proposal in terms of identified need. However, it does not follow that any general shortfall identified must, of necessity, be met in a new standalone school in the Green Belt at Hadlow. Clearly all options including expansion of existing schools, especially those within urban areas, need to be investigated before it could be accepted in principle that any such new facilities should be located in the Green Belt.

Need for local education in land based and food sectors:

- 6.28 The applicant emphasises that the South-East is a leading agricultural region and is expected to play a growing role in the supply of food and non-food products in the years to come. This sector makes a significant economic contribution to the sub-region and there are around 5,500 land based and food businesses in Kent and Medway (accounting for around 8% of the local business base in the area).
- 6.29 The submission explains that there are currently six other secondary schools in Kent with a ‘rural ethos’ but the rural facilities at these schools are of a far smaller scale than those at Hadlow College, which is a County specialist for land based

provision. As part of the Hadlow College group, the new school will have access to the 'excellent' outdoor and educational facilities of the College for both their vocational, practical and academic studies. The applicant argues that *'this gives an outstanding opportunity to contextualise studies within the classroom and to enrich and engage through the use of outdoor environment, leading to higher levels of motivation, better lessons and higher outcomes.'* The Department for Education, in approving the College's bid for the new school, clearly accepts the logic and educational advantages of co-locating new land based secondary school with the Hadlow College facilities.

- 6.30 The existing six schools with a rural ethos are Brockhill Park, Hythe; The North School, Ashford; Kent College, Canterbury; New Line Learning, Maidstone; High Weald Academy, Cranbrook; and Homewood School, Tenterden. The applicant points out that these are located in Central and East Kent, leaving a lack of provision within West Kent. On this basis the proposal would respond to the need for additional secondary school places in the local area (to address KCC predictions) as well as the lack of rural specialist schools in West Kent.
- 6.31 It also seems that there are no other secondary schools co-located with a rural studies based FE/HE College to give a unique and direct relationship between secondary education and the FE/HE sector in a recognised specialist field.
- 6.32 In terms of investment in education facilities of this kind, at this general location, and in the context of the general needs assessment and the policy context outlined above, the case for the proposal and its benefit to the community can be given significant weight.
- 6.33 I am satisfied therefore that in this respect the case in principle made for a secondary school co-located with Hadlow College amounts to very special circumstances sufficient to accept the proposed development.

Need for a Green Belt location at Faulkner's Farm and alternative sites:

- 6.34 While not part of any expressed requirement set out in NPPF, the applicant has sensibly and appropriately sought to establish whether there are other sites around the College estate that might perform better in terms of harm to the Green Belt than the proposal site. The alternative sites have been identified and assessed and further detail is set out in 6.42 *et al* below.
- 6.35 Having accepted that there is a case to link the new school facility to Hadlow College it is helpful to consider how the operation would work in practice. It is intended that the use of the College facilities for frequent practical lessons in arable farming, horticulture, animal management, fisheries and retail will take place within the College in order to reinforce lessons within the school itself. There is also, although less frequently as the applicant has explained, the opportunity and need for pupils to visit the dairy, lambing unit and animal management

facilities. The applicant suggests that the AMU will be one of the main resources used in this respect. The applicant argues that the application site offers the most suitable location for the school for the following reasons:

- It has the necessary capacity to accommodate the proposed development;
- It has an existing and suitable vehicular access;
- It contains substantial existing development meaning that the school, sited adjacent to this existing development, would have a less significant impact on the openness of the Green Belt than if it were to be located in isolation;
- Close proximity of the site to the facilities at Faulkner's Farm – sheep farming and Animal Management Unit (AMU) will have educational benefits;
- It is within close proximity to Broadview Garden Centre and other facilities at the College and within walking distance of Blackmans Dairy;
- It is available for use and will not affect the existing operations at Faulkner's Farm;
- There would be a limited impact on neighbouring amenity as only a few properties are located close by and some of those are owned by the College.

Pupil Safeguarding

6.36 In the various documents submitted, the applicant has placed considerable emphasis on the need to develop the Faulkner's Farm site due to the advantages it offers in providing safeguard standards for pupils of the new secondary school. A crucial element of this is the need for the site to be served by a separate access, independent of the main College campus, whilst still maintaining the close links to the College for educational reasons. The original submission, in discounting alternative sites including immediately adjoining the Major Developed Site (for instance in the OS1 open space to be protected), indicates that a separate and secure access is a funding requirement of the Department for Education. It later goes on to state that:

'Each aspect of the proposed development has been carefully considered to ensure that no opportunities to share the existing facilities of Hadlow College are missed. However, in reality many of the facilities must remain separate due to the need to safeguard the secondary school pupils, maintaining separation from the College students.'

6.37 This requirement is strongly asserted with reference to guidance and advice, although there is no forthright statement with this application which demonstrates that there would be an absolute prohibition on a site adjoining the MDS (for instance the OS1 site) in regard to safeguarding. Nevertheless, I do accept that in

terms of pupil safeguarding the site at Faulkner's Farm can be considered to be significantly preferred to the OS1 site for the simple, but important, expedient that it clearly does not suffer the same levels of nearby public access as the OS1 site, which by contrast lies close to a PROW and the General college areas which are often open to the public including the Garden Centre and sports/equine facilities. In a practical sense there is also a case to say that a new school on the application site would provide better opportunities for management, supervision and control of the new and existing facilities nearby in safeguarding terms.

- 6.38 Turning to other sites assessed by the applicant, while they all suffer the fundamental Green Belt concerns set out above, if not necessarily the highways considerations, Officers have made an assessment of them. In many ways it seems entirely illogical to seek to establish such a facility on the south east side of A26 as, in practical terms, getting pupils to the main College facilities and the AMU and other facilities at Faulkner's Farm would either require heavily managed pedestrian movements or minibus trips. Notwithstanding how such sites perform in other respects, I think that is not desirable to encourage movement across the A26 from the sites at Blackman's Dairy or Court Lane.
- 6.39 While the Blackmans Dairy site may, in other respects, have some similar characteristics when compared with the application site there would be impacts on residential amenity and, on the basis of past experience, I consider site access and access to A26 are less acceptable than the proposal access if the highways provisions set out above are provided.
- 6.40 In terms of visual assessment, the agent contends that *"the institutional buildings of Hadlow College with their landscaped setting create a visual barrier between Faulkner's Farm and the settlement of Hadlow. Being situated to the west of Hadlow Village and with intervening development between, Faulkner's Farm is considered to have a limited impact on the setting of the settlement."*
- 6.41 In contrast, the agent argues that the Blackmans Dairy site *"without any form of development between land to the north-east of Blackmans Dairy and the edge of the settlement of Hadlow, it is considered that location of the school at this site would have a visual impact on the setting of Hadlow."* Reference is also made to the proximity of the site to Hadlow Tower and the impact on its setting that would arise from the school building here due to its proximity and the lack of any intervening development or screening.
- 6.42 I do not agree with the approach taken by the applicant in this respect. The foundation for this argument centres on the assessment that development exists between Faulkner's Farm and Hadlow Village whereas there is a lack of such development in the case of the Dairy. No consideration has been given to the landscape characteristics of the Faulkner's Farm site in its own right and the fact that the school building would appear as a prominent feature within this landscape when viewed from the A26, notwithstanding the significant impact on the rural area

that the Blackmans Dairy would also have. I am not satisfied that significant weight should be given to the argument that the setting of the Tower would be adversely affected by the location of the school on/at the Dairy site location.

- 6.43 While the Court Lane glass houses have been included in the analysis, the reality is that the land is not available in light of commercial contracts that requires the College to utilise the greenhouses (as well as their teaching worth).
- 6.44 Overall, when considered in light of the alternative assessments in respect of these sites, I do not consider that these sites represent practical alternative locations.
- 6.45 Three further sites have been tested within the College complex and the MDS and are used for car parking and/or associated with the retail/teaching garden centre. I believe that these should be discounted as the reduction of car parking would exacerbate an already well known and complex problem at the site and almost inevitably would lead to pressure on the Green Belt outside the MDS. Clearly for a land based College it would not make sense to lose the Garden Centre facility and again the use of this site for the new school would only, in the long run, be likely to lead to pressure on the Green Belt. I think that is also appropriate to discount these three sites. This also demonstrates that there are no sites wholly within the MDS that could accommodate the current proposal.
- 6.46 The final alternative sites are part of the OS1 site which adjoins the MDS. It is apparent that *in purely locational terms* the only site within the College Campus would be the existing sports fields as this is identified by the applicant as having the necessary capacity to accommodate the development (albeit the applicant argues that the drop off and circulation areas would cause conflicts). In discounting this site, the College submits that this site is not available as it is reserved for its Sports and Applied Therapy centre which is intended to consist of a sports hall, gymnasium and sports therapy centre, currently undergoing negotiation for funding. The College intend to submit a planning application soon and this scheme is contained within the College Capital Strategy Plan. While this point is of interest, the College "master plan" has not been considered by the Council and it cannot be assumed that such provision is automatically acceptable in principle or detail in this location.
- 6.47 I recognise that this potential alternative site is subject to policy OS1 of the MDE DPD. This policy states that development that would result in the loss of, or reduce the recreational value of, existing open spaces will not be permitted unless a replacement site is provided which is equivalent or better in terms of quantity, quality and accessibility. Relocating that open space, for example into the rural area outside of the Campus, would be acceptable in planning policy terms as open space is policy compliant, in principle, with the Green Belt status of the surrounding land (the protected open space is itself in the Green Belt). It does need to be borne in mind however that replacement pitches, fully drained and fit to play, might well require between 1 and 2 years before the OS1 site became

available. It is also noted that the College has invested considerably to bring the playing fields to a high quality and that there is a good level of community use as well as facilities for College students.

6.48 I consider that the only real choice in siting for the new school is between the application proposal and the OS1 land. If it is assumed that traffic and transportation matter can be resolved by planning conditions, then I consider that there are two key factors where the two sites may be compared:

- visual impact; and
- opportunities to ensure the best option for safeguarding and the most practical operational approach to the proposed school and college facilities taken as a whole.

6.49 Earlier in this report I described the application site, the proposal and its visual impact. I consider that the application site is more exposed than the OS1 site from the A26 and Ashes Lane. The OS1 site is itself open in nature at present and exposed to views from across the wider College campus and from the PROW that runs immediately north of the OS1 land. Views from this area would see a new school against the wider background of open countryside. These factors of visual impact of the alternative sites must be positioned in the context of matters of pupil safeguarding and the practical operation of the whole landholding for education and ancillary purposes. In the overall balance of all the factors that determine whether a justifiable claim for very special circumstances has been made in support of the proposal site, I conclude that a case has been made.

6.50 Notwithstanding the above, it is also necessary to assess the proposed development in all other respects, particularly its detailed design and impact on residential amenities. In these respects, the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development and is indivisible from good planning (paragraph 56). It also stresses the need for development to respond positively to local character, reflecting the identity of local surroundings whilst not discouraging appropriate innovation (paragraph 58).

6.51 Furthermore, policy CP24 of the TMBCS requires that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD (2010) which states that all new development proposals should protect, conserve and where possible enhance:

- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
- the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

- 6.52 If it were to be accepted that, after due consideration, this proposal were acceptable then I am of the view that the proposed school is of an agreeable design in itself, suitably mitigated by appropriate landscaping. It is far enough removed from the nearest listed buildings to ensure no harm to their particular settings. I am satisfied that the school design in itself and in combination with the other buildings in this complex, meets the tests of NPPF, CP24 and SQ1 in respect of design.
- 6.53 I also appreciate the representations made by the nearest neighbours in connection with their residential amenities given the proximity of the proposed bus drop-off point to their boundaries. This area of the site would only be used twice a day for a limited period and this could be reasonably controlled via planning condition. This, when also considering that the use by the College could intensify agricultural operations on this part of the site without any approval from the local planning authority, means that I cannot identify any justifiable ground for refusal linked to the impact of the proposal on residential amenity arising from the increased levels of activity arising from the proposed school use. Equally, the building itself at its closest corner would be located approximately 35m from the boundary with 4 Faulkner's Farm Cottages. This is a greater degree of separation than currently experienced from the existing lambing shed and, although I appreciate the school is a more significant structure, I am satisfied that the distance and angles views involved would ensure the building would not create any adverse impacts in terms of residential amenity.
- 6.54 Local residents have also raised concern regarding how the site might be managed during special school events such as parents evenings and sports days, given the limited opportunities for parking within the school grounds. The applicant has since explained that these events will take place after College hours and, as such, the parking at the AMU and the surrounding fields would be used. This as a stand-alone procedure appears to be a reasonable one and the issue is one that any secondary school, often located in much more intensively built up urban areas, has to deal with.
- 6.55 I appreciate the remaining concerns of local residents regarding the amount of parking and access arrangements to serve the site having implications for Ashes Lane. However, the technical advice provided by KCC indicates that these arrangements are appropriate and acceptable and would not cause undue harm to the safe and free flow of traffic along Ashes Lane and its junction with the A26 and this will be dealt with by conditions.

Conclusions

- 6.56 In considering applications in the Green Belt, and particularly in larger scale proposals such as this, the Council is required to address three key factors; whether inappropriate development is involved, whether there are very special

circumstances to be taken into account and whether these very special circumstances are of sufficient weight to overcome the harm arising from the proposal.

- 6.57 I have explained in some detail above that I consider that the school is inappropriate development but that aspects of national Policy, both in the NPPF and the Planning for Schools Development Policy Statement, identify considerable policy in favour of the building of new state schools. The latter document does not focus on matters related to the Green Belt, but must be seen as a material consideration in the overall decision. This is especially so if the specialist nature of the school provision requires a rural location, as would be the case for a new secondary school co-located with other land based educational facilities simply because those other land based teaching facilities already exist very successfully in the countryside and in the Green Belt.
- 6.58 So the question arises as to whether the detail of the proposal in terms of specific site location and design (including any transportation related improvements/requirements) are sufficiently well developed themselves to override aspects of harm such that the Green Belt location may be accepted. From the above analysis it should be clear that I consider that, on balance, this case is made and the harm may be adequately mitigated, albeit that in some instances (such as the provision of adequate transportation/traffic related infrastructure and detail of materials/landscaping) this will require further details to be submitted, in due course, pursuant to conditions.
- 6.59 Bearing in mind all of the above factors and the community benefits that would arise from the significant new educational opportunity, I am satisfied that a case of very special circumstances exists to justify the grant of permission for this school on the submitted site. (Note: the intention to grant such a permission in the Green Belt must be referred to the Secretary of State under the relevant Direction and such permission cannot be issued without the SoS acceptance.)

7. Recommendation:

- 7.1 **Grant Planning Permission** subject to:
- 7.2 Referral of the application to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 and;
- 7.3 The following conditions:
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

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- 2 The development hereby approved shall be used solely as a Secondary School providing a land-based curriculum in association with the facilities available at Hadlow College.

Reason: To enable the Local Planning Authority to regulate and control the future use of the site in the interests of preserving the open nature and function of the Metropolitan Green Belt and in the interests of highway safety.

- 3 The development hereby approved, other than the demolition of the existing lambing shed, shall not commence until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the visual amenity of the rural locality.

- 4 All materials used externally in the construction of the replacement lambing shed shall match those of the existing lambing shed.

Reason: To ensure that the development does not harm the visual amenity of the rural locality.

- 5 The development shall be constructed at the level indicated on the approved drawing.

Reason: To ensure that the development does not harm the visual amenity of the rural locality.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A of Part 32 of Schedule 2 to that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to regulate and control any such future development in the interests of preserving the function and character of the Metropolitan Green Belt.

- 7 The scheme of hard and soft landscaping and means of boundary treatments shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development does not harm the visual amenity of the rural locality.

- 8 The number of pupils attending the school at any time shall not exceed that set out in the Design and Access Statement.

Reason: In the interest of pedestrian and traffic safety.

- 9 No external lighting shall be installed in connection with the buildings or the footpath until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and or visual amenity of the locality and in the interests of residential amenity.

- 10 The footpath shown on plan number A620-PL-001 G shall be provided before any of the buildings hereby approved (other than the lambing shed) are brought into use and shall be retained and maintained at all times thereafter.

Reason: In the interests of highway and pupil safety.

- 11 No development, other than the demolition and relocation of the existing lambing shed, shall be commenced until a programme for the provision of the following works, including a timetable for implementation prior to the opening of the school to pupils, has been submitted to and approved in writing by the Local Planning Authority:

- a controlled pedestrian crossing across the A26 at the Hadlow College entrance
- improvement works to the bus stops on the A26 in the vicinity of the Ashes Lane junction
- provision of a central road island in the A26 at the junction with Ashes Lane, along with any other associated highway improvements
- provision of school warning signs all approaches to the A26 / Ashes Lane junction and the main Hadlow College entrance

The works shall be carried out strictly in accordance with the approved programme and timetable.

Reason: In the interests of highway safety.

- 12 Prior to the commencement of development, other than the demolition and relocation of the existing lambing shed, a scheme for the management of traffic within the site shall be submitted to and approved in writing by the Local Planning Authority. The use shall be carried out strictly in accordance with the approved scheme at all times thereafter.

Reason: In the interests of highway safety.

- 13 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 14 No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 15 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

Contact: Emma Keefe

SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEE

DATED 12 September 2013

**Hadlow (Hadlow) TM/13/01482/FL
Hadlow, Mereworth
And West Peckham****Relocation of existing lambing shed and erection of two storey school building together with car parking, vehicle circulation area and landscaping at Faulkners Farm Ashes Lane Hadlow Tonbridge Kent TN11 9QU for Hadlow College**

KCC (Education): *In respect of secondary school demand in West Kent, the application from DHA Planning dated May 2013 correctly quotes the Kent Commissioning Plan for Education Provision 2012-2017 ('the 2012 Plan'). At the point of writing the 2012 Plan, it was anticipated that there would be a deficit of up to 80 places in Tonbridge and Malling from 2016/17 to 2019/20. It is also correct that the planning for secondary school provision in Tonbridge and Malling needs to take into account the anticipated demand within Maidstone, Tunbridge Wells and Sevenoaks, as this is considered to be the travel to school distance for the secondary sector.*

KCC are currently in the process of revising the Commissioning Plan for Education Provision for the period 2013-2018 ('the 2013 Plan'). It is anticipated that the 2013 Plan will be published in autumn 2013. The revised projections for the 2013 Plan indicate that there is a growing pressure for secondary school provision in West Kent. It is anticipated that there will be a deficit of up to 103 Year 7 places in Tonbridge and Malling within the period 2018/19 to 2022/23. The corresponding figures for Tunbridge Wells and Maidstone indicate deficits of up to 70 and 149 respectively. However the projections for Sevenoaks indicate a surplus of up to 89 Year 7 places within the same period. The figures referred to above do not allow for a surplus of places as indicated by Bold Steps for Education.

The objection from Ibbett Mosely dated 10 June 2013 correctly refers to the potential for two new secondary schools within the West Kent area; a new grammar school within Sevenoaks and the Trinity Free School. Each of these school proposals is subject to their own planning applications and consultation processes. As I understand it, the long term building solution has not currently been resolved for any of these three schools. It would therefore be incorrect to assert that the proposed Hadlow Rural Community School would not be required due to the two other proposed secondary schools. In the same way it would be incorrect to draw a conclusion at this stage that either the proposed new grammar school or the Trinity Free School would not be required, because there is a proposal to open the Hadlow Rural Community School.

Private Reps: 4 further letters received making the following objections:

- Continue to object to the school being built here in the Green Belt as it is a degradation of the Green Belt and urban 'creeping', other locations are more appropriate;

-
- Hadlow College access is the only viable entrance as it has considerably better sight lines onto the A26, is capable of being further enhanced to suit increased traffic and would keep children safe – the application has all the appearances of taking the cheapest and softest option for the College;
 - Very few, if any, oppose the basic concept of the Free School being erected and managed by Hadlow College – alternative site may not be so convenient to the College but common sense should prevail and the school should be sited here instead;
 - Potential hazards and traffic congestion which are likely to occur in Ashes Lane and the junction with the A26. Also the proposed exit point in Ashes Lane does not have a clear view to the right after approximately 30 yards;
 - Concerned that the proposed changes to the highway were only discussed for the first time at the Members Site Inspection and that the changes would involve removal of hedges and other features of the Green Belt landscape;
 - Changes to the highway will result in the area becoming more suburban in character
 - Pupils will have to cross a public route into the AMU and dog grooming parlour and then follow a convoluted route onto an unsafe exit onto the public footpath near Blackmans Lane – this makes a nonsense of the safeguarding argument which seeks to reject other sites;
 - Questions whether route of footpath through the AMU falls within the application site;
 - Visibility splays are inadequate;
 - How will footpath be surfaced and lit?
 - Proposed footpath is inadequate in terms of safety and impracticality of sustained efficient policing in all weathers and conditions;
 - Point at which pupils are expected to emerge onto the A26 is dangerous;
 - Large farm vehicles and equipment constantly use the Ashes Lane junction;
 - Confirmation should be sought that coaches and buses will not damage the canopies of trees;
 - No reference has been made to the subterranean High Pressure Gas Main which is very adjacent to the proposed site for the main Free School building;
 - One correspondent has suggested that as there now exist recently introduced “permitted development” rights to create state-funded schools in existing buildings and their curtilage, so that option should automatically take precedence

over the use of the Green Belt;

- Several letters have been received amplifying and reinforcing the view of local residents set-out in the main report.

DPHEH:

At the Members Site Inspection, question was raised by local residents as to whether or not the route the planning agent led Councillors through the AMU car park fell within the application site defined by the red line. Since the Inspection, the agent has provided an updated plan which clearly shows the area walked falling within the application site. However, in doing so, they do acknowledge that the exact route of the footpath for the permanent school has not been specifically identified on the submitted plans. They have asked that this be the subject of a condition should Members be minded to grant planning permission for the permanent school. This would also allow the Council to seek details of how the footpath will be enclosed and consider whether adequate safe and provision is made on the detailed aspects of that facility. An additional condition can be added to control this matter.

Also at the site inspection it became clear that Members were very keen to understand what the improvements to the A26 would specifically entail. The applicant has only very recently agreed to the package of highway improvements *in principle* and, as such, these have not been worked up into a detailed design at this stage. The Recommendation set out within the main Agenda includes a condition requiring details of the highway improvements (condition 11). These details would need to be subject of detailed discussions between the applicant, this Council and Kent Highways and Transportation (whose separate consent would be required for works in the highway) to ensure an appropriate solution emerges.

Members also noted, at the site inspection, that the proposed footpath route across the field from the school to the A26 would be in darkness during winter months at the beginning and end of the normal school day. Condition 9 (as recommended) states that external lighting to be used in connection with either the building or footpath cannot be installed until any such details have been submitted and approved. It seems inevitable that some form of external lighting will be required in connection with the footpath. Given the designation of the land as Metropolitan Green Belt and the rural characteristics of the locality generally, any such lighting would need to be sensitively designed to ensure there would be no harmful impact on the appearance of the open countryside whilst achieving a safe walking route.

Simply because new “permitted development” rights exist to allow state-funded schools to be established without the need for a planning application does not automatically mean that other options such as that made in this case are automatically unacceptable in the Green Belt – the particular facts of the case must be considered in the round.

Residents have highlighted that certain works undertaken within the AMU site were not complete or were at the time unauthorised. I can confirm that the parking areas and scheme of landscaping have not been implemented in accordance with conditions 3 and 5 imposed on planning permission TM/07/00482/FL. Part of the approved parking scheme is located on land *now* found to be outside the college’s ownership. This was

not identified by the *then* owner of the land at the time of the application and the College is not now able to implement the approved scheme and have proposed that an alternative parking scheme is utilised (a combined solution with the current application scheme). In itself this appears to be a pragmatic approach given that the approved solution cannot be implemented – however that solution does rely on the outcome of the consideration of the permanent school.

AMENDED RECOMMENDATION:

Additional Conditions:

16. Prior to the commencement of the development hereby approved, other than the demolition and relocation of the existing lambing shed, details of the precise route the footpath will take through the site along with any associated means of enclosure shall be submitted to the Local Planning Authority for formal approval. Thereafter, the details shall be implemented and monitored to ensure strict compliance with the approved scheme.

Reason: In the interests of highway and pupil safety.

17. Prior to the commencement of the development hereby approved, other than the demolition and relocation of the existing lambing shed, a Travel Plan covering both staff and pupils shall be submitted to the Local Planning Authority for formal approval. Thereafter, the Travel Plan shall be implemented and monitored to ensure strict compliance with the approved scheme.

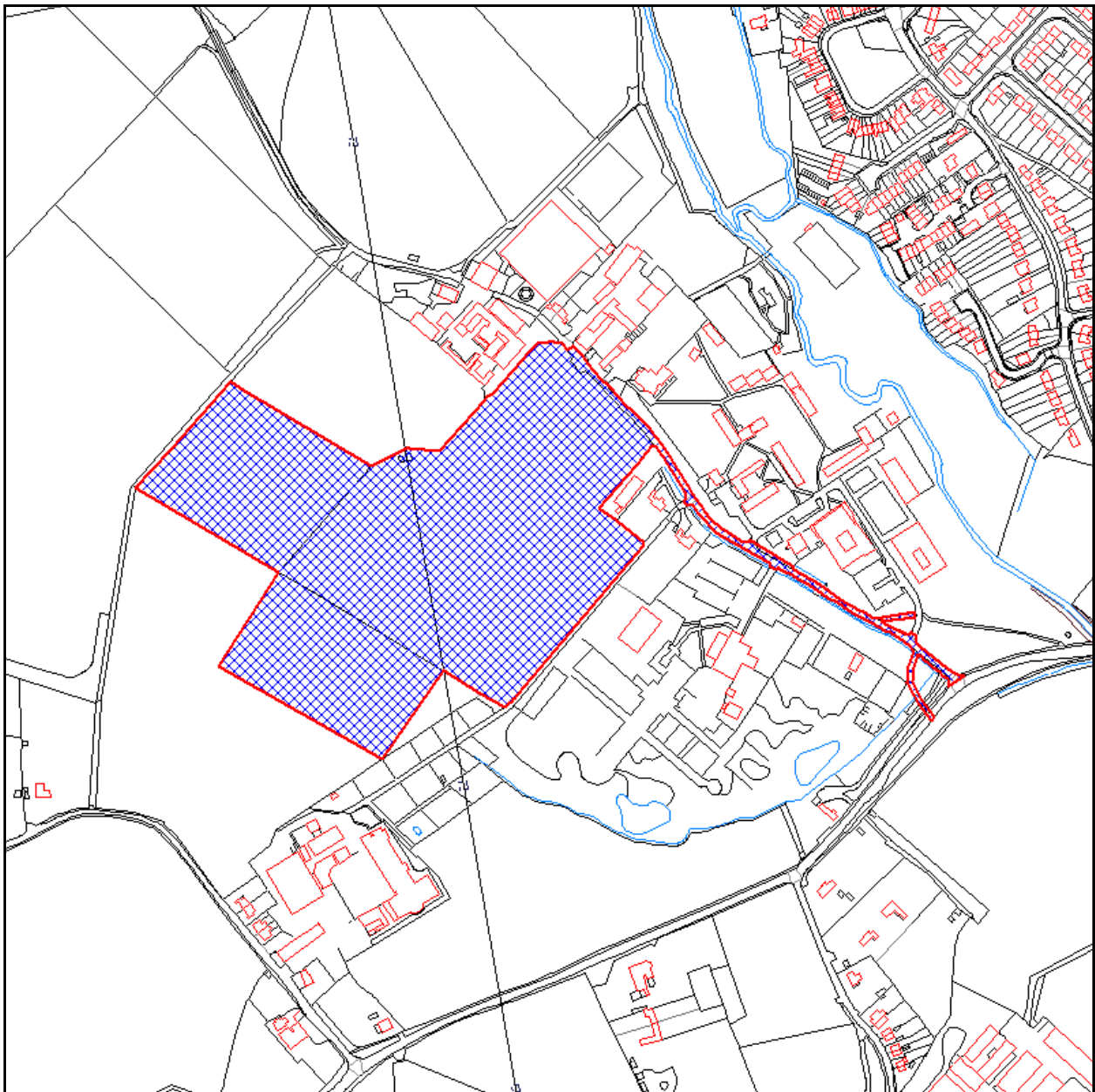
Reason: In the interests of highway and pupil safety.

TM/13/01482/FL

Land At Bourne Grange Lane Hadlow College Tonbridge Road Hadlow Tonbridge Kent TN11 0AL

Erection of two storey school building together with access, car parking, vehicle circulation area, footway improvements and landscaping, relocate floodlighting within existing sports ground and change of use of agricultural land to a new unlit rugby pitch

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