

2.9 REFERENCE NO - 16/507289/FULL		
APPLICATION PROPOSAL New dual use netball court/drop-off area; access from land to the east and new footway between Gladstone Drive and land to the east of the school (Stones Farm development).		
ADDRESS Lansdowne County Primary School, Gladstone Drive, Sittingbourne, Kent ME10 3BH		
RECOMMENDATION – Grant SUBJECT TO referral of the application to the Secretary of State to Sport England’s objection.		
REASON FOR REFERRAL TO COMMITTEE Objection from Sport England		
WARD Murston	PARISH/TOWN COUNCIL Bapchild	APPLICANT G H Dean & Company Limited AGENT Paul Sharpe Associates LLP
DECISION DUE DATE 05/12/16	PUBLICITY EXPIRY DATE 09/12/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites)		
App No	Proposal	Decision
14/501588/OUT	Hybrid application for 550-600 houses and countryside gap, Stones Farm, Bapchild	Pending determination

1.0 DESCRIPTION OF SITE

- 1.01 The site of this application is a small part of the school grounds in the north eastern tip of the site. To the east lies an open field which is part of the allocated Stones Farm housing site and subject to the current hybrid planning application 14/501588/OUT which Members have resolved to approve subject to a Section 106 Agreement being completed (including reference to parking close to Lansdowne School). To the north lies a row of modern terraced houses with the nearest one (2 Gladstone Drive) having its flank wall and garden running along the school boundary. This flank wall contains a window at ground floor level, but both this window and the garden are screened by a 1.8m tall solid timber fence. The school’s own parallel chain link fence (running the full length of the adjacent house and garden) and a palisade fence also mark this boundary, and these fences are to remain.
- 1.02 The area to be developed as a dual use netball pitch/drop-off area is at a significantly higher level than the main school playing pitches which lie to the south of the school buildings, separated from the pitches by a line of mature trees growing on a steep bank, and is not big enough to contain a playing pitch. At the moment it contains some fixed climbing and fitness equipment which renders it incapable of use for ball games. In my view it represents more an equipped area for play rather than part of any playing field.
- 1.03 Trees to the west of the application site and along the school’s northern boundary consist of groups of silver birch and beech, but none are of special significance in their own right, and some have been badly affected by tree surgery reducing their value still further.

2.0 PROPOSAL

- 2.01 The proposal arises from anticipating the potential for traffic congestion should children from the Stones Farm development attend Lansdowne School. There are different interpretations of when this might happen (if at all) but based on proximity alone these children will eventually be some of the closest residents to the school and I expect at

- least some of them to wish to attend this school, and to have a high priority for admission.
- 2.02 Accordingly, access to the school will be important. At present the Stones Farm scheme provides for pedestrian only access to the estate in which the school stands and I can foresee parking issues at access points, akin to the problems that currently affect Gladstone Drive at school times. Alternatively, the problems of Gladstone Drive may be made worse still if Stones Farm parents drive pupils to school via Gladstone Drive.
- 2.03 To plan effectively for this potential, and to prevent current problems simply being repeated, I have suggested to the Stones Farm developer that he should provide scope for parking close to the school. He has instead offered to provide a dual use netball court and drop-off area within the school grounds, and he has obtained the school's agreement to do so. This application is made by the developer for that dual use area with due notice served on the school.
- 2.04 The application proposes the creation of a hard surfaced netball court (38m x 23.3m) which is also capable of providing 24 car parking spaces (for use outside school hours) accessible both from Stones Farm and from Gladstone Drive. The route to Gladstone Drive will be to the existing school gates, and the idea is that access to the drop-off area will only be available at school opening and closing times. At other times, pedestrian only access from Stones Farm to the school gate will be via a separate new footpath within the current school boundary, but separated from the remainder of the grounds by a new fence running parallel to the current boundary. The new footpath will thus be outside the secure school grounds and open for use at all times; and it will include a motorcycle barrier.
- 2.05 The new pedestrian route and the vehicular access to and from Gladstone Drive will run close to the new fence and the creation of these parallel routes requires removal of some trees close to the school's current boundary. These trees are not of special importance and the large open space outside the boundary contains better and larger trees. Nevertheless scope remains for new planting within the school grounds to replace the trees lost.
- 2.06 It is suggested by the applicant that the arrangements for access to the new drop-off area will be for the school to decide in terms of whether access to and from Gladstone Drive or Stones Farm will be one-way or two-way, and that in the longer term the access to Stones Farm might become the main school access, reducing traffic movements in Gladstone Drive.
- 2.07 In relation to timing of construction, the applicant has agreed to provide this facility in association with the implementation of the Stones Farm development and has provided for a route to the proposed gate within the indicative layout of the Stones Farm scheme. This is all within Phase 1 of the scheme and it is anticipated that if planning permission is granted here the Stones Farm Section 106 Agreement (and a related contract between the developer and the school) will require this drop-off area to be built alongside phase 1 of Stones Farm i.e. before 200 houses are occupied. If this application is not approved, the Stones Farm Section 106 Agreement will require an alternative parking area to be built within Stones Farm.
- 2.08 The applicant does not see the development as affecting an existing playing field as the area concerned contains play equipment not useable in wet weather, whereas the new netball court will be an all-weather area suitable for a number of sports. Nevertheless,

they see the logic in the Council consulting Sport England on the application on the basis of the scheme's potential effect on playing fields.

- 2.09 The application is supported by a tree survey which indicates the trees affected by the development are of limited quality and replacement planting can be provided. In any case the applicant explains that the benefits of the scheme outweigh the loss of these trees.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The NPPF was released on 27th March 2012 with immediate effect, however, para 214 states *“that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”*

- 3.02 The 12 month period noted above has expired. As such, it was necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This was carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All saved policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

- 3.03 The NPPF sets out that sustainable development should be approved. Sustainable development is defined in relation to three key roles – economic, social and environmental.

- 3.04 The NPPF specifically encourages plan-led development providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. It also seeks that planning be creative and support infrastructure necessary for thriving local places, protecting the countryside whilst preferring use of land of lesser environmental value and making the fullest possible use of public transport, walking and cycling.

- 3.05 The guidance encourages sustainable transport patterns and choice of travel modes, minimising journey lengths, and specifically suggests that where practical (particularly within large-scale developments) primary schools should be located within walking distance of most properties.

- 3.06 With regard to school development the NPPF (paragraph 72) is very clear. It states that:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools, and*
- *work with school promoters to identify and resolve key planning issues before applications are submitted.”*

- 3.07 In August 2011 the Secretary of State for Communities & Local Government and the Secretary of State for Education issued a policy statement on planning for schools development which took immediate effect, designed to facilitate the delivery and expansion of state-funded schools through the planning system. This statement makes

clear that the Government is firmly committed to ensuring sufficient provision to meet growing demand for state schools, increasing choice and opportunity and raising educational standards. The Government's view as stated is that the creation and development of state-funded schools is in the national interest and that planning decision-makers should support that objective; with the answer to proposals for such development being "yes".

3.08 This statement has not been cancelled by the NPPF (March 2012) or the newer National Planning Practice Guidance suite (March 2014). It contains the following points;

- The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals.
- Local authorities should engage in pre-application discussions with promoters of school development.
- The Secretary of State will be minded to consider refusal of permission for a state-funded school development as unreasonable conduct, unless supported by clear and cogent evidence.
- Any refusal may result in the appeal being dealt with by the Secretary of State himself.

3.09 The Development Plan comprises the saved policies of the adopted Swale Borough Local Plan 2008. This Plan was intended to cover the period to 2016 so is not out of date. It is soon to be replaced by the emerging Plan Bearing Fruits; although the emphasis of relevant polices has not changed.

3.10 The following saved Local Plan policies are relevant to this proposal and whilst it is important to remember that the Local Plan should be read as a whole, without focussing on any individual policy, I have highlighted below those policies most directly relevant to consideration of the application in bold type and which I will discuss these in more detail below.:-

SP1 (Sustainable development)

SP2 (Environment)

SP7 (Community Services and Facilities)

TG1 (Thames Gateway Planning area)

SH1 (Settlement hierarchy)

E1 (General Development Criteria)

E10 (Trees and hedges)

E19 (Design)

T1 (Highway Safety)

T3 (Vehicle parking) and

T4 (Cyclists and Pedestrians)

C1 (Existing and New Community Services and Facilities)

3.11 Saved policy SP7 seeks to meet the social needs of the Borough by, amongst other things, ensuring that services and facilities (including schools) are provided in as timely a fashion as possible.

3.12 Saved policy C1 encourages new or improved community facilities.

4.0 LOCAL REPRESENTATIONS

4.01 Having consulted over a wide area adjacent to the school I have received just two letters of objection to the application from residents adjoining the school grounds opposing the application on the following summarise grounds;

- Loss of privacy to 2 Gladstone Drive from the proposed footpath which will be within 10 metres of the boundary
- Noise, inconvenience and security concerns
- The footpath should be away from the boundary
- Felling of trees to provide the footpath
- A drop-off area within the school grounds is a step in the right direction and has been needed for many years
- The problem at present is one of parking by those collecting/dropping off children at the school with up to 100 vehicles involved causing severe congestion in surrounding roads, and this proposed drop-off area will not solve the problem; it will only get worse with expansion of the school
- A new entrance will just move the problem from one area to another, so there must be parking provision on Stones Farm or there will be parking on the A2
- A site meeting with planners is requested

5.0 CONSULTATIONS

5.01 Bapchild Parish Council were consulted on the application as the site adjoins the Stones Farm site which they have expressed strong views over, but have not sent any comments.

5.02 Sport England were consulted on the basis that they are a statutory consultee on any planning application that;

- *“is likely to prejudice the use, or lead to loss of use, of land being used as a playing field; or*
- *is on land which has been –*
 - *used as a playing field at any time in the 5 years before the making of the relevant application and remains undeveloped; or*
 - *allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or*
- *involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.”*

This was done on a safety first basis because although the area of land concerned is not at the moment used as a playing pitch the Sport England definition of a playing field is “the whole of a site which encompasses at least one playing pitch”, which could be read as including the entire school grounds.

5.03 Sport England initially objected to the application, saying that they understood the site forms part of, or constitutes a playing field, or prejudices the use of a playing field, on the grounds that:

“Sport England’s policy is to oppose the granting of planning permission for any development affecting playing fields unless it meets one or more of the five exceptions stated in its policy.

The proposed development would appear to be sited an existing area of playing field. Locating this aspect of the proposed development on the existing playing field would prejudice the use of that playing field.”

The five exceptions to Sport England’s policy of objection relate (in summary) to;

- where there is an excess of local pitch provision
- development ancillary to playing pitches
- where the land concerned is incapable of forming part of a playing pitch
- where replacement pitch provision is proposed, or
- where an indoor sports facility will be a replacement for a sports pitch

Sport England pointed out that any decision to approve the application in the face of their objection should be referred to the Secretary of State (SofS) under the Town and Country Planning (Consultation) (England) Direction 2009. What this actually states is that an application that the Council does not intend to refuse must referred to the SofS as Sport England has objected on any of the following three grounds:

*“(i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
(ii) that the proposed development would result in such a deficiency; or
(iii) that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.”*

5.04 In my view this objection did not appreciate the full context or potential benefits of the application, nor does it contain grounds that correspond to the three grounds referred to above for referral of the application to the SofS. Accordingly, I sought further advice from Sport England, attaching photographs of the site (which they had not previously had access to) to show its current nature and position relative to the school’s actual playing pitches, and saying that I did not consider that the proposal would prejudice the use of any playing pitch, and that their grounds for objection did not appear to trigger referral of the application to the SofS should the Council wish to approve it.

5.05 The response from Sport England reads as follows;

“Further to Sport England’s consultation response dated 29th November 2016, Sport England is of the view that no new information has been provided and that all relevant considerations set out in the email and attached document recently provided were taken into account within Sport England’s formal consultation response dated 29th November 2016. To clarify, the area of the site proposed for development is playing field and if the hard play equipment was removed and the playing field restored this raised area is big enough to accommodate a playing pitch. This development therefore prejudices the use of the playing field and it is for this reason that Sport England is objecting and why the application should be referred.

Sport England therefore maintains its objection to this planning application.

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

Please note that Sport England has assessed the application and commented accordingly and it is our view that this application does not comply with Sport England's Policy. It is the role of the local planning authority to determine the application taking into account Sport England's comments and all other material considerations. If other material considerations exist which the local planning authority considers outweigh the loss of playing field then the LPA should feel empowered to make this judgement."

- 5.06 The Council's Tree Consultant has inspected the site and made the following comments;

"The arb report by Lloydbore appears to accurately show the trees that will be directly affected by the proposal. As discussed on site most of the trees shown for removal (particularly the Silver Birch near the existing entrance) have recently been poorly topped which has significantly reduced their long-term amenity. In light of this, I have no objection to their removal as part of the scheme. The loss of the multi-stemmed Beech at the entrance will have more direct impact to the visual character although due to its multi-forked habit it has a higher risk of branch failure in the future as it matures so its long-term retention is questionable.

If you are minded to approve the application I would want to see suitable conditions (as drafted below) attached for a more detailed arboricultural method statement to be submitted together with new landscaping to mitigate the loss of the tree cover particularly near the main entrance to the north."

6.0 BACKGROUND PAPERS AND PLANS

- 6.01 All papers submitted with application 16/507289/FULL

7.0 APPRAISAL

- 7.01 In my view the main issues in determining this application are the potential benefits to the sustainability of the Stones Farm development set against any harm arising from the proposal.
- 7.02 The proposal has arisen out of concerns for potential congestion either in Gladstone Drive or on Stones Farm from school related traffic, and a desire not to ignore the very obvious current problems that affect Gladstone Drive. It is clear to me that children from Stones Farm will eventually be accepted as pupils at Lansdowne School, and that a direct access to the school from that site will be beneficial. However, without some parking provision it is likely that local roads will suffer congestion at peak school times that ought to be anticipated and made the subject of plans to mitigate the problem. This proposal seeks to make such provision within the school grounds, in a way which means that the works provide a dual benefit of an additional hard surfaced play area for the school, and where the school can control access to the drop-off/pick up area.
- 7.03 The area of ground concerned is set away from the school's playing pitches at a higher level, with a steep bank, mature trees and a mobile classroom standing between the two areas. It is currently occupied by fixed wooden play equipment that cannot be used safely in wet weather and which can be re-located to suit the school's wishes. Vehicular access can be controlled to school opening and closing hours by the school, but an additional pedestrian only path is also proposed allowing school visits during the school day from Stones Farm via the existing main school gates with its current access security controls. This means that the new development will have ready access to primary school facilities, which I welcome.

7.04 The potential disbenefits of the scheme seem to me to fall in to three areas;

- possible loss of playing field
- loss of trees
- impact on the amenity of neighbours

Possible loss of playing field

7.05 Taking these in turn, I am inclined to the view that the school will benefit from the new all-weather surface and that it is clear that Sport England's initial objection is based on an assumption that the proposal will affect an existing playing field. I do not see that as a realistic assumption. The area concerned is within the school grounds, as are the school building and the staff car park, but in my view the area of the proposed works is no more a part of any playing field that they are. The area is distinctly separate from any playing field or playing field margin, will not affect any such playing field or any opportunity to re-arrange pitches within the playing field. I am unconvinced by the way Sport England have responded to this application, and do not consider that their grounds for objection are realistic or based on a rounded understanding or consideration of the benefits of the application. Given this response I have already set in motion the referral of the application to the Secretary of State even though I am not at all sure that this is strictly necessary. Should Members resolve to approve the application we will still need to await the SofS response before the planning permission can be issued, but I will be able to clarify the timescale for this at the meeting.

Loss of tress

7.06 One impact of the proposed new footpath and access to the netball court/drop-off area is that nine trees will need to be removed. These all lie within the school grounds and are not currently subject to any form of statutory protection. Nor are they especially large or well shaped trees. From outside the site, they are mainly seen behind far larger trees on the open space outside the school gates, apart from a multi-stemmed beech which stands immediately behind the school gates. A number of the silver birch trees in particular along the school boundary have been badly topped and are now exhibiting poor shapes. I do not believe that the loss of these trees will be especially significant in wider views of the school, but I do see potential for new planting to compensate for the losses. Overall, I do not consider that this matter is one that should provide any reason to refuse the application.

Impact on amenity

7.07 The immediate neighbour to the north of the school, who has a flank wall facing the proposed works, has objected on grounds of loss of privacy and amenity. I can appreciate his concern over a change to what happens alongside his boundary, and I have considered this question carefully. The neighbour's house has only one window in the flank wall and this is already screened by a tall solid fence so that only the very top part of the window is exposed. The garden is also bounded by the same solid fencing which should provide a high degree of protection from people seeing into the house or garden from the proposed path or dual use area.

7.08 The existing school chain link fence is shown to be retained alongside the property's boundary, and an area which could be planted with attractive but thorny plants is shown alongside the proposed path. With this additional planting to deter trespass, and with the planned motorcycle barrier at this end of the path, I do not believe that the path will create unacceptable levels of potential nuisance. The actual netball court/drop-off area

will be behind a further fence and only used for access at either end of the school day and for sports during the day. This retains the sense of part time activity associated with living next to a school and should not be much different to the current experience of being adjacent to the existing wooden play equipment. Therefore, subject to a requirement for planting alongside the footpath I do not believe that the impact on residents will be unacceptable.

Timing of Development

- 7.09 The normal commencement period for planning applications is three years. However, in this case this may mean that the permission will expire before the reserved matters for the estate or any houses are actually built. The applicant is prepared to construct the dual use facility at an early stage in the Stones Farm development i.e. before the occupation of 200 houses. The timing of such occupation cannot yet be known, but my view is that it is inevitable that it will be beyond a three year period from now. Accordingly, whilst the Section 106 Agreement will require completion of this facility by the occupation of the 200th house the commencement date for this permission should allow that to be possible. I am therefore recommending that a 10 year commencement period be allowed to prevent the need to re-apply for this permission when the scheme is due for completion, with attendant delays.

8.0 CONCLUSION

- 8.01 Overall, and having had regard to the objection from Sport England, I welcome this proposal and consider it a well-designed solution to the rather obvious potential traffic issues arising from the Stones Farm development. I understand that the applicant is entering into a contract with the school to commit the school to allowing them to carry out the work should planning permission be granted, and I anticipate that this will be completed in tandem with the main Section 106 Agreement to accompany the outline planning application on Stones Farm. If this planning permission is not granted, I will ensure that the Section 106 Agreement requires the developer to make alternative parking provision within their site.
- 8.02 Finally, I understand that the school may wish to consider a one-way system of traffic control through the grounds to and from the drop-off area either from Gladstone Drive to Stones Farm, or vice versa. I do not wish to see such an arrangement, as this will either add more traffic to Gladstone Drive or be likely to result in parking immediately outside the gates on Stones Farm by those from Stones Farm (or further east) seeking to avoid a long detour; largely negating the point of the facility. I therefore consider it essential that a planning condition requires that access to and from the Stones Farm site is available whenever the drop-off area is in use. I have recommended such a condition below.

9.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of 10 years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) Whenever the dual use netball court/drop-off area is in use for dropping off or collecting pupils from the school the eastern access to the site shall allow vehicles to enter and exit the site from that direction.

Reason: To minimise parking problems within the adjacent Stones Farm development.

- (3) No development shall take place until full details of both hard and soft landscape works including proposals for replacement tree planting and of defensive shrub planting alongside the boundary of 2 Gladstone Drive have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, and an implementation programme.

Reason: In the interests of the visual and residential amenities of the area and encouraging wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

- (4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual and residential amenities of the area and encouraging wildlife and biodiversity.

- (5) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual and residential amenities of the area and encouraging wildlife and biodiversity.

- (6) No development shall take place until a site specific arboricultural method statement in accordance with the recommendations of BS 5837:2012 have been submitted to and approved in writing by the local planning authority. The method statement shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and shall take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory appearance to the development.

Council's Approach to the Application

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was considered acceptable as submitted and no further information was required.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.