

PLANNING APPLICATIONS COMMITTEE

Wednesday, 21st October, 2015

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 21st October, 2015, at 10.00 am
Council Chamber, Sessions House, County Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **03000 416749**

Tea/Coffee will be available from 9:30 outside the meeting room

Membership (19)

Conservative (10): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),
Mr M J Angell, Mr N J D Chard, Mr T Gates, Mr S C Manion,
Mr R J Parry, Mr C Simkins, Mrs P A V Stockell and
Mr J N Wedgbury

UKIP (4) Mr M Baldock, Mr L Burgess, Mr T L Shonk and Mr A Terry

Labour (3) Mrs P Brivio, Mr T A Maddison and Mrs E D Rowbotham

Liberal Democrat (1): Mr I S Chittenden

Independents (1) Mr P M Harman

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 9 September 2015 (Pages 5 - 10)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Proposal SW/15/500303 (KCC/SW/0449/2014) - Repair and maintenance of Environmental Control Systems including the installation of additional equipment and importation of soils to infill low spots and areas of exposed waste at Land at Cryalls Lane, Sittingbourne; KCC Waste Management (Pages 11 - 26)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal M/TH/15/0294 (KCC/TH/0122/2015) 2 f.e. primary school, improvements to existing access to Westwood Road, car parking and pick up/drop off bays, external play areas including a Multi Use Games Area, informal play area and hard and soft landscaping at Land at St George's CE School, Westwood Road, Broadstairs; KCC Property and Infrastructure Support. (Pages 27 - 52)
2. Proposal AS/15/648 (KCC/AS/0121/2015) - 2 f.e. primary school comprising a two storey building, access, car parking and pick-up/drop-off bays, external play areas, including a Multi Use Games Area, informal play area and grass play fielding, and hard and soft landscaping at Land at Finberry Village, Mersham, Ashford; KCC Property and Infrastructure Support. (Pages 53 - 92)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 93 - 100)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
03000 416647

Tuesday, 13 October 2015

(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 9 September 2015.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr M Baldock, Mrs P Brivio, Mr L Burgess, Mr N J D Chard, Mr I S Chittenden, Mr T Gates, Mr P M Harman, Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins, Mrs P A V Stockell, Mr A Terry and Mr J N Wedgbury

ALSO PRESENT: Mr M A C Balfour

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Principal Planning Officer - Waste Developments), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Ms S Benge (Strategic Transport and Development Planning) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

48. Minutes - 15 July 2015
(Item A3)

RESOLVED that the Minutes of the meeting held on 15 July 2015 are correctly recorded and that they be signed by the Chairman.

49. Dates of meetings in 2016
(Item A4)

The Committee agreed the following dates for Committee meetings in 2016:-

Wednesday, 20 January 2016	Wednesday, 13 July 2016
Wednesday, 10 February 2016	Wednesday, 10 August 2016 (provisional)
Wednesday, 9 March 2016	Wednesday, 14 September 2016
Wednesday, 13 April 2016	Wednesday, 19 October 2016
Wednesday, 18 May 2016	Wednesday, 16 November 2016
Wednesday, 8 June 2016	Wednesday, 7 December 2016

50. Site Meetings and Other Meetings
(Item A5)

The Committee agreed to visit Hermitage Quarry in Ditton during the afternoon of Wednesday, 21 October 2015 as part of its training programme of visits to permitted development sites.

51. General Matters

(Item B1)

The Head of Planning Applications Group agreed to circulate the new Guidance on unauthorised development in the Metropolitan Green Belt to all Members of the Committee.

52. Application SW/15/500348 (KCC/SW/0010/2015) - Installation of an advanced thermal conversion and energy facility at Land off Barge Way, Kemsley Fields Business Park, Kemsley; 4Evergreen Technologies Ltd

(Item C1)

(1) Mr M Baldock informed the Committee that he was a Member of Swale BC's Planning Committee which had considered this application as a statutory consultee. He had not taken part in the discussion or voted on the Borough Council's response to the consultation and was consequently able to approach the determination of this application with a fresh mind.

(2) The Committee agreed to strengthen the landscaping condition and to add two Informatives. These are set out in (5) below.

(3) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried as amended in (2) above by 17 votes to 2.

(4) Mr M Baldock and Mr L Burgess asked pursuant to Committee Procedure Rule 2.26 (3) that their votes against the decision of the Committee be recorded.

(5) RESOLVED that subject to the satisfactory completion of a Legal Agreement to secure the translocation of protected species from the site to an offsite receptor site:-

- (a) permission be granted to the Application subject to conditions, including conditions covering the restriction of tonnages to 48,000 per annum; a restriction on daily vehicle movements to 20 per day; the submission of details of parking for site personnel, operatives and visitors; the provision of vehicle parking and turning space details; precautions to guard against the deposit of mud and similar substances on the public highway; the access details being completed prior to the commencement of operations; deliveries being restricted to 0700-1900 on Mondays to Fridays and 0730-1730 on Saturdays and Sundays; construction operations taking place between the hours of 0700-1900 on Mondays to Fridays and 0730-1730 on Saturdays and Sundays; the submission of a remediation strategy if contamination is found present at the site; dust mitigation measures being secured as set out in section 6.1.2 of the Dust Assessment received on 13 April 2015 and included in the Construction Environmental Management Plan; noise limit restrictions; all materials being handled within an enclosed building; the installation of a 1.8m high noise barrier along the southern site boundary before the beginning of the operation of the proposed facility; a 2m high noise barrier surrounding the site boundary for the duration of the construction works; the submission of a revised landscaping scheme to include the boundary of the site onto Barge Way and the proposed Biodiversity Area, including the use of native species and the provision of maintenance for a minimum of five

years; and the results of reptile monitoring being submitted to the Local Planning Authority as set out in the revised *Reptile & Amphibian Method Statement* received on 12 June 2015; and

- (b) the applicants be advised by Informative that:-
 - (i) in preparing details to satisfy the landscaping condition, they should explore the potential for a landscaping strip adjacent to Barge Way; and
 - (ii) they should explore the opportunity for use of local labour and apprenticeships in construction and operation of the development.

53. Application TM/14/4075 (KCC/TM/0378/2014) - Extension to existing quarry to extract silica sand and to infill the void with inert waste at Wrotham Quarry, Addington, West Malling; Ferns Group
(Item C2)

(1) Mr M A C Balfour was present for this item pursuant to Committee Procedure Rule 2.27 and spoke. He informed the Committee that his nephew owned one of the nearby properties but that this did not constitute an Interest on his part.

(2) The Head of Planning Applications Group reported the views of Mrs S V Hohler, the Local Member raising no objection to the application.

(3) The Head of Planning Applications Group referred to paragraph 80 of the report and updated the Committee by informing it that officers at Essex CC had advised that silica sand was no longer dried at Martells Quarry in Ardleigh.

(4) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the duration of the permission and removal of plant (restoration to be completed by the end of 2035); at least 70% of silica sand sales being washed, graded and dried each year; only inert waste being used for infilling; restoration (including the existing plant site); aftercare for a period of 5 years; landscape mitigation, as proposed by the applicant together with the measures recommended by KCC's Landscape Officer; the hedgerow between the proposed extension area and Woodgate House being maintained at a height of at least 2m; the removal of permitted development rights; all soil bunds being properly formed, seeded and maintained; no new lighting being installed unless approved beforehand by KCC; noise limits of 55dB LAeq, 1h, freefield at any noise sensitive property for normal operations and of 70dB LAeq, 1hr, freefield for up to 8 weeks in any 12 month period for essential site preparation and restoration work; no tonal reversing alarms being used in the proposed extension area; the implementation of air quality and dust mitigation proposed by the applicant; hours of working being restricted to 0700 to 1800 hours on Mondays to Fridays and to 0700 to 1300 hours on Saturdays for the processing plant, access road and ancillary activities and to 0700 to 1800 hours on

Mondays to Fridays for the proposed extension area with no operations on Saturday after 1300 hours, Sundays or Bank/ Public Holidays; the construction and use of the proposed vehicle tunnel under Addington Lane (including its detailed design); Addington Lane only being used to transport sand from the proposed extension area to the plant site during construction of the vehicle tunnel and when the sand ramp in the extension area is being removed (and then by only by 1 vehicle at a time and between 0900 and 1500 hours); a traffic management plan for Addington Lane (for when the vehicle tunnel is constructed and when the road is used to transport materials from the proposed extension area to the existing quarry); Addington Lane being surveyed before and after its use (to identify any damage caused by the proposed development so that it can be rectified); the restriction of HGV movements to 112 HGV per day (56 in/ 56 out) expressed as a daily average in any one week (as currently), with records being maintained by the operator; HGVs only using the Ford Lane access to enter and leave the site; measures to prevent mud and debris on the highway; HGVs being sheeted; depth of working (at least 2m above groundwater); Groundwater protection (including the detailed matters requested by the Environment Agency and South East Water); no extraction taking place (with the exception of that related to the construction of the vehicle tunnel) within 10m of the boundary of the proposed extension area; the implementation of the ecological mitigation proposed by the applicant and the measures recommended by KCC's Biodiversity Officer; the implementation of a programme of archaeological work in accordance with a written specification and timetable that has first been submitted to and approved by KCC; the toe of the screen bund to the east of the proposed extraction area being no less than 60m from Woodgate House; the diversion of public footpaths MR164 and MR165 before any soil stripping or excavation takes place (with the exception of that related to the vehicle tunnel) and their reinstatement on completion of restoration; appropriate soil handling and storage; details of fencing associated with the proposed extension area; the implementation of a programme of archaeological work in accordance with a written specification and timetable that has first been submitted to and approved by KCC; the toe of the screen bund to the east of the proposed extraction area being no less than 60m from Woodgate House; the diversion of public footpaths MR164 and MR165 before any soil stripping or excavation takes place (with the exception of that related to the vehicle tunnel) and their reinstatement on completion of restoration; appropriate soil handling and storage; and details of fencing associated with the proposed extension area; and

(b) the applicants be notified by Informative that:-

(i) they are encouraged to engage with the local community (e.g. the local parish councils), to consider the establishment of a local liaison group and to respond positively to reasonable requests for assistance with local projects; and

- (ii) they should use their best endeavours to secure the implementation of an extension to the footpath required by the existing Section 106 Agreement to Ford Lane and to have this registered as a definitive public right of way.

54. County matters dealt with under delegated powers
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) County Council developments;
- (c) Screening Opinions under the Town and Country Planning (Environment Impact Assessment) Regulations 2011; and
- (d) Scoping Opinions under the Town and Country Planning (Environment Impact Assessment) Regulations 2011 (None).

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SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents – the deposited documents, views and representations received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

Item C1

Repair and maintenance of Environmental Control Systems including the installation of additional equipment and the importation of soils to infill low spots and areas of exposed waste at Land at Cryalls Lane, Sittingbourne, Kent, ME10 1HN - KCC/SW/0449/2014 (SW/15/500303)

A report by Head of Planning Applications Group to Planning Applications Committee on 21 October 2015

Application by Kent County Council - Waste Management for Repair and maintenance of Environmental Control Systems including the installation of additional equipment and the importation of soils to infill low spots and areas of exposed waste at Land at Cryalls Lane, Sittingbourne, Kent, ME10 1HN - KCC/SW/0449/2014 (SW/15/500303)

Recommendation: Permission be granted subject to conditions

Local Member: Mike Baldock, Roger Truelove (adjoining Member)
Classification: Unrestricted

Site

1. The site covering an area of some 5.7 hectares is located immediately to the south west of Sittingbourne approximately 250 metres north of the village of Borden. It is surrounded by arable fields to the south and west with woodland to the east which acts as a visual screen preventing any direct views into the site from the nearest residential areas located approximately 170 metres to the northeast of the site. Cryalls Lane, a rural road runs along the northern boundary of the site.

Background

2. The site was formerly used as a chalk quarry up until 1966 after which landfilling commenced with a range of materials including carfrag, a mixture of sludges together with domestic waste. The applicant estimates that over the life of the infilling some 825,000 cubic metres of waste was deposited within the site. Tipping ceased in 1980 with the final capping layer being placed across the site in 1981 which left a gently sloping surface. By 1985, the whole of the site had naturally regenerated to a mixture of rough grassland and scrub. In 1999 Borden Parish Council acquired a 25 - year lease for the site for the purposes of developing an unofficial 'nature reserve amenity area', which has no formal designation. The general public has unrestricted access and from evidence on site, the area appears to be used for recreational purposes mainly by dog walkers.

C1.1

Item C1
Repair and maintenance of Environmental Control Systems including the installation of additional equipment and the importation of soils to infill low spots and areas of exposed waste at Land at Cryalls Lane, Sittingbourne, Kent, ME10 1HN - KCC/SW/0449/2014 (SW/15/500303)

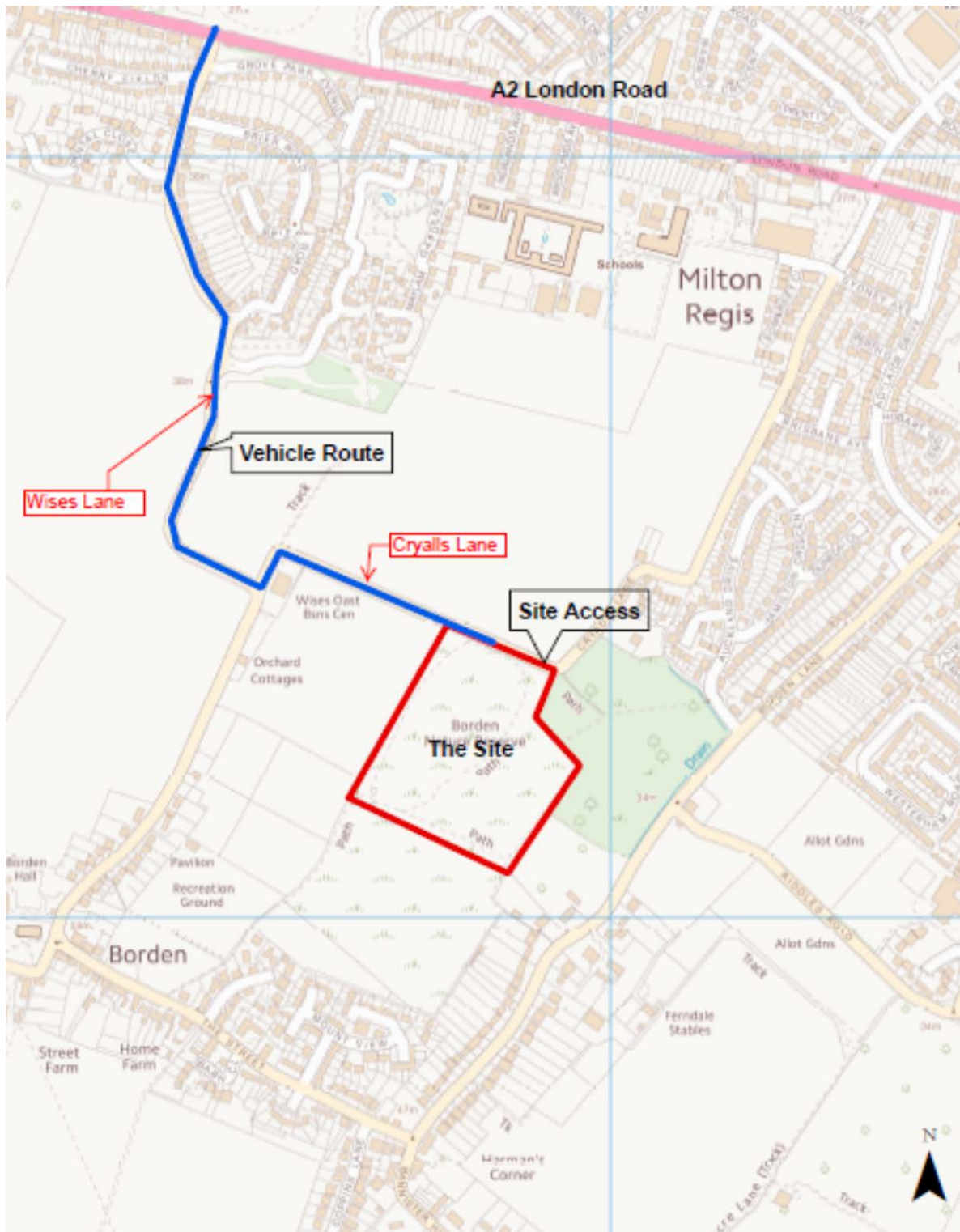


Figure 1: Site Location Plan

C1.2

Repair and maintenance of Environmental Control Systems including the installation of additional equipment and the importation of soils to infill low spots and areas of exposed waste at Land at Cryalls Lane, Sittingbourne, Kent, ME10 1HN - KCC/SW/0449/2014 (SW/15/500303)

3. Before 1974, the 'dilute and disperse' method of landfilling was considered acceptable. In this respect the infilling of the chalk quarry at Cryalls Lane was subject to very little engineering and whilst the sloping surface was intended to help drain surface water from the site it did not require the installation of any drainage pipework or any engineered side slopes. Also, despite the permeable nature of the chalk quarry and the relatively close proximity of the groundwater table below the base of the waste, no containment measures were implemented at the site.
4. Within 6 months of the capping of the site, the effects of landfill gas migrating from the site became evident in a cherry orchard adjacent to its southern boundary and the cumulative effects of this continued extending into adjoining fields. Consequently a gas extraction system to control the migration was installed in 1986, which has since been upgraded on several occasions including in 1989 and 1993. It consists of a number of wells bored into the landfill across the site linked via extraction lines to a gas flare stack in the south west corner.
5. The landfill gas control system continued to perform satisfactorily up until 2000 when again the operating frequency of the flare stack began to decline. This was initially addressed with the installation of a new gas flare which operated effectively up until 2005 when once again the performance of the system began to decline. From then on regular audits of the gas extraction installation have been undertaken which has resulted in the careful balancing of the system in an attempt to increase its efficiency, although this has been hampered more recently as a result of ongoing deterioration of the gas wells and pipework, largely due to differential settlement which has occurred across the site. Whilst the monitoring of surface emissions has demonstrated that the capping across the site is currently sufficient to prevent any venting of gases to the surface, groundwater monitoring boreholes have indicated that a plume of leachate contaminated groundwater is present and emerging from the site towards the northeast. In a more recent site audit undertaken in May 2013 the existing gas collection system was shown to have further deteriorated to the extent that it was inefficiently collecting gas affecting the operational continuity of the gas flare.

Recent Site History

6. In November 2011, as a means of seeking to address the continuing decline in the operational efficiency of the existing gas collection system the applicant submitted an application for it to be replaced and the whole site restored. The proposal involved the importation of some 164,000 tonnes of clean inert soils to the site in order to achieve suitable gradients across the site into which a replacement gas collection system was proposed to be installed. At that time the applicant considered that it represented the most appropriate solution as opposed to having to continually repair and upgrade the original system. In April 2012 Members of the Planning Applications Committee visited the site and met local residents at Borden Village Hall where they listened to their concerns over the potential impacts from the proposal, particularly from traffic. The Applicant also carried out local community involvement to inform and educate on the potential environmental risks this site presented and what the potential solution(s) to

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remedy these effects might be. Despite this the application generated a large number of objections and the application was subsequently withdrawn.

7. The previous application set out to re-develop the overall appearance of the site through the creation of managed areas of planting and design as well as the primary purpose of addressing the environmental concerns surrounding landfill gas migration and leachate production. The Applicant now considers that the scheme proposed at that time was ambitious and in retrospect would also have presented quite considerable disruption locally over the life of the project delivery. However, as the Waste Management Authority KCC still has a statutory duty under amongst others the Water Framework Directive, to develop and maintain engineered solutions to control landfill gas migration and the production of leachate on its closed landfill sites in order to prevent future problems caused by long term pollution. Following on from the previous scheme and unsuccessful planning application in 2011 to fully restore and remediate the site a detailed assessment of the extent to which remediation works were necessary was commissioned. This involved a Quantitative Environmental Risk Assessment (QERA), which included an assessment of gas and water monitoring data from the site. The QERA concluded that there is a need to repair and upgrade the existing gas collection system based upon the following findings:

- A low to medium risk to human health from landfill waste in areas where capping has worn, exposing waste.
- A medium risk to human health from landfill gas if the active gas extraction system is not working adequately.
- A low to medium risk of pollution of controlled waters-Principal Aquifer at the site.

The QERA concluded that, based upon these risk ratings, the following works were required:

- The landfill cap should be replaced where it is eroded or worn away. This would be addressed by the covering of areas of exposed waste.
- Site specific target levels protective of human health for use as screening limits against which chemical data for soils to be imported to the site would be assessed This would be used as the specification for the import of soils to the site.
- The existing landfill gas management system is displaying signs of failure and should be improved to maintain control of landfill gas migration and hence risk to off-site human receptors and arable land.
- To reduce the risk rating associated with pollution of controlled waters consideration should be given to the levelling out of pronounced peaks and troughs across the site. This would be addressed by infilling of the two large depressions identified on site.

8. The QERA also included the undertaking of a bulk landfill gas assessment. The assessment concluded that the site will continue to produce landfill gas at gradually

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declining rates each year, with sufficient volumes to require management for the next 10 years and more.

9. More recently, as part of a Members tour undertaken of various sites in the County earlier in June this year, Members of the Planning Applications Committee paid a further visit to this site where they were able to walk the area and listen to comments from the applicant along with a number of local residents who were present.

Proposal

10. This latest application which incorporates the above recommendations set out in the QERA seeks to address the immediate risks posed by the combined effects of landfill gas and leachate production from this former landfill site, particularly the potentially damaging effects this will cause over time to sensitive groundwater and off site receptors. It is intended that a solution be delivered whilst causing the least amount of disruption and disturbance to the site, its fauna, flora and surroundings, or to that of the wider local community who also use the site for informal recreational purposes. In this context this latest scheme represents a very much lower key approach compared to that previously proposed, particularly in terms of the relatively small quantities of infill material (i.e. 3000 tonnes) that would be imported to the site. It is also proposed that public access would be maintained throughout the duration of the operations with only those areas immediately affected by the operations being fenced off for health and safety reasons.

The Scheme

11. The proposed development seeks the repair and maintenance of Environmental Control Systems which includes works to the gas extraction system along with in-filling of low spots and covering of exposed waste.
12. The gas extraction system repair works and infilling activities would be spread over a 2 year period, mainly to accommodate ecological constraints and also to allow public access to be maintained at the site throughout the duration of operations. The main infilling activities themselves would be undertaken over a 2 month period, during which time safety fencing would be erected around the working area leaving the remainder of the site accessible to the public. Overall the development would be programmed to take place in two separate phases:

		Timeline
Phase 1:	Investigation of existing gas extraction system with repairs to pipelines and wells to be undertaken.	Spring 2016
Phase 2:	Depending upon outcome of Phase 1: Re-connection of decommissioned landfill gas extraction	September 2016

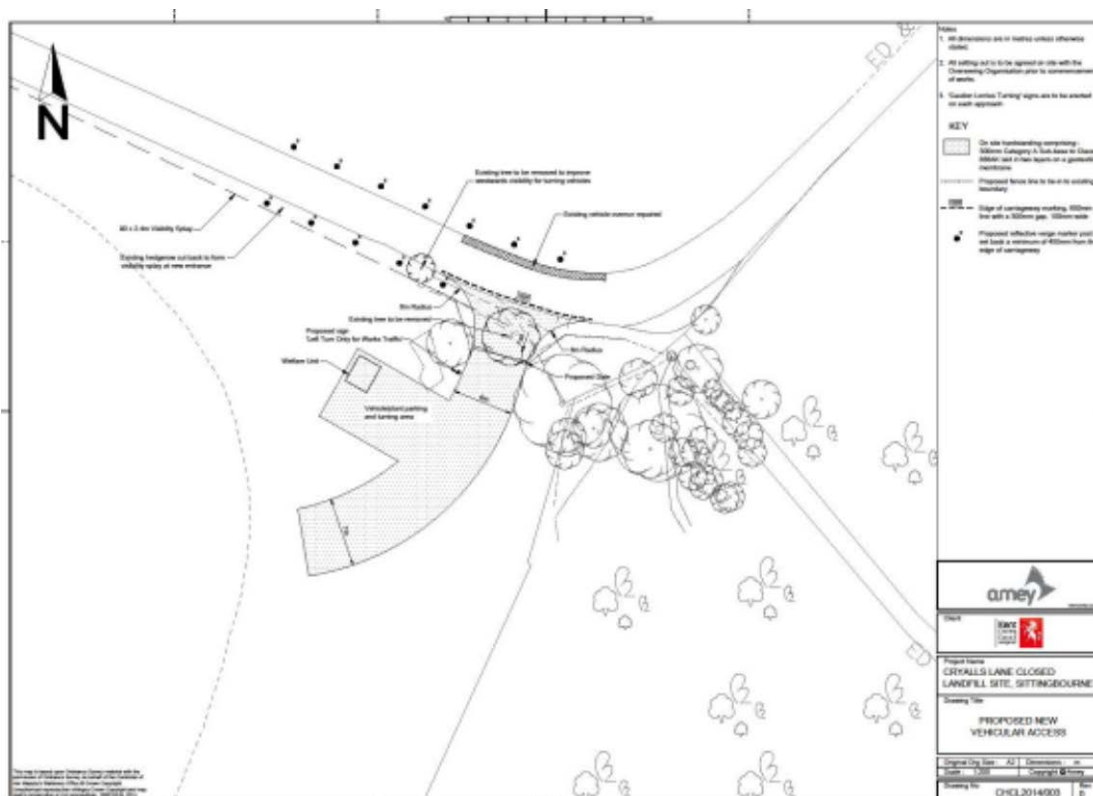
Repair and maintenance of Environmental Control Systems including the installation of additional equipment and the importation of soils to infill low spots and areas of exposed waste at Land at Cryalls Lane, Sittingbourne, Kent, ME10 1HN - KCC/SW/0449/2014 (SW/15/500303)

	<p>boreholes and / or installation of new landfill gas extraction boreholes in the southern part of the site to enhance migration control in the vicinity of perimeter borehole EG6. This would ensure continued control of lateral migration from this part of the site which is closest to offsite residential properties and from which it is not possible to accurately monitor off site landfill gas migration if it were to be occurring.</p> <p><u>Phase 2 would also include:</u></p> <p>Installation of additional gas extraction boreholes in the south western part of the site to provide good quality landfill gas to the flare to enable continuous extraction for landfill gas migration control.</p> <p>Infilling of low spots and covering of exposed waste - this would be undertaken using clean soils that have been tested against stringent chemical limits derived to be protective of human health.</p> <p>Due to the small scale of the areas of exposed waste these would be addressed with minimal disturbance to the site. Some of the informal paths across the site may need to be temporarily closed to allow the material to bed in. This work would not be undertaken until the works on the gas extraction system have been completed to minimise disturbance to the site.</p> <p><u>Main Infilling (To be undertaken at the very end of the remediation works):</u></p> <p>Two larger depressions have been identified as in need of infilling prior to which this would require vegetation clearance. As such, liaison with a professional ecologist has been undertaken to ensure that any impacts upon the wildlife present on the site are managed. Some disturbance to the use of the site by the public may also be encountered due to the need to operate machinery on site. This would be managed to reduce the impact, with consideration given as to phasing the infilling. Once completed these areas would be seeded with a grass mix.</p>	<p>Summer 2017</p>
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Repair and maintenance of Environmental Control Systems including the installation of additional equipment and the importation of soils to infill low spots and areas of exposed waste at Land at Cryalls Lane, Sittingbourne, Kent, ME10 1HN - KCC/SW/0449/2014 (SW/15/500303)

Highways

13. In order to mitigate the effects of the works and to keep as much of the site available to the community as is practicable, re-opening of the original vehicular access (previously used during the former landfill operations) in the north-eastern corner of the site is proposed, as shown below:



Drawing Number CHCL2014003: Proposed New Vehicular Access

14. Vehicles delivering soil would be restricted to the route encompassing Wises Lane (A2 Key Street Junction – Cryalls Lane junction) and Cryalls Lane, and the Contractor responsible for importing the soil to the site would be instructed to only use this route from contract commencement.
15. Whilst the applicant recognises that a highway width of 4.5m is the ideal minimum width required for the soil delivery vehicles to pass each other, two “pinch points” on Wises Lane have been identified where the road width is less than this. However, he considers that there is adequate forward visibility to wider road widths for both without relying on the use of field access gateway points. It is proposed that, due to the narrow carriageway widths along certain lengths of Cryalls Lane and Wises Lane, the arrival and departure of the delivery vehicles would be carefully managed by adopting

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a "ring through" system to prevent them meeting each other along the proposed haulage route.

16. The new vehicle access works would require stone to be imported which is estimated to involve 15 vehicles in and out.
17. It is estimated that subject to the availability of suitable materials (i.e. clean soils, subsoils and topsoil), the proposed infilling operations would be completed over a period of some two months and would amount to approximately 3000 tonnes of material being brought on to the site. This equates to approximately 150 loads and would be limited to a maximum rate of 10 loads per day (20 movements).
18. It is also proposed to restrict soil deliveries to the following periods in order to avoid the highway network commuter peaks and school-runs:
 - School Days: 0915 – 1500 hours
 - Non School Days (School Holidays): 0915 – 1700 hours
 - Saturday: 0900 – 1300 hours

It is not proposed to work on site On Sundays or Bank Holidays.

19. Upon the completion of the works it is intended that the long term management of the site would revert back to Borden Parish Council.

Planning Policy

20. The most relevant National Policy and Government Guidance together with Development Plan Policies are summarised below:

National Planning Policy Framework (NPPF) March 2012

Establishes a presumption in favour of sustainable development including the conservation and enhancement of the environment.

National Planning Policy Guidance (NPPG) March 2014

Closely linked to the NPPF the NPPG gives recognition to the important role planning has in the protection of the local environment in terms of the potential impacts from waste management facilities. Waste Planning and pollution control authorities are encouraged to work closely together with the objective of preventing pollution.

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Kent Waste Local Plan March 1998 (Saved Policies)

Policy W5: Proposals which involve land-raising will not be permitted unless it is for the restoration of derelict land or would create an alien landform out of keeping with the existing landform.

Policy W12: Supports proposals which assist in the restoration of mineral workings which benefit from being returned as near as possible to original ground levels.

Policy W18: Before granting permission the planning authority are required to be satisfied as to the means of control of noise, dust, odours, landfill gas and other emissions. Where permission is granted for facilities that generate landfill gas, permission will be granted for plant to utilize the gas.

Policy W19: Seeks the protection of any groundwater resource interests from leachate.

Policy W20: Requires the planning authority to be satisfied that account has been taken of land settlement, land stability, land drainage and flooding together the minimisation of rainwater infiltration.

Policy W21: Seeks to protect any ecological interest including habitats or species of wildlife importance.

Policy W22: Permission will be refused where a proposal would affect in a materially adverse way highway safety and capacity.

Policy W31: Requires that an appropriate landscaping scheme forms an integral part of the development.

Swale Borough Council Local Plan

Policies E1, E6, E7, E9, RC7 and T1. These include reference to the site lying within an important Local Countryside Gap between Sittingbourne and the Villages to the south of the town.

Emerging Policy (Kent Minerals and Waste Local Plan (KMWLP) 2013-30 (Proposed Main and Additional Modifications) July 2015

As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle. Policy CSW10 gives support for development at closed land fill sites where:

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1. Development is for the improvement of restoration for an identified afteruse; or
2. Development is for the reduction of emissions of gases or leachate to the environment; or
3. Development is making use of gases being emitted and which will reduce the emission of gases to the environment.

Policy CSW10 should be read in conjunction with Policy CSW 11. Policy CSW 11 requires that any development at a closed landfill site that includes the importation of additional waste to the site will need to demonstrate that the amount of waste being used is kept to a minimum.

The KMWLP has been given public scrutiny before a Planning Inspector at an Independent Examination (IE) held earlier April and May this year representing a key stage in its preparation towards formal adoption. Having listened to the various representations and in order to try and alleviate any concerns, during the course of the IE a number of modifications to the Plan were discussed with the Inspector to ensure soundness and legal compliance issues and also to improve the Plan. These modifications are currently out to formal consultation upon the completion of which responses will be collated before being submitted to the Planning Inspector for him to take into consideration in his final report which is expected at the end of this year prior to the Plan being formally adopted.

The NPPF advises that decision-takers may give great weight to relevant policies in emerging plans according to amongst other matters the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). In my opinion the emerging policies in the KMWLP are fully consistent with the NPPF and therefore should be accorded significant weight in the determination of this application.

21. Consultations

Swale Borough Council: Raise no objection subject to conditions covering hours of working, traffic management, maximum volumes of material and ecological mitigation (i.e. timing of clearance works). Also requests that the operations be carried out over a far shorter period and that care be taken to avoid harm to protected species on site.

Borden Parish Council: Object on the basis that there is insufficient evidence to justify the proposal. If permission is granted require conditions covering traffic movements, lorry parking (i.e. in relation to the proposed 'ring through' system). Request that due to its unique flora and fauna that the seasonal pond on site is retained.

Environment Agency: Endorse the proposals which would reduce the permeability at the site and promote general betterment and protection of groundwater in line with the Waste Authority's responsibility relating to the Water Framework Directive. Permission

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should be granted subject to a condition requiring the submission of an Environmental Management Plan. The importation of the infill material also requires a permit.

Kent Highways and Transportation: Notes that the current proposal only requires the importation of merely 3000 tonnes of material to fill a limited number of depressions equating to less than 2% of the volume predicted for the previous application. This would generate only some 20 HGV movements a day. The Construction Management Plan would involve a 'ring-through' system thus avoiding vehicles meeting along the proposed haul route. No objection is raised subject to the completion of the proposed access improvements including provision being made to accommodate operatives and construction vehicles loading/offloading on the site and vehicle parking for site operatives prior to the commencement of the works, submission of details of to prevent mud and debris on the public highway, submission and prior approval of details of the proposed 'ring through' system.

Highways Agency: No objection.

Amey (Noise, Odour, Air Quality): No objection subject to the submission of an Environmental Management Plan.

Biodiversity Officer: No objection subject to a condition requiring the works to be carried out in accordance with ecological impact avoidance/mitigation methods submitted in support of the application.

Landscape Officer: No objection in landscape terms.

Public Rights of Way: Whilst there are no public footpaths directly affected those which surround the site must not be obstructed.

Natural England: No objection.

Kent Wildlife Trust: No comments received

Local Member

22. The local County Member Mr Mike Baldock and the adjoining Member Mr Roger Truelove, were notified of the application on 16 January 2015.

Publicity

23. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 174 residential properties.

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Representations

24. In response to the publicity, some 40 letters of representation have been received including some from the same authors. The key points raised can be summarised as follows:

- Insufficient evidence to demonstrate the need to undertake the works.
- Adverse impacts on ecology.
- Adverse impacts on the serenity of the area.
- Adverse impacts from traffic using the proposed haul to the site along narrow country lanes.
- Recognise the need for the development but would request that an upper limit on vehicle movements be imposed.
- The site requires a large amount of work to prevent pollution from spreading to the site.
- The field opposite the site to the north is subject to an outline application for housing development which if it goes ahead would currently be at risk from pollution from the application site.

Discussion

25. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (20) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the relevant Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:

- Need
- Traffic
- Ecology
- Impact on local amenity

Need

26. The need for the development has been predicated on the basis of a QERA which was commissioned in June 2014 by the applicant as a result of the objections raised to their previous application submitted in 2011 which was subsequently formally withdrawn. As stated under paragraph 7. above, the applicant has a statutory duty to undertake any works considered necessary to prevent any future problems caused by long term pollution from this former landfill site. This requirement has since been confirmed in the formal response from the Environment Agency (E.A.) who draw

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specific attention amongst other matters to the applicant's responsibilities under the Water Framework Directive. This latest application has therefore had to take into account the applicant's statutory responsibilities having regard to both the conclusions and advice set out in the QERA whilst also taking account of those previous concerns raised by local residents. As a result this latest scheme represents a very much lower key approach to that previously proposed and in my opinion having regard to the conclusions of the QERA in terms of the risk that the site currently poses to human health, represents the minimum that is required to satisfactorily address such future threats. To do otherwise would in my view run the very real risk of the applicant being accused of misconduct through failure to fulfil its statutory duties.

Traffic

27. As indicated in paragraph (26) above, the current proposal represents what is considered the minimum required to address any future long term pollution problems at the site and as a result the potential impacts from traffic are very much reduced compared to those associated with the applicant's previous application. This view is shared by Kent Highways and Transportation who note that the importation of some 3000 tonnes of clean inert fill material represents 2% of the volume previously proposed, the main bulk of which would be imported over a relatively short period involving some 10 loads (20 movements) per day. Based on the proposed hours of operation this equates to less than 2 loads (4 movements) per hour. Whilst the proposed number of vehicle movements would be relatively low, as a means of controlling vehicles in order to avoid them meeting each other along the proposed haul route the applicant is proposing to adopt a ' ring through ' system. Kent Highways and Transportation have raised no objection to the proposal subject to conditions covering amongst others the formal approval of details of the proposed 'ring through' system prior to the commencement of the development.
28. In my opinion impacts from traffic would not be significant and would only occur over a relatively short period of time during the main infilling operations which would form the final phase of the remediation works. Having regard to comments from consultees, provided appropriate conditions are imposed, particularly in respect of vehicle movements, volumes of infill material and measures to prevent vehicles meeting each other along the proposed haul route, in my view there are no overriding highway objections to the proposal.

Ecology

29. Since the landfill site was originally capped the site has become naturally regenerated over the years and now consists of a mixture of areas of grassland and scrub together with a number of small trees. There are also two prominent depressions due to the settlement of the landfill which has taken place, one of which located in the north western corner of the site seasonally contains rain water. In order to undertake the proposed remediation works some of the natural growth which has occurred on site

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would need to be cleared. This would be limited to where access is required to the existing pipework which has been identified as in need of repair and/or upgrading and also where waste exposed at the site surface requires to be covered. The two prominent depressions would also need to be cleared before their infilling with the main bulk of the inert fill material imported to the site. Such clearance works would be undertaken under the guidance of a professional ecologist to ensure that any adverse impacts upon the local wildlife present can be avoided.

30. With regard to comments made by Swale Borough Council concerning the duration of operations, in order to undertake the proposed works whilst also maintaining public access to the majority of the site the works are proposed in two phases. Due to the ecological constraints in respect of the time of the year during which clearance works need to avoid the winter hibernation period this has by necessity meant that it would only be possible to complete the operations over a two year period. As explained above the first stage of the works relates to the investigation and repair and/or upgrading of the existing pipework with the main infilling exercise taking place in the second year after the first phase has been completed albeit over a relatively limited period.
31. Turning to the comments made by Borden Parish Council in respect of their request for the seasonal pond in the north west corner of the site to be retained due to its unique flora and fauna, the applicant has provided the following response: 'This is a closed landfill site. Surface low spots holding water lead to an increased infiltration of water into the waste which will present an increased detrimental impact on the local groundwater regime. Infilling the two surface low spots will reduce the risk rating associated with the pollution of controlled waters by ensuring that rain water is no longer able to accumulate, and that any surface water is shed away from the waste deposit.' Given that the infilling of the two large depression forms an integral part of the remediation works in the absence of which the site would continue to pose a risk from offsite pollution, I am satisfied that their infilling is justified and consistent with the recommendations site out in the QERA upon which the proposed works are based.
32. Having regard to the measures that would be undertaken to safeguard the interest of the local wildlife on site and taking into account consultee comments including the advice given by the County Council's Biodiversity Officer, I am satisfied that any disturbance to wildlife would be minimal and therefore there are no overriding objections on ecological grounds.

Impacts on local amenity

33. As mentioned in paragraph 10. above this latest scheme represents a very much lower key approach as a means of preventing any future problems caused by offsite pollution compared to the previously withdrawn application. As a result, in my view the potential impacts from traffic and also the effects on the users of the area for informal recreational purposes whose access to the site would be maintained throughout the duration of the remediation operations would be minimal.

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Conclusion

34. This application has been driven by a need to undertake remediation works which have been identified by a QERA in order to avoid any future problems caused by offsite pollution. The applicant has a statutory duty to undertake such works in order to comply with the requirements of the Water Framework Directive amongst others and therefore a 'do nothing' approach does not represent an option. But for the need to import infill materials to the site, the ongoing maintenance of the existing landfill gas control system does not in itself require express planning consent and therefore the applicant could undertake such works as and when it is considered necessary in order to ensure that it continues to fulfil its function in preventing landfill gas migrating from the site. However, whilst as explained under paragraphs 4. and 5. above, the ongoing maintenance of the existing system has up until now been sufficient to control gas, the site has nevertheless continued to deteriorate to the extent that the QERA has subsequently identified a need for works which extend beyond pure maintenance of the existing system. This involves a requirement for a limited amount of infill material to be imported to the site which together with the proposed repair and upgrade works to the existing infrastructure will ensure that for the remaining period over which landfill gas and leachate is produced at the site it can be properly managed.
35. I am satisfied that the applicant's proposed scheme represents a satisfactory solution having regard to the need to undertake such works when weighed against their impacts to the site, its fauna, flora and surroundings and to that of the wider local community whose access to the majority of the site would be maintained throughout the duration of the operations. In my opinion provided those conditions recommended by consultees are imposed on any future permission the proposal is fully consistent with both National Planning Policy and Guidance, Development Plan Policy together with emerging policy set out in the KMWLP. As such the proposal therefore represents sustainable development in accordance with the NPPF. Accordingly I would recommend that permission is granted subject to the imposition of those conditions as summarised under paragraph (36) below.

Recommendation

36. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering the following:
- Duration of operations limited to two years from their commencement
 - Maximum volumes of infill material restricted to 3000 tonnes of inert material
 - Hours of working limited to avoid peak hour movements and school runs
 - Vehicle movements restricted to a maximum of 20 movements to and from the site per day
 - Prior approval of a Traffic Management System designed to avoid vehicles associated with the development meeting along the proposed haul route
 - Prior approval of a Construction Management Plan

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- Access improvements to be completed before the importation of infill materials
- Prior approval of details of vehicle parking and loading/offloading areas
- Prior approval of details of wheel cleaning facilities
- Prior approval of details of an Environmental Management Plan
- Ecological impact avoidance/mitigation methods to be undertaken in accordance with those submitted in support of the application.

Case Officer: Mike Clifton

Tel. no: 03000 413350

Background Documents: see section heading

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

New 2 form entry primary school at land at St George's CofE Foundation School, Broadstairs – M/TH/15/0294 (KCC/TH/0122/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 21st October 2015.

Application by Kent County Council Property and Infrastructure Support for the creation of a new 2 form entry primary school, improvements to existing access to Westwood Road, car parking and pick up/drop off bays, external play areas including a MUGA, informal play area and grass playing field and hard and soft landscaping, at land at St George's CofE Foundation School, Westwood Road, Broadstairs – M/TH/15/0294 (KCC/TH/0122/2015)

Recommendation: the application be referred to the Secretary of State for Communities and Local Government, and subject to his decision, that planning permission be granted, subject to conditions.

Local Members: Mr A Terry and Mrs Z Wiltshire

Classification: Unrestricted

Site

1. This application relates to part of the existing St George's Secondary School grounds in Broadstairs, and currently forms part of the playing fields for this school. The site lies outside of, but adjacent to, the settlement boundary of Broadstairs, and therefore is sited in 'open countryside' as defined in the Thanet Local Plan, and this area is also designated as a Green Wedge. The site lies on the northern side of Westwood Road, and to the north of the existing Kent County Council Landscape Services depot and opposite the Perrys Vauxhall Garage. Immediately to the north and west of the site is open agricultural land, and adjoining the eastern boundary is the playing field for the secondary school. The Landscape Services yard forms part of the southern boundary, alongside Enterprise Rent-a-Car, whilst the remainder is bounded by three residential properties which lie between the access and the public footpath.
2. From a wider perspective, the site lies on the western edge of Broadstairs itself, and the complex of Westwood Cross Retail Parks lies further to the west, past Poorhole Lane. A ribbon of housing is located along Westwood Road between the site and the secondary school, with both off road and on street parking along the road. The Perrys Vauxhall garage is located on the southern side of Westwood Road opposite the site, which currently has a dedicated right hand turn lane into it.
3. The site is grassed and was laid out with pitches and football nets. There is mature screening surrounding the site, with an earth bund on the western edge. A public footpath runs along the eastern boundary of the site linking Westwood Road to the south and the agricultural land to the north. This footpath dissects the two existing areas of playing fields of St George's Secondary School.

New 2 form entry primary school at land at St George's CofE Foundation School, Broadstairs – M/TH/15/0294 (KCC/TH/0122/2015)

Background

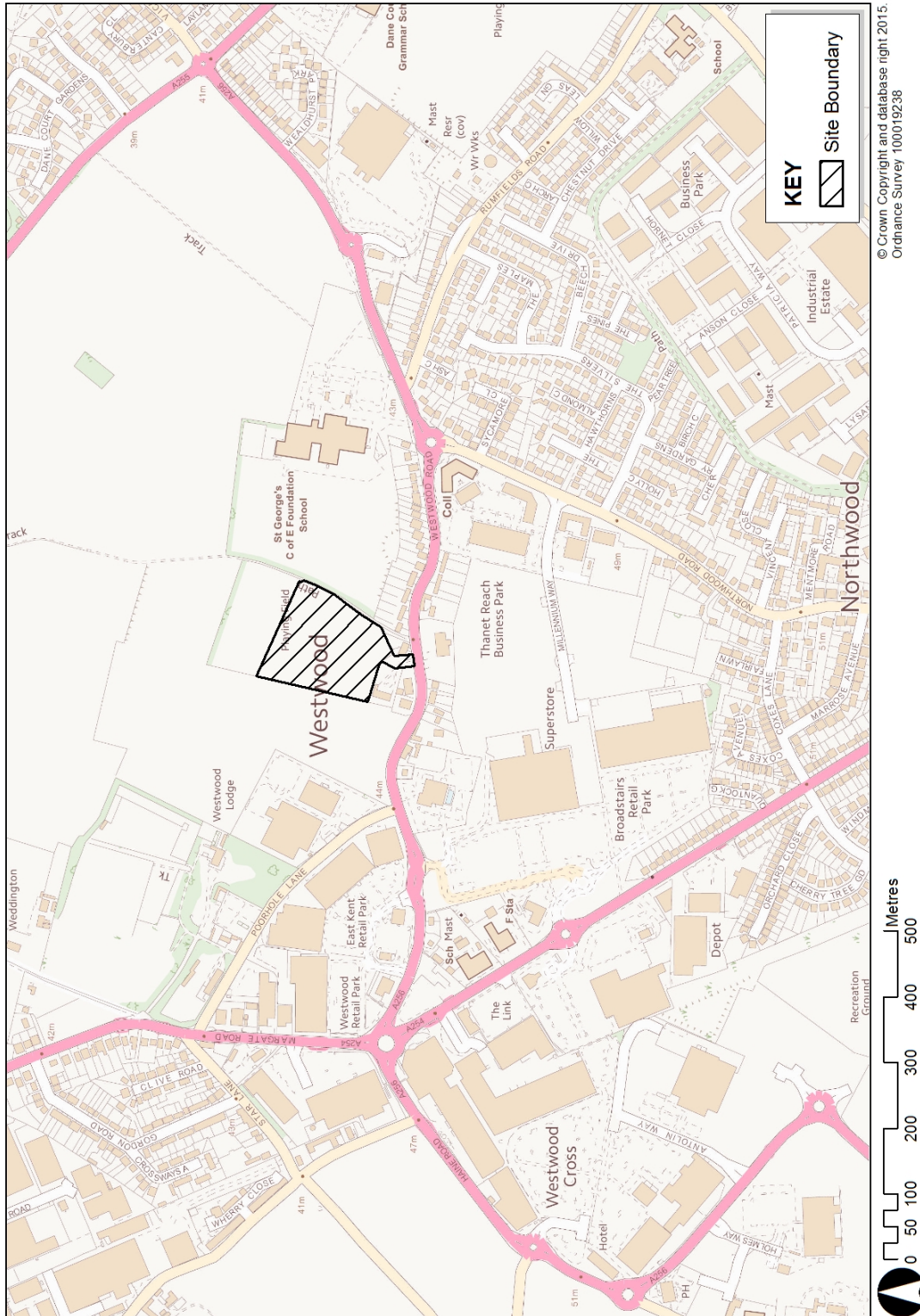
4. The applicants have submitted a statement which sets out the future provision required for primary education in the Thanet area, and which shows that there is a significant demand for primary places over the next five years. A table showing the assessment undertaken for each of the schools in the 5 Thanet planning groups has also been included, which sets out which schools have the ability or not to be expanded.
5. At present children are being offered places outside of their immediate locality, which has an impact on families moving into those areas, and results in more car journeys. An additional 990 temporary and permanent places have been added since 2011 and current expansion projects will add another 420 places over the next 7 years. However, the latest forecast for primary school places within a 2 mile radius of St George's shows a predicted deficit of places rising from a shortfall of 161 places in 2016/2017 to 365 places in 2018/2019.
6. The background information concludes that without the additional primary places proposed through this planning application, children in Broadstairs would be unable to attend a local school.

Recent Site History

7. The existing St George's Secondary School was given planning permission in 2008 under reference TH/08/167, and included the site of this current application as part of the playing field layout. A further application for a synthetic training pitch was approved in 2010, but this lies within the playing field to be retained for the secondary school, to the north-east of the current application site.
8. Two further planning applications are also recorded on Thanet District Council's website which relate to the erection of a three storey building to be used for education (6th form) and community use, and also for the erection of 12 no. 12m high floodlights for the sports pitches. Neither of these affect the current application.

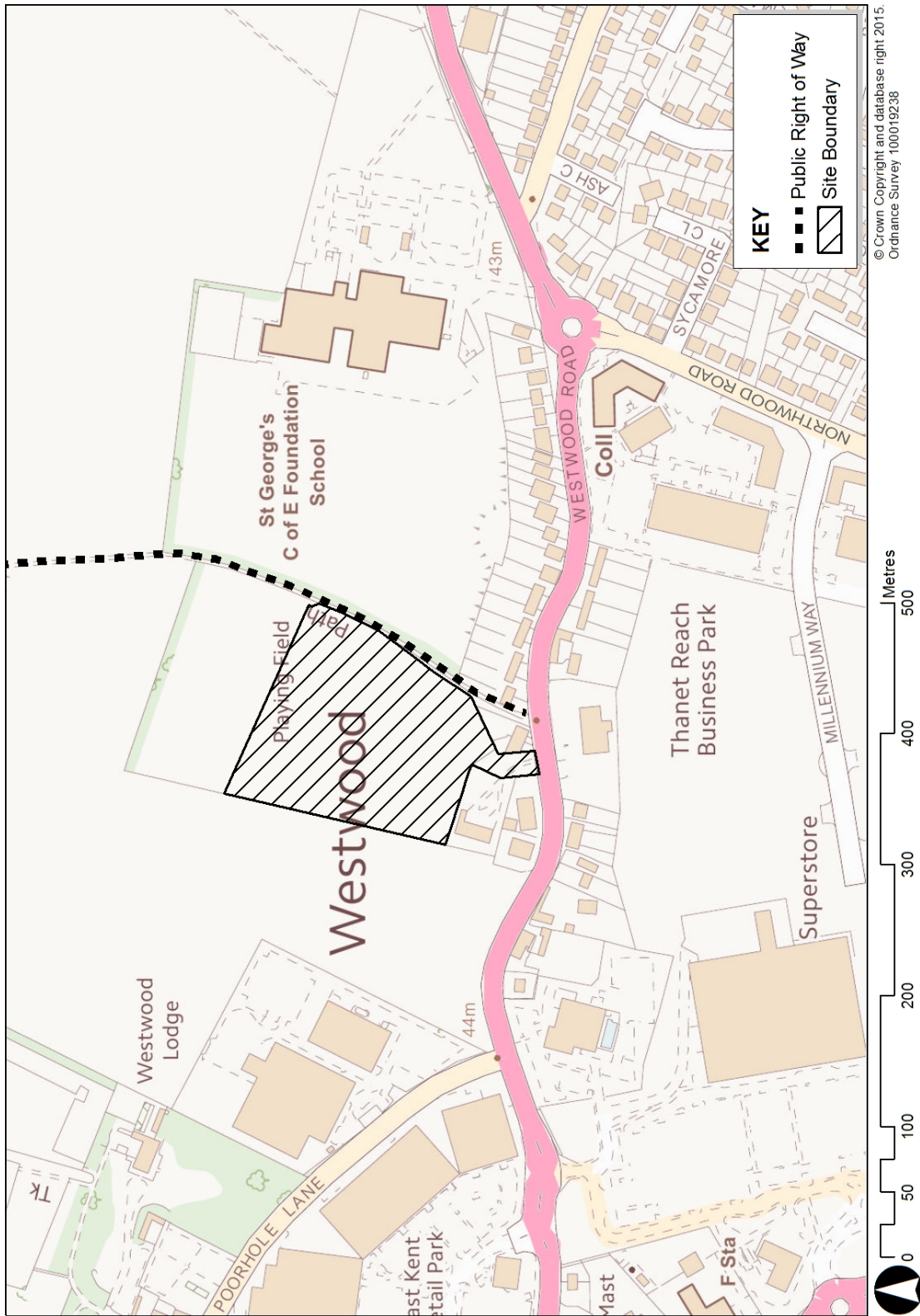
New 2 form entry primary school at land at St George's CofE Foundation School, Broadstairs - M/TH/15/0294 (KCC/TH/0122/2015)

General Location Plan



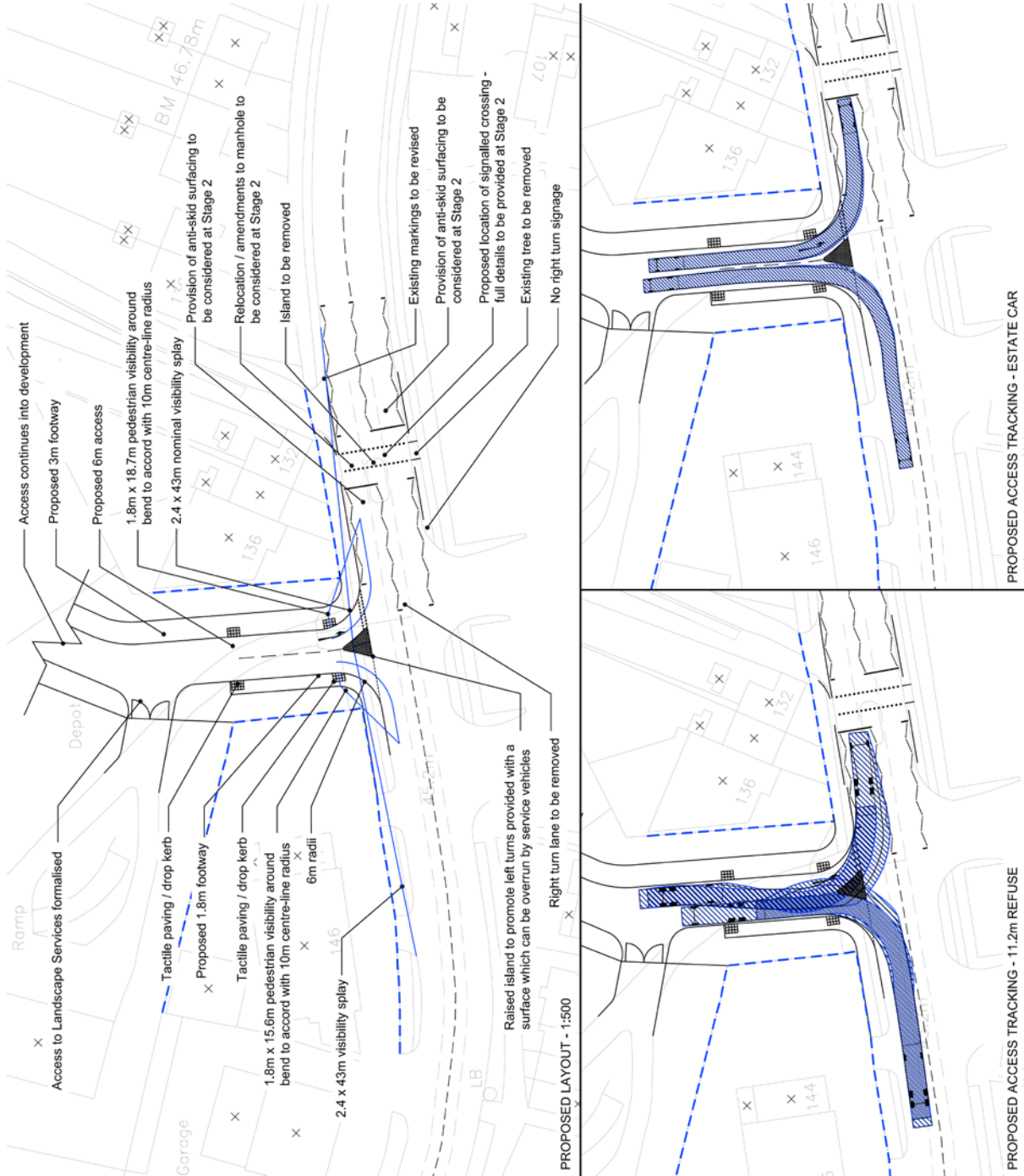
New 2 form entry primary school at land at St George's CofE Foundation School, Broadstairs - M/TH/15/0294 (KCC/TH/0122/2015)

Site Location Plan



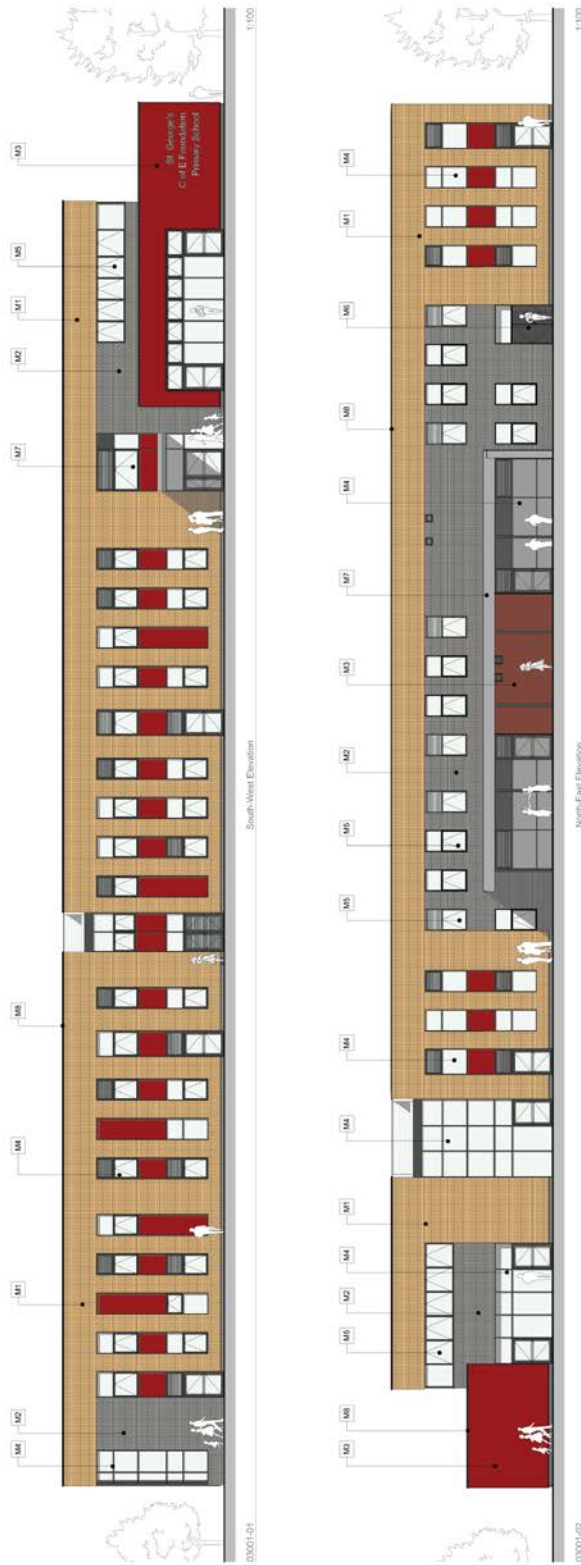
New 2 form entry primary school at land at St George's CofE Foundation School, Broadstairs - M/TH/15/0294 (KCC/TH/0122/2015)

Proposed Access Design



New 2 form entry primary school at land at St George's CofE Foundation School, Broadstairs - M/TH/15/0294 (KCC/TH/0122/2015)

Proposed Elevations



PRELIMINARY

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Kent Primary Schools
St. Georges C of E Primary School
Broadstairs
Kent County Council

Proposed Elevations

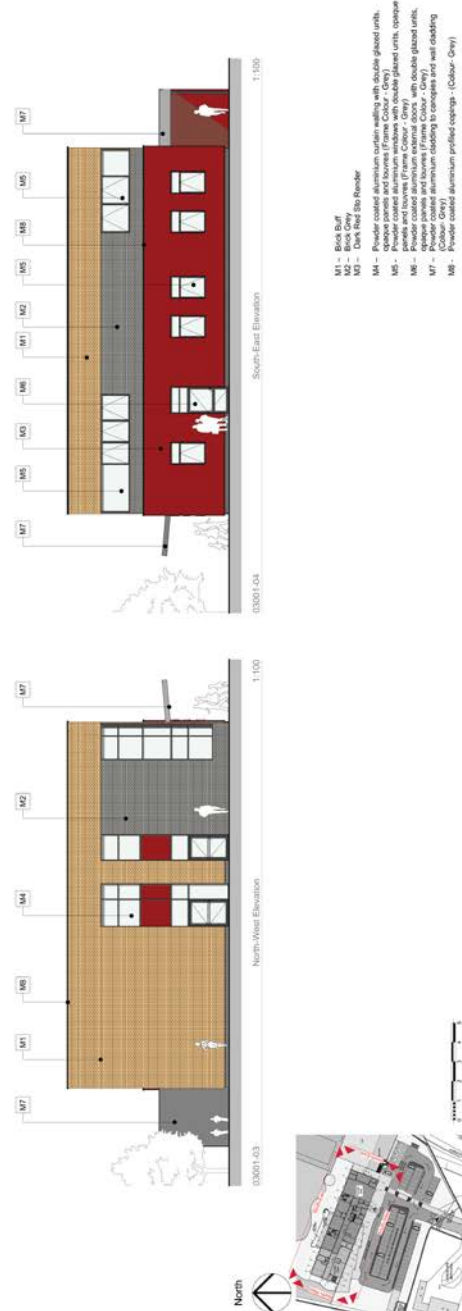
Client: Kent County Council
 Date: 14.02.2015
 Scale: 1:100 @ A1

Project: Proposed Elevations
 Drawing: 03001-01
 Status: 03001-01

SYG BBA ZD ZZ DR A 03001

Industry: Architecture
 Discipline: Architecture
 Project: Preliminary

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New 2 form entry primary school at land at St George's CofE Foundation School, Broadstairs – M/TH/15/0294 (KCC/TH/0122/2015)

Proposal

9. The planning application seeks approval for the construction of a new two form entry primary school, which along with the associated outdoor space would occupy approximately three quarters of the existing playing field. The remaining quarter, which would be at the northern end of the site, would be retained for the use of the secondary school.
10. Access into the site would remain in the same location as at present, but is proposed to be widened and amended to a left in, left out layout with a splitter island in the middle of the mouth of the access. The access road would be 6m wide, with a 1.8m wide footpath on the western side up to the internal zebra crossing, and a 3m wide footpath on the eastern side. On Westwood Road, the existing refuge island and right turn lane into Perry's garage would be removed, and a signal controlled crossing provided opposite 132 Westwood Road. Signage advising of a 'no right hand turn' into the school for cars approaching the site from the east would be located outside Perry's garage, and cars coming from this direction would need to proceed to the recently completed Poorhole Lane roundabout and come back to the site to enable them to enter with a left turn. Those exiting the site but wishing to travel west would need to turn left and proceed to the roundabout by the secondary school to undertake a 'U' turn, to avoid a right hand turn out of the site.
11. The access would lead to an on-site car park providing 80 car park spaces (including 5 disabled parking spaces) for both staff and visitor use. A layby for drop off parking is also proposed, along with an area for cycle parking and a cycle shelter. Pedestrian access from Westwood Road would be provided down the length of the eastern side of the access road, with a zebra crossing provided partway down to allow pedestrians to safely cross the access road, and further zebra crossings within the car park would provide a safe route to the school building. This access road would also be used for the KCC Landscape Services depot.
12. The building itself would be located to the north of the car park, and would have a linear footprint, running across the site in an east-west orientation. The main entrance would be at the eastern end, with the large school hall, kitchen facilities and general office and administration areas located at this end of the school at ground floor, and the classrooms extending to the west either side of a central corridor. The first floor would provide mostly classrooms, again either side of the central corridor, plus a smaller group room. A staircase would be located at either end of the building, and a lift at the eastern end.
13. The school would be of a flat roof design, with an area of the roof being made available for the siting of photo-voltaic panels. The facades would be broken up with the use of different materials - both buff and grey bricks, and dark red render. The windows would have a vertical emphasis, with panels of coloured render included to provide interest and relief to the window pattern. To the east of the main entrance and wrapping round the side of the main hall and kitchen area the materials would also be dark red render. Doors and windows would be powder coated aluminium in dark grey. A canopy would be provided above the external secure play space for the reception classrooms, which would match the materials of the windows and doors.
14. The school is proposed to be built in two phases, with the eastern end being built for the first phase which would include the administration areas, kitchen, main hall, and three

New 2 form entry primary school at land at St George's CofE Foundation School, Broadstairs – M/TH/15/0294 (KCC/TH/0122/2015)

classrooms at ground floor level, plus a further 5 classrooms at first floor. The western end would then be finished during the second phase to provide the additional 7 classrooms required for the second form of entry.

15. To the north of the school building would be the outside play space required for a two-form entry school. A Multi Use Games Area (MUGA) would be sited to the north-east of the building, providing facilities for netball, basketball, mini tennis and five a side. The grassed sports areas for mini rugby, mini hockey, football, rounders and a running track would all be provided at the northern end of the site.
16. A habitat area and soft landscaping would be provided along the western edge of the site, where the existing earth bank is located. Four small groups of trees would need to be removed as part of the development, but most of the boundary landscaping would be retained, and in particular the tree belt behind the closest residential properties is shown to be retained and protected by fencing.

Planning Policy

17. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:

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

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

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

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- The great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools.

New 2 form entry primary school at land at St George's CofE Foundation School, Broadstairs – M/TH/15/0294 (KCC/TH/0122/2015)

Paragraph 74 of the NPPF is also relevant to the consideration of this application, it states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *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*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

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

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

(ii) **Thanet Local Plan (2006)**

Policy D1 All new development is required to provide high quality and inclusive design, sustainability, layout and materials.

Policy D2 Development proposals will be well landscaped and maximise the nature conservation opportunities wherever possible.

Policy HE11 Additional information in the form of an assessment of the archaeological or historic importance of a site may be required in order to assess and determine planning applications.

Policy CC1 Within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.

Policy CC5 Within the Green Wedge new development will not be permitted unless it can be demonstrated that the development is not detrimental or contrary to the stated aims of the Policy. New development that is permitted should make a positive contribution to the area in terms of siting, design, scale and use of materials. Open sports and recreational uses will be permitted subject to their being no overriding conflict with other policies and the wider objectives of the plan.

Policy CF1 Planning permission will be granted for new community facilities if the proposals are not contrary to other Local Plan policies and the

New 2 form entry primary school at land at St George's CofE Foundation School, Broadstairs – M/TH/15/0294 (KCC/TH/0122/2015)

community use and location are demonstrated as acceptable.

- Policy SR1** Proposals for the provision of new sports facilities including those provided by Schools, particularly where these proposals are available to the public will be permitted provided the location of the proposal is within or adjoining the urban areas, the intended use of compatible with surrounding land uses, the facilities are well related to the major transportation network and close to public transport, any built development is at an appropriate scale, design and siting, and that satisfactory arrangements are made for vehicular access and parking.
- Policy SR3** Proposals for the multiple use of existing facilities and new development which will create opportunities for recreational use by the public additional to the existing use of the facilities will normally be permitted.
- Policy SR12** Built development will not be permitted on playing fields if it would be detrimental to the character of the area. Moreover, no development will be permitted on land last used as playing field unless there are exceptional circumstances, including, amongst others: if 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.
- Policy TR12** Substantial development generating travel demand will be required to provide convenient and secure cycle parking and changing facilities.
- Policy TR15** Development proposals likely to generate significant travel demand and/or traffic movement will be required to demonstrate, through Green Travel Plans, specific measures to encourage and facilitate the use of walking, cycling and public transport in preference to private car travel.
- Policy TR16** Proposals for development will be required to make satisfactory provision for the parking of vehicles (including, where appropriate, service vehicles).

Consultations

18. **Thanet District Council** raises no objection to the principle of the proposed development, but would expect that all due consideration is given to all other consultee advice received.

Broadstairs and St Peters Town Council unanimously recommends the application be approved but raises the access and traffic management impact as a concern.

Sport England objects to the application as they do not consider the scheme to accord with any of the exceptions in Sport England's playing fields policy or paragraph 74 of the NPPF. Further justification was received from the Applicant, which was sent to Sport England for their consideration, but they have maintained their objection.

New 2 form entry primary school at land at St George's CofE Foundation School, Broadstairs – M/TH/15/0294 (KCC/TH/0122/2015)

The County Council's Biodiversity Officer raises no objection subject to the imposition of conditions requiring the need for a biodiversity method statement, a construction environmental management plan and the securing of ecological enhancements within the landscaped areas.

County Archaeological Officer raises no objection subject to the imposition of a condition securing the implementation of archaeological field evaluation and the preservation of any important archaeological remains found on site.

The Environment Agency (Kent Area) has raised no objection subject to the imposition of conditions relating to contamination, remediation, surface water drainage and foundation design.

The County Council's Landscape Officer raises no objection subject to the imposition of a condition requiring a method statement to be submitted detailing how the trees to be retained will be protected during development.

The County Council's Sustainable Drainage Officer has raised no objection subject to the imposition of conditions relating to the submission of a fully detailed sustainable surface water drainage scheme; the implementation, maintenance and management of such a scheme; and that no infiltration of surface water drainage into the ground be permitted without the express written consent of the County Planning Authority.

Kent County Council Highways andTransportation confirm the revised access details are acceptable in principle and raise no objection to the proposals subject to the imposition of conditions to secure the provision of car and cycle parking prior to occupation; the access being laid out as shown prior to occupation; completion of the controlled crossing and highway alterations prior to occupation; the funding of parking control measures on Westwood Road should the need arise; and the submission of a Construction Management Plan.

The County Council's School Travel Planner has raised no objection subject to the imposition of a condition requiring the submission of a Travel Plan within 6 months of the occupation of the school.

Local Member

19. The local County Members, Mr Alan Terry and Mrs Zita Wiltshire were notified of the application on 28th April 2015.

Publicity

20. The application was publicised by the posting of two site notices, an advertisement in a local newspaper, and the individual notification of 74 residential properties.

Representations

21. In response to the publicity, 21 letters of representation have been received. 2 were received directly by the Planning Applications Group, whilst the other 19 were submitted by a local resident who lives close to the access to the site, who had canvassed the opinion of his neighbours by asking them to complete a questionnaire regarding the

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application. (It has not been made clear how many properties in total were given the questionnaire and therefore the level of response cannot be recorded). Along with his own letter of objection (the key points of which are included below) he has enclosed the 18 completed questionnaires, the results of which are tabled below. Additional comments made by those completing the questionnaires are also included in the summary list below.

22. The key points raised can be summarised as follows:

- Works to Poorhole Lane roundabout will be completely ruined by adding in the extra volume of new school traffic;
- Nowhere is allocated for off road parking for parents to drop off children;
- Given it is a primary school, parents will need to park their cars to walk into the school premises with their child;
- There is already congested roadside parking for residents, plus extra traffic for the two garages, neither of which have allocated customer parking;
- Traffic jams in the area are caused by transporter lorries dropping off and picking up cars, and also refuse vehicles;
- Emergency vehicles have trouble getting through as there is nowhere for road users to get out of the way;
- Having the access in this location is an accident waiting to happen;
- The proposed access is close to a blind bend and will be dangerous;
- Only allowing cars to turn left out of the access road will not solve the problem;
- Traffic is a major problem in the area and there should be off road parking for parents built into the plans;
- Any on site drop off facility would not be used once parents realise they cannot get back out of the school due to traffic on the road;
- There would be light and noise pollution to properties on Westwood Road;
- Hope adequate measures incorporated into screening the site and sighting of security lighting, etc.;
- Already problems with traffic trying to join the road from Perry's car sales, opposite the proposed school junction, causing accidents;
- It is dangerous for pedestrians walking along this road, especially the young, elderly and infirm;
- Cyclists use the footpath making it dangerous for residents to leave driveways;
- All attempts to slow traffic (i.e. yet another toucan crossing) have the effect of clogging up the road;
- If the school has to be off Westwood Road, the access should be off the Asda roundabout, with an access road to the rear of the secondary school, which could have drop off and pick up bays along it;
- New school should be built alongside the existing senior school where the infrastructure is already in place;
- There is already a litter problem in the area which is likely to get worse;
- We have no faith in KCC over Westwood Road;
- Statement of Community involvement is misleading and incorrect;
- Do not believe a two storey building is appropriate for a primary school;
- There could be noxious gases on site given historic use as an open cast clay pit;
- Piling for foundations could affect neighbouring properties;
- Do not believe there is a need for a new primary school in this area.

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23. Summary of responses to the resident's questionnaire:

Question	Yes	No	no answer
Do you approve of the proposal in its current form and the area in which it is proposed to be built?	1	17	
Would you be prepared to say yes if it was a single storey building?	2	16	
Would you be prepared to say yes if the proposed entry and exit to the site was changed?	6	11	1
Would you be prepared to agree if the school was situated somewhere else within the school boundary?	9	8	1
Do you feel the proposed entry and exit to the site poses problems with safety, congestion and air pollution?	18		
Do you think the extra traffic would have a negative effect on the existing volume of traffic?	17	1	
Do you believe that the siting of the school with this access presents a higher risk of accidents on Westwood Road?	17		1
Do you believe there is any need for another primary school in the Westwood area?	4	10	4
Were you made aware of the public consultation between 8th sept and 6th Oct?		18	
Were you aware of the public meeting at the school on 23rd Sept?	1	17	
Do you think one week was long enough notice given to attend the public exhibition?		18	
Do you think that one day's exhibition was enough to allow you to make an informed decision?		17	1

Discussion

24. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 17 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case are the principle of siting a new primary school in this location and the need for additional primary school places; the siting, design and appearance of the proposed school; the traffic and parking implications of the new school on the surrounding area; any effect on the amenities of nearby residents; and the impact on the existing playing field provision.

Principle of Development in the Countryside and Green Wedge

25. The site lies outside of, but adjacent to, the settlement boundary of Broadstairs, and therefore is sited in 'open countryside' as defined in the Thanet Local Plan. This area of countryside is also designated as a Green Wedge and the relevant Policies CC1 and CC5 seek to restrict development in such locations unless there is a need for them that

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overrides the need to protect the countryside, and where such development would not contribute to the coalescence of the various Thanet towns.

26. This site lies right on the boundary of the urban area, and at the very southern edge of the largest green wedge in Thanet, whose function is to separate Broadstairs from Margate. The existing St George's secondary school, which this application site forms part of, is also located in the countryside (and green wedge) and forms an established education use in such an area. It needs to be borne in mind that the application site is already developed as part of an existing developed school site, and so it not a currently undeveloped site within the Green Wedge. The built form of the proposed school and the hard landscaped areas would all be sited at the southern end of the site, close to the urban boundary line. The building would therefore be viewed in the context of the existing built form on Westwood Road, and would actually extend into the green wedge to a lesser extent than the existing secondary school building.
27. As set out in the background section above the need for primary school places in Thanet is severe and providing a new school on part of an existing education site would meet this need, whilst having a minimal impact on the wider countryside due to its siting close to the urban boundary. It is therefore considered that the principle of providing the school in this location would be acceptable as an exception to the countryside protection Policies CC1 and CC5.

Access, Parking and Highway Impacts

28. Access to the site would utilise the existing entrance onto Westwood Road, which currently serves the Landscape Services depot. The access road would be upgraded to a 6m wide carriageway, and the junction widened and laid out as a 'left in left out' turning. The application was supported by a Transport Statement and a further addendum to the report, which have been assessed by the Council's Highways and Transportation Officers. A Safety Audit of the junction layout and pelican crossing has also been undertaken. Revised plans have been submitted which show the proposed mouth of the access having a splitter island included, which will physically prevent any right turn into or out of the access road.
29. The on-site car park would provide 80 parking spaces. 5 of these would be laid out for disabled users, 21 for staff use, and the remaining 54 for 'park and stride' visitor parking. A further layby area for the drop off and collection of older pupils would be provided in front of the building, catering for an additional 6 cars at any one time. Kent County Council's parking standards require 1 space to be provided per member of staff plus an additional 10% for visitors, and the proposed parking provision meets these standards.
30. Because the parking provision would be adequate for a 2FE school but with only a single form being provided in phase 1, there was concern raised that the overcapacity of parking would encourage all staff to travel by car. In order to address this initial over-provision of parking, it is proposed that 25 spaces be blocked off so that they cannot be used until the second phase is complete. A revised plan showing this parking layout has been submitted, which shows the middle section of parking being available for Phase 1, providing 14 staff parking spaces and 36 parent/visitor spaces, and the row of parking along the southern boundary being reserved for Phase 2. This phased provision of parking has been successfully deployed on other new school developments in the County, to address the same issue.

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31. In order to have in place a means of addressing any future parking problems should they arise once the school is opened, the applicants have submitted a Memorandum of Understanding, in which they have agreed to pay the costs of introducing a Traffic Regulation Order (£3000) to control on-street parking in the event that it is needed.
32. In order to encourage travel to school by means other than the private car, for both staff and parents, a condition requiring the School to produce a School Travel Plan within 6 months of occupation is proposed should the application be approved, and this should be reviewed annually thereafter through the Council's "Jambusters" website.
33. The majority of the objections received from occupiers of neighbouring properties relate to the traffic problems that are already experienced in the area, and the view that this new school development would exacerbate matters by introducing additional traffic on an already congested road network. Whilst it is acknowledged that the proposed school will generate vehicle movements on the road network leading to the school, some of these movements are already on the network with local pupils currently being taken to schools further afield. Some prospective parents with children attending nearby secondary schools will also already be travelling on the network, and will drop off/pick up at the new primary school as part of a linked trip, as will some prospective parents who are currently travelling to work on the local network.
34. The site lies in a sustainable location and it is considered that the provision of a controlled crossing on Westwood Road near the school will further encourage pedestrian trips. In addition, the sharing of administrative staff between the primary and secondary schools will also reduce car trips. Because the access has been designed to allow left in/left out turns only, there would be no waiting on Westwood Road by drivers trying to turn right into the site, and therefore the school traffic would not be responsible for obstructing the flow of traffic on Westwood Road.
35. Bearing in mind all of the above, the Highways and Transportation Officer has concluded that the proposed new school is unlikely to have a severe impact on the highway network and therefore raises no objection to the scheme, subject to the inclusion of various conditions. These are to ensure that vehicle and cycle parking is provided on site prior to the occupation of the school; that the vehicle parking is phased to ensure there would be no overprovision of parking for the first form of entry (phase 1); that the access layout, controlled crossing and highway alterations are all carried out prior to occupation of the school; that a Construction Management Plan be submitted for each phase to cover the provision of construction vehicle loading/unloading and turning facilities prior to the start on site and throughout the construction period, the provision of parking facilities for site personnel and visitors on site before work starts and throughout the construction period, and details of working hours and timing of deliveries. An informative would also need to be included to ensure that the applicants apply for the necessary highway consents and approvals for work to be carried out on the public highway.
36. It is therefore considered that the proposed scheme would accord with Policies TR12, TR15 and TR16 of the Thanet Local Plan.

Impact on Playing Field Provision

37. The proposed primary school would be built on an area which currently forms part of the playing field for St George's secondary school. Historic aerial photographs and the

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submitted 'Existing Playing Field Provision' plan show this area being laid out for both winter and summer games for use by the school. Access to this field from the existing secondary school (for pupils) is currently across the pitches adjacent to the school, and through the gaps in the hedgerow by the public footpath. Given that it is separated from the secondary school by the footpath the applicants advise that it is not as well used by the school as the field closest to it. Furthermore the fact that it is some distance away from the school changing facilities, means it is also unattractive to use by the community, who to date have made more use of the internal sports provision and the easterly playing field closest to the school building.

38. The applicants have submitted two plans showing the proposed playing field provision and a wider masterplan strategy. The overall provision that would be made on site would be as follows:

Primary School Sports Provision:

Winter Games

- Football pitch (U11/U12)
- Mini Rugby Union Pitch (U7/U8)

Summer Games

- Rounders (junior size)
- Mini Hockey (Grass) (junior size)
- 60m running track (grass) (U11/U12)

All Year Usage

- Mini Soccer Pitch (U11/U12)
- MUGA Court –
- x2 Netball (full size)
- x2 Tennis (full size)
- x2 Five a Side Football (Min size, secondary use to the above)

Multi-Use PE Space –

- x1 Basketball (full size)
- x4 Mini Tennis
- x1 Five a Side Football

Inner sports Hall –

- Badminton (full size)
- Mini Tennis

Secondary School Sports Provision:

Winter Games

- x3 Football pitch (U16/U17)
- Rugby League Pitch full size

Summer Games

- x2 Rounders (full size)
- x2 Soft ball Pitches (full size)
- Mini Hockey (Grass) (junior size)
- 400m Running Track (grass) with 100m sprint
- x2 Long Jumps
- 6 Wicket Cricket Pitch (Junior Level to Senior Level)

All Year Usage

MUGA Court –

- x3 Mini Tennis
- x3 Five a Side Football (Minimum size)
- x1 Netball (full size, secondary to above use)
- x1 Basketball (full size, secondary to above use)

Ball Court –

- x1 Tennis (full size)
- x1 Five a Side Football

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39. The existing secondary school has significant external sports provision and play areas, totalling 100,895sqm (1,086,000sqft) of external playing field (as defined by the DfE Advice for Disposal or Change of Use of Playing Fields and School Land). The required provision for a 1200 pupil secondary school is 69,000sqm (742,700sqft), therefore currently the school has an overprovision of 31,895sqm (343,400sqft) of playing field.
40. Under the proposed primary school layout, the existing secondary school would retain 77,366sqm (832,800sqft) of playing field area – an overprovision of 8366sqm (90,050sqft). The playing field provision associated with the primary school would be 17,516sqm (188,600sqft) which meets the DfE requirement for a 420 pupil primary school.
41. The proposed layout therefore meets the DfE requirements for playing field provision for the primary school and would still exceed that required for the secondary school.
42. The applicants have also submitted details of the adopted Open Space Assessment for Thanet, which was carried out in 2005 (published 2006), but which contains an assessment of provision and needs up to 2017. Thanet District Council has confirmed (in an email to the applicants dated 2nd September 2015) that they are currently in the process of preparing a specification to undertake further work on a new playing pitch strategy to support the emerging Local Plan, but that in the meantime the results published in 2006 are the most recent assessment of open space and outdoor sports facilities and therefore should be used in accordance with any planning application. This Open Space Assessment concluded that based on the population data available there was unlikely to be additional unmet demand for formal playing pitch provision up to 2017. Specifically the audit concluded that there was a surplus of cricket pitches (+2) in the Borough and senior football pitches (+4) but a deficit of junior football pitches (-7) to meet projected need.
43. The proposed layout for the new primary school would include the provision of a junior football pitch and rugby pitch, which the applicants state would make a valuable contribution towards meeting the identified deficit of junior football pitches in the Borough. The proposed primary school is intending to make all of the new sports facilities available to the wider community in the same way as the existing secondary school. As Schools are not legally obliged to offer their sports facilities for local community use, it is considered the fact they would do so, would be of significant benefit to the local community – a benefit that would not be there without the development of the new school. This would accord with the aspirations of Policy SR3 of the Thanet Local Plan, which seeks to maximise the use of existing and new sports facilities. A condition requiring the applicants to submit a Community Use Agreement can be included on any consent to ensure that the facilities are made available as proposed.
44. Sport England, in their original and subsequent response, state that the starting point for any assessment as to whether a proposal meets exception policy E1 of their guidance and the first bullet of paragraph 74 of the NPPF, is whether or not a robust and up to date assessment of needs of open space, sports and recreation facilities and opportunities for new provision has been carried out. Paragraph E14 of the Sport England guidance states that as a guide, if no review and subsequent update has been carried out within 3 years of the playing pitch strategy being signed off by the steering group, then Sport England would consider the information to be out of date. In the case of the Thanet Open Space Assessment, Sport England's view is that it does not constitute an up to date assessment of needs.

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45. Sport England has also advised that an assessment of playing field provision against the Department for Education guidance is inappropriate for meeting the requirements of exception policy E1 and the first bullet of paragraph 74 of the NPPF, as it only considers the needs of schools as opposed to the wider community need for playing fields. Furthermore they state that despite the plans being amended to show the sports facilities with the correct dimensions, the development remains first and foremost the construction of a new school building – it is not principally “an indoor or outdoor sports facility” or “alternative sports provision”. Therefore they consider that the scheme would not meet the circumstances described in exception Policy E5 of their Planning Policy either, or bullet point 3 of paragraph 74 of the NPPF.
46. Clearly it would not be possible to develop any part of this site for a new school without there being some net loss of playing field, and it is accepted that the proposals do not precisely comply with the exception policies of Sport England's guidance or the bullet points of paragraph 74 of the NPPF. However, the existing field is not well used at present due to its distance from the school, and the proposed layout would provide a variety of junior sports facilities, which not only meets an identified shortfall (with regard to the junior football/rugby pitch) but which would be available for wider community use. In addition the sports uses associated with the school would offer a better variety of facilities (playing field, MUGA and indoor provision) than the existing pitch layout.
47. In my opinion, although there is a maintained objection by Sport England, I consider that the provision of a new primary school to meet the needs of the local community, combined with the provision of new sports facilities associated with this and these being made available to the community, would outweigh the loss of part of the under-used existing playing field, especially when taking a longer term view and considering the proposals in a holistic and broader context rather than inflexibly adhering to policy wording. However, if Members are minded to permit the proposals, the application would need to be referred to the Secretary of State.
48. One aspiration from the Highways and Transportation advisor was for the inclusion of a direct pedestrian and cycle link between the two schools sites, and it was envisaged that this could be provided within the school grounds. However the provision of such a link would have had even further implications on the amount of sports provision that could be provided on the playing fields, and would require a significant amount of engineering works to be able to provide it, due to the change in levels in this part of the school site. Furthermore, the need to be able to link this with the existing Public Rights of Way network and how it would be lit create additional issues with such an aspiration. Given that there is an existing public footpath which runs along the carriageway of Westwood Road which would provide a safe, lit pathway between the two school sites, it is considered that the benefit of retaining as much playing field land as possible would outweigh the aspiration for a dual but more direct footpath link within the school grounds.

Siting, Design and Appearance

49. As set out in the Proposal section, the new school would be a two storey flat roof building with materials comprising buff and grey brickwork, red render and powder coated aluminium doors, windows and louvres in a dark grey. The flat roof design is common with many new schools and the layout follows the requirements of the Education Funding Agency for all new two form entry primary schools. It should be noted that there is very little opportunity now to depart from the Government imposed

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design templates for new schools, if Government funding is to be achieved, and that earlier examples of more individual or iconic Kent school building designs are no longer possible under the current Government's funding restrictions. The current design templates may be less striking in their visual appearance to some commentators, but they have the advantages of being functionally compact and ergonomically cost effective to construct, run and maintain, as well as achieving sound environmental performance standards. It needs to be borne in mind that all these factors are also important in contributing to design quality, as well as the impacts on the actual users of the building who clearly will experience it to the greatest extent.

50. The design of the school would reflect and complement the existing design of St George's secondary school and at two storeys in height would have a domestic scale, which would be generally in keeping with the residential development to the south of the site along Westwood Road, which is of a mixed but contemporary character. In terms of overall design, I consider that the scheme would accord with the principles of Policy D1 of the Thanet Local Plan.
51. An objection has been received relating to the appropriateness of a two storey building for a primary school, but it should be noted that this design conforms to the 'Baseline Designs' where reception and key stage 1 classrooms are provided at ground floor level, with direct access to the outside, whilst the key stage 2 classrooms (years 3 to 6) are provided at first floor level. A two storey design is no longer to be regarded as inappropriate for a primary school, since lifts and disabled facilities are included and most pupils will live in two storey housing at home. Moreover, the school would be similar in layout to other primary schools recently constructed in Kent and the rest of the country.

Amenity Impacts

52. The proposed school building would be sited some distance away from any neighbouring residential properties (55m/180ft at the closest point), and in terms of any direct impact from the building itself it is considered that this would be minimal. The existing boundary treatment along the edge of the site by 136–130 Westwood Road would be retained and this would provide an established and thick buffer to screen the staff car park and mitigate any noise from cars using the car park.
53. A 3m (10ft) landscape strip would be provided alongside the access road and footpath where it runs along the boundary with 136 Westwood Road, the closest property to the development. Although there would be more traffic using the school access road than the occupants of nearby houses are currently used to with the Landscape Services depot, the majority of the traffic movements would be limited to two short periods during the day at drop off and pick up, and only during term time; therefore it is considered that the layout would not result in a level of unacceptable disturbance for nearby occupants.
54. As with all schools, there would be a need for some external lighting to both the building and car park for security reasons, which has been raised as a potential disturbance issue in the objections received. The Design and Access Statement advises that lighting of the site would be through low level bollards and controlled with daylight sensors and time clocks, so as to avoid disturbance to nearby residents. There is no proposal to include any floodlights to the MUGA or playing pitch. It is considered that the exact lighting details could be sought via an appropriately worded condition, should the application be approved, along with a further condition removing the rights to erect

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any floodlighting without gaining subsequent prior planning permission from the Planning Authority.

55. Although the responses received from occupants of nearby properties indicate that they feel that there is no need for another primary school in the area, the data submitted from the Education Officer has clearly demonstrated that there is a shortfall of places in this area. In this regard, the County Council is duty bound to seek means of providing such school places and has to rely on empirical evidence rather than conjecture.

Other Matters

Contamination

56. A Phase 1 site assessment was undertaken in January 2015 which considered the potential contamination on site, and was submitted in support of the application. Given the historical ground workings on the site, and the vulnerable nature of the end users at the school, the report recommended that further ground investigation would need to be undertaken. That view was reiterated in the consultee response received from the Environment Agency, where no objection was raised, subject to the imposition of conditions relating to a site investigation scheme, detailed risk assessment, remediation strategy and verification report, plus a further condition regarding the process to follow should contamination be found on site that had not previously been identified.
57. The Environment Agency response also highlighted the fact that the site overlies a principle aquifer and is in a Source Protection Zone 1 for public water supply, therefore the groundwater environment is highly sensitive and should be protected from contamination risks. To this end they also requested the imposition of conditions restricting the infiltration of surface water drainage into the ground unless otherwise permitted by the County Planning Authority, and that no piling or other penetrative foundation methods be permitted without the express consent of the County Planning Authority.

Flood Risk and Drainage

58. A Flood Risk Assessment (FRA) has been submitted as part of the application given that the site area exceeds 1 hectare. The site lies within Flood Zone 1 (the lowest ranking of flood risk), where there is a low risk from fluvial flooding and this is reflected in the report. There is a risk from pluvial (rainwater) flooding in one location, but the FRA concludes that the risk is mitigated by its positioning within an external play area.
59. The County Council's Flood Risk and Drainage Officer has also considered the details submitted and has advised that prior to formulating a drainage strategy for the site that discharges to the public sewer network, the applicants should explore opportunities to implement a sustainable drainage system, and to this end two conditions are suggested which require the applicants to submit and implement a sustainable drainage strategy. Subject to these conditions being included, no objection was raised to the development.

Ecology and Biodiversity

60. The application was supported by the submission of an Ecological Appraisal, which set out the desk and field based surveys of the site and made recommendations regarding both habitats and vegetation, and protected and notable species and this has been

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assessed by the Council's Biodiversity Officer. The report concludes that the grassland habitats found within the site are of relatively low ecological value, whilst the woodland and scrub habitats are common and widespread in the vicinity, therefore may provide movement corridors for wildlife.

61. In terms of notable species the report concludes that there is no evidence of badgers or reptiles but that the habitats are suitable for foraging and roosting bats and provide optimum habitat for common woodland and garden birds. The Council's Biodiversity Officer requested additional information be submitted regarding the removal of part of the earth bank on the western boundary and a revised landscape plan was submitted which depicted the extent of the bank which would be removed. In response the Biodiversity Officer has confirmed that the removal of the earth bank would be acceptable, but that works should be undertaken sensitively with regard to any potential ecological impact and therefore requests that the submission of a 'Biodiversity Method Statement' be secured via condition, which should detail the measures that will be implemented to minimise ecological impacts, including the need for an ecologist to be present on site at key moments. A condition requiring a Construction Environmental Management Plan is also requested which would show how the retained section of earth bank would be protected during the construction process.
62. In terms of breeding birds, the report recommends that the removal of any trees should be undertaken to avoid the nesting season and if this is not possible that the trees should first be surveyed by a qualified ecologist. An informative reminding the applicant of this requirement is suggested. The trees to be removed were further assessed in terms of their bat roost potential and for both groups of trees the results showed they had negligible bat roost potential, with no cavities observed and only a light covering of ivy which would not provide shelter for bats to roost. It is therefore considered that the proposal would not have an adverse impact on any notable or protected species, and subject to the conditions and informative suggested would be acceptable in this regard.
63. In addition to the above, a condition requiring the landscaping of the site to include ecological enhancements has been requested, including the future management of the earth bank and the habitat areas marked on the school layout. Subject to these conditions the proposed development, in terms of ecology and biodiversity, is considered to be acceptable.

Landscape

64. The application site has an established boundary with mature trees and hedgerows that run around the perimeter of the site. Most of the perimeter landscaping would be retained, with small groups of trees being removed in three areas - by the access road, the MUGA and part of the car park. The boundary treatment to be retained would be protected by Tree Protection Fencing, and a condition is suggested to require the submission of a method statement to demonstrate how the works close to the trees are able to be carried out without impacting them or their root protection areas.
65. Policy D2 of the Thanet Local Plan requires that development proposals be well landscaped and maximise the nature conservation opportunities wherever possible. A condition requiring a detailed landscape scheme to be submitted is proposed, and this would ensure that the existing boundary treatment be supplemented and the remainder of the site adequately laid out to provide attractive school grounds with native species to encourage wildlife.

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Construction Methods

66. Given that there are neighbouring residential properties, if planning permission is granted it is considered appropriate to impose a condition restricting hours of construction to protect residential amenity (Monday to Friday between 0800 and 1800; Saturday 0900 to 1300; and no operations on Sundays or public holidays).
67. A condition requiring the submission of a full Construction Management Strategy, prior to commencement of development is considered appropriate, to include amongst other matters the details listed earlier in paragraph 35. A separate condition for each phase of the development would ensure an acceptable strategy can be agreed at the appropriate time.
68. In addition to the above, should permission be granted, a further condition to ensure that dust and mud are not deposited on the highway would also be considered appropriate, to minimise disruption to local residents.
69. One representation received raised the concern that piled foundations could affect neighbouring properties. The applicants have confirmed that the design does not include piled foundations.

Archaeology

70. The County Council's Archaeological Officer has advised that the site lies within an area of high potential associated with prehistoric and later activity. The focus of heritage interest is the possible surviving remnants of the 19th Century brickworks, and despite its demolition it is considered that remains associated with the brickworks may be present on site. The application was supported by the submission of a desk based assessment, carried out by Canterbury Archaeological Trust, which drew attention to the brickworks and their possible impact on archaeology and deposits generally.
71. In view of the potential for remains to be found, formal archaeological work would be considered appropriate should planning permission be granted, and a condition is proposed to secure archaeological field evaluation works and the preservation in situ of any important archaeological remains found, in accordance with a specification and timetable agreed by the County Council. Subject to this, the scheme would be in accordance with the aims of Policy HE11 of the Thanet Local Plan.

Renewable Energy

72. The NPPF places a presumption in favour of development that is sustainable and at the local level Thanet District Council planning policies support the incorporation of sustainability measures and the effective adoption and application of renewable energy technology. The Design and Access Statement (section 3.7) sets out a range of basic construction technologies that would be used in the building and a list of other features, such as solar control glazing to manage solar gain through sensitive elevations, space heating achieved by low temperature hot water underfloor heating and efficient HVAC systems (to name a few) which would be incorporated into the building. An additional document has been submitted setting out the energy hierarchy considerations taken into account when designing the building (which included the orientation of the layout to maximise daylight and reduce the need for electric lighting, to use natural ventilation where possible, having movement detected lights, etc.) and the statement confirms that

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the building design achieves a pass in the Simplified Building Energy Model (SBEM) energy calculation required under Building Regulations Part L 2013.

73. Although no renewable energy provision is required to meet the current regulations, some photovoltaic panels are proposed to be included on the roof (in recognition of the need to think about the future) and these could provide some additional renewable energy directly for the running of the school.

Conclusion

74. In my view the key determining factors for this proposal are the loss of school playing fields, the suitability of the highway network to accommodate the additional school traffic, the appropriateness of the proposed building design and site layout and the likelihood of adverse impacts on neighbouring residential amenity.
75. There is strong Government support in the NPPF for the development of new schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards; subject to being satisfied on local amenity and all other material considerations, such as highway matters, design, noise, flooding and surface drainage. In my view the proposed development would not give rise to any significant and demonstrable harm in any of these respects, as far as planning, environmental and amenity aspects are concerned. It is argued that the loss of playing field land is not of overriding significance or harm in this instance, in terms of the overall aims of sustainable development.
76. It is considered that subject to the imposition of appropriate planning conditions, the proposal would not have any significantly detrimental effects on the local highway network, the amenities of local residents or the natural environment. In my view the development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

Recommendation

77. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government and SUBJECT TO his decision, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The standard 5 year time limit;
- the development to be carried out in accordance with the permitted details;
- the submission and approval of details of all construction materials to be used externally;
- the submission of a School Travel Plan within 6 months of occupation of the new school and its ongoing review;
- hours of working during construction to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays or Bank Holidays;
- the submission of a Construction Management Plan for both phases, providing details of how the site access would be managed, details of the methods and hours

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of working, location of site compounds and operative/visitor parking, details of site security and safety measures, lorry waiting and wheel washing facilities and details of any construction access;

- measures to be taken to prevent mud and debris being deposited on the public highway;
- the provision of the on-site parking areas prior to occupation of the school and their retention thereafter;
- the provision of cycle parking prior to the occupation of the school;
- the submission of a native species landscape scheme and details of a maintenance scheme for such landscaping, and the inclusion within this scheme of ecological enhancements and management of the retained earth bank and habitat areas;
- the submission of a method statement detailing how the construction can be carried out without affecting the trees and their root protection areas;
- the submission of a detailed lighting design strategy to be approved in writing prior to occupation of the school;
- no additional lighting to be erected at the site without the written consent of the County Planning Authority;
- the submission of a scheme and its approval in writing covering a preliminary risk assessment; a site investigation scheme; the results of the site investigation and details risk assessment and an appraisal and remediation strategy; and a verification plan providing details of data that will be collected;
- no occupation of the development until a verification report demonstrating the completion of the works set out in the remediation strategy has been approved
- if contamination found on site that was not previously identified, that development be stopped until a remediation strategy agreed and implemented;
- that piling or other foundation design using penetrative methods not be permitted without the express written consent of the County Planning Authority;
- no infiltration of surface water drainage into the ground be permitted other than with the express written permission of the County Planning Authority;
- the submission of a fully detailed sustainable surface water drainage scheme for the site and the written approval of such a scheme and its ongoing maintenance;
- the implementation of archaeological field evaluation work in accordance with a specification and written timetable to be approved by the County Planning Authority, and the preservation in situ of important archaeological remains;
- the submission of a biodiversity method statement providing details of measures that will be implement to minimise the potential for ecological impacts;
- the submission of a Construction Environmental Management Plan to ensure the retained areas of earth bank are protected during construction;
- within 3 months of the occupation of the school a community use agreement be submitted for approval in writing, for the shared use of the school sports facilities.

78. I FURTHER RECOMMEND that the following INFORMATIVES be added:

- The registering with Kent County Council of the School Travel Plan through the “Jambusters” website following the link <http://www.jambusterstpms.co.uk>;
- That the applicant ensures that all necessary highway approvals and consents are obtained.
- To ensure that works to trees are carried out outside of the breeding bird season and if this is not possible that an ecologist examine the site prior to works commencing

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Case Officer: Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

Proposed 2FE Primary School at Finberry Village, Mersham, Ashford – AS/15/648 (KCC/AS/0121/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 21 October 2015.

Application by Kent County Council Property & Infrastructure Support for the creation of a 2 Form Entry Primary School comprising a two storey building, access, car parking and pick up/drop off bays, external play areas including a Multi-Use Games Area, informal play area and grass playing field, and hard and soft landscaping at Land at Finberry Village, Mersham, Ashford – AS/15/648 (KCC/AS/0121/2015)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr M Angell and Mr A Wickham

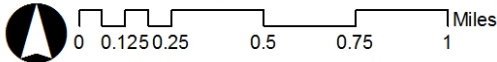
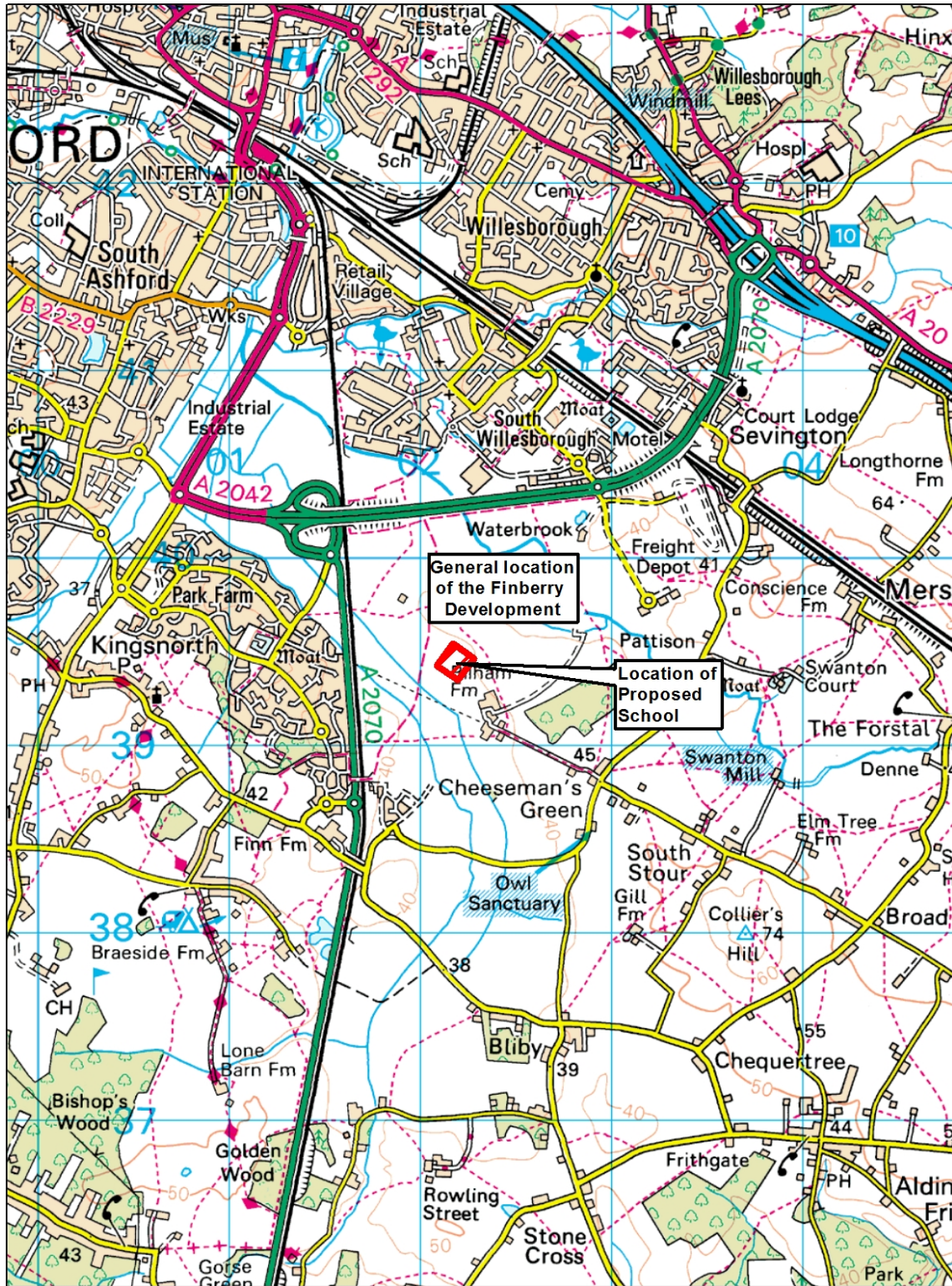
Classification: Unrestricted

Site and Background

1. The proposed 2 Form Entry (2FE) Primary School is to be provided as part of a new major residential development at Finberry (also referred to as Cheesemans Green), to the south of the town of Ashford. Outline planning approval for a Primary School has been granted by Ashford Borough Council on the application site as part of the approved principal masterplan and development brief. The approved masterplan also includes the provision of 1100 houses and approximately 70,000 sqm of business floorspace. Members interested in the residential/commercial aspects of the wider development should refer to the Crest Nicholson planning applications submitted to Ashford Borough Council, and in particular 09/01566/AS.
2. The Finberry development site is situated approximately 4.5 km (2.8 miles) to the south of Ashford Town Centre. The development is accessed via the dual carriageway section of the A2070, which runs to the north of the site. To the west of the development site lies the single carriageway section of the A2070 which connects Ashford with Brenzett and Romney Marsh beyond. To the south of the overall master-planned site lies the small village of Cheesemans Green, and open countryside, with the east of the development bound by the East Stour River.
3. The Primary School application site comprises an area of land approximately 2.05 hectares (5.06 acres) in size, and lies to the west of the overall Finberry development site. The application site is relatively flat, but slopes towards the western boundary, with the western corner of the site falling within floodzones 2 and 3. The land surrounding the application site remains undeveloped, and the relevant reserved matters applications are yet to be submitted to Ashford Borough Council for consideration. However, the land to the north of the application site has been allocated within the overall masterplan for an extra care facility and an area of open space with play facilities, and land to the east is proposed to be developed for the purposes of community, sport and recreation, including the erection of a community building. There are no significant trees within the site, no ecological or landscape designations, and the site is not within a Conservation Area, nor within the setting of any Listed Buildings.

A site location plan is attached.

Site Location Plan



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Ordnance Survey 100019238

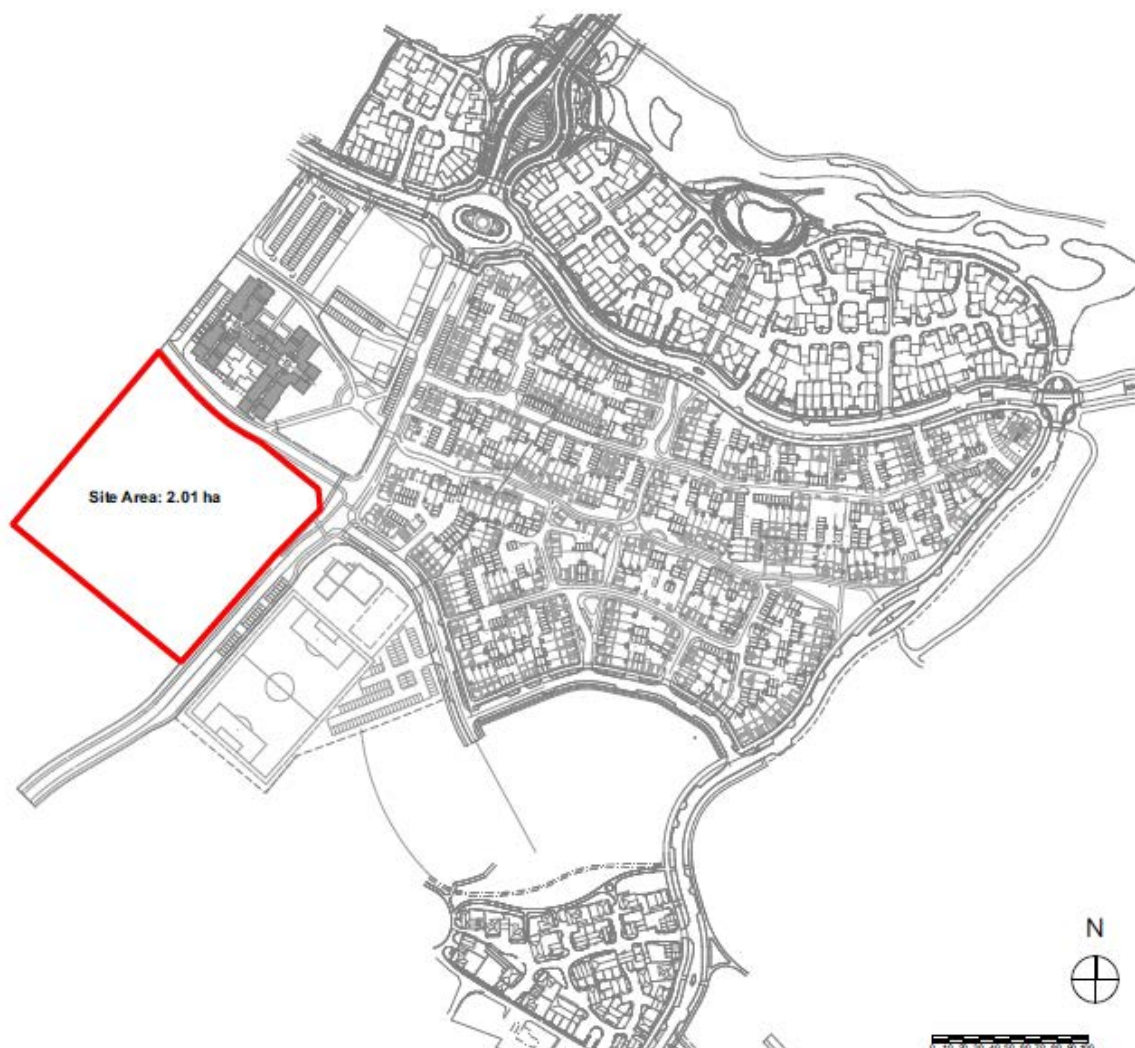
Proposed 2FE Primary School at Finberry Village, Mersham, Ashford
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4. It should be noted that the application as originally submitted met with objection from Ashford Borough Council and the landowners/developers (The Church Commissioners for England and Crest Nicholson), primarily on design grounds. In response to that, the proposed development was subject to a Design Panel Review, and the architect and applicants have amended the scheme in an effort to address the concerns raised. The following summarises the amendments that have been made:

- the site layout has been redesigned, moving the access points, car parking, location of the school building and associated infrastructure including hard and soft landscaping;
- changes made to the fenestration;
- red brick work changed to a buff brick, and minor changes to external materials;

For reference only, please find a site plan and elevation drawing of the original proposals in Appendix 1. However, it is the amended proposal that will be discussed throughout this report.

Site Location Plan showing the application site in relation to the wider proposed Crest Nicholson Development



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Proposed First Floor Plan



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Proposal

5. This application has been submitted by Kent County Council Property and Infrastructure Support, and proposes the erection of a 2 Form Entry (2FE) Primary School comprising a two storey building, access, car parking and pick up/drop off bays, external play areas including a Multi-Use Games Area, informal play area and grass playing field, and hard and soft landscaping at land at Finberry Village, Ashford. The school would, at full capacity, accommodate 420 students (reception, infants and juniors), 14 spaces of which are to be for pupils with Special Educational Needs (SEN). A nursery for 26 children would also be provided. The school building has been designed to be delivered in two phases in order to accommodate the anticipated pupil demand and intake, with Phase 1 due to be open late 2016.

Accommodation

6. This application proposes the erection of a two storey school building which would have a total gross internal area of 2471sqm, with a building footprint of 1452sqm. The school building is set within a 2.01ha (4.9 acres) site, which is over the minimum gross site area of 1.6ha (3.9 acres) specified for a 2FE School by the Education Funding Agency (EFA). 15 classrooms including a nursery, a large main hall, a kitchen, office spaces, toilets, cloakrooms and storage areas are proposed within the two storey building, which has been designed to enable the provision of the ancillary facilities required for a 2FE school to be provided under phase 1, with the 7 additional classrooms for a 2FE intake added when required under phase 2.
7. The proposed 2FE school would have a logical internal arrangement, with infant and nursery classrooms on the ground floor, and classrooms for years 3 through to 6 on the first floor. Teaching accommodation is proposed to be contained within approximately two thirds of the building, with the remainder accommodating the reception area and the main hall and kitchen space. The main reception would provide a controlled entry point for visitors, with easy access to the hall for out of hours community events, with services and security zoned for different users/uses of the school building. Note that the design has to readily accommodate its operation as a 1FE school as well as a later phased expansion to a 2 FE school.

Design and Appearance

8. The proposed school building is orientated with north and south facing classrooms to mitigate solar heat gain within teaching and learning spaces. The applicant advises that the form and massing of the building is similar to the Education Funding Agency's (EFA) Baseline Design Model, which has been specifically designed to align with the EFAs stringent requirements for cost, floorspace, environmental performance and specification. Although a standardised design, the applicant considers the design approach to be highly appropriate for this site, with the two storey rectangular building set deep into the site behind car parking and a landscaped entrance plaza. The teaching accommodation would be within a flat roofed section of the building, with the hall and school entrance area accentuated in height with a mono-pitched roof creating a 'wedge' shape focal point to the building.
9. The 'wedge' shape roof of the hall and entrance area would be constructed using a dark grey metal cladding, with dark grey aluminium fascias and soffits to match. The front and rear façade of the hall are proposed to be finished with varying orange coloured

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panels, with tall vertical windows to accentuate the height. The main elevations of the school would be finished with a buff coloured brick, broken up with vertical powder-coated (grey) aluminium curtain walling. On the front elevation, the vertical curtain walling would be set within double height projecting box windows, clad in dark grey powder coated aluminium. The rear elevation incorporates 2 projecting canopies to form a covered play area, which would again be clad in dark grey powder coated aluminium. The wall beneath each canopy would be clad in the same varying orange coloured cladding panels as the hall. The windows to the first floor of the brick facades would take the form of ribbon glazing, with orange panels (to match the hall) incorporated in-between each window. All windows and doors would be grey powder coated aluminium, as would the louvres and Brise Soleil, and the parapet capping. A Staffordshire blue brick plinth up to damp course level would be provided around the extent of the building.

10. The applicant advises that the external materials proposed are robust and could withstand heavy use and casual vandalism without relying on excessive maintenance, and would weather well, not attract dirt or be easily damaged. The sustainable credentials of the design are outlined in paragraph 20 below.

Access/Parking

11. Based on the Crest Nicholson masterplan for the wider development, the school site would be bound to the north and east by roads, the road to the east being a primary street through the development accommodating a bus route linking the development to Ashford Town Centre and beyond. Vehicular and pedestrian access to the school site is proposed via the northern site boundary, with a second pedestrian access and a vehicular access for emergency and refuse vehicles only proposed on the eastern boundary.
12. Vehicles and pedestrians would in general approach the school site from the northeast, in the case of pedestrians via the public open space to the north east of the school site. The site layout is such that the northern third of the site would be semi-public, with the school building and associated fencing forming the secure boundary line with safe and secure school accommodation located in the remaining two thirds of the site to the south. Car parking is proposed to the central and western area of the semi-public section of the site, with a pedestrian entrance promenade and open space located to the east. The applicant advises that such a layout would continue the feeling of open space by visually extending the public open space located opposite into the school site. Further information of the landscaping scheme for the site can be found in paragraphs 15-18 below.
13. A total of 70 car parking spaces are proposed, and a large drop off point. The applicant advises that parking areas for staff would be located towards the north west of the site, away from the main building entrance. 5 disabled parking spaces would be provided adjacent to the main school entrance, and a 40metre drop off area would be located directly in front of the school building. The parking bays would be formed of block pavers, with the circulation routes having a macadam finish.
14. Covered secure cycle parking is proposed, located outside the school's main entrance, set within the landscaped pedestrian entrance plaza. The cycle parking would be adjacent to administration/office areas, enabling the area to be passively supervised.

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Landscaping/External Areas

15. The applicant advises that the site has been designed to provide a safe and stimulating environment for young people, with the landscape designed to evolve into a series of spaces that are visually connected. As outlined in paragraph 12, the northern third of the site would accommodate the car parking and entrance plaza, with the southern two thirds accommodating the school building and secure external areas.
16. The northern third of the site (the semipublic area) is proposed to read as a visual extension to the public open space located to the north east of the school site. Upon entering the school site, a broad pedestrian plaza would lead to the main school entrance. The pedestrian plaza would contain timber benches and informal seating areas, with specimen trees planted within the paved surface. Feature 'contrasting bands' of paving are proposed to break up the main plaza area, which would extend into a vegetated swale which is proposed to be located to the edge of a lawned and planted area. The lawned area would also contain seating, set within a circular path formed of self-binding gravel. Low level hedges and ornamental grasses are proposed within this area, in addition to tree planting. The car parking area to the west of the entrance plaza would be softened with hedges and trees, with the hedges positioned to screen the cars from view from the classrooms.
17. The southern two thirds of the site would accommodate the school building and its associated secure external facilities. A playground and fenced (2.4 metre high ball stop fencing) Multi Use Games Area (MUGA) are proposed to the south west corner of the application site, with the south east of the site accommodating a grass sports pitch for mini-soccer, cricket and a 60 metre running track. External learning spaces are located to the immediate south of the school building, with shade provided by the two projecting canopies incorporated into the design of the building. A habitat area is proposed along the extent of the southern boundary of site, with extensive tree planting and hedging extending along the southern boundary and up the eastern site boundary. Swales are proposed in the habitat area, in addition to wildflower areas, native hedging and native trees. A path would be mown into the meadow area to enable access for educational purposes.
18. The whole of the site school site is proposed to be fenced with 1.8metre high vertical bar fencing, with tree planting and hedging proposed to the boundaries to soften the appearance of the fencing.

Lighting

19. The applicant advises that external areas would be lit with LED light sources. The building's approach would provide adequate levels of night time illumination to provide a safe and secure approach to the main building, whilst considering the amenity of local residents. Low level bollard lighting would be used, in addition to time clocks and daylight sensors. The applicant further advises that a detailed lighting scheme would be developed in collaboration with the landscape designer and the School to ensure that it would be suitable for the local environment and fit for purpose.

Sustainability

20. The applicant advises that 'designing for sustainability' has been integral to all aspects of the design. Orientation, construction materials and detail design have all been included within a coordinated strategy contributing to the building's performance,

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financial sustainability and environmental impact. The basic building dimensions and orientation have informed the conceptual approach and support maintenance strategies. The applicant advises that natural day-lighting would be used to create an efficient, user friendly and inspiring internal environment. As well as enhanced basic construction technologies, the building is proposed to feature the following:

- Solar PV cells on the flat roof section of the building;
- Highly-insulated building envelope;
- Low air-permeability envelope;
- LED lighting system;
- Use of materials from sustainable sources, preferably locally sourced;
- Solar control glazing;
- Low temperature hot water underfloor heating;
- Waste management for recycling;
- Hybrid natural ventilation to maintain temperatures and CO2 concentration levels;

The application is accompanied by a Design & Access Statement, Planning Statement, Transport Statement, Summary Travel Plan, Desk Based Archaeological Assessment, Ecological Appraisal, Flood Risk Assessment, Phase 1 Desktop Report, Munitions Report, & Topographical Plan.

Planning Policy

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

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

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

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

- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;

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

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

(ii) **Development Plan Policies**

The Ashford Borough Local Development Framework Core Strategy 2008:

Policy CS1 Sustainable developments and high quality design are at the centre of the approach to deciding planning applications, the key objectives of which include a wider choice of easy to use forms of sustainable transport to serve developments.

Policy CS2 ‘The Borough Wide Strategy’ – Focus’ large scale development within the Ashford Growth Area [.....]. Key infrastructure projects to be delivered at the same time as the development that they will serve and funded via financial contributions through the use of a Strategic Tariff.

Policy CS9 Development proposals must be of high quality design and address issues such as character, distinctiveness, sense of place, permeability, ease of movement, legibility, mixed use and diversity, continuity and enclosure, quality of public spaces, flexibility, adaptability and liveability, richness in detail and efficient use of natural resources.

Policy CS10 All major development must incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford.

Policy CS11 Seeks protection of biodiversity and provides for maintenance, enhancement, restoration and expansion through creation or restoration of semi-natural habitats and ecological networks to sustain wildlife.

Policy CS15 Promotes public transport and other non-car based modes of travel including measures to encourage cycling. Amongst other matters also seeks the earliest possible implementation of highway and other schemes that would remove serious impediments to growth and/or secure important environmental benefits.

Policy CS18 Public open space, recreation, sports, children’s play, leisure, cultural, school and adult education, youth, health, public service and community facilities to be provided to meet the needs generated by new development.

Policy CS19 Proposals for new development within the 100 year undefended river floodplain will not be permitted unless a Flood Risk Assessment can

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demonstrate that the development would not be at an unacceptable risk of flooding itself, and that the development would not result in increased flooding elsewhere.

Policy CS20 All developments should include appropriate sustainable drainage systems for the disposal of surface water.

The adopted **Ashford Borough Local Plan 2000:**

Policy S13 The development of land at Cheeseman's Green, Ashford, is subject to a site specific policy which states the following:

“Cheeseman's Green is proposed for a new residential and business community built over a number of years to provide for a substantial part of the development land that is needed in the Borough. In this Plan's timescale (to 2006) 700 houses are proposed with business park development of up to 40 hectares. In the longer term there is scope for substantial additional housing and employment development within the policy area shown on the Proposals Map.”

A number of proposals which the Borough Council would seek to secure for the site are set out within this Policy, including the provision of a Primary School.

Policy CF21 The Council will seek the costs of primary and secondary school facilities that are generated as a direct result of housing proposals and where the need arises for the implementation of that scheme. Such planning obligations will be related in proportion to the scale and nature of the proposed development, taking account of the existing pattern of school provision and the existing pupil capacity at local schools.

Ashford Borough Council **Supplementary Planning Guidance**

Cheesemans Green Development Brief 2003 (Addendum 2013)

The development brief relates to the proposed development of land known as Cheeseman's Green and was adopted by the Borough Council as Supplementary Planning Guidance to guide the overall development of the site and ensure continuity in design proposals between different phases of the scheme and with neighbouring developments.

Sustainable Design and Construction Supplementary Planning Document

The purpose of this document is to provide guidance on the measures and opportunities available to developers and householders to integrate sustainability into their development. The supplementary planning document sets out guidance on how to meet the required environmental performance standards of policy CS10 of the adopted Core Strategy for all new major developments within the borough.

Landscape Character Supplementary Planning Document

The aim of the Landscape Character Supplementary Planning Document is to promote regard for the landscape and to ensure new development makes a positive contribution to the landscape, including its key characteristics and features in which it is located.

Sustainable Drainage Supplementary Planning Document

The Sustainable Drainage (SuDS) Supplementary Planning Document sets out how developers can meet the requirement of Policy CS20 of the adopted Core Strategy. Guidance is provided on the provision of sustainable drainage systems for the disposal of surface water and rainwater, so that it is retained either on-site or within the immediate area.

Consultations

22. Ashford Borough Council comments as follows on the revised proposal:

“The proposal in its amended form has resulted in a slightly improved scheme for this site compared with the scheme as first deposited. As a result it is considered that the proposed school building would fit in better with its surroundings and provide a suitable learning/play environment for the pupils which is its primary function. A safe and secure environment is now proposed that provides adequate sport provision and car parking in a location that supports a main entrance facing towards the central green in the wider development.

Concern is, however, expressed about the pre-application process: officers were approached late in the day with a worked up scheme that the applicant's design team indicated would be deposited with the County Council only a short while later, giving limited opportunity for real involvement by the Council in helping shape the proposal. Likewise, it would have been preferable for Design Review to take place as part of an iterative pre-application process so that opportunities as to how the school could flex in plan form and best respond to the context of the site could have been built into the project at an early stage before ‘scheme fix’ (and the difficulties in making subsequent amendments once a fix has been made).

Concern is also expressed in terms of a seeming pre-occupation with costs at the expense of the positive environmental benefits to be gained from a high quality landscaping scheme on sensitive street boundaries helping mitigate the visual impact of fencing. Officer discussions with the applicant design team about improved frontage tree and other planting being viewed as a maintenance ‘liability’ were disappointing to hear given the nature of the use and the message that will be conveyed to the emerging residential community at Finberry if only minimal landscaping is provided. Whilst the Council is disappointed that the restrictions associated with the baseline design and funding arrangements have not allowed the building to flex in plan form and evolve further elevationally into a truly inspiring, interesting and high quality modern/contemporary design, the Council raise **NO OBJECTION** and is content for the County Council to reach its own conclusion on the merits of the proposal.”

The Borough Council suggests that the following matters should be covered by relevant conditions:

1. Implementation of the scheme.
2. External materials.
3. Details of hard and soft landscaping & standard landscaping.
4. SUDs.

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5. Parking and KCC highways conditions (and informatives).
6. Provision of cycle parking (to be retained) including full details of the covered cycle store.
7. Full details of the sprinkler tank and bin store to be submitted and approved.
8. Full details of external seating and external seating areas to be submitted and approved.
9. Full details of all fencing to be submitted and approved.
10. Contaminated Land.
11. Hours of use.
12. Full details of the extraction flue to be submitted and approved including a maintenance schedule.
13. Ecological mitigation and biodiversity enhancements.
14. Joinery, colour finish and depth of reveals.
15. Details of the jointing of the cladding panels.
16. 1:50 elevations and cross sections of the full height projection.
17. BREEAM.

Kingsnorth Parish Council supports the application.

Mersham with Sevington Parish Council comment as follows:

“This is the most unimaginative school plan. Looks like it would be more at home on a second rate industrial estate. What happened to design and aesthetics when the architects got this brief?

Is there any point in objecting, Ashford Borough Council have already ‘agreed’ it and the County Council will probably do the same just to be able to say a school is provided.”

Kent County Council Highways and Transportation raise no objection to the proposal, subject to the following matters being covered by relevant planning conditions:

1. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
2. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
3. Provision of measures to prevent the discharge of surface water from the vehicular accesses onto the highway.
4. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
5. Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the opening of the school hereby permitted. This shall include 24 staff car parking spaces and 42 'park and stride spaces', and a detailed plan showing such provision shall be submitted to and approved in writing by the County Planning Authority.
6. Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the opening of the school hereby permitted.
7. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the opening of the school hereby permitted.
8. Completion and maintenance of the access details shown on the submitted plans prior to the opening of the school hereby permitted.

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9. A new School Travel Plan shall be produced including pupil and staff surveys within 6 months of the occupation of the new school. The Travel Plan shall also include modal share targets for both pupils and staff and measures aimed at reducing private car usage and encouraging sustainable transport.

The County Councils School Travel Plan Advisor suggests that the School complete a Travel Plan (via the County Councils Jambusters System) for submission 6 months from the date of occupation.

Environment Agency raises no objection to the proposed development subject to conditions regarding the finished floor levels of the building, no raising of ground levels within the flood plain, and access to the building being above the 100 year plus climate change flood levels of 37.8mAOD. Further informatives are requested regarding the River Stour and the Ruckinge Dyke, and registering with the Environment Agency's Floodline Warnings Direct Service.

The County Council's Biodiversity Officer is satisfied that sufficient Ecological Survey work has been undertaken to demonstrate that protected species would not be affected by the proposed development. However, the applicants must ensure the presence of protected species is addressed within a Toolbox Talk to contractors prior to works starting.

The County Archaeologist is satisfied that sufficient archaeological evaluation and excavation has been undertaken across the site. No further archaeological work is required.

The County Council's Flood Risk Management Team (SuDs) is content that the completed school would be able to discharge to the wider Crest Nicholson network (as agreed). Should permission be granted conditions of consent are required which would ensure that the runoff from the site could be appropriately managed. Conditions would require the submission and approval of a detailed Sustainable Surface Water Drainage Scheme and subsequent details of the implementation, maintenance and management of the approved Sustainable Surface Water Drainage Scheme. In addition, further conditions would ensure that there was no infiltration of surface water drainage into the ground other than with the express written consent of the County Planning Authority, and that the runoff from the construction phase would be managed.

Additionally, it is recommended that the requested conditions are not discharged until:

- it can be clearly demonstrated that the required connection to the wider network is available to convey the water away from the site, and
- it can be demonstrated that Crest Nicholson have constructed the down-stream attenuation features and that they are ready to receive the site's discharge.

The Church Commissioners for England (represented by Deloitte) maintains its objection to the planning application for the following principle reasons:

1. Absence of a coherent design;
2. Failure to future proof the layout design, including an overprovision of land which is not being put to educational use, but being used as an entrance plaza;

A copy of The Church Commissioners for England representation can be found in full in Appendix 2.

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Crest Nicholson (represented by Carter Jonas) are of the opinion that there are still a number of issues that need to be addressed in order to deliver a comprehensive scheme that would complement the surrounding built development. *A copy of Crest Nicholson's representation can be found in full in Appendix 3 of this report.* In summary, the main points raised are as follows:

1. The revised site layout appears to be an improvement in terms of access, landscaping and the location of the MUGA;
2. The car park could benefit from being widened;
3. The landscaping scheme appears to have been fully thought through, and it is hoped that the final scheme is of a high quality and designed to benefit biodiversity;
4. Serious concerns are expressed over the security fencing and further details should be provided;
5. Disappointingly, the school building itself has not been improved. Concern is expressed over the continuous linear form, the poor design/orientation of the hall, the kitchen and stores being poorly located and a lack of thought for future expansion.

The River Stour Internal Drainage Board has also commented on this application. Their views are as follows:

“The above development proposal has the potential to affect River Stour (Kent) IDB interests. It is believed that the applicant is in close liaison with the Environment Agency and Ashford Borough Council in respect of drainage and flood risk, and I am pleased to see that the outline proposals appear to include for runoff to be restricted to 4l/s/ha by the use of open SuDS. I would however be grateful to be consulted on the detailed drainage proposals in due course.”

Local Member

23. The application site lies on the boundary of the Ashford Rural East and Ashford Rural South wards. The local County Members for each ward, Mr A. Wickham, Mr M. Angell, were notified of the application on the 15 May 2015, and further notified of the amended proposal on the 7 August 2015.

Publicity

24. The application was publicised by an advertisement in a local newspaper and the posting of 3 site notices.

Representations

25. At the time of compiling this report, no letters of representation from local residents had been received.

A Local Borough Councillor, Mr Paul Bartlett, has commented on the proposal. His views are as follows:

1. “The site is in the 1 in 100 years floodplain and Policy CS19 permits such development in exceptional circumstances providing there are no alternative sites in a lower risk area. There are alternative sites in the same ownership – all it would require is the applicant to move the site to the north east. That said I dare say it is too

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late for such comments to be taken seriously but what I find unacceptable is that rain water harvesting and green roofs are “not within the current budgetary allowance or not considered suitable for a strict primary school maintenance strategy” - in other words the applicant does not want to meet these costs. CS19 requires the applicant (given the site is in the 1 in 100 year flood plain) to show that residual flood risks are adequately mitigated and rain water harvesting and green roofs would do just that. I would like to see a condition that rain water harvesting and green roofs are required.

2. On a similar point I am very disappointed that the applicant is not using a SUDS scheme on this site. The applicant says “SUDS solutions within the school boundary are prohibitive and outside budgetary allowance” again we have a financial constraint trying to override good and valid Council Policy (CS20 here). I would like to see a condition that SUDS solutions are used on the school.
3. I find that the applicant has not taken into account the concerns of the Design Panel of the “compound like” appearance. The building still has the appearance of a large mass which will not sit well in the open countryside, given the area to the south west can never be developed due to floodplain issues. The applicant should try to address these issues. I would be interested to hear of the Design Panel’s view of the changes.
4. The transport plan does not make reference to the possibility of the rail halt at Bridgefield. The developer has funded a study to assess the demand for a rail halt and it seems reasonable that this, if built, would have an impact on the transport plan. I would like to see a condition that the travel plan should be revised to incorporate this.
5. I note the site has potential for Mesolithic and Neolithic activity and there is high potential for early prehistoric remains to be present. I would like a condition that the findings of further archaeological work are shared with the Trust. Extensive landscaping is intended in this application so I would like to see a condition that further archaeological evaluation is required.”

Discussion

Introduction

26. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 21 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the new National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity.
27. In this case the key determining factors, in my view, are the principle of the development, design, massing and siting including landscaping of the site, sustainable design and construction, access and highways matters, drainage, and the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on amenity and other material considerations. In the Government’s view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected

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in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in Circular 11/95.

Principle of the Development

28. As outlined in paragraph 1 of this report, the proposed 2 Form Entry (FE) Primary School is to be provided as part of a new major residential development at Finberry (also referred to as Cheesemans Green). Outline planning approval for a Primary School has already been granted by Ashford Borough Council as part of the approved overall site masterplan and development brief, which also includes the provision of 1100 homes and approximately 70,000sqm of business floorspace. I am therefore of the opinion that the principle of the development has been assessed by the Borough Council and accepted in the granting of outline approval. It is the detail of the proposal before us that must now be assessed.

Design, Massing and Siting including Landscaping of the Site

29. The design of the development, including the site layout and landscaping, has been amended following the original submission of the application to address initial concerns raised by Ashford Borough Council, Crest Nicholson and the Church Commissioners for England. The application was subject to Design Panel Review which, in conjunction with consultee comments, resulted in the applicant amending the site layout, the building fenestration and external materials in an effort to address the key points of concern/objection raised. For the avoidance of doubt, it is the amended proposal that is discussed and considered within this report.
30. Ashford Borough Council considers that the proposed school building would fit in better with its surroundings as a result of the amended site layout, and that the development would provide a suitable learning/play environment for the pupils - which is its primary function. The Borough Council further considers that a safe and secure environment is now proposed, that provides adequate sport provision and car parking in a location that supports a main entrance facing towards the central green in the wider development. However, the Borough Council remain disappointed that the restrictions associated with the 'baseline design and funding arrangements' have not allowed the building to 'flex in plan form and evolve further elevationally into a truly inspiring, interesting and high quality modern/contemporary design'. However, no objection is raised by the Borough Council, subject to the imposition of planning conditions to cover various matters including the submission and approval of details of all materials to be used externally, details of hard and soft landscaping, details of joinery and jointing including the submission of 1:50 elevations and cross sections of various elements of the scheme, and details of seating areas and fencing.
31. The Church Commissioners for England (represented by Deloitte) continue to object to the planning application on the basis that they consider there to be a lack of coherent design and a failure to future proof the site layout. Further, the Church Commissioners for England consider that the site layout includes an overprovision of land which is not being put to educational use but being used as an entrance plaza (this will be discussed later in this report). Crest Nicholson (represented by Carter Jonas) consider the revised site layout to be an improvement over that originally proposed, but express disappointment that the school building itself is still of a continuous linear form, with a 'poor

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design/orientation of the hall and the kitchen and stores being poorly located, with a lack of thought for future expansion'. Mersham with Sevington Parish Council also raises concern over the design of the school, which they consider to be unimaginative. Local Borough Councillor, Paul Bartlett, also expressed concern about the large mass of the building and its appearance. In considering the views of consultees/interested parties as summarised above, it is clear that the site layout, design and massing of the building, and landscaping of the site is a key issue to be discussed and considered in the determination of this application.

32. First, with regard to the site layout as now proposed, the Borough Council and Crest Nicholson consider the amendments made to be an improvement over that originally proposed (see Appendix 1 for original site plan and elevations). However, the Church Commissioners for England consider that the site layout includes an overprovision of land which is not being put to educational use but being used as an entrance plaza. As detailed in paragraphs 12 to 17 of this report, the development site is essentially split into two areas, with the northern third of the site being semi-public and accommodating the entrance plaza, landscaping and car parking, and the southern two thirds accommodating the school building and its associated secure external facilities. The site layout, in my view, is logical and purposefully designed to achieve a more pleasing and amenable foreground to the school building than is usually possible on other school sites. Pedestrian and vehicular access to the site would be via the northern site boundary, which links with the wider housing development to the north. The building would sit well within the site, reducing its massing when viewed from the street scene, and also minimising any overlooking/amenity issues with future development around the site. The southern extent of the site would accommodate sports pitches, amenity space, a habitat area and landscaping/tree planting. In my view, the open landscaped southern area of the school site would visually link and read as one with the wider undeveloped landscape beyond the southern boundary of the school site.
33. The site layout also enables landscaping of the northern entrance plaza to visually link this area of the school site with the public open space to be provided as part of the wider development. The Church Commissioners for England express concern over the provision of the entrance plaza, as they do not consider that this area of the site is being put to educational use. The application site is 2.01ha (4.9 acres) which is over the minimum gross site area of 1.6 ha (3.9 acres) specified for a 2FE School by the Education Funding Agency. The Church Commissioners concern regarding the overprovision of land is noted, however the land transfer is not a matter for the Planning Applications Committee to consider. Moreover, the Borough Council, the Design Panel and Crest Nicholson all consider the landscaping of this northern section of the site to be an essential part of the school development, enabling it to be visually linked to the public open space to the north/north east, and providing a degree of separation between the school building and associated facilities and future development around the site, specifically a care home to the north west. The entrance plaza forms an integral part of the school development, providing an attractive entrance area whilst also accommodating swales (part of the SuDs scheme to be discussed later in this report), soft landscaping and tree planting, all of which are also an educational resource. In addition, concern is raised regarding a lack of thought for future expansion. However, the scheme is designed to provide a 1FE school, with a phased expansion to 2FE as and when required, which the applicant advises is more than sufficient to meet local needs and projected demand. Under the circumstances I cannot concur with these criticisms.

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34. In summary, I consider the site layout as proposed to be logical and well thought through. The semi-public area to the north would accommodate car parking and access to the site, including a well-designed entrance plaza which would lead to the school entrance. The school building would then delineate the secure boundary line of the site, with school accommodation to the south, including amenity space and sports facilities. The site layout would not, in my view, conflict with future development around the site and would visually read well with the public open space proposed to the north of the site boundary. However, the provision of a quality landscaping scheme and appropriate fencing is key to ensuring that the school site sits within the wider development beyond. Therefore, should permission be granted I consider that further details of all hard and soft landscaping should be submitted for the written approval of the County Planning Authority. In addition, as required by the Borough Council, full details of all fencing and external seating/seating areas should also be submitted for approval. The imposition of such conditions would satisfy the requirements of the Borough Council and other interested parties and, in my view, would ensure that the site is appropriately landscaped to visually link it with surrounding development and/or the wider landscape. I consider the site layout as proposed to be logical and, given the competing aspirations and requirements involved, working well operationally for the School whilst also considering its relationship with future development. I therefore see no reason to refuse this application on the grounds of site layout, and further consider that conditions of consent regarding landscaping and other matters would further improve the visual linkage of the site with the wider development. However, having accepted the site layout, the proposed design and massing of the school building itself needs to be discussed and considered.
35. As outlined throughout this report, the design of the school has met with concern and objection, both prior to and following the amendments made by the applicant in response to initial concerns. Although the Borough Council raises no objection to the development as now proposed, they remain disappointed with the 'restrictions associated with the baseline design and funding arrangements'. The Church Commissioners, Crest Nicholson, Mersham with Sevington Parish Council and a Local Borough Councillor also continue to express concern/objection over the design of the building.
36. The proposed school building is oriented with north and south facing classrooms to mitigate solar heat gain within teaching and learning spaces, and would extend across the width of the application site. The applicant advises that the form and massing of the building is similar to the Education Funding Agencies (EFA) Baseline Design Model, which has been specifically designed to align with the EFAs stringent requirements for cost, floorspace, environmental performance and specification. This standardised design approach has met with concern from consultees including the Borough Council. It should be noted that there is very little opportunity now to depart from the Government imposed design templates for new schools if Government funding is to be achieved, and that earlier examples of more individual or iconic Kent school building designs are no longer possible under the current Government's funding restrictions. The current design templates may be less striking in their visual appearance to some commentators, but they have the advantages of being functionally compact and ergonomically cost effective to construct, run and maintain, as well as achieving sound environmental performance standards. The applicant has however, made a number of changes to the fenestration and materials palette following the initial submission of the application which, together with the varied roof form, in my view moves away from the standard design approach and adds to the individuality of this school whilst maintaining its functionality and deliverability.

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37. The two storey school building would accommodate 15 classrooms including a nursery, a large main hall, a kitchen, office spaces, toilets, cloakrooms and storage areas. The building has been designed to enable the provision of the ancillary facilities required for a 2FE school to be provided under phase 1, with the 7 additional classrooms for a 2FE intake added when required under phase 2. The linear arrangement of the school allows for a two phase construction programme, with the second phase being able to be built without undue disruption to the school. The internal layout, under both phases, is logical, with teaching accommodation proposed to be contained within approximately two thirds of the building, with the remainder accommodating the reception area and the main hall and kitchen space. The main reception would provide a controlled entry point for visitors, with easy access to the hall for out of hours community events, with services and security zoned for different users/uses of the school building.
38. The teaching accommodation would be within the flat roofed section of the building, with the hall and school entrance area accentuated in height with a mono-pitched roof creating a 'wedge' shape focal point to the building. The design and location of this 'focal point' is questioned by consultees. However, in my view the arrangement of the internal accommodation is logical, with the hall, kitchen, entrance area and associated offices/storage all located to the eastern end of the building, accessed by the landscaped pedestrian entrance plaza. Internal security doors would enable these spaces to be secured from the teaching accommodation to facilitate its use out of school hours. The kitchen and hall also need to be co-located for practical purposes. Upon construction of the second phase of teaching accommodation, the ancillary facilities required for the 2 FE School would already be in-situ and, more importantly, would be accessible and operational during the second construction phase. The kitchen would also be easily accessible from the service access on the eastern site boundary. I consider the internal layout of the school to be logical and purposefully thought through, and further consider the location of the 'focal point' of the building to be the most appropriate given the site layout, the future development of the surrounding area and the competing aspirations for this site's development.
39. The design of the focal point of the building would, in my view, also add to the school's public presence within the wider development, creating a clear and visible entrance point to the school. The 'wedge' shape roof of the hall and entrance area would be constructed using a dark grey metal cladding, with dark grey aluminium fascia's and soffits to match. The front and rear façade of the hall are proposed to be finished with varying orange coloured panels, with tall vertical windows to accentuate the height. In contrast, the main elevations of the school would be finished with a buff coloured brick, broken up with vertical powder-coated (grey) aluminium curtain walling. On the front elevation, the vertical curtain walling would be set within double height projecting box windows, clad in dark grey powder coated aluminium. The rear elevation incorporates two projecting canopies to form a covered play area, which would again be clad in dark grey powder coated aluminium. The wall beneath each canopy would be clad in the same varying orange coloured cladding panels as the hall, visually linking the two elements of the building together. The windows to the first floor of the brick facades would take the form of ribbon glazing, with orange spandrel panels (to match the hall) incorporated in-between each window. All windows and doors would be grey powder coated aluminium, as would the louvres and Brise Soleil, and the parapet capping.
40. The design of the school building is, in my view, above and beyond that of the initial standardised EFA Baseline Model from which this school derives. The addition of coloured panels, projecting window 'boxes', projecting canopies and the main roofscape

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to the hall all add to the individuality of the design. In addition, the massing is typical of that of a two storey primary school, further broken down by the careful choice of materials and fenestration. The linear form of the building is also broken up with vertical windows, vertical curtain walling, and ribbon glazing. The location of the building within the site, viewed through landscaped external areas, would also set the building back from the site frontage reducing the perception of the massing further.

41. Under the circumstances, I do not have concerns over the general design as proposed, which is appropriate for the layout and uses of the internal space and would facilitate the phased construction programme proposed. The school building would, in my view, have clear individual characteristics giving the school a sense of identity within the wider housing and commercial development. The applicant has provided indicative details of external materials, however, in my view, it would be appropriate to seek further and final details of all materials to be used externally pursuant to condition, should permission be granted. In addition, to satisfy the requirements of the Borough Council, further conditions of consent would require details of external storage areas and the sprinkler tank enclosure, details of the kitchen extraction flue, and detailed joinery/jointing details, including the submission of 1:50 elevations and cross sections.
42. In my view, the school building would respect the character of the site, and would not detract from the overall quality of the surrounding area and its future development. I consider that the proposed school development is in accordance with the principles of Development Plan Policy and would respect the character and appearance of the surrounding development in terms of scale, massing, design and appearance. Subject to the imposition of the conditions outlined above, I do not consider that the design, massing, or scale of the building would have a significantly detrimental impact upon the appearance or amenity of the locality and, therefore, would be acceptable.

Access, Parking and Highway Issues

43. Although no objections have been raised by consultees and/or the local community with regard to access and highway matters, it is important to discuss the access arrangements proposed. As detailed in paragraphs 11 to 14 of this report, vehicular and pedestrian access to the school site is proposed via the northern site boundary, with a second pedestrian access and a vehicular access for emergency and refuse vehicles only proposed on the eastern boundary. Vehicles and pedestrians would in general approach the school site from the northeast, in the case of pedestrians via the public open space to the north east of the school site. These access arrangements would link with the wider development and the transport links that would run through it.
44. A total of 70 car parking spaces are proposed, and a large drop off point. The applicant advises that parking areas for staff (24 spaces) would be located towards the north west of the site, away from the main building entrance. 5 disabled parking spaces would be provided adjacent to the main school entrance, and a 40metre drop off area would be located directly in front of the school building. Covered secure cycle parking is also proposed, located outside the schools main entrance, set within the landscaped pedestrian entrance plaza. The cycle parking would be adjacent to administration/office areas, enabling the area to be passively supervised. The layout of the car parking and access arrangements appears to be logical and fit for purpose and I have no concerns regarding this.

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45. Kent County Council Highways and Transportation raises no objection to the application, subject to various matters being covered by relevant conditions of consent, should permission be granted. Some of the required conditions relate to construction activities and will be discussed later in this report. However, a detailed plan of the car parking layout, clearly identifying staff parking spaces, 'park and stride' spaces and the drop off area, must be submitted to and approved by the County Planning Authority in consultation with Highways and Transportation. A further condition of consent would thereafter require the provision of the vehicle parking spaces, vehicle loading/unloading areas, and turning areas prior to occupation of the development, and subsequent permanent retention. Completion and maintenance of the access points as shown on the submitted plans would also be controlled by condition to ensure completion prior to occupation. Highways and Transportation and the Borough Council also require the submission of further details of the covered cycle storage, and the subsequent provision and permanent retention of the facility. Should permission be granted, a condition of consent would cover this matter. Subject to the imposition of the conditions required by Kent County Council Highways and Transportation as outlined above, I consider that the development would not have a significantly detrimental impact upon the local highway network and, therefore, see no reason to refuse the application on these grounds.
46. In addition, a further condition of consent would require a School Travel Plan to be produced including pupil and staff surveys within 6 months of the occupation of the new school. The Travel Plan shall also include modal share targets for both pupils and staff and measures aimed at reducing private car usage and encouraging sustainable transport. This also accords with the requirements of the County Council's School Travel Planner. In addition, as requested by Local Borough Councillor Paul Bartlett, should the possible rail halt at Bridgefield become operational, this could be reflected within future updated Travel Plans.

Sustainable Design and Construction

47. Development Plan Policies require developments to be sustainable and to address issues of climate change. In particular, Policy CS10 of the Ashford Borough LDF Core Strategy requires that all major developments incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford. The Borough Council's adopted Supplementary Planning Document (SPD) on Sustainable Design and Construction sets out in more detail how they will apply this policy. Under the policy, unless it can be demonstrated that doing so is not technologically practicable, would make the scheme unviable or impose excessive costs on the occupier, the school development would be expected to meet an overall BREEAM rating of Very Good, and achieve a minimum reduction of 20% in carbon dioxide emissions through use of on-site sustainable energy technologies, with any shortfall being met by the applicant making a financial contribution to enable the residual carbon emissions to be offset elsewhere in the Borough. The financial contributions are paid to the Ashford Carbon Fund which is managed by the Borough Council. The SPD on Sustainable Design and Construction states that monies from the fund will pay for carbon savings through energy efficiency schemes, and tree planting as part of Ashford's Blue and Green Grid. It also states that energy efficiency schemes are favoured by the Council as they are the most cost effective method for reducing CO² being released into the atmosphere, from energy use in existing dwellings.
48. As a general principle, where it is able to do so the applicant should meet the key objectives of this and other development plan policies which promote sustainable design and construction. However this does need to be balanced to ensure that the design

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quality of the project as a whole is still achieved and maintained without unduly compromising other elements of the proposal in delivering this important community building.

49. Although this development is not being assessed specifically under BREEAM, the applicant advises that the scheme has been designed to meet the equivalent of a BREEAM rating of 'Very Good'. It should be noted that undertaking the BREEAM assessment regime is itself an expensive process and inevitably diverts funds away from elements that otherwise can be incorporated into the actual development. As outlined in paragraph 21 of this report the applicant advises that 'designing for sustainability' has been integral to all aspects of the design. Orientation, construction materials and detail design have all been included within a coordinated strategy contributing to the building's performance, financial sustainability and environmental impact. The applicant advises that natural day-lighting would be used to create an efficient, user friendly and inspiring internal environment. As well as enhanced basic construction technologies, the building is proposed to feature the following:
- Solar PV cells on the flat roof section of the building;
 - Highly-insulated building envelope;
 - Low air-permeability envelope;
 - LED lighting system;
 - Use of materials from sustainable sources, preferably locally sourced;
 - Solar control glazing;
 - Low temperature hot water underfloor heating;
 - Waste management for recycling;
 - Hybrid natural ventilation to maintain temperatures and CO2 concentration levels.
50. The applicant has assessed the proposal against Policy CS10, and concludes that the design of the school, including the sustainable features listed above, would achieve a reduction in carbon dioxide emissions of 18-20%. In addition, the building design would meet, and exceed, the energy calculations required under Building Regulations Part L 2013. It should also be noted that Policy CS10 was adopted by the Borough Council in 2012 and was based on the standards set under the earlier 2010 Building Regulations. The subsequent 2013 Building Regulations are actually much more stringent in terms of building energy use, and impose more exacting standards and requirements on developers in this regard from the outset.
51. In considering the information provided by the applicant, specifically that the building has been designed to meet the equivalent of the BREEAM rating of 'very good', that the design exceeds the energy calculations required under Building Regulations Part L 2013, and a reduction in carbon dioxide emissions of 18-20% would be achieved, I am of the view that the development as proposed meets the key objectives of Policy CS10 and other Development Plan Policies which promote sustainable design and construction. Subject to the imposition of a condition of consent requiring the development to meet the standards set out above, I see no reason to refuse the application on this ground.

Flood Risk Assessment and Drainage

52. In accordance with the principles of Development Plan Policy, the applicant has submitted a Flood Risk Assessment (FRA) with this application, which has not met with objection from the Environment Agency, nor have they questioned its content. As

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outlined in paragraph 3 of this report, the western corner of the application site lies within floodzones 2 and 3 (medium to high possibility of flooding). A Local Borough Councillor considers that the school site should be moved to the north east, out of the floodzone. However, the western corner of the site, the area within floodzone 2 and 3, would accommodate playing field and a habitat area only. The Environment Agency are satisfied that the school site as proposed is acceptable but, should permission be granted, conditions of consent are required which would ensure that ground levels within the flood plain are not raised, and that finished floor levels are at a specified level above the 100 year plus climate change flood levels. The applicant has confirmed that the development would adhere to the requirements of the specified conditions and, as such, the school building would not be at risk of flooding, nor would the development exacerbate flooding elsewhere. Subject to the imposition of the conditions specified by the Environment Agency, I am satisfied that the school site does not need to be altered and/or relocated to move the western corner out of floodzones 2 and 3, and that the school building is not at an undue risk of flooding.

53. In addition to the conditions outlined above, the Environment Agency further request that informatives are attached to any planning permission regarding the River Stour and Ruckinge Dyke, and the need for the School to register with the Environment Agency's Floodline Warnings Direct Service. Should permission be granted, appropriate informatives would be imposed.
54. In addition to flooding and flood risk, the site must also be drained. Local Borough Councillor, Mr Paul Bartlett, would like to see a condition that requires Sustainable Drainage Systems (SuDs) to be used across the site, including rain water harvesting and green roofs. With regard to the suggested green roof, I can advise that the flat roof element of the school would not be appropriate for a green roof as it would accommodate PV panels and associated plant. However, I do agree that the site should be drained sustainably, and can advise that a detailed SuDs scheme would be required pursuant to condition should permission be granted. This would accord with the requirements of the Borough Council and the County Council's Flood Risk Management Team.
55. The applicant has included various sustainable drainage initiatives into the design of the site including the provision of swales, a habitat area and the use of permeable paving within the main car park. The County Council's Flood Risk Management Team is content that the completed school would be able to discharge to the wider Crest Nicholson SuDs network (as agreed with the developers). However, due to the limited drainage details available at this stage for both the school site and the wider Crest Nicholson development, conditions of consent (should permission be granted) would require the submission and approval of a detailed Sustainable Surface Water Drainage Scheme and subsequent details of the implementation, maintenance and management of the approved Scheme. Additionally, the Flood Risk Management Team recommend that the requested conditions are not discharged until it can be clearly demonstrated that the required connection to the wider network is available to convey the water away from the site and it can be demonstrated that Crest Nicholson have constructed the down-stream attenuation features and that they are ready to receive the site's discharge. I consider that the applicant should be made aware of these stipulations by way of an informative.
56. As also requested by the County Council's Flood Risk Management Team, further conditions would ensure that there was no infiltration of surface water drainage into the ground other than with the express written consent of the County Planning Authority,

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– AS/15/648 (KCC/AS/0121/2015)

and that the runoff from the construction phase would be managed. Subject to the conditions outlined above, I consider that the development would not be at undue risk of flooding, and would not exacerbate flooding off site. Further, the submission of a detailed Sustainable Surface Water Drainage Scheme would ensure that the development would not result in an unacceptable level of pollution or increase the risk of flooding, in accordance with the principles of Development Plan Policy.

57. In addition, as requested by the River Stour Internal Drainage Board, the Board would also be consulted on the Sustainable Surface Water Drainage Scheme as and when it is submitted for consideration to ensure that the Scheme would not adversely affect the River Stour Drainage Boards' interests.

Ecology

58. The County Council's Biodiversity Officer has been consulted on this application and has no objection, subject to the imposition of a condition requiring the applicants to ensure the presence of protected species is addressed within a Toolbox Talk to contractors prior to works starting (as recommended within the submitted surveys). The submitted Ecological Scoping Surveys conclude that no further survey work is required, but make a number of recommendations which should be followed prior to and during construction works. Subject to the imposition of a condition requiring that the recommendations detailed within the Scoping Survey be followed prior to and throughout the construction period, I do not consider that the development would have an adverse impact upon protected species. In addition, details of ecological enhancement measures would be required as part of the landscaping scheme which would be submitted pursuant to condition, should permission be granted. Subject to the imposition of these conditions, I see no reason to refuse the application on the grounds of ecology.

Archaeology

59. This application was accompanied by a Desk Based Archaeological Assessment and, as part of a wider housing/commercial development site, the application site has been subject to archaeological investigations. It is stated by a Borough Councillor that the site has potential for Mesolithic and Neolithic activity and that there is a high potential for early prehistoric remains to be present. The Borough Councillor further considers that a condition of consent should be imposed requiring further archaeological work to be undertaken. However, the County Archaeologist is satisfied that sufficient archaeological evaluation and excavation has been undertaken across the site, and is of the view that no further work is required. Given the level of archaeological work that has been undertaken, and in considering the views of the County Archaeologist, I am satisfied that no further work is required in this instance.

External lighting

60. As outlined in paragraph 20 of this report, limited details with regard to the external lighting scheme have been provided at this stage. The applicant states that external areas would be lit with LED light sources using low level bollard lighting, in addition to time clocks and daylight sensors. Given the limited details provided I consider that, should permission be granted, it would be appropriate to reserve details by condition so that the type and position of any external lighting, including lighting of the buildings for security and wayfinding, and lighting of the car parking and access areas, can be controlled to ensure any potential nuisance from light pollution can be minimised.

Proposed 2FE Primary School at Finberry Village, Mersham, Ashford
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Residential Amenity and Construction Matters

61. No issues regarding specific residential amenity have been raised by consultees and/or objectors to the proposal, due in part to the fact that land surrounding the application site is yet to be developed. However, I am satisfied that the proposed development is sufficiently distanced from any forthcoming neighbouring properties/care facilities to avoid any adverse impacts. However, given that there are some completed residential properties within the wider development, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.
62. In accordance with the requirements of Highways and Transportation, I also consider it appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods and hours of working, location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, and details of construction accesses. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.
63. In addition to the above, should permission be granted, conditions of consent would ensure that dust, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Conclusion

64. This proposal seeks to provide educational facilities for a major growth area of Ashford and would allow early provision of required community infrastructure. The principle of the provision of a school on this site has been established by the granting of outline approval by Ashford Borough Council as part of the overall site masterplan and development brief for the wider development at Finberry. The applicant has also modified that site layout and design of the school in response to Design Panel Review and previous objections to the proposal and has, in my view, moved away from the standard EFA baseline design approach, adding to the individuality of the school whilst maintaining its functionality and deliverability.
65. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. The development is in accordance with the principles of the National Planning Policy Framework and the Planning Policy Statement for Schools (2011). Subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the character and appearance of the local area, the local highway network or the amenity of future residents, and would accord with the principles of sustainable development as set out in the NPPF. Therefore, I recommend that permission be granted subject to appropriate conditions

Recommendation

66. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- the standard time limit for implementation;
- the development to be carried out in accordance with the permitted details;
- the submission and approval of details of all materials to be used externally, including details of joinery, colour finishes, depth of reveals, details of the jointing of the cladding panels and 1:50 elevations and cross sections of the projecting window 'boxes';
- the submission and approval of details of the sprinkler tank and bin store;
- the submission and approval of details of the extraction flue, including a maintenance schedule;
- the submission and approval of details of all external lighting, including hours of operation;
- the submission and approval of a scheme of landscaping, including tree planting, soft landscaping, ecological enhancements, hard surfacing, its implementation & maintenance;
- development to accord with the recommendations of the ecological surveys, including a tool box talk to contractors regarding protected species prior to the commencement of the development;
- the submission and approval of details of all gates, fences and means of enclosure;
- the submission and approval of details of external seating and external seating areas;
- the submission and approval of details of on-site cycle parking, and subsequent provision and retention;
- the submission and approval of a School Travel Plan within six months of occupation, and thereafter ongoing monitoring and review;
- the submission and approval of a detailed car parking layout plan showing how the car parking would be allocated on site;
- provision and retention of car parking, cycle parking, access, circulatory routes and turning areas;
- the provision of the vehicular and pedestrian access points into the school site prior to occupation;
- the development to meet the sustainable design standards set out in the application documents;
- ground levels and finished floor levels;
- the submission and approval of a detailed Sustainable Surface Water Drainage Scheme, and details of its implementation, maintenance and management;
- control of infiltration of surface water drainage;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- the submission of a Construction Management Strategy, including the location of site compound and operative parking, wheel washing/cleaning facilities, and details of the construction access & management of the site access; and
- measures to prevent mud and debris being taken onto the public highway.

Proposed 2FE Primary School at Finberry Village, Mersham, Ashford
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67. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

- The applicant's attention is drawn to the letter from Highways and Transportation in which it is noted that it is the responsibility of the applicant to ensure that all necessary highway approvals and consents where required are obtained.
- With regard to the requirement to prepare and submit a (revised/amended) School Travel Plan, the applicant is advised to register with Kent County Council's Travel Plan Management system 'Jambusters' using the following link <http://www.jambusterstpms.co.uk>. Jambusters is a County Wide initiative aiding Schools in the preparation and ongoing monitoring of School Travel Plans.
- The applicant's attention is drawn to the letter from the Environment Agency and account should be taken of the their advice regarding the River Stour and Ruckinge Dyke, and registering with the Environments Agency's Flood Warnings Direct Service;
- With regard to the Sustainable Surface Water Drainage Scheme, the applicant is advised that the Scheme cannot be determined until such time as it can be clearly demonstrated that the required connection to the wider network is available to convey the water away from the site, and it can be demonstrated that Crest Nicholson have constructed the down-stream attenuation features and that they are ready to receive the site's discharge.

Case officer – Mary Green	03000 413379
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Background documents - See section heading
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Deloitte.

Real Estate

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20th August 2015

By Email and Post

Dear Mary

Application Reference: KCC/AS/0121/2015**Land at Finberry Village, Ashford, Kent**

Creation of a 2 form entry school comprising a two storey building, access, car parking and pick up/drop bays, external play areas including MUGA, informal play area and grass playing fields and hard and soft landscaping

Thank you for your letter dated 6th August 2015, received by us on 10th August. As requested, we are pleased to provide a response to additional material submitted by the applicant, and uploaded to your website on 7th August.

Further to our previous correspondence you will be aware that we act on behalf of the Church Commissioners for England (the 'Commissioners') who is the landowner of the application site.

The Commissioners maintains its objection to this planning application for the following principal reasons:

Absence of Coherent Design

On 23 June, the South East Regional Design Panel (SERDP) issued a report in response to the application proposals. That said, *inter alia*:

"We are sorry that we cannot support the proposal in its current form. In our view, the building will not fit in well with its surroundings, nor do we think it will offer a suitable environment for learning, teaching and play... We believe the project could be improved within the limits of the Education Funding Agency (EFA) Baseline design without substantially adding to the cost. It is essential however for the team to be given enough time to develop and test the changes that need to be made..."

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Real Estate

In conclusion, the Panel noted that:

"The EFA Baseline Design should not be seen as a fixed blueprint...indeed the EFA expects the baseline designs to evolve in response to feedback. This should be seen as an opportunity to amend the Finberry proposals to meet the specific needs of the place...Please keep the Panel in touch with the project..."

On 15 July, three working weeks from the date of the Panel's report, the applicant considered themselves:

- a) Satisfied that they had made changes to the design sufficient to satisfy the comments made by SERDP; and
- b) Content that no further recourse would be required to SERDP to test those assumptions, despite that being the concluding advice of the Panel.

It is unclear why the applicant has chosen not to return the proposals to SERDP, following their request to be kept involved.

On 30 July, in a letter from David Adams of KCC to the Commissioners, Mr Adams noted:

"We do not propose to go back to SERDP. Our proposals have to be locked down ready for submission of a revised planning application."

In our view, whilst the applicant has made superficial amendments to the building design, they have failed to do what should be done with any form of baseline design and as advised by SERDP; that is to take it and make it fit with the local vernacular.

The location and size of the school site was agreed some years ago. There has been ample time for the applicant to bring forward proposals, based on EFA standard templates, but which reflect an imaginative, interesting, enlivening and ambitious exterior.

It is the view of CCE that the design of the proposals does not reflect the vernacular of Kent or Ashford, as requested by SERDP, paragraphs within Section 7 of the National Planning Policy Framework and Policy CS9 of the Ashford Borough Core Strategy (2008). The original and amended proposals fail these key material considerations. The lack of any reference to local vernacular also fails to meet the tests contained within Policy U23 of the Ashford Borough Urban Sites and Infrastructure DPD, in particular Policy U23.

The result is a disjointed, albeit colourful, factory-type structure which would be altogether more appropriate on an industrial estate, but not on the edge of the open countryside in a new settlement. Expedient attempts to deal with the SERDP comments by softening the facades with the use of non-traditional materials in orange have not worked. The overuse of zinc persists (despite SERDP describing it as an 'unnecessary extravagance'). Ashford is not known for the use of zinc on buildings and it is unclear why this remains, despite independent architectural criticism. Zinc appears an unnecessary cost in this countryside location. It is also unclear from the Design and Access Statement as to how the building will 'fit in' or address its neighbours.

The applicant makes no reference in their Planning Statement (dated April 2015 and not yet updated to reflect the SERDP comments or revised layout or design) to the Cheeseman's Green Development Brief,



adopted 2003 and which remains a material consideration in the determination of any planning application therein. This document informs the approach to be taken to building detailing within the development as a whole. It would appear not to have been referred to by the applicant, to date. This is surprising since Ashford Borough Council still refers to it in the determination of their planning applications.

In a letter from Nigel Smith of KCC dated 19 August (copy enclosed), he notes that:

"Whilst KCC acknowledges that there are some remaining concerns about the layout and design, you will appreciate that there are a number of significant competing priorities for the local area to be taken into consideration – not least the delivery of a quality educational environment to provide the school places for pupils as soon as they are necessary and required."

The Commissioners do not agree with this philosophy for the following reasons:

- a) There is an acceptance in this statement, from the applicant, at a senior level, that the application proposals are not fit for purpose as yet. The Planning Authority should not therefore be determining them until they have improved to a point which meets the applicant's own aspirations, as an absolute minimum;
- b) The applicant has had considerable time to take the EFA baseline designs, and to articulate an external design which better respects the local vernacular and 'place'. Expediency now will only result in regret later, the results of which will have to be endured by resident council-tax payers for many years to come;
- c) It should be the role of public bodies to safeguard and champion good design, and demonstrate that good design and the provision of school places can co-exist. History suggests that they need not be mutually exclusive and that good, properly considered buildings cost less, in the long run.

Failure to Future Proof in Layout Design

The applicant is aware of representations to Ashford Borough Council to the extent that land to the north-west of the school site (referred to as The Nib) is being promoted for approximately 400 residential dwellings. We await the publication of the first draft Ashford Local Plan (expected in 2016).

The applicant will also be aware that Cheeseman's Green and Waterbrook are identified in the Core Strategy as an area of significant planned population growth, capable of accommodating around 4,300 new homes by 2020 (Policy CS5). Policy CS5 states that development of these areas must be planned and implemented in a comprehensive way that is linked to the delivery of key infrastructure.

The applicant's revised Design and Access Statement notes on page 12 that:

"The application site is approximately 20, 114 sq. m in size and above the minimum gross area under BB103"

Page 30 amplifies the position:

"...the minimum requirement for a 420 pupils (sic) Primary School, the Gross Site Area required will be 15,986 sq. The site area available is approximately 20,114 sq. m is therefore compliant and approximately 4,128 sq. m over requirement. In summary, the above will provided (sic) great play facilities for both the school as a whole and the community at large." (our emphasis)



The site is therefore 20% larger than minimum requirements required by the Government. As landowner, and a funding party (as per the S106 Agreement), CCE seek clarity on what profitable use this additional 20% is being put to?

Some of this additional space seems to be contained within the formal 'plaza' shown on the revised site layout to the north of the school building. Within the revised Design and Access Statement this new space, (which has necessitated the introduction of more, not less security fencing on site, entirely contrary to SERDP advice) is variously described as:

- "substantial open space" – page 17
- "an open civic plaza" – page 19
- "Entrance Plaza" – page 38

The Commissioners have two principal objections to the creation of this space:

- a) The Commissioners are providing land for a primary school in the reasonable expectation that the education provider (KCC) would demonstrate good stewardship in the design and use of the site for the long term wellbeing of the emerging community and creation of civic pride. The transfer, appended to the s.106 agreement, imposes a restrictive covenant which states that the Property is not to be used other than for the purposes of "education, childcare provision or related community use". As a charity, the Commissioners are unable to transfer land for uses other than those required to mitigate the effects of their planning application. The use of the school site for open space (other than that which is absolutely incidental to the site's primary use) will not be permitted by the terms of the s.106 agreement or the terms of the transfer appended thereto. The Commissioners do not consider the use of a large swathe of land (the plaza), as an educational, related community or incidental use envisaged in 2006, nor do they consider its inclusion as the best use of a scarce resource when there exists (or is proposed) ample public or civic open space within the overall development;
- b) The absorption of 4,128 sq. m of unnecessary space will result in needless maintenance and life cycle implications for the applicant which is contrary to the Government's stated desire to reduce wastage in the use of public sector assets. The Commissioners will also need to understand, in the interests of their obligations to the Charities Commission and Parliament to achieve best value upon the transfer of their assets, precisely where, within the site this surplus 4,128 sq. m of land has been absorbed by the applicant. We suspect that some, but not all, can be accounted for in the 'plaza'. The Commissioners will require this information before the land transfer can take place.

The Commissioners therefore object to the current proposed layout of the school. There is limited means by which the school could be extended in future years other than across its east-west axis, which would be unimaginative in the extreme. The need for extension is reasonably foreseeable today. Land which could have been used in future years is therefore being sterilised by the applicant now, by virtue of the building's position on the site, and the creation of an unnecessary plaza feature, the cost of which will become a maintenance burden for years to come. If the building were designed correctly, taking into account the almost certain need for expansion and the fact that this site is 20% larger than the applicant actually requires (as confirmed by their architect), the ability to use that surplus space to create future school places could be realised with minimal effort. As matters stand, a lack of forward planning means



that that is unlikely to be the case. Finally, unless the proposed 'plaza' is for educational or a related community use which can be articulated, it will fail to meet the requirements of the land transfer.

The Commissioners enjoy a good relationship with Kent County Council and have worked closely together in the past to achieve shared objectives. We have valued the open and constructive dialogue which we experienced on this school project, before it entered the consultation/town planning process. The Commissioners support the creation of a good quality primary school facility which creates an interesting and enlivening experience for children, staff, parents and wider residents alike, but not at the cost of haste or expediency. Please be assured that despite these objections, the Commissioners remain committed to working with the Council and, hopefully, resolving the fundamental concerns now raised by all neighbouring parties.

I trust you will take this objection into account in deciding how best to take this application forwards. Please would you keep me fully informed as to next steps in the application's determination.

Yours sincerely

A solid black rectangular box redacting the signature of Matthew Wright.

Matthew Wright
For Deloitte LLP

By email and post

Enc:

Letter from Nigel Smith of KCC, dated 19 August

cc:

Andrew Dobson, Crest Nicholson
Alex Vicary, Crest Nicholson
Roland Mills, Ashford Borough Council
Chris Lamb, Design South East
Nigel Smith, Design South East
Nigel Smith, Kent County Council
David Adams, Kent County Council
James Sanderson, Kent County Council
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Your ref: KCC/AS/0121/2015
Our ref: KCC School Site

Miss Mary Green
Planning Applications Group
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ME14 1XX

20 August 2015

Dear Miss Green,

CONSULTATION RESPONSE IN RESPECT OF APPLICATION REF: KCC/AS/0121/2015

The following comments are made on behalf of Crest Nicholson in respect of the most recent iteration of the school site application at Finberry, Ashford.

It is understood that the revised plans for the site have been evolved following the comments at the South East Design Review Panel. However, there is concern that the amendments made only seem to go half way to addressing the comments of the Design Panel, Local Authority and the key stakeholders in the land and development.

The revised site layout has been update to address the issue of the MUGA being located directly opposite the proposed Extra Care scheme and the relationship of the landscaping with the junction of the Distributer Road 'D' has been improved. Bringing the access off Distributer Road D1 could potentially improve the fronting relationship with the surrounding roads and footways that lead towards the school – hopefully this should encourage parents to walk their children to school rather than use the car; a safe crossing across this road would be beneficial.

The parking itself seems to be a logical layout, it is questioned whether this has been tracked for car, coaches and fire tenders? The drop off and pick up point outside of the school (within the site) would benefit from being widened to allow for cars temporarily dropping children off to pull off the main thoroughfare and thus allowing cars to easily pass by if parked badly or simply for the larger modern day car. This widening will also allow for coaches to park safely for drop off in the mornings or school trips.

The landscaping scheme seems to have improved, with external areas for teaching, sensory areas and the secured area for lower forms have been fully thought through and exciting to use. It is hoped that the landscaping scheme that is proposed is of high quality and not diluted in the construction process. It would benefit from a selection of plants which encourage biodiversity through learning and complement the built development. It is requested that a condition be imposed to this effect on any resulting planning permission.

There are serious concerns regarding the 'security' fencing and the final aesthetic of this. It is important to stress that the design of this must be fully considered as this is the first element that will be seen as one approaches the school. It is suggested that images of the proposed fencing around the whole site is

submitted with the application and, at the very least, details required to be secured via condition should planning permission be granted.

Disappointingly, the school building itself has not been improved. Whilst material changes with zinc cladding and bright orange coloured panels may improve the distant aesthetic of the building it does not detract from the fact that the building form has not changed at all. We believe that there are still basic design issues with the layout of the building as highlighted previously. The issues include;

- The continuous linear form – Whilst this may make for a cost effective build, it does not make for an exciting building to learn in. The site being so generous could accommodate the building being articulated with projections and recesses in the façade helping to create an exemplar scheme.
- The main hall – As a key feature on the eastern edge of the building, it is still considered that this addresses the corner and the long distant views poorly. The roofscape is accentuated in the wrong direction and does not make use of its predominant position that the masterplan depicted.
- Kitchen and store location – As with the hall above, to have the kitchen and stores on the key street elevation is very poor design. The lack of fenestration and potential extract and flues showing deposits running down the cladding over time is not acceptable and must be reconsidered.
- Future expansion – It has also been brought into question the possibility of expanding the school in the future and to facilitate this, the building would need to be designed to accommodate an additional floor. This was one of the many points raised by the SEDR panel – has this been considered by the applicant and design team and how would the future expansion of the carpark be dealt with?

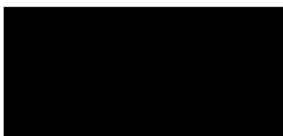
Finally, it is noted that the following Atkins reports are currently shown as part of the application submission:

- Precautionary Method of Working Statement dated June 2015
- Ecological Impact Assessment dated April 2015
- Technical Note dated 15 January 2015

These reports were shared with KCC on the basis that the information contained therein could be used to inform the submission. However, authorisation was not given by Crest Nicholson or Atkins to use these as evidence in support of the proposal. Discussions with the agent have confirmed that these reports were submitted in error and it is understood that steps were to be taken to have these removed from the submission. As such, we would request that this information is removed as a matter of urgency and not included as part of the decision making process.

In summary, we believe that there are still a number of issues that need to be addressed in order to deliver and comprehensive scheme that will complement the surrounding built development.

Yours faithfully



Stephanie Weeks
Associate Partner

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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

DA/12/1170/R19	<p>Details of proposed lighting pursuant to condition (19) of planning permission DA/12/1170 (upgrade to sewage treatment works including sludge cake storage building, odour control stack, kiosks, containerised plant and associated works).</p> <p>Long Reach Sewage Treatment Works, Marsh Street, Dartford</p> <p>Decision: Approved</p>
DO/15/588	<p>Development of a waste management facility for the sorting of skip waste.</p> <p>Land to the South of Stonar Cut, Ramsgate Road, Sandwich</p> <p>Decision: Permitted</p>
TM/04/1019/R	<p>Non-material amendment to allow an alteration to condition (6) of planning permission TM/04/1019 to allow the new site owner (Aylesford Heritage Ltd) to occupy the existing site office building.</p> <p>Aylesford Sand Quarry, Rochester Road, Aylesford, Maidstone</p> <p>Decision: Approved</p>
TM/14/3991/R6 & R7	<p>Details pursuant to condition 6 (Route Management Plan) and Condition 7 (Improved Road Signage) of planning permission TM/14/3991 (which increases the volume of liquid and numbers of vehicles allowed for the treatment of commercial liquid waste by permission TM/92/358).</p> <p>Ham Hill Wastewater Treatment Works, Brook Lane, Snodland</p> <p>Decision: Approved</p>
TM/15/2844	<p>Installation of an above ground kiosk.</p> <p>Ham Hill Wastewater Treatment Works, Brook Lane, Snodland</p> <p>Decision - Permitted</p>
TW/14/501345/RB	<p>Section 96A application for a non-material amendment for minor adjustments to site layout (moving plant 3m to the east) within the existing approved application boundary.</p> <p>Conghurst Farm, Conghurst Lane, Hawkhurst, Cranbrook</p> <p>Decision – Approved</p>

- TW/15/500309/R Non-Material Amendment to the approved cable route (planning permission TW/15/500309) to avoid/minimise potential disturbance to tree root protection zones, and to pass through an existing gateway to minimise disturbance to hedgerows and nearby trees.
Conghurst Farm, Conghurst Lane, Hawkhurst, Cranbrook
Decision - Approved
- TW/15/504981 Installation of Anaerobic Digester, comprising below ground digester, ammonium sulphate tank, lagoon and associated areas of hardstanding, together with relocated earth bund.
Land to the north of existing farm buildings, Knoxbridge Farm, Cranbrook Road, Staplehurst
Decision - Permitted

E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents – The deposited documents.

- AS/13/1453/R Non-material amendment to details of photo voltaic panels previously approved pursuant to condition (21) of planning permission AS/13/1453.
Ashford Day Opportunities Service, St Stephens Walk, Ashford
Decision: Approved
- AS/14/606/R5&R9 Details of external lighting and Tree Protection Plan pursuant to conditions (5) and (9) of planning permission AS/14/606.
Furley Park Primary School, Reed Crescent, Kingsnorth
Decision: Approved
- AS/15/1089 Provision of 12 no additional car parking spaces to existing parking area.
Rainbow Centre – MASH, Great Chart Bypass (A28), Ashford
Decision - Permitted
- DA/13/1203/R12 Submission of updated School Travel Plan pursuant to condition (12) of DA/13/1203
Maypole Primary School, Franklin Road, Dartford
Decision: Approved
- DA/15/514/RVAR Details pursuant to conditions 3 (materials), 8 (construction management strategy) and 9 (archaeology) of planning permission DA/15/514.
Temple Hill Primary Infants School, St Edmunds Road, Dartford
Decision: Approved

DA/15/1156	Section 73 application for the variation of condition 4 of planning permission DA/14/108 (granted for a new 2-storey detached building) to amend the car parking layout to avoid hedge removal Manor Community Primary School, Keary Road, Swanscombe Decision: Permitted
DO/13/855/R4	Details of lighting pursuant to condition (4) of planning permission DO/13/855. Dover Christ Church Academy, Melbourne Avenue, Whitfield Decision: Approved
DO/13/855/R26	Details of landscaping pursuant to condition (26) of planning permission DO/13/855. Dover Christ Church Academy, Melbourne Avenue, Whitfield Decision: Approved
DA/14/108/R10	Details of Ecological Mitigation and Management Plan pursuant to condition (10) of planning permission DA/14/108. Manor Community Primary School, Keary Road, Swanscombe Decision: Approved
GR/15/742	Construction of a 2 classroom modular building inclusive of toilets, lobby and store. Lawn Primary School, High Street, Northfleet, Gravesend Decision: Permitted
MA/14/504946/RVAR	Submission of details of external materials (condition 4), archaeology (condition 5), drainage (condition 8), landscape (condition 9) and construction, access and compound (condition 19) of planning application reference MA/14/504946 in relation to Phase 1 works. Five Acre Wood School, Boughton Lane, Maidstone Decision: Approved
MA/15/500376/ RVAR	Details of external materials, landscaping and construction management strategy, pursuant to conditions (3), (6) and (10) of planning permission MA/15/500376. Maidstone Grammar School for Girls, Buckland Road, Maidstone Decision: Approved
MA/15/501363/ R3&R4	Submission of details of external materials for agricultural barn and modular classroom, pursuant to conditions (3) and (4) of planning permission MA/15/501363. New Line Academy, Boughton Lane, Maidstone Decision: Approved
MA/15/503462	Creation of a 2 form entry primary school comprising a two storey building, access, car parking and pick up/drop off bays, external play areas including a Multi-Use Games Area, informal play area and grass playing field and hard and soft landscaping. Land at Langley Park, Sutton Road, Maidstone Decision: Permitted

MA/15/506900	The erection of a modular classroom block with 2 classrooms, an office and toilets, along with a small agricultural style barn and store, 2 x stable blocks, a polytunnel and 4 x pig arks. Use of land as school farm including creation of paddocks and horticultural teaching area. New Line Learning Academy, Boughton Lane, Maidstone Decision: Permitted
SE/14/13/RA	Application for a non-material amendment for minor changes to fenestration, removal of solarshading and removal of roof lights. Knole East Academy, Seal Hollow Road, Sevenoaks Decision: Approved
SE/15/2513	Temporary planning permission for the retention of the existing 2 classroom modular building. Otford Primary School, High Street, Otford, Sevenoaks Decision: Permitted
SH/14/694/R6	Details of additional tree removals and works pursuant to condition (6) of planning permission SH/14/694. St Marys Playing Field, Warren Way, Folkestone Decision: Approved
SH/14/694/R25	Details of an alternative route for delivery vehicles pursuant to condition (25) of planning permission SH/14/694, in addition to the route in the approved Construction Management Plan. St Marys Playing Field, Warren Way, Folkestone Decision: Approved
SW/14/139/R12	Details of cycle parking pursuant to condition (12) of planning consent SW/14/139. Eastchurch C of E Primary School, Warden Road, Eastchurch, Sheerness Decision: Approved
SW/14/139/R13	Details of school travel plan pursuant to condition (13) of planning consent SW/14/139. Eastchurch C of E Primary School, Warden Road, Eastchurch, Sheerness Decision: Approved
SW/14/505581/R3 & R6	Details of materials and construction management strategy, pursuant to conditions (3) and (6) of planning permission SW/14/505581. West Minster Primary School, St George's Avenue, Sheerness Decision: Approved
SW/15/505228	Demolition of existing mobile classroom unit and install existing modular building located at Furley Park Primary Academy to Westlands Primary School. Westlands Primary School, Homewood Avenue, Sittingbourne Decision: Permitted

TH/13/1014/R11	<p>Details of ground contamination not previously identified and validation reports confirming the outcome of remediation works pursuant to condition (11) of TH/13/1014. Former Newington Primary School Site, Melbourne Avenue, Ramsgate. Decision: Approved</p>
TH/14/112/R	<p>Application for a Non-Material Amendment; the main access road through the site is to be widened to improve access from Newlands Lane, the fenestration to the main halls are to have low level louvers removed and have the window configuration altered, reduction in size and relocation of the main entrance window, reconfiguration of site wide canopies to new location outside the KS1 classrooms, the southern Air Source Heat Pump compound is to be relocated to the main plant compound following the removal of the need to provide a sprinkler storage tank. Land north of Ellington and Hereson School, Newlands Lane, Ramsgate Decision: Approved</p>
TH/14/112/RVAR	<p>Details pursuant to conditions 3 (all materials to be used externally); 4 (a scheme of landscaping and tree planting); 14 (a programme of Archaeological work) and 19 (a construction management strategy) of planning permission TH/14/112. Land north of Ellington and Hereson School, Newlands Lane, Ramsgate Decision: Approved</p>
TH/14/1064/R7	<p>Details pursuant to condition (7) - Archaeology of planning permission TH/14/1064. St Anthony's School, St Anthony's Way, Margate</p>
TH/15/27/R4	<p>Details of archaeological watching brief pursuant to condition (4) of planning permission TH/15/27. Holy Trinity & St. Johns C of E Primary School, St. Johns Road, Margate Decision: Approved</p>
TH/15/599	<p>Retention of existing mobile unit. Ellington Primary School, High Street, St Lawrence, Ramsgate Decision: Permitted</p>
TH/15/618	<p>Erection of Electricity Sub-Station and Switchroom. Land at Ozengell Place, Ramsgate Decision: Permitted</p>
TH/15/846	<p>Full planning application for the proposed erection of a new single storey school building and two temporary modular buildings, together with associated access and landscaping works (the proposal will not lead to an increase in school student and staff numbers). Bromstone Primary School, Rumfields Road, Broadstairs Decision: Permitted</p>

TH/15/849	Installation of a Mobile Classroom Unit to provide additional teaching accommodation and a flexible space for community use and extracurricular activities. Palm Bay Primary School, Palm Bay Avenue, Cliftonville, Margate Decision: Permitted
TM/14/1929/RA	Non material amendment to planning permission TM/14/1929 to remove the external stair tower and minor changes to the fenestration. Land at Gibson Drive, 30, Gibson Drive, Kings Hill, West Malling Decision: Approved
TM/14/1929/R17	Details of drainage pursuant to condition 17 of planning permission TM/14/1929. Land at Gibson Drive, 30, Gibson Drive, Kings Hill, West Malling Decision: Approved
TM/14/2109/R18	Details of updated landscape plan pursuant to condition (18) of planning permission TM/14/2109. Land at Leybourne Chase, Derby Drive, Leybourne, West Malling Decision: Approved
TM/15/2164	Erection of temporary buildings comprising office/admin, classrooms and toilet accommodation for a period of 6 months. Land at Leybourne Chase, Derby Drive, Leybourne, West Malling Decision : Permitted
TW/14/500759/RVAR	Details pursuant to conditions (13) – Construction Management Plan, (15) – Wheel Washing and (22) – External Materials of planning permission TW/14/500759. Land at Home Farm Lane, Tunbridge Wells Decision: Approved

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

KCC/TW/0301/2015 - Erection of Motor Control Centre (MCC) Kiosk.
Bidborough Waste Water Treatment Works, Frank Hollow Road, Bidborough

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

KCC/SCO/AS/0293/2015 Request for a scoping opinion to determine the extent of an Environmental Impact Assessment to accompany a planning application to extend the clinical waste incineration facility.

Land at William Harvey Hospital, Kennington Road, Ashford

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