

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

4 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

5 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

GROUND

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

6 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and

shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

INFORMATIVES

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

Most contaminated soils are regarded as controlled waste. If controlled waste is to be deposited on the site then either a Waste Management Licence will be required or the applicant will need to register an exemption to licensing with the Environment Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the licensable status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

SITE, LOCATION AND DESCRIPTION

St Laurence In Thanet Junior Academy is located on the western side of Newington Road, to the south of a railway line and to the rear of properties fronting Manston Road and Clifton Road. The site comprises a single storey building located towards the eastern side of the site with a car park and access road to the east and north of the building. To the north of the access road is a multi use games area (MUGA) and to the south of the building is a hard surfaced playground. To the west of the school building and MUGA is a grassed playing field that extends to the boundaries with the railway line and properties on Manston Road and Clifton Road.

RELEVANT PLANNING HISTORY

TH/83/0611 - Erection of a mixed junior school. Granted 20 October 1983

PROPOSED DEVELOPMENT

The proposed development is the extension and alteration to the car park. The existing access road within the site would be widened with the existing 14 parking spaces on the western side moved towards Manston Road and three new drop off bays formed adjacent to the school building. A new turning area would be formed close to the south eastern corner of the MUGA and 26 new parking spaces would be provided in the new car park.

DEVELOPMENT PLAN POLICIES

SP27 - Green Infrastructure
SP30 - Biodiversity and Geodiversity Assets
SP32 - Protection of Open Space and Allotments
SP35 - Quality Development
SP37 - Climate Change
SP41 - Community Infrastructure
SP42 - Primary and Secondary Schools
SP43 - Safe and Sustainable Travel
GI05 - Protection of Playing Fields and Outdoor Sports Facilities
GI06 - Landscaping and Green Infrastructure
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
HE01 - Archaeology
CC02 - Surface Water Management
SE04 - Groundwater Protection
SE05 - Air Quality
SE06 - Noise Pollution
SE08 - Light Pollution
CM02 - Protection of Existing Community Facilities
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

No responses have been received.

CONSULTATIONS

KCC Highways - I consider that there are no highway implications associated with the proposals.

Kent Fire and Rescue - I can confirm that on this occasion it is my opinion that the access requirements for the Fire and Rescue Service appear to have been met. Please be aware that should this proposal be successful it would then be subject to a Building Regulations consultation where the access arrangements would again be examined under section B5.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

National Rail - Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

Sport England - *Updated comments received 13 June 2024*

Thank you for reconsulting Sport England on the above application with additional information on improved car parking and tree information.

None of this additional information addresses our objection on the 30th of April 2024. Therefore, unfortunately, our position on this application remains the same.

For clarity Sport England's position

Given the above, Sport England raises a statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

Initial comments received 30 April 2024

We have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 103, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document'

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

all or any part of a playing field, or
land which has been used as a playing field land remains undeveloped, or
land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.

The proposal and impact on playing field Part of the Proposal is for a new car park and access road which will result in the loss approximately 700m² of playing field.

Assessment against Sport England's Playing Fields Policy and NPPF The applicants have failed to address the National Planning Policy Framework's paragraph 103 or Sport England England's planning policies.

Looking at historical aerial photographs on Google Earth, it can be seen that the school playing field has been laid over the years in a number of different configurations for different sports and sizes of pitches. The loss of the playing field will restrict this in the future.

Sport England's position

Given the above, Sport England raises a statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

Determining the application

Should the local planning authority be minded to approve this application contrary to Sport England's statutory objection, then the Town and Country Planning (Consultation) (England) Direction 2021 requires the application to be referred to the Secretary of State, via the National Planning Casework Unit.

TDC Arboricultural Consultant - (N.B. References to tree numbers refer to those in the Tree Survey Report from Tree Craft Ltd, dated 1st March 2024, and differ from the tree numbers on the Existing & Proposed Layout plans from Abstract Consulting.)

This proposal requires the removal of four individual trees (not three, as stated at para 4.2 of the tree report) and a further group of approximately five trees. They are all growing along the Newington Road boundary and are clearly visible from the public realm, but not all the trees along the boundary are to be removed. Collectively, and along with a patchy deciduous hedge, they provide an important visual boundary feature, providing screening and privacy for the school, and they contribute to the character and setting of the area. However, they are relatively young trees, of variable physiological and structural condition.

G1 Sycamore To 15m Low Quality Approx. 5 multi-stem trees growing through fence
T13 Yew 6m Moderate Quality Small tree, narrow crown, partially obscured by ivy
T14 Norway Maple 8m Low Quality Previous heavy pruning
T15 Goat Willow 6m Poor Condition Poor form, suppressed by dense ivy
T16 Norway Maple 11m Low Quality Cavity in main stem at 1.5m

Although the trees collectively provide some amenity value, individually they are not of the size or quality to significantly constrain the proposed parking extensions. However I note that two of the trees, T's 14 & 16, are currently growing in narrow planting beds between existing parking bays. The beds are not wide enough, if removed, to provide additional parking bays, and the adjacent bays are to be lengthened rather than widened. There may therefore be

scope to retain at least T14, as it appears in reasonable condition. There's a cavity in the stem of T16, and the structure where the stem divides may be relatively poor, but it could be the location for a replacement tree.

Apart from the proposed felling, there will be a relatively minor incursion into the root protection area of a London Plane (T12) from the lengthening of an existing parking bay and an associated new kerb. I don't think this is likely to be significant, and the tree report makes recommendations at para 4.3 on working practices to minimise any root damage or disturbance.

The report also proposes the partial lifting (removal of low branches on southern side to a height of 5m) of the crowns of an Ash and two Norway Maple trees on the northern boundary, to provide construction access. This is not significant work, and will have little impact on the trees or their visual amenity.

The tree report, at para 4.10, suggests new planting to the north of the existing site access to replace the trees to be felled, although the tree protection plan only shows new trees in the NE corner of the site. I could find nothing on whether the existing hedge adjacent to the felled trees is to be retained but there appears to be adequate space between the new parking bays and the road for replacement fastigiata (upright growing) trees or at least the enhancement of the existing hedge.

Para's 4.8 & 4.9 of the tree report provide recommendations on fencing and working practices to protect trees during construction works. In the absence of a specific arboricultural method statement (in accordance with para 6.1 of British Standard 5837: 2012 "Trees in relation to design, demolition and construction - Recommendations", which may not be necessary or appropriate for this relatively small scale proposal, it would be useful to have compliance with these measures made a condition of any consent.

TDC Environmental Health - I am writing following review of the above application for the extension and alteration of the car park at the above.

Due to the nature and scale of the development, there are no significant contamination concerns. However, please can you attach the following watching brief condition, to safeguard the development, should planning permission be granted:

WATCHING BRIEF CONDITION

If, during development, significant contamination is found or caused at the site, then this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters.

Reason: To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document

COMMENTS

This application is brought before members as a departure to the Local Plan.

Principle

The site comprises an existing school. The principle of extensions and alterations within the curtilage of a school is considered acceptable.

The proposed car park extension would be located on part of an existing playing field within the curtilage of the school. Paragraph 103 of the National Planning Policy Framework states "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

Policy GI05 of the Thanet Local Plan states that: "Built development will not be permitted on playing fields or on land last used as a playing field unless one or more of the following applies:

- 1) it is demonstrated that there is an excess of playing field provision in the area, for current and future uses of both the school and the community; or
- 2) the proposed use is ancillary to the primary use as a playing field and does not affect the quantity or quality of pitches or adversely affect their use; or
- 3) the proposed development is on land incapable of forming a pitch or part of a pitch and does not result in the loss of, or inability to make use of, a pitch; or
- 4) the playing field or fields that would be lost as a consequence of the proposed development would be replaced, prior to the commencement of the development, by a playing field or fields of at least a similar or improved quality and size in a suitable nearby location and subject to equivalent or improved management arrangements; or
- 5) the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to sport and recreation as to outweigh the detriment caused by the loss of the playing field or playing fields.

In each case the playing field should not make an important visual contribution to the amenity of the area and its loss should not be detrimental to the character of the area."

The applicant has submitted additional information during the application process indicating that they consider that the school has sufficient playing fields for the size of the school and that there are a number of parks and playing fields within a short distance of the site.

The benefits of the development would therefore need to be weighed against the harm resulting from the loss of the playing field to assess whether the application would constitute an acceptable departure from the playing pitches policy.

Character and Appearance

Paragraph 135 of the National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place.

Policy QD02 of the Thanet Local Plan provides general design principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

The proposed car park extension is located away from the boundary of the site and due to this position would have limited views from the public realm.

Four individual trees and a group of trees on the front boundary of the site would be removed to facilitate the alterations to the access and the arrangement of the existing car park. The loss of these trees would result in some harm to the amenity of the area and increase the visibility of the amended parking area between the school and Manston Road.

The Council's Arboricultural Consultant has raised no objection to the removal of the trees with the exception of T14. He has also suggested that a replacement tree should be planted in the place of T16. The applicant has responded indicating that whilst the width of the spaces around these trees are not being altered, the space where these trees are located is limited in width and there is evidence of roots at the edge of the existing kerbs. The construction works would therefore either damage the roots of these trees or the trees would soon damage the new parking areas.

Amended plans have been submitted during the application process indicating that four replacement trees would be planted towards the rear of the site. The agent has also indicated that the existing planting along the front boundary would be retained and additional planting added. Full details of the new trees to be planted on the site along with landscaping to the front boundary would be secured by condition.

Given the existing parking area in this location and the quality of the trees that are proposed to be removed the harm to the character and appearance of the area is considered to be limited and must be weighed against the benefits of the development.

Living Conditions

The proposed car park extension is located away from the boundary of the site and due to the existing use of the site as a school, is not considered to result in any significant harm to the living conditions of the neighbouring property occupiers, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

The proposed car park extension is located away from the boundary of the site and would increase the parking capacity on the site.

The widening of the access road would allow for two vehicles to pass and enter and exit the site in a forward direction without obstructing the parking spaces or drop off bays.

No alterations are proposed to the capacity of the school and KCC Highways and have raised no objections on highways grounds.

The applicant has indicated that the car park is required to provide additional appropriate and safe car parking for staff, parents and visitors and would reduce inappropriate and unsafe parking on Newington Road. The applicant has also indicated that the number of pupils at the school is falling due to the lack of safe parking and drop off facilities and therefore the proposed parking would help with the sustainability of the school.

There are limited parking opportunities along Newington Road due to existing restrictions and the proposed development would provide additional safe parking for staff, parents and visitors. It is therefore considered that this proposal would result in improvements to highway safety in the area by reducing the need for inappropriate parking on Newington Road through the provision of additional parking and drop off areas.

Biodiversity

The proposed additional parking would be located on an existing managed playing field within the curtilage of an existing school and is therefore considered to have limited potential for biodiversity. Four individual trees and a group of trees would be removed from the front of the site between the existing car park and Newington Road to facilitate the new access and alterations to the existing car park. The removal of these trees would result in some harm to biodiversity in the area. An amended plan has been submitted during the application process identifying the planting of four new trees in the north western corner of the site. Full details of these trees and their planting would be secured by condition.

Other Matters

The site is located within the Groundwater Protection Zone as defined by policy SE04 of the Thanet Local Plan. This policy states that "Proposals for development within the Groundwater Source Protection Zones identified on the Policies Map will only be permitted if there is no risk of contamination to groundwater sources."

The Council's Environmental Health Department have reviewed the application and consider that given the nature and scale of the development there are no significant contamination concerns. They have recommended a watching brief condition to ensure that any unsuspected contamination found on the site is suitably remediated.

Subject to the recommended condition it is considered that this development would present no significant risk to protected groundwater or human health.

Conclusion

This development would result in the loss of part of the existing playing field and a number of trees from the front boundary of the site. The applicant has provided evidence demonstrating that there is currently limited parking in the area and that inappropriate and unsafe parking is taking place on the road outside the school. They have also indicated that the current arrangements are harming the viability of the school as parents are choosing other schools with safer drop off and collection areas. The school benefits from a large area of play space whilst this application would reduce the available space, they have indicated that sufficient space would remain for the current maximum capacity of the school. The amended plans submitted with the application have added replacement trees to the site. The proposed development is therefore considered to be an acceptable departure from policies SP32 and GI05 as the aims of these policies would not be significantly harmed. As Sport England has raised an objection to a proposal and, having considered all material planning considerations, in the view of officers planning permission should be granted, the application must be referred to the Secretary of State (SoS) via the Department of Communities and Local Government (DCLG).

This proposal is also not considered to result in any significant harm to the character and appearance of the area, living conditions of the neighbouring property occupiers, highway safety, biodiversity or protected groundwater.

Therefore it is recommended that members defer the application for approval subject to consultation with the Secretary of State.

Case Officer
Duncan Fitt

TITLE:

F/TH/24/0260

Project

St Laurence In Thanet Junior Academy Newington Road RAMSGATE Kent
CT11 0QX

