

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 15th May, 2019**

**10.00 am**

**Council Chamber - Sessions House**







## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Wednesday, 15th May, 2019, at 10.00 am**  
**Council Chamber - Sessions House**

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

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

#### **Membership (13)**

- Conservative (10): Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman),  
Mrs R Binks, Mr A Booth, Mr P C Cooper, Mr M D Payne,  
Mr H Rayner, Mr C Simkins, Mrs P A V Stockell and Mr J Wright
- Liberal Democrat (1): Mr I S Chittenden
- Labour (1) Mr B H Lewis
- 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 - 6 March 2019 (Pages 7 - 12)
4. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

1. General Matters

#### **C. MINERALS AND WASTE DISPOSAL APPLICATIONS**

#### **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

1. Proposal 19/00063 (KCC/CA/0003/2019) - Demolition of existing school buildings and replacement with a part two storey, part three storey teaching block with interlinked Sports Hall together with new Multi Use Games Area (MUGA), landscaping and associated ancillary works at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury ; KCC and Kier Construction (Southern) (Pages 13 - 44)
2. Proposal 19/00247 (KCC/SE/0014/2019) - Alteration to existing fencing and gates to remove existing 1.2m high staves and replace with 1.5m high matching staves and installation of staves to existing gates at Ide Hill Primary School, Sundridge Road, Ide Hill; Governors of Ide Hill Primary School (Pages 45 - 60)

#### **E. MATTERS DEALT WITH UNDER DELEGATED POWERS**

1. County matter applications
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

#### **F. KCC RESPONSE TO CONSULTATIONS**

1. Draft Folkestone and Hythe Core Strategy Review 2019 (Pages 69 - 72)
2. Application DO/12/00440 Western Heights and Farthingloe, Dover (Pages 73 - 84)
3. Canterbury CC Community Infrastructure Levy (Pages 85 - 90)
4. Application CA/17/01383/OUT - Outline application (with all matters reserved) for the development of up to 650 houses and associated community infrastructure comprising primary school, community building, public car park and associated amenity space, access, parking and landscaping; and detailed/full application for the construction of part of the Sturry Link Road and a local road from the Sturry Link Road to Shalloak Road. (Pages 91 - 96)
5. Response to scoping request for land at Westgate on Sea (Pages 97 - 104)

#### **G. 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)*

Benjamin Watts  
General Counsel  
03000 416814

Tuesday, 7 May 2019

*(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 section D, are available to Members in the Members' Lounge.)*

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**KENT COUNTY COUNCIL****PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber - Sessions House on Wednesday, 6 March 2019.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mrs R Binks, Mr A Booth, Mr P C Cooper, Ms S Hamilton (Substitute for Mr M D Payne), Mr P M Harman, Mr B H Lewis, Ida Linfield (Substitute for Mr I S Chittenden), Mr H Rayner, Mr C Simkins and Mr J Wright

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Wooldridge (Principal Planning Officer - Mineral Developments) and Mr A Tait (Democratic Services Officer)

**UNRESTRICTED ITEMS****13. Minutes - 6 February 2019**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 6 February 2019 are correctly recorded and that they be signed by the Chairman.

**14. Applications TM/18/2549 and TM/18/2555 (KCC/TM/041/2018 and KCC/TM/0492/2018) - Variation of Conditions on Permissions TM/93/612 and TM/97/751/MR102 to provide a revised restoration and aftercare scheme at Aylesford Quarry, Rochester Road, Aylesford; Aylesford Heritage Ltd**

*(Item C1)*

(1) The Head of Planning Applications Group tabled a letter dated 5 March 2019 from the Solicitor Advocate from Tonbridge and Malling BC together with the Officer Delegated Report of 24 October 2018 which accompanied it. This letter set out the Borough Council's view that the Environmental Statement which accompanied the Applications contained fundamental flaws and failed to deal with matters required by law. It also claimed that, in consequence, a number of conclusions set out in the Head of Planning Applications Group's report were *Wednesbury* unreasonable and that any decision issued by the County Council under these circumstances would be susceptible to judicial review.

(2) The Head of Planning Applications Group also tabled paragraph 18 Schedule 4 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. These documents were accompanied by legal advice from Invicta Law to the Head of Planning Applications Group (dated 6 March 2019) which advised that the County Council would not be acting irrationally or unreasonably in determining the applications as proposed.

(3) The Head of Planning Applications Group reported an objection to the applications which had been received from Mr P J Homewood (Local Member) after the Committee papers had been published.

(4) The Head of Planning Applications Group asked the Committee to amend the recommendation set out in paragraph 174 (i) through the inclusion of an additional revised dust mitigation requirements condition.

(5) Following the Head of Planning Applications Group's introduction, the Chairman adjourned the meeting to allow the Members of the Committee to read all the new documentation provided.

(6) Mr H Rayner moved, seconded by Ida Linfield that consideration of this matter be deferred.

(7) Following advice from the Head of Planning Applications Group, Ida Linfield withdrew her support for the motion which therefore fell.

(8) The Head of Planning Applications Group advised the Committee that in determining the applications, it needed to be satisfied that the Environmental Statement met the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

(9) Mr A Booth moved, seconded by Mr R A Pascoe that the recommendations of the Head of Planning Applications Group be agreed as amended in (4) above.

*Carried 10 votes to 0 with 2 abstentions.*

(10) RESOLVED that: -

(a) permission be granted to Application TM/18/2549 for the variation of conditions 20, 28 and 32 of Permission TM/93/612 to provide a revised restoration and aftercare scheme and consistent noise limits for temporary operations such as restoration with those provided for by Permission TM/97/751/MR102 for that part of Aylesford Quarry to the East of Bull Lane subject to conditions, including those conditions covering the existing conditions on Permission TM/93/612 continuing to apply to the West Lake area (subject to minor alterations to reflect any approvals given pursuant to that permission); the existing conditions on planning permission TM/93/612 continuing to apply to the East Lake area (subject to minor alterations to reflect any approvals given pursuant to that Permission and except where amended by this Application and therefore to be replaced / supplemented); a new condition to address potential land contamination; Natural England's suggestions in respect of the long term management of the SSSI being incorporated into the aftercare / long term management; the written scheme of investigation (WSI) set out in the applicant's Archaeological Report being implemented as proposed; the provision of a detailed ecological mitigation strategy and a site wide management plan; the provision of an updated landscaping scheme and detailed aftercare programme within 6 months of approval / permission; the implementation of the proposed tree protection measures; the implementation of the proposed phasing; the provision of suitable fencing and signage; and revised dust mitigation requirements; and

(b) permission be granted to Application TM/18/2555 for the variation of Conditions 36 and 39 and deletion of Condition 44 of Permission



TM/97/751/MR102 to provide a revised restoration and aftercare scheme for that part of Aylesford Quarry to the East of Bull Lane subject to conditions, including those conditions covering the existing conditions on planning permission TM/97/751/MR102 continuing to apply to the West Lake area (subject to minor alterations to reflect any approvals given pursuant to that planning permission); the existing conditions on Permission TM/97/751/MR102 continuing to apply to the East Lake area (subject to minor alterations to reflect any approvals given pursuant to that planning permission and except where amended by this Application and therefore to be replaced or, in the case of condition 44, deleted); a new condition to address potential land contamination; Natural England's suggestions in respect of the long term management of the SSSI being incorporated into the aftercare / long term management; the written scheme of investigation (WSI) set out in the applicant's Archaeological Report being implemented as proposed; the provision of a detailed ecological mitigation strategy and a site wide management plan; the provision of an updated landscaping scheme and detailed aftercare programme within 6 months of approval / permission and implementation of the proposed tree protection measures; the implementation of the proposed phasing; and the provision of suitable fencing and signage; and

(c) the applicants be advised by Informative that:-

- (i) they are encouraged to allow Natural England to access the SSSI; and
- (ii) they are encouraged to participate in discussions with the Environment Agency and others to explore opportunities to:-
  - reduce flood risk in the centre of Aylesford through the creation of a high-level overflow channel on the land between Anchor Farm and Aylesford Quarry; and
  - introduce meandering and other natural flood management measures upstream of the site.

## **15. Matters dealt with under delegated powers**

*(Item E1)*

(1) The Head of Planning Applications Group reported two urgent decisions taken under Section 1.7 of Appendix 2 Part 3 of the Constitution. The first of these was a **request from Gallagher Aggregates Ltd to agree to out of hours working at Hermitage Quarry to enable the supply of aggregates to the Manston Lorry Park Project up until the end of March 2019. This is supported by Government as part of Hard Brexit contingency planning.**

(2) The request sought a 3-hour extension to the operating day until the end of March 2019 to allow up to 50 HGV movements between 1800 and 2100 hours on Mondays to Fridays and between 0700 and 1300 hours on Saturdays, although a specified number of pre-loaded vehicles were also able to leave Hermitage Quarry from 0630 hours.

(3) Gallagher Aggregates Ltd advised that it would try to undertake the necessary HGV movements during the normal working day but recognised that it might need the additional periods to supply the required quantity of aggregates. It also advised that allowing the additional hours would not result in the permitted average (600) or maximum (900) number of HJV movements per day being exceeded.

(4) It was not possible to secure any formal planning permission in the timescale involved.

(5) The views of the Chairman of the Planning Applications Committee and the Local Member, Mr P J Homewood were sought in advance of the decision being made. Neither had an objection to the request.

(6) In agreeing to the request, considerable weight was given to the exceptional circumstances in this case, the urgent need to make appropriate arrangements for a potential hard Brexit, the views of the consulted Members and the fact that it was not possible to secure any formal planning permission in time to facilitate the proposed operations.

(7) For the avoidance of doubt, this approval only related to those operations necessary for the delivery of aggregates (including loading HGVs) and the additional hours were not permitted to be used for other operations at the quarry.

(8) The second urgent decision was a **request from Sean Body (Robert Body Haulage Ltd) to agree temporary out of hours working at Borough Green Landfill to enable works to take place on the A25 to support preparations for Brexit.**

(9) The Company sought agreement to facilitate works on the A25 between Sevenoaks and Wrotham Hill starting on Monday, 11 February and lasting for a period of 5 or 6 weeks.

(10) The works would enable the A25 to be “made good” (e.g. overlays and kerbs) so that the A25 could be used safely by additional traffic if the M26 were to be used as a lorry park as a result of Brexit.

(11) A maximum of 10 lorry loads would take place between 1900 and soon after 2400 hours. Following the last delivery – perhaps as late as 0030 hours, the vehicles would stay on site as it would belong to Robert Body Haulage and be based at the site.

(12) It was likely that this would only be required for 2 to 3 nights each week.

(13) No processing would take place over night and agreement would be limited to the deposit of materials to the permitted recycling area. The wheel wash facilities would be used.

(14) The views of the Chairman of the Planning Applications Committee and the Local Member, Mr H Rayner were sought. Neither of them had an objection to the request. Mr Rayner advised that he fully supported the request, subject to a condition regarding routing to ensure that HGVs loaded or empty avoided the use of

Western Road or High Street in Borough Green to access or egress Borough Green Landfill via Borough Green and the Wrotham Railway Station road bridge.

(15) In agreeing to the request, considerable weight was given to the exceptional circumstances in this case, the urgent need to make arrangements for a potential hard Brexit, the views of the consulted Members and the fact that it was not possible to secure any formal planning permission in time to facilitate operations.

(16) For the avoidance of doubt, this approval only related to those operations necessary for the delivery of the above contract and the additional hours were not permitted to be used for other operations at Borough Green Landfill site.

(17) 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 (Environmental Impact Assessment) Regulations 2017;
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None); and
- (e) The Urgent decisions taken under Section 1.7 of Appendix 2 Part 3 of the Constitution as set out in (1) to (16) above.

## **16. KCC response to consultations**

*(Item F1)*

RESOLVED to note Kent County Council's response to the following consultations:-

- (a) Item F1: Sevenoaks DC – Draft Local Plan Consultation (February 2019); and
- (b) Item F2: Consultation on Land at Court Lodge, Pound Lane, Kingsnorth, Ashford (Application 18/01/1822/AS).

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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**

**Demolition of existing school buildings and replacement with a part two storey, part three storey teaching block with interlinked Sports Hall together with new Multi Use Games Area (MUGA), landscaping and associated ancillary works at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury, Kent CT1 3EW – CA/19/00063 (KCC/CA/0003/2019)**

A report by Head of Planning Applications Group to Planning Applications Committee on 15<sup>th</sup> May 2019.

Application by KCC & Kier Construction (Southern) for demolition of existing school buildings and replacement with a part two storey, part three storey teaching block with interlinked Sports Hall together with new Multi Use Games Area (MUGA), landscaping and associated ancillary works at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury, Kent CT1 3EW – CA/19/00063 (KCC/CA/0003/2019)

Recommendation: Permission be granted subject to conditions.

Local Member: Ida Linfield

Classification: Unrestricted

#### **Site**

1. Simon Langton is a Girls Grammar school catering for female pupils aged 11-16 years old, and a mixed gender 6<sup>th</sup> Form. The school sits in a site of approximately 11 hectares, located on the western side of Old Dover Road on the outskirts of Canterbury, approximately 1.5 miles south-east of the city centre. The school consists of 12 teaching blocks, some of which are structurally connected to each other. The original building was built in the 1950's but echoes a 1930's Art Deco design. The school is now a mixture of single, two and three stories in height. There is a distinct change in levels across the site with the school sitting at a much higher level than the road.
2. There is one point of vehicular access to the site from Old Dover Road which is located in the northern corner of the school's frontage onto Old Dover Road. The access and driveway lead to onsite parking areas which provide a total of 114 parking spaces. Three pedestrian points of access are provided from Old Dover Road, one by the vehicle access and the other two along the road frontage – one midway and one near the south-eastern end of the frontage. Both are accessed by steps up from the pavement. There is a further point of access to the school site from Nackington Road, via a narrow track between numbers 19 and 23, which leads directly onto the sports fields. A designated cycle and pedestrian route (covered by Policy T2 of the Local Plan) is provided from this access across part of the playing field to link up to the dismantled railway line to the south of the school site.

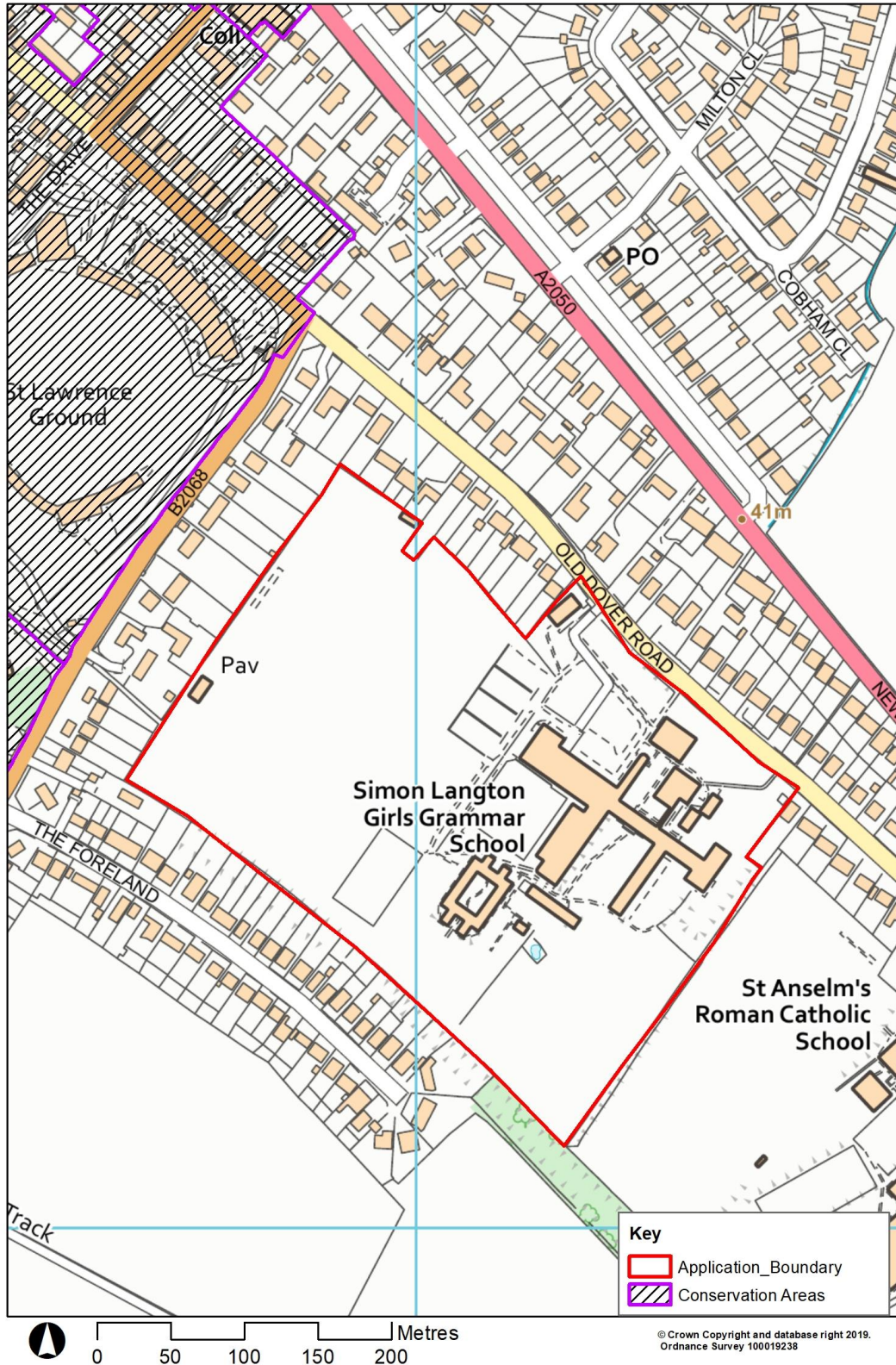
**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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3. Whilst the buildings of the existing school occupy the south-eastern half of the site, the playing fields are located to the north-west. Two Multi Use Games Areas (MUGA'S) are also provided on site, with informal green space and a wooded area in the south-eastern corner of the site.
4. Old Dover Road is a two lane carriageway which has been traffic calmed with speed bumps. There are double yellow lines along long sections of the road in the vicinity of the school, along with designated on-road bus stops. There are also some on-street parking bays on the school side of the road at the eastern end of the frontage, plus some opposite the school access on the other side of the road. Zig-zag 'School Keep Clear' road markings are provided at the access itself.
5. In terms of the wider surrounding area, there are residential properties to the north-east on the opposite side of the road, which are a mixture of sizes and styles, and which are also set at a higher level than the road. The playing field part of the school site is surrounded on all sides by residential properties, fronting Old Dover Road, Nackington Road to the north-west and The Foreland to the south-west. The south-eastern boundary of the site abuts the school grounds of St Anselm's Roman Catholic School, and beyond this is the New Dover Road Park and Ride site. On the other side of Nackington Road is the St Lawrence Kent County Cricket Ground, whose vehicular access lies opposite the minor pedestrian entrance to Simon Langton.

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

General Location Plan





# Item D1

## Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)

### Site Location Plan





**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

**Proposed Site Layout**



**Legend:**

- Local Ownership Boundary
- Site Boundary
- Development Area
- Existing Building Retained
- Proposed Building
- Concrete Paving
- Vegetation/Asphalt
- Pedestrian Asphalt
- Rising Walks
- External Steps
- Site Street (Former) (Proposed Enclosure)
- Armedy Grass
- Proposed Shrubs
- Planting
- Existing Tree Retained
- Proposed Tree

- Key:**
- Existing Playing Field, Sports Pitches, and Woodland to be retained for this site as part of development.
  - Existing MUGA / Games Court. No works proposed to this facility as part of development.
  - Existing School Building retained.
  - Existing School Pond and Woodland Ecology to be retained for this site as part of the development.
  - Proposed New Sports Hall Block.
  - Proposed New Teaching Block.
  - Existing Site Entrance Gates. Entrance to be retained to improve site access larger delivery vehicles.
  - Existing Car Park.
  - New 2 court MUGA.
  - Proposed new Sub Station and Gas Meter enclosure.

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

**Proposed Elevations**



**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

**Proposed Elevations**





**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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**Recent Site History**

6. The most recent planning history for this site dates from 2012 and relates to the renewal of two temporary mobile classrooms on site. Earlier planning applications relate to small scale additions to the site and are not relevant to the redevelopment application currently submitted.

**Background**

7. On 1<sup>st</sup> May 2015 the Minister of State for Schools announced that the Government would fund a further phase of the Priority School Building Programme (PSBP), with a value of around £2 billion. The new phase is a five year programme (operating between 2015-2021) to undertake major rebuilding and refurbishment projects in those schools and sixth form colleges in the very worst condition. PSBP is a condition led, block replacement programme with the aim of replacing time-expired buildings. The programme guidelines as set by the Secretary of State do not allow PSBP to provide facilities other than those required for the School's Published Admissions Number (PAN) in 2014.
8. As part of the programme, 277 schools have been selected to have at least one of their buildings (or blocks) rebuilt or refurbished, and this includes Simon Langton Girls Grammar School. The PSBP has identified Simon Langton as a 'Partial School Project' and a number of time-expired blocks on the site have been highlighted as needing either refurbishment or replacement.

**Proposal**

9. The application seeks approval for the demolition of three of the existing school buildings. These are the main school building, which was built in 1952 and designed by Sir Hugh Wilson and comprises multiple interlinked wings of up to 3 storey's in height, constructed with reinforced concrete frames and significant portions of the external face being of Crittal style glazing. This main block accommodates Science, Art, ICT and general teaching. The second block is a two-storey steel framed structure with a flat roof and full height Crittal style glazing, added to the site in 1965, which currently accommodates Home Economics, Technology, ICT and the 6<sup>th</sup> Form Block. The final block to be demolished is single storey in height, clad in timber boarding with aluminium framed windows which was added to the site in 1970. It is currently used for Design and Technology.
10. The demolished blocks will be replaced with a new part 2 and part 3 storey teaching block, with an inter-linked sports hall. The new teaching building would be sited immediately to the rear of the existing school building and would have a rectangular footprint going across the site (as the existing school does) to provide a frontage towards Old Dover Road, and two projections which would extend out to the rear towards the south-west. The building would be three stories in height in the central areas, dropping down to 2 stories to create a stepped effect. The building would have a flat roof and would be constructed with a mixture of materials, to include an Anglican

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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cream facing brick for the majority of the front elevation, complimented by a black smooth brick and a soft red colour render in the recessed areas.

11. The longer projection would have the smooth black facing brickwork at ground floor level and grey render system to the upper floors. Windows would be uPVC and dark grey colour with the exception of the aluminium glazed screens on the front elevation, which have been designed as 'a nod' to the style and design of the original 1950's building. The ground floor would provide facilities such as the main entrance, reception area, offices, sixth form areas, main hall, dining hall, food tech classrooms, textiles, ICT suite, art rooms and workshops. On the first floor further offices are to be provided along with 15 general teaching classrooms, additional ICT rooms, a seminar room and activity studio, whilst on the second floor would be the science labs, prep room, library and staff room. Stair and lift access to all floors would be provided in three locations in the new building.
12. The sports hall would be connected to the new teaching block by a covered link and would be sited to the north of this block, on the edge of the existing parking area. This would be constructed with the same black brickwork at ground floor level and a ruby red fibre cement board cladding to the upper sections, with a polycarbonate glazing system at high level to provide natural daylight. The sports hall would have three indoor courts, cleaning and storage area, with the pupil changing rooms and toilets being created in a lower ground floor level of the main building, making the most use of the change in levels across the site. Stair and lift access would be provided adjacent to the covered walkway.
13. The overall floor area of the new teaching building and sports hall would be 7179.8 sqm - 1053.2 sqm less than the three buildings to be demolished.
14. A new two court MUGA would be created to compensate for the loss of the existing one, removed to accommodate the new building. This would be located to the east of the new building on the site of the old two storey building which is to be demolished. There would be a reorganisation of the on-site car parking under this proposal, as part of the existing parking would be lost due to the siting of the sports hall. The rearranged spaces would be located in the vicinity of the new MUGA, so that in total the number of staff spaces would be 114, with 8 visitor/disabled parking bays and 24 cycle parking spaces. Given the school roll will not be increasing as a result of the works, there will be no increase in on site parking provision. There will also be no alterations to the access for the school, which will remain from Old Dover Road in its existing position.
15. There would be no alterations to the sports pitches laid out on the main section of the playing fields.

**Planning Policy**

16. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:
  - (i) **National Planning Policy Framework (NPPF) February 2019** and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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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 approach decisions in a positive and creative way, 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:

- That development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

In addition, Paragraph 94 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.*

- (ii) **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. It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations.

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

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.
- Local authorities should make full use of their planning powers to support state-funded school applications. This should include engaging in preapplication discussions with promoters to foster a collaborative approach to applications and,

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.

- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out on the Planning Practice Guidance website. Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants.
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.

(iii) The adopted **Canterbury District Local Plan (July 2017)**

**Policy SP1 Sustainable Development.** This states that when considering developments, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

**Policy EMP9 Education Needs.** This states that the City Council will work with the Education Authority and other school and education providers to ensure that provision is made for educational needs, including those arising from new development.

**Policy OS2 Playing Fields.** This policy seeks to ensure development which would result in the loss of all, or part, of existing playing fields, will only be permitted if the site has first been considered for other sport and recreation uses; that it has been demonstrated that the playing field is surplus to requirements; there is an overriding need for the development which outweighs the loss of the playing field and the loss would be replaced by an equivalent or better provision in a suitable location; or that the development is for a small part of the site where it would result in enhanced sport and recreational facilities.

**Policy OS9 Protection of Existing Open Space.** This policy states that proposals which would result in the loss of protected existing open space (as identified on the proposals map) will only be permitted if there would be no material harm to the contribution the open space makes to the visual or recreational amenity of the area; the open space has been assessed by the City Council as making no positive contribution to its overall open space strategy; where there would be material harm this would be balanced against demonstrable need for the development; and there are no alternative sites available to accommodate the proposed development and any harm could be offset by the provision of other open space.

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

---

- Policy DBE1 Sustainable Design and Construction.** States that all development should respond to the objectives of sustainable development. Development schemes will be required to incorporate sustainable design and construction measures to show how they respond to the objectives of sustainable development, and non-residential developments should meet a 'very good' BREEAM rating. New development should also be resilient to climate change and include climate change adaptation measures such as solar shading, drought resistant planting, and reducing water consumption.
- Policy DBE3 Principle of Design.** This policy states that the distinctive character, diversity and quality of the Canterbury District will be promoted, protected and enhanced through high quality, sustainable inclusive design, which reinforces and positively contributes to its local context creating attractive, inspiring and safe places. It goes on to list 15 considerations that proposals for development which are of a high quality design must take into account which include things such as the setting and context of the site, visual impact on the skyline, conservation, landscaping and movement of pedestrians, cyclists and cars.
- Policy LB9 Protection, Mitigation, Enhancement and Increased Connectivity for Species and Habitats of Principal Importance.** This policy states that all development should avoid a net loss of biodiversity/nature conservation value and actively pursue opportunities to achieve a net gain, particularly where there are wildlife habitats/species identified as Species or Habitats or Principal Importance; there are habitats/species that are protected under wildlife legislation; or where the site forms a link between or buffer to designated wildlife sites.
- Policy HE1 Historic Environment and Heritage Assets.** This policy states that the City Council will support proposals which protect, conserve and enhance the historic environments and the contribution it makes to local distinctiveness and sense of place. Amongst other matters, it goes on to state that where development would harm the significance of heritage assets, it would be permitted if the loss would be outweighed by the benefit of bringing the site back into use. Any development affecting a heritage asset will be required to submit a Heritage Statement.
- Policy HE11 Archaeology.** This policy states that for planning applications where there is the potential for an archaeological heritage asset, the application must include a desk-based assessment. Where potentially significant archaeological heritage assets may exist, field evaluations will need to be carried out. Where development affects a heritage asset, the archaeological remains should be preserved in situ, but if this is not possible archaeological recording should be



**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

---

undertaken in accordance with a specification agreed with the County's Archaeological Officer.

- Policy QL1** **Social Infrastructure.** This policy states that proposals for new buildings or uses for local communities to provide social infrastructure and community facilities will be encouraged and granted planning permission on the basis that any new building is appropriately designed and located, and highway safety and residential amenity would not be prejudiced.
- Policy T1** **Transport Strategy.** This policy states that when considered the location of new development the Council will take into account (amongst other things) how to control the level and environmental impact of vehicular traffic including air quality; providing alternative modes of transport to the car by extending provision for pedestrians, cyclist and the use of public transport; and having regard to the parking strategy.
- Policy T2** **Pedestrian and Cycle Routes.** This states that land will be safeguarded for the pedestrian and cycle routes, as shown on the proposals maps.
- Policy T9** **Parking Standards.** The policy states that the City Council will have regard to the local parking standards set out in appendix 4 of the Local Plan. Where cycle parking is provided it should be convenient, secure, covered and where possible complemented by showering and changing facilities.
- Policy T17** **Transport Assessment and Travel Plans.** This policy states that development proposals considered to have significant transport implications are to be supported by a Transport Assessment and where applicable a Travel Plan.
- Policy CC4** **Flood Risk.** This policy requires all sites within Flood Zone 2 or 3 and sites larger than 1ha in Flood Zone 1 to be accompanied by the Flood Risk Assessment (FRA). Measures identified to mitigate effects shall be installed and maintained as informed by the findings of the FRA.
- Policy CC11** **Sustainable Drainage Systems.** This states that all development applications should include drainage provision to ensure that surface water is appropriately controlled within the development site, and that the risk of on-site or off-site flood risk is not exacerbated by the development. Surface water run off should be managed as close to its source as possible using the Council's hierarchy of discharging into the ground, to a surface water body, to a surface water sewer, highway drain or other drainage system, and to a combined sewer when there are no other options. Approval for the design of long

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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term management and maintenance of SuDS will be required prior to commencement of development.

**Consultations**

17. **Canterbury City Council** raise no objection to the proposal.

**KCC Highways and Transportation Officer** raises no objection to the application subject to the imposition of conditions to secure vehicle and cycle parking on site; the provision of loading and unloading facilities prior to the occupation of the new buildings; the submission of a detailed School Travel Plan; and the implementation of the submitted Construction Management Plan for the duration of construction activities on site.

**Environment Agency (Kent Area)** consider the application could be approved as submitted provided conditions are imposed on any consent covering: the submission of a remediation strategy to deal with the risks associated with contamination to the County Planning Authority for written approval prior to commencement of development; that no part of the development be occupied until a verification report has been produced demonstrating the completion of works and effectiveness of the remediation; that, if during development contamination is found that had not been previously identified, no further development be carried out until a remediation strategy has been agreed with the County Planning Authority; approval of a scheme to connect to the foul and surface water drainage system; no infiltration of surface water into the ground without express written consent; and piling or any other foundations using penetrative design are only to be used with express written consent of the County Planning Authority.

**KCC County Archaeological Officer** raises no objection subject to the imposition of a condition to secure a programme of archaeological work and a historic building record (photographic survey) of the original school prior to demolition.

**KCC Biodiversity Officer** states that a European Protected Species Mitigation Licence (EPSML) will be required from Natural England and through the ESPML the required mitigation and compensation details in relation to bats would be secured. She raises no objection subject to the imposition of conditions to secure an Ecological Design Strategy; a Landscape & Ecology Management Plan; the submission of a lighting design strategy that would be sensitive for bats and badgers; the submission of a Biodiversity Method Statement for Badgers and hedgehogs; and an informative advising of the need to avoid disturbance to nesting birds.

**KCC Conservation Officer** states (in summary) that whilst the loss of the existing school building would remove a building of some distinction from the site, the case for demolition is strong. Although such a loss would be a shame for Canterbury's heritage unless refurbishment can be carried out in a similar manner and style to the existing then the effect of the building would be lost in any case. Concurs with the Heritage Statement view that the impact or harm to the surrounding Conservation Areas, Heritage Assets, Listed Buildings or the street scene from the new development would be very low, providing the height of the new build is kept at or below that of the existing.

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

---

**KCC Flood and Water Management Officer** raises no objection subject to the imposition of conditions requiring the submission of a detailed sustainable surface water drainage scheme; that no building be occupied until a verification report submitted and agreed with the County Planning Authority; and the County Council's approval of any area where infiltration is to be used.

**Sport England** raise no objection to the proposal.

**Kent Police** have provided general advice on designing out crime and have met the applicants to discuss the site. Specific areas for discussion included the use of the school outside of school hours, perimeter treatments to the existing boundaries, lighting for the car park and pathways, CCTV, access control, door and window security, alarms to fire doors and defensive planting options. They state that they have no further concerns at this time, as their concerns relate to the management plans for the school not the proposed development.

**Local Member**

18. The local County Member for Canterbury City South, Ida Linfield was notified of the application on 14 January 2019. No written comments have been received.

**Publicity**

19. The application was publicised by the posting of three site notices, an advertisement in a local newspaper, and the individual notification of 304 nearby properties.

**Representations**

20. In response to the publicity, one letter has been received objecting to the application, one letter raises comments about the application, and eleven letters of support have been received.

The key points raised can be summarised as follows:

Letters of Support

Of the 11 letters of support submitted, 3 provided the following additional comments:

- Strongly support the application which has little or no impact on surrounding property and will greatly enhance the learning environment for our children, now and in the future;
- It would be brilliant to have a new school built – there has been talk of this for a number of years;
- The existing building is cold in the winter;
- It would be sensible to use this opportunity to modify the school entrance and bus lane. The narrow and twisting entrance and driveway adds to the congestion on the Old Dover Road. The existing driveway prevents any chance of school buses

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

---

picking up and dropping off ON the school site and makes it difficult for vehicles larger than a minibus to gain access to the site, which massively adds to congestion. On most days there is not enough space in the bus layby for all the buses to park, so traffic is backed up whilst the students embark or disembark;

- Even just extending the bus layby to run the length of the front of the school would improve things.

Letter of Comment

- Considers the only suspension of on-road parking should be to the bay opposite the school entrance, and then kept to a minimum, weekdays only if appropriate, and lifted as soon as the main construction phase is complete;
- There is no reference to the control of fumes, in particular dust. Can conditions be imposed to ensure appropriate screening, use of bowsers etc, during both demolition and construction. Dust could have a greater impact on the health and well-being of neighbours than noise.

Letter of Objection from the Canterbury Society

- Strongly object to the proposal to demolish the existing school building;
- Acknowledge that the buildings need refurbishment and enhancement to bring them closer to current standards;
- Building was designed by Hugh Wilson in 1951 and is listed in Pevsner's' Buildings of England, where they are described as 'Brick and glass elegantly handled';
- These buildings are unique and new buildings of this quality are rare. The architecture is not only of value in itself, but also as part of the city as a whole;
- If familiar sights, such as these, disappear, our lives will become more impoverished and our sense of place will evaporate;
- Urge that the application to demolish these important buildings be rejected, and that they are retained so that future generations may appreciate them too.

**Discussion**

21. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 16 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. The proposal therefore needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

22. This application is being reported for determination by the Planning Applications Committee due to the objection raised by The Canterbury Society as set out in paragraph 20 above. In my opinion, the key material planning considerations in this particular case are the principle of development and the need for education facilities; the loss of the existing building; the siting and design of the new building and any impact on the wider area and residential amenity; and any highway and transportation implications linked to the proposal.

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

---

**Principle of Development, Education Need and Loss of the Existing Building**

23. Planning policy guidance in the form of both the NPPF and the Policy Statement for School Development are strongly worded to ensure that proposals for the development of state funded schools should, wherever possible, be supported. The guidance is set out in paragraph 16 above and in summary states that there should be a presumption in favour of the development of state funded schools; that planning authorities should take a proactive, positive and collaborative approach to meeting this requirement; and that any refusal would have to be clearly justified. Furthermore, at the local level Policy EMP9 of the Local Plan states that the City Council will work with the Education Authority to ensure that provision is made for educational purposes.
24. The existing school is made up of a number of buildings which have gradually been added to the site since the main school building was constructed in the 1950's. As set out in the background section, Simon Langton Girls Grammar has been selected as part of the Government's Priority School Building Programme (PSBP) which aims to replace or refurbish school buildings which are no longer fit for purpose. The investigation as part of the PSBP programme found that there were three blocks that were 'time-expired' and needed to be replaced. There are a number of health and safety concerns about all of these buildings in relation to their structures and the suitability of the buildings to still be used for teaching purposes. In particular the original school building is constructed from concrete which is spalling and crumbling and needs regular monitoring to advise what needs to be done to maintain a safe environment for the students and staff. The use of asbestos, window defects, disrepair of the roof structures and poor and/or lack of insulation have resulted in the buildings being deemed beyond economic repair.
25. The application has been supported by the submission of a 6 monthly building inspection report, which is carried out by Structural Engineers to monitor the distress of the original building and identify extended defects so they can be dealt with before becoming hazardous. In addition a 'Refurbishment Feasibility Study' also accompanies the application. This was carried out in December last year and looked at the costs of refurbishment versus replacement and sets out in more detail the defects in each of the three buildings to be replaced. The cost analysis of refurbishment v replacement concluded that it would provide better value to replace the school due to the extensive defects of the existing building. In addition a new build would be more efficient in size, therefore have a smaller footprint and be more energy efficient and cost effective to maintain in the long term.
26. From a practical point of view, therefore, the replacement of the original school and the later additions with a new building is considered by the applicants and the Government's PSBP the best option. However, the original school building is of some architectural merit, having been designed by a renowned local architect Sir Hugh Wilson. It is not listed but has some local historic interest, and the County Council's Conservation Officer has considered the information contained within the Heritage Statement, which was also submitted in support of the application. This concludes that the school redevelopment would remove a building of distinct style from the site, but that the school building is of low quality and has reached the end of its life. The Conservation Officer also noted that in order to retain the buildings distinctive character

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

---

the refurbishment works would have to have been undertaken in the style of the original building which would not be practical in this day and age, and the character and style would be lost in any event. Whilst the City Council has raised no objection to the proposal, The Canterbury Society have objected to the planning application on the basis of the loss of the original school, stating that the building is unique, that new buildings of this quality are rare, and that it should be retained so that future generations can appreciate them too.

27. Whilst their views are of note, the balance that needs to be made in dealing with this planning application is for the loss of the building and its architectural merit, weighed against the modernisation required to make the buildings fit for modern teaching purposes and how such works might affect the overall appearance of the building in any regard, and the poor conditions experienced by the students and staff who have to occupy the building on a daily basis and the health and safety aspects of this. In my view, given the building is not of sufficient architectural merit to have been listed, and given that it does not play a prominent part in the local street scene due to its siting well back from the road frontage, the balance would fall with the proposal to demolish the existing building and replace it with a new structure.
28. The site falls within a built-up area on a previously developed site, and it is considered that the principle of demolishing the existing building and its replacement with an alternative school building is acceptable and would be in accordance with the NPPF, the Policy Statement for School Development, and Policies SP1 and EMP9 of the Canterbury District Local Plan.

**Siting and Design of New Building**

29. The proposed replacement building would be sited to the rear of the existing main building, on the location of the existing MUGA, so that it would sit almost centrally within the site. Located further back from the road frontage than the original and at an elevated height from the road, it is considered that the proposed new building would have a limited impact on the street scene as it would not be clearly seen until approaching via the entrance drive. The area in front of the new build, on the footprint of the existing building would be utilised for staff and visitor parking and a slightly revised drop off loop. Given the location of the new building and the loss of the existing MUGA, a new 2 court MUGA would be provided to the east of the parking area, where the other two buildings no longer fit for purpose would be demolished.
30. The School benefits from a large site, and although the siting has been partly dictated by the position of the existing building, and the need to retain this while work is carried out, it is considered that the proposed location of the new building would be appropriate within the site. Sitting centrally, the building would have a limited impact on the street scene or surrounding residential properties given the large distances that would be retained between the new build and the school boundaries. The existing boundary screening would, on the whole, be retained thus ensuring a sufficient screen is maintained along the boundaries to limit any impact.
31. The building itself has been designed as a part three storey and part two storey structure, with a small single storey element on the front elevation. The building design

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

---

reduces the footprint at each level, thereby helping to reduce the overall bulk of the building and therefore its visual impact. The building would be flat roofed and has been designed so that it retains a similar front elevation towards Old Dover Road and incorporates window designs on this elevation which aim to reflect the style of the original building, but in a modern form. By separating the sports hall from the main teaching block and utilising the change in levels across the site, the sports hall would sit at a lower level and this would further reduce the impact of built form on the site. Access from one to the other would be via a covered walkway.

32. The building is modern in its design and appearance but would occupy a smaller footprint than the buildings it would replace due to its more efficient layout. Overall it is considered that the siting and design of the building would be appropriate for this site and would comply with the aims of Policies DBE3 and QL1 of the adopted District Local Plan.

**Sports Provision and Loss of Open Space**

33. The proposed development would replace an existing MUGA with a new 2 court MUGA, and also provide a new dedicated indoor three court sports hall, which the school don't currently have. The sports provision would therefore enhance the school's current provision and would be appropriate for the number of children at the school. The new sports hall and the edge of the new teaching building would encroach slightly onto an area considered by Sport England as 'playing field', and they were therefore consulted on the planning application. After consideration of the application they have concluded that the section of land that would be lost is at a significantly different level to the rest of the playing field, making it incapable of forming part of a playing pitch, and thus meeting exception 3 of their Playing Fields Policy. They have therefore raised no objection to the application, and the proposed development is considered to comply with Policy OS2 of the Local Plan.
34. The existing sports playing fields are also designated as 'Existing Open Space' in the adopted Local Plan, and therefore the small loss of open space needs to be assessed against this policy. The Policy states that proposals resulting in the loss of open space will be permitted if there would be no material harm to the contribution the open space makes to the visual or recreational amenity of the area; the open space has been assessed by the City Council as making no positive contribution to its overall open space strategy; where there would be material harm this would be balanced against demonstrable need for the development; and there are no alternative sites available to accommodate the proposed development and any harm could be offset by the provision of other open space.
35. In terms of the contribution open space makes to the amenity of the area, although there would be a loss of open space alongside the existing playing fields, the smaller footprint of the proposed building would mean that generally within the site there would be an increase in open space, and this would contribute to the overall strategy for open space. It is considered that the loss that would occur would not cause any material harm to the open space strategy and weighed against this would be the demonstrated need for the replacement education facilities. In terms of any alternative site, the location of the new building has been dictated by the need to retain the existing building

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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whilst the proposal is constructed, and the need to avoid the playing pitches themselves and the wooded habitat area and is also constrained by the other buildings to be retained on site. Overall it is considered that the net gain in open space on the whole site due to the smaller footprint of the proposed building, alongside the above considerations, would not result in a material harm to the Council's open space strategy and Canterbury City Council has raised no objection to the proposed development. It is therefore considered that the proposed development would comply with Policy OS9 of the Local Plan.

**Access, Parking and Highways**

36. The application has been accompanied by a Transport Technical Note which has been considered by the County's Highways and Transportation department. The Technical Note clarifies the position that the number of staff and pupils that would be accommodated on site as a result of this proposal would not change. The vehicular access to the school would remain in its current position onto Old Dover Road and would not be changed under this proposal. The on-site layout of the access road and the location of the staff and visitor parking spaces would be rearranged to take into account the siting of the new building, but the number of parking spaces on site would remain the same. Given the number of pupils and staff would not be changing there is no planning requirement for the proposal to include any improvements to the layout, in particular for the access, or any increase in parking provision. Most of the neighbour comments received however, raise the parking in the vicinity of the school and congestion at drop off and pick up times as a matter of concern.
37. Whilst it would be preferable to seek to address these matters at the same time as the new build is constructed, the funding for this school project has strict limitations imposed by the Government's PSBP programme. The Area Education Officer has advised that the limitations of the funding programme have meant that the proposal cannot be extended to include any additional development. The Education Officer goes on to reiterate that the school is being built for a Published Admission Number (PAN) of 155 per year, slightly below current numbers, and that the reduced square footage of the new build would not allow any additional growth in numbers. Should the school be considered for an increase in school roll in the future, the Area Education Officer has confirmed that the highway mitigation measures would be considered.
38. The Highways and Transportation Officer has also requested that electric vehicle charging points be provided for 10% of the spaces provided in the car park. The provision of electric vehicle charging facilities does not form part of any adopted parking standard or Policy, and once again, given the fact the school roll is not increasing as part of this application, there is no planning justification for requiring the applicants to provide these charging facilities. The applicants have, however, been informed of this request and have advised that there is no funding in the budget for this scheme to incorporate the charging facilities, but that capacity would be left in the site to provide these in the future should funding become available.
39. On the basis that there would be no change in the number of pupils and staff accommodated on site, and therefore no additional trip generation with the exception of short-term construction traffic, the existing access and parking provision (which would



**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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be maintained) is considered acceptable from a planning perspective. The proposals are therefore considered to accord with Policies T1, T9 and T17 of the adopted Local Plan and will not affect the safeguarded cycle route across the rear of the playing field, in accordance with Policy T2.

**Flood Risk and Drainage**

40. The application was supported by the submission of a Flood Risk Assessment, which identifies that the site is entirely within Flood Zone 1, where there is the lowest risk of flooding. Table 2 of the NPPF Planning Practice Guidance lists this type of development as 'more vulnerable' and such development is considered appropriate in areas classified as Flood Zone 1. Overall the FRA has demonstrated that the development should not be precluded on flood risk grounds.
41. The application has also been accompanied by a Drainage Strategy and associated drainage layout drawings, which have been considered by the County's Flood and Water Management Team. The documents provide a detailed description of the foul and surface water drainage systems for the proposed development and the team are satisfied with the principles of the attenuation tanks connected to two deep soakaways for the infiltration of surface water into the ground. However additional information would need to be provided as part of the detailed design and this could be secured through suitably worded conditions that would require further information to be submitted before any development commences. These would cover details of the sustainable surface water drainage scheme; a verification report covering this scheme to be approved by the Lead Local Flood Authority; and that where infiltration is used to manage surface water drainage it is only in those parts of the site where there would be no unacceptable risk to controlled waters and/or ground stability.
42. Provided the additional information is secured via condition, the proposal is considered to be acceptable in relation to surface water and drainage, and in accordance with Policies CC4 and CC11 of the adopted Local Plan.

**Landscape and Trees**

43. The proposed development would not have any impact on the established boundary landscaping, given the containment of the development within the centre of the site. However, the application has been supported by both a Landscape Submission and a Preliminary Tree Survey Report, which detail those areas that would require re-landscaping should planning permission be granted. This includes new areas of general amenity grassland on the areas of the site where the existing building would be demolished and an area of reinstated wildflower meadow to the east of the proposed MUGA. Small areas of shrub and hedge planting would be added around the revised visitor car park and main reception area, and these would be a mix of ornamental and native species appropriate for a school setting.
44. The Tree Survey Report identified trees of varying age, species and quality with a large percentage of mature trees within the site. A small number of new UK native broad leaf trees are proposed to be added to the site under the landscape scheme, located in the newly formed social spaces to provide structure, shading and ecological enhancement.

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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The trees are proposed at heights of 3-5m and a girth of 8-12cm (dependant on the species) so that they are of a reasonable size when planted. A condition is proposed to ensure that the planting should be undertaken in the first available planting season and any plants or trees that die within the first 5 years of planting are replaced.

45. The proposed development is therefore considered to be acceptable in relation to the landscape scheme proposed which would accord with the aims of Policy DBE3 of the Local Plan.

**Archaeology**

46. The application has been supported by an Archaeological Desk Based Assessment which looks at the potential for the development area to have any significant archaeological features. The assessment finds that the site falls within an area classified by the Stour Valley Palaeolithic Character Area Project which covers the plateau between the Great Stour and Little Stour which underlies the application site and suggests the potential for the site to produce material dating from Palaeolithic times. Evidence also suggests that there may be finds relating to the Bronze Age and Iron Age as well as from the Roman period. The proximity of the site to the Canterbury to Dover road, known as a well-used route during Anglo-Saxon and medieval times, suggests that there may also be the possibility of finds relating to this era. The Assessment states that significant archaeological features, artefacts or ecofacts may be disturbed or destroyed by the proposed ground works and that such destruction without proper record risks a major negative impact on the historic environment.
47. The KCC Archaeological Officer has considered the report and advises that given the archaeological potential of the site it is possible that the proposed development could impact remains of archaeological interest. As such it is recommended that a condition should be imposed on any consent given, for a programme of archaeological works. Such a programme would need to be undertaken in a staged manner with trial trenching forming the first stage of the archaeological works, and the results of the evaluation works informing the scope and nature of any subsequent stages of archaeological investigation that might be required. A further condition is also requested for an Historic Building Record be made of the original school prior to demolition, in the form of a basic photographic survey, to take account of the social/communal interest of the school buildings. These conditions have been set out in paragraph 73 below.
48. The application is therefore considered to be in accordance with the aims of Policy HE1 and HE11 of the adopted Local Plan.

**Ecology**

49. The application has been supported by the submission of a Preliminary Ecological Appraisal (August 2017), an Ecological Impact Assessment (December 2018) and a Bat Report (December 2018), all of which have been assessed by the County Council's Biodiversity Officer. The reports note that there is one statutory designated site within 2km of the school, the Chequers Wood SSSI, which lies to the north-east of the site. There are also four designated ancient woodlands within 2km of the site, but given the

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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distances involved no further survey, assessment or mitigation is required in terms of the statutory or non-statutory designated sites.

50. The protected species assessed included notable invertebrates, amphibians, reptiles, birds, bats, badgers and other mammals. Of these the report states that due to the lack of suitable habitat there are unlikely to be any invertebrates or amphibians on the site, but that the likelihood of the common frog and toad being present was 'medium'. The reports recommend that any amphibians encountered during construction should be moved to a location of safety. The likelihood of any common species of reptile on the site is also assessed as 'medium' with the grassland area in the woodland providing habitat suitable for foraging and basking, and the woodland and scrub places for shelter. Although the site adjoins other suitable habitat present along the dismantled railway in the south-east corner, the lack of an extensive habitat means there is unlikely to be a large population, and therefore further survey work was not considered necessary. The report simply recommends that precautionary working methods are adhered to if any suitable habitats are affected by the proposal.
51. The original survey revealed that there was one badger sett on the site, with one well used entrance located in the woodland, and the open grassland provides suitable foraging opportunities for badgers. Further clarification was sought from the applicants regarding badger setts and another site walkover was carried out on 1<sup>st</sup> March 2019. This established that there were three setts on the site. A 'Badger Habitats Impact Plan' has also now been submitted, and this demonstrates that the badger sett would not be destroyed by the proposed works. Works within 30m of this badger sett would be carried out under the direct supervision of the Ecological Clerk of Works (ECoW) who would be employed to oversee development in relation to all ecological constraints on the site. Works would be carried out in accordance with a detailed 'Biodiversity Method Statement: Badgers' which the County Council's Biodiversity Officer has requested be secured by condition on any consent given.
52. The likelihood of active bird nests being present within the site in the trees, ornamental planting, shrubs and hedgerows is assessed as being 'high', and it is therefore recommended that any vegetation clearance should be carried out outside of the core nesting season (March to August inclusive) or the site checked by a qualified ecologist to ensure there are no nests present. If any active nest is found during construction a suitable stand-off area needs to be maintained until the young have fledged. This protection can be covered by an informative regarding the protection of birds under the Wildlife and Countryside Act 1981. The site also has habitat assessed as being suitable for hedgehogs and the report recommends that a method statement should be drawn up to ensure the potential to impact upon this species is addressed. It is proposed that this could be included in the Biodiversity Method Statement referred to above.
53. In relation to bats, a bat emergence survey, an elevated tree inspection and an endoscope survey of the trees was undertaken in August and September last year. The accompanying Bat Report notes that soprano pipistrelle and common pipistrelle bats were seen emerging from the buildings on site and that the proposed footprint of the development works supports at least four known bat roosts and possibly a fifth. The roosts are, according to the report, likely to be non-breeding transitional roosts, used by

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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low numbers of bats and of low conservation significance at a local level. The site was also seen to be used for foraging bats including the common and soprano pipistrelle and noctule and brown long eared bats. As a result a European Protected Species Mitigation licence will be required prior to works starting on the demolition of the buildings and the licence will detail the precise mitigation proposals to prevent harm to bats during works on site.

54. The County's Biodiversity Officer has considered the findings of the three reports and states that as the competent authority in determining the application, KCC must have regard to the requirements of the Habitats Directive in the exercise of their functions. As such they must consider whether it is likely that an EPSM licence from Natural England would be granted. The Ecological Impact Assessment stated that there was a risk that the survey may not have detected bat roosts present earlier in the year (e.g maternity roosts) and therefore further advice was sought from the applicant to demonstrate that additional compensatory measures that would be required *should* a maternity roost be identified on site, are achievable within the proposed development. In addition, the Bat Report states that precautionary measures for hibernating bats are considered necessary, therefore clarification has also been sought regarding compensatory provision for roosting opportunities for hibernating bats.
55. The applicants have submitted additional information in response to this including a 'Post-Development Habitat Plan (Roosting Bats)' which provides an indicative location and specification for a compensatory standalone bat building. This would only be delivered if the update bat emergence survey (prior to building demolition) identifies the presence of a bat maternity roost. This would allow full compensation for the loss of any bat maternity roost(s) identified and the detailed specification for this structure (if required) would be subject to conditions of the Natural England mitigation licence. In addition, the 'Post Development Habitat Plan' sets out the treelines where three 1FW Schwegler Bat Hibernation Boxes will be delivered. These would be provided prior to the commencement of building demolition to compensate for the loss of bat hibernation opportunities when the existing buildings are demolished. In total 13 bat boxes would be provided on site, which would include:
- Five compensatory bat boxes suitable for summer roosting (specification to be agreed through the Natural England Licence);
  - Three compensatory bat hibernation boxes (1FW Schwegler Bat Hibernation Boxes); and
  - Five additional (enhancement) bat boxes - specifications provided on the 'Post Development Habitat Plan (roosting bats)'.

The applicants have noted that the design specification of the new school building does not allow for the delivery of compensatory bat roost features within or mounted on the new buildings and therefore the bat boxes would be delivered in the mature trees along the boundary and woodland edges, shown on the plan forming part of the 'Post Development Habitat Plan'. The specific location of the each of the bat boxes would be determined by the Ecological Clerk of Works (ECoW) in consultation with an arboricultural consultant, the project's health and safety consultant and the School, and the ECoW would directly supervise the installation of all 13 bat boxes.

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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56. Given the additional information received, the Biodiversity Officer is satisfied that a licence would be granted and that there are no ecological reasons why planning permission should not be granted. The bat mitigation and compensation would be secured within the licence, therefore a separate condition is not required to secure the details as part of this application. However, given the presence of bats on sites, a bat sensitive lighting scheme is recommended and a condition is proposed to secure this prior to commencement of development.
57. The loss of hedgerows as part of the development would have an ecological impact, but new hedgerows are proposed and if designed and managed in accordance with the recommendations in the Ecological Impact Assessment would provide adequate compensation for the losses. The redevelopment of the site also provides opportunities to incorporate features into the design which are beneficial for wildlife and included in the application are the creation of a wildflower meadow and proposals to incorporate bat and bird boxes (in addition to those necessary for mitigation/compensation). Measures to enhance biodiversity should be secured by condition, in accordance with the advice of the NPPF. The Biodiversity Officer has proposed a condition to be included on any consent given for an 'Ecological Design Strategy' and this would secure details to be submitted before development commences for the retention and protection of existing habitats; the creation of semi-natural habitats (hedgerows and meadow area); and ecological enhancement measures. In addition a 'Landscape & Ecology Management Plan' is also proposed for the ongoing maintenance of the landscape and ecological areas.
58. Subject to the imposition of these conditions it is considered that the proposed development could be carried out with suitable mitigation to ensure no protected species are harmed and therefore development would accord with the aims of Policies DBE3 and LB9 of the adopted Local Plan.

**Noise and Construction**

59. A Noise Impact Assessment was prepared to accompany the application, to assess the impact of noise in respect of the site's suitability for education use. The assessment has been undertaken in light of the advice in the NPPF which states that planning policies and decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development. Noise measurements were taken from three positions on the site, one centrally by the proposed location of the new school building, one to the rear of the site towards The Foreland and one at the front of the site by Old Dover Road. The report concludes that the site is suitable for school development and that noise emissions from use of the proposed MUGA are not expected to adversely impact on nearby residents. The proposals would be in accordance with Policy DBE3 of the Local Plan in relation to acoustic impact.
60. One of the neighbour comments raised was in relation to dust control measures for the site. The control of dust during demolition and construction would be dealt with under normal construction practices (and is addressed in the submitted Construction Management Plan) and it is considered unnecessary to impose any additional controls on the development as part of the planning permission.

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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61. A Construction Management Plan (CMP) has been submitted as part of the planning application to establish the construction details now rather than leave them to be agreed as a condition. Highways and Transportation state that construction works would need to be carefully planned and managed to ensure the safety of pupils, staff and residents. The submitted CMP includes amongst other matters that no traffic movements, including deliveries, should occur along Old Dover Road during school start and finish times; the location of parking and turning areas for construction and delivery vehicles and for site personnel and visitors; and the provision of wheel washing facilities. It also sets out that the three on road parking spaces opposite the access to the school, which would need to be suspended to allow large vehicles to enter and leave the site safely, will be re-provided further down the highway so that local residents would continue to have on road parking close to their homes. Given that there are neighbouring residential properties to the site, if planning permission is granted it is considered appropriate to restrict the 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), and this can be covered by a condition.

**Contamination**

62. A Phase 1 Geo-Environmental Desk Study Assessment and a Phase 2 Geo-Environmental Site Investigation have been undertaken for the site and an Interpretative Site Assessment Report has also been prepared in support of the application. The documents have been considered by the Environment Agency who have responded to the application as set out in paragraph 17. They have provided assurances that the development could be carried out without unacceptable risk to the environment provided a number of conditions are imposed on any permission given. The first would ensure a remediation strategy is approved by the County Planning Authority before development commences, which would address the analysis and conclusions that were missing from the Phase 1 Geo-Environmental Desk Study. A further condition requiring a verification report demonstrating the completion of the works and the effectiveness of the remediation strategy is sought, so that there would be no risk to controlled waters, specifically the Principal and Secondary Aquifer within Source Protection Zone 3. A further condition to ensure that if any contamination is found during construction, not previously identified, then development shall stop until a method of dealing with the contamination has been agreed with the County Planning Authority.
63. The Environment Agency response goes on to stipulate conditions relating to foul and surface water drainage system, and infiltration of surface water into the ground, which reiterate the advice given by the County's Flood and Water Management Authority, as set out in paragraphs 17 and 41 above. Finally, they request that a condition be imposed restricting piling or other foundation designs using penetrative methods without consent in order to ensure there would be no unacceptable risk to groundwater. These controls are addressed in my recommendation.

**Sustainability**

64. Planning policy at all levels recognises the need to address climate change and to reduce the amount of energy consumed by development. The NPPF places a

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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presumption in favour of development that is sustainable and planning policy SP1 of the Local Plan reflects this guidance. Policy DBE1 states that development should incorporate sustainable design and construction measures to show they respond to the objectives of sustainable development, and states that non-residential development should meet a 'very good' BREEAM rating. The proposed scheme has been designed to offer a sustainable solution, which is practical and meets the needs of the school, within the constraints of a fixed budget. The Department for Education do not request formal BREEAM certification, and therefore the proposed scheme has not followed this process. However, the development does have to adhere to the Department for Education's 'Government Output Specification 2017', which sets out detailed specifications of new buildings. The applicant has advised that Annex 2H of Part B of the guidance sets out the required technical standards and performance criteria for energy in schools and sets a very onerous requirement in terms of new school buildings. They state that when the energy requirements for schools are assessed against an environmental assessment like BREEAM it inevitably achieves a minimum BREEAM rating of 'very good'.

65. The energy approach for the new school is predominantly a passive one using a fabric first approach. The thermal mass would be maximised by using concrete structures for the floor and ceilings (to all floors), the use of natural ventilation to the majority of areas, an energy efficient heating system, and an energy efficient LED lighting system coupled with the provision of natural daylight to spaces. Measures which minimise the buildings carbon footprint would include the use of thermal mass, solar shading in the summer, night cooling, high efficiency plant and equipment, and advantageous solar gain in the winter. Energy saving products and techniques would also be integrated into the buildings design to achieve reductions in CO2 emissions, and these include movement and absence sensors for lighting control, heat recovery mechanical ventilation, low energy lighting, and high efficiency water heating plant, to name but a few.
66. The application has been supported by the submission of an Energy Assessment Report, an Environmental Strategy and an Outline Mechanical and Electrical Services Specification. The Environmental strategy details the low and zero carbon (LZC) technologies that were also considered for this development and concludes that of those assessed the two that would be most appropriate for this site would be combined heat and power (CHP) and photovoltaic panels (PV). CHP was also then discounted because it has a limited application in schools due to the reduced all year round heat load, especially in the summer months. PV panels therefore would have been the most appropriate LZC technology for the school development, however the report states that the passive and active energy efficiency CO2 reduction techniques proposed are sufficient to meet the energy requirements for the project.
67. Given that the new building would incorporate energy saving features that would be equivalent to achieving a 'very good' BREEAM rating it is considered that additional LZC technologies cannot be justified in this instance and that the proposed development would meet the aims of Policy DBE1 of the Local Plan.

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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**Community Use**

68. The school is currently used by the community for a number of events and regular clubs such as utilising the school field for parking for County cricket games, use of the school hall for the 'Stagecoach' drama company, 'Arts Fest' held in the summer, music groups and martial arts groups to name a few. The design of the new school would allow for all of these community uses to continue and has been designed to ensure that the relevant spaces (main hall, sports hall, dining area etc) can be accessed independently from the teaching areas to ensure site security.

**Secured By Design**

69. Kent Police have provided comments on the application from a 'secured by design' perspective and the applicants have had a meeting with the Police to discuss the security concerns they have raised. The application would include a new secure fence line for the school for safety, CCTV would be provided to the perimeter of the building and there would be lighting for the new car park. However, some of the initial points raised by Kent Police fall outside the scope of this application (such as the existing boundary treatments, defensive planting etc) and they state these would need to be addressed by the School at a later date. The applicants have further commented that all PSBP2 projects are designed and constructed to the Department for Education's detailed Output Specification. This covers a range of matters including lighting and ventilation to creating clear sightlines for effective management.

70. The intention is to make the site secure and safe for staff and pupils, and Kent Police have accepted, following the meeting with the applicants, that their concerns relate to the management plans of the School rather than the development proposals. The Local Plan states that development should incorporate principles of best practice in designing out crime and that new proposals should be mindful of the advice contained in 'Design for Crime Prevention: A Kent Design Guide for Developers, Designers and Planners', and the City Council's own 'Crime Prevention through Design' document. It is considered that the proposed development has been designed in light of these documents and would be acceptable.

**Conclusion**

71. In my view the key determining factors for this proposal are the principle of the demolition of the existing building and the appropriateness of the design and siting of the new school against the strong policy support for education facilities to meet the needs of existing communities. Policy requires great weight to be attached to the need to create, expand or alter schools. In my view, whilst the architectural merit of the 1950's building is recognised, the retention of the original building on the basis of its architecture would not be sufficient to outweigh the need for the existing school buildings to be demolished due to their poor state of repair and the health and safety concerns this brings with it. The submitted reports have established that the buildings are no longer fit for purpose. This has been recognised by Central Government in that the project is being promoted as part of the PSBP which seeks to replace education buildings that are no longer fit to meet current educational needs. The proposed building would be sustainable through its construction methods, utilising energy efficient



**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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design such that additional low or zero carbon technologies are not justified, and the design of the building would still meet an equivalent 'very good' BREEAM rating.

72. The proposed development does not involve any increase in school roll and therefore brings with it no additional impact in terms of school traffic and parking issues. The Construction Management Plan would address the short-term impact of construction on the surrounding area. The development can be accommodated without impact to ecology, landscape, controlled waters, ground stability, contamination, or archaeology, all of which can be suitably mitigated by the proposed conditions. In my view the development is sustainable, in accordance with the aims of the NPPF and the Development Plan policies, and there are no material planning considerations that indicate that the conclusion should be made otherwise. I therefore recommend that planning permission be granted.

**Recommendation**

73. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The standard 3 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 provision and permanent retention of the vehicle parking spaces as shown on the submitted plans prior to the occupation of the school and their retention thereafter;
  - The provision and permanent retention of vehicle loading/unloading and turning facilities, as shown on the submitted plans, prior to the occupation of the new buildings;
  - The provision and permanent retention of secure, covered cycle parking facilities prior to the occupation of the building, in accordance with details to be submitted and approved by the County Planning Authority;
  - The submission of a detailed review of the School Travel Plan incorporating measures to encourage sustainable transport;
  - The implementation of the submitted Construction Management Plan for the duration of the construction activities on site;
  - That works shall only be carried out on site between the hours of 0800 to 1800 Monday to Friday; 0900 to 1300 on Saturdays; and no operations on Sundays or public holidays;
  - Submission of a detailed surface water drainage scheme;
  - Submission of a verification report covering this scheme to be approved by the Lead Local Flood Authority;
  - No infiltration of surface water drainage into the ground, other than with the written approval of the County Planning Authority and shall only be used in those areas where there would be no unacceptable risk to controlled waters or ground stability;
  - The development shall not commence until a scheme to connect the building to foul and surface water drainage systems has been submitted and approved by the County Planning Authority;
  - The Landscape scheme set out in the Landscape Submission shall be implemented

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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as set out within the first available planting season once the development is occupied;

- Any plants or trees that die within the first 5 years after planting shall be replaced;
- No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable to be approved in writing by the County Planning Authority;
- No demolition of the original school shall take place until an Historic Building Record (basic photographic survey) has been made to record the building for social and communal interest;
- Prior to the commencement of development, the submission of a Biodiversity Method Statement for the protection of badgers and hedgehogs to be approved by the County Planning Authority;
- The submission of a bat and badger sensitive lighting scheme to be approved by the County Planning Authority;
- The submission of an 'Ecological Design Strategy' prior to the commencement of development, to be approved by the County Planning Authority, relating to the retention and protection of existing habitats, the creation of semi-natural habitats and ecological enhancement measures;
- The submission of a 'Landscape & Ecology Management Plan' to cover the ongoing maintenance of the landscape and ecological areas;
- No development shall commence until a remediation strategy to deal with risks associated with contamination of the site has been submitted to the County Planning Authority and approved in writing;
- No occupation of the new building until a verification report has been submitted and approved in writing by the County Planning Authority that demonstrates the completion and the effectiveness of the remediation works;
- If during development contamination not previously identified is found to be present, then no further development shall take place until a remediation strategy has been agreed with the County Planning Authority;
- No piling or penetrative foundation methods be used on site without prior written consent of the County Planning Authority.

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

- 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 examines the site prior to works commencing;
- The EA refers the applicant to the guidance document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention';
- The EA advise that there should be no surface water discharge by SuDS on land impacted by contamination or land previously identified as being contaminated;
- Contaminated soil that is, or must be, disposed of is waste and therefore its handling, transport, treatment and disposal is subject to waste management legislation.

**Item D1**

**Demolition of existing school and replacement with a part two storey, part three storey teaching block, sports hall and MUGA, at Simon Langton Girls' Grammar School, Old Dover Road, Canterbury – 19/00063 (KCC/CA/0003/2019)**

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Case Officer: Mrs Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

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## Proposed alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

A report by Head of Planning Applications Group to Planning Applications Committee on 15<sup>th</sup> May 2019.

Proposed alteration to existing fencing and gates to remove existing 1.2m high staves and replace with 1.5m high matching staves and installation of staves to existing gates at Ide Hill Primary School, Sundridge Road, Ide Hill TN14 6JT - KCC/SE/0014/2019 (SE/19/00247)

Recommendation: Permission be granted subject to conditions.

Local Member(s): Nick Chard

Classification: Unrestricted

### Site

1. Ide Hill is located approx. 3 miles south west of Chipstead and 3 miles to the southeast of Westerham. Ide Hill Primary School is located to the north west of the village green, on the Sundridge Road.
2. The school is a grade 2 listed building and is located within the Ide Hill Conservation Area and near to residential properties several of which are also listed. The site is in the Kent Downs Area of Outstanding Natural Beauty (AONB) and the Metropolitan Green Belt. A Public Right of Way (PROW) runs to the south of the school.
3. The application relates to an area of fencing and gates on the eastern and southern boundary of the school.

### Recent Planning History

4. The relevant planning history since 2012 is listed below:

KCC/SE/0438/2018 (SE/18/2620) Withdrawn - the replacement of existing vertical hit and miss timber fencing and gates with black metal security fencing and matching gates to a height of 1.8m for safeguarding purposes;

KCC/SE/0049/2018 (SE/18/1121) Granted - Demolition of existing detached modular classroom building and erection of single storey detached classroom building to provide 2 x 40msq teaching spaces;

KCC/SE/0106/2016 (SE/16/1463) Granted - Single storey extension to the southern facade to provide enlarged teaching accommodation (34 sqm);

KCC/SE/0205/2012 (SE/12/1664) Granted - To demolish a mobile classroom and rear extension to school building including existing toilets, changing rooms, corridor and store room and construct a new extension comprising a new multi-purpose hall, kitchenette and hall store, toilets plus a new classroom and link corridor.

## Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

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### Background

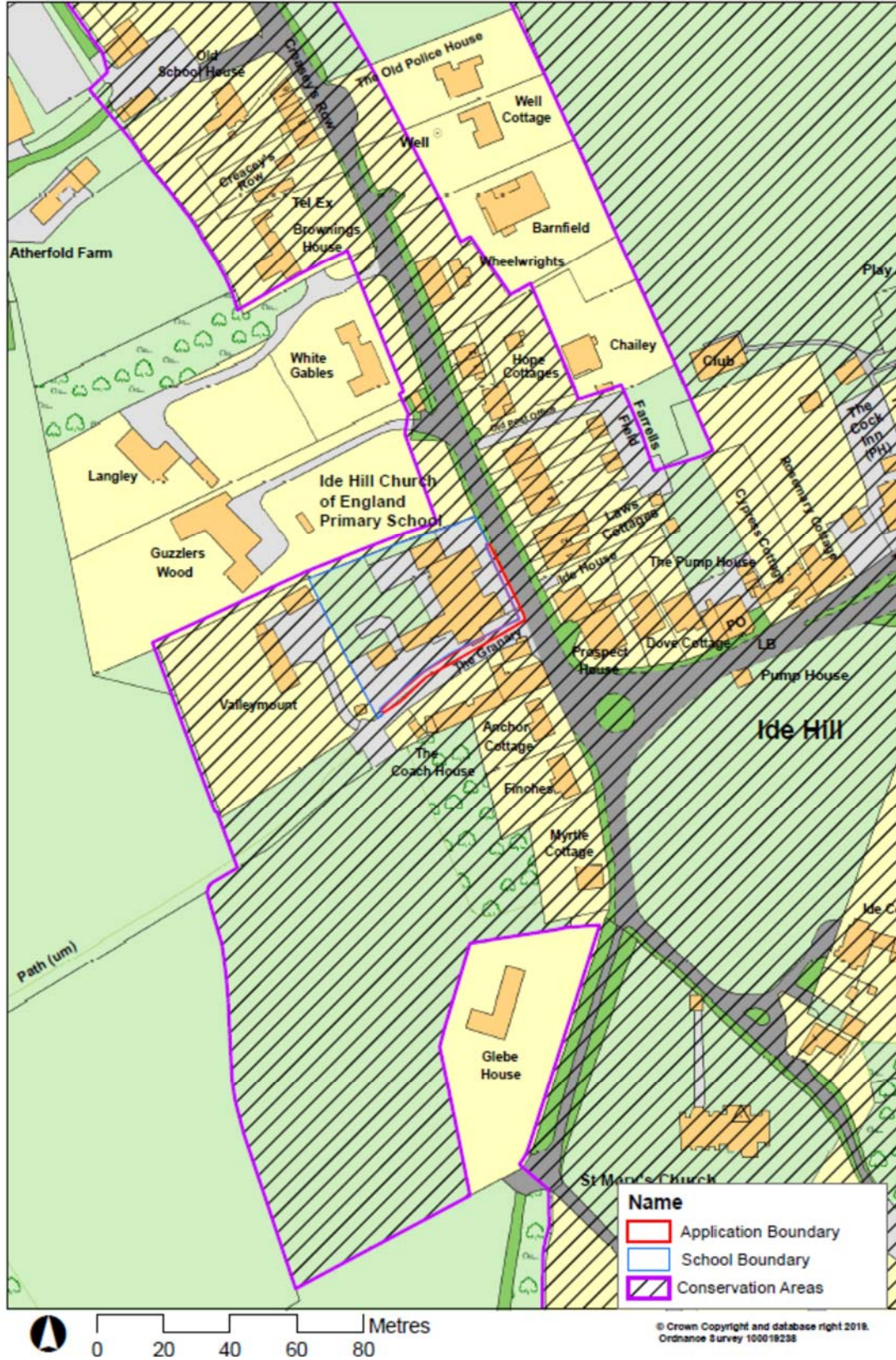
5. The applicant has previously applied for amendments to the existing fencing at the site under the application reference KCC/SE/0438/2018 (SE/18/2620). This was for the replacement of existing vertical hit and miss timber fencing and gates with black metal security fencing and matching gates to a height of 1.8m for safeguarding purposes. However, as a result of objections received the application was withdrawn in order to submit an amended set of proposals. The amended proposals are contained in the planning application now being considered.

### Proposal

6. The proposal is for the alteration to existing timber fencing at the site to remove the existing 1.2m high staves in a section of fencing and pedestrian gate at the front (eastern) elevation of the school and replace the 1.2m high staves with new 1.5m high matching staves.
7. To the south of the school the proposal includes the cladding of both sides of the existing gate with 1.5m high fencing staves.
8. A new 1.5m high secure gate is also proposed within the site between the entrance and the playground.
9. The existing fence materials at the site are 1.2m high timber vertical palisade type fencing with matching timber and rails. The proposed materials are the same although 1.5m high.
10. The existing gates are 5 bar (field) style timber gates with galvanised steel fittings and the proposal would modify these by adding 1.5m high staves.
11. The section of fencing at the front of the site, facing Sundridge Road is 11.7m long. The section of gate at the south of the site (which faces residential property to the rear of The Granary), is 7.3m.

# Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

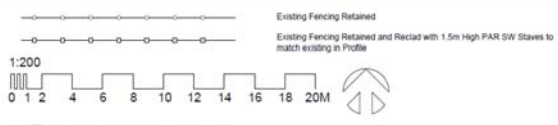
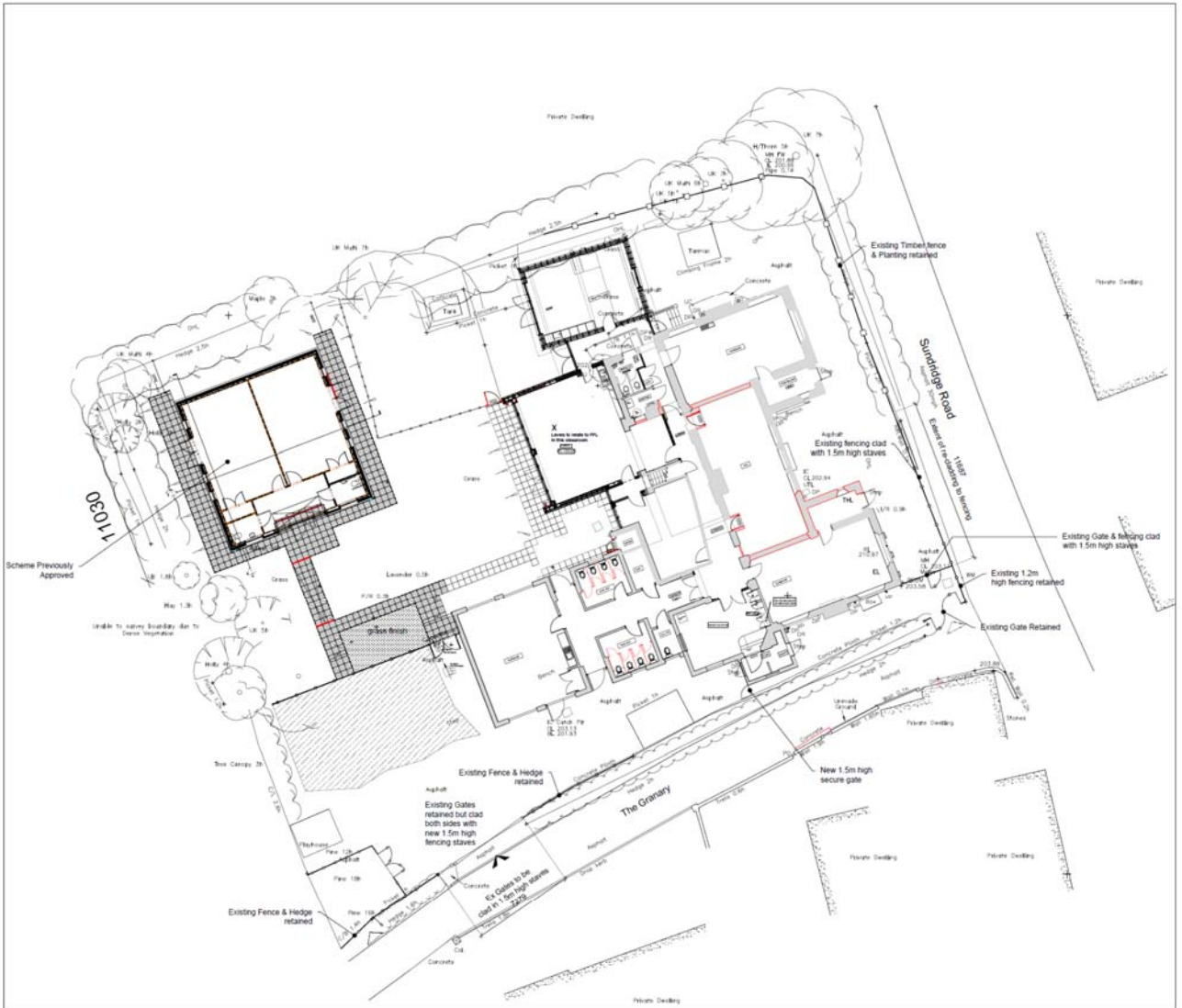
## Site Location Plan





# Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

## Site Plan – proposed

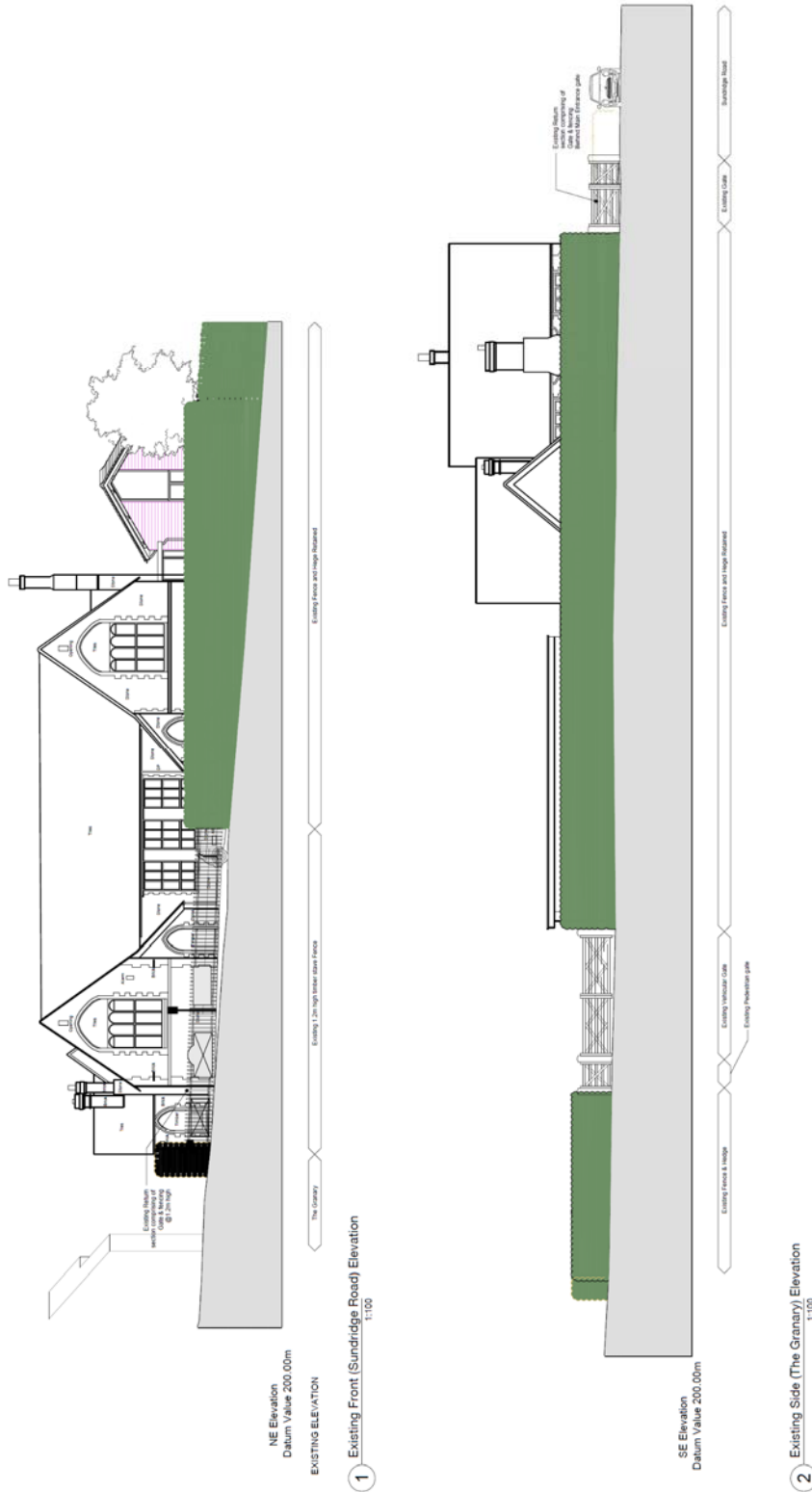


**1** Proposed Plan  
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# Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

## Existing Elevations





Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

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Photo showing existing fencing at front elevation



Photo showing existing gates at south elevation



Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

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Photos showing sample panel in place next to existing fencing



### Planning Policy

12. 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) February 2019** 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 along with the national policy practice 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 approach decisions in a positive and creative way, 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,

## Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

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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;
- Taking a positive approach to applications that make more effective use of sites that provide community services such as schools, provided this maintains or improves the quality of service provision and access to open space and making decisions that promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Protecting green belt land;
- Conserving and enhancing the natural environment;
- Conserving and enhancing the historic environment.

In addition, Paragraph 94 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.*

- (i) **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. In particular, the Policy states that the Government wants to enable new schools to open, good schools to expand and all schools to adapt to improve their facilities. This will allow for more provision and greater diversity of provision in the state funded school sector, to meet both demographic needs, provide increased choice and create higher standards.

(ii) **Development Plan Policies**

**Sevenoaks Core Strategy Development Plan (2011)**

Policy LO1 – concerns the distribution of development focusing development within the confines of existing settlement with priority given to protecting the rural character of the District. Development will only take place where it is compatible with policies for protecting the Green Belt and the High Weald and Kent Downs Areas of Outstanding Natural Beauty, where relevant.

Policy LP07 – seeks to ensure that new development is of a scale and nature appropriate to the village concerned and should respond to the distinctive local characteristics of the area in which it is situated.

Policy LO8 – seeks to maintain the extent green belt and conserve the countryside and distinctive features that contribute to the special character of the landscape.

Policy SP1 – seeks to ensure that new development is designed to a high quality and responds to the distinctive local character of the area in which it is situated. Account should be taken of guidance adopted by the Council in the form of Kent Design, local Character Area Assessments, Conservation Area Appraisals and Management Plans, Village Design Statements and Parish Plans. In rural areas account should be taken of guidance in the Countryside Assessment and AONB Management Plans. Seeks to



## Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

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ensure that new development is safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity. The District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.

Policy SP2 – seeks to achieve sustainable development and contribute to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction to improve the energy and water efficiency of all new development and contribute to the goal of achieving zero carbon development as soon as possible.

### **Allocations and Development Management Plan (2015)**

Policy SC 1 – Provides a presumption in favour of sustainable development when considering development proposals. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy EN1 – Seeks to achieve high quality design which responds to the scale, height, materials and which respects the topography and character of the site and the surrounding area and which sensitively incorporate natural features such as trees, hedges and ponds within the site. Seeks to ensure that there is not unacceptable impact on the character of the area and that the design of new buildings and the layout of spaces, including footways, car and cycle parking areas, would be permeable and provide connectivity with neighbouring areas and that the design of new developments would result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour.

Policy EN2 – Seeks to safeguard the amenities of occupants of nearby properties by ensuring that development does not result in, and is not located in areas where occupants of the development would be subject to, excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy, or light enjoyed by the occupants of nearby properties.

Policy EN4 – Seeks to ensure that proposals that affect a Heritage Asset, or its setting, will conserve or enhance the character, appearance and setting of the asset. Applications will be assessed with reference to the historic and/or architectural significance of the asset; the prominence of its location and setting; and the historic and/or architectural significance of any elements to be lost or replaced.

Policy EN5 – Seeks to protect the landscape and scenic beauty of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.

In addition, the Green Belt Supplementary Planning Document (2015) and the Ide Hill

Alterations to existing fencing and gates at Ide Hill  
Primary School - KCC/SE/0014/2019 (SE/19/00247)

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Conservation Area Appraisal is a material planning consideration.

Consultations

13. **Sevenoaks District Council** has no objection to the proposal.
14. **KCC Heritage Conservation** has no adverse comments to make on built heritage grounds. They comment that they have been consulted at pre-app stage on this proposal and now viewed the comprehensive documentation accompanying the application and are of the opinion that the approach taken to this project, i.e. by replacing existing staves rather than completely new fencing, in this sensitive position is the right and most pragmatic solution.
15. **Highways and Transportation** has no objection on behalf of the local highway authority.
16. **Kent Downs AONB Unit** has no comment to make to the proposal.
17. **PROW** advise that Public Right of Way Footpath SR237 runs along the route to the south side of the site but do not anticipate it being affected adversely by the raising of the height of the staves to 1.5metres. This seems an entirely proportional response to the need to safeguard children at the school.
18. **Sundridge and Ide Hill Parish Council** did not provide a response however their website includes Planning Committee minutes which state that they have no objection to the proposal.

Local Member

19. The local County Council Member, for Sevenoaks West, Mr Nick Chard was notified of the application on 31<sup>st</sup> January 2019.

Publicity

20. The application was publicised by the posting of a site notice, newspaper notice and notification of 30 properties.

Representations

21. In response to the publicity for the proposal, 2 letters of representation have been received. One of which supports the amendments as a result of revisions to the original proposal which was withdrawn and the other objects to the proposal. The key points raised are summarised as follows:

- Does not agree that the need for the increase to fence height has been justified and there is no Ofsted requirement to change the fence and there has not been a playground safeguarding incident at the school;
- The proposal would impact on the look of the main front elevation which following extension projects over the years would lead to the loss of other original elevations;
- The front elevation deserves to be protected from modernization and urbanisation works;

## Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

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- The school is in a quiet country village and does not have the issues that a large urban school can have;
- Other local village schools have 1.2m high fences (Oxford and Four Elms);
- Because of the difference in levels between the road surface and the playground the existing palisades are already 1.7m above the road surface;
- The substantial mixed holly and hawthorn fence could be extended, and a temporary fence erected in the interim growing period.

### Discussion

22. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 12 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.
23. This proposal is being reported to the Committee due to one local objection. In my opinion, the key material planning considerations in this particular case can be summarised as need, location, design, heritage, green belt and landscape implications and the impact on local and residential amenity.

### Need

24. The applicant, (The Governors of Ide Hill CE Primary School) consider that the proposal is needed in relation to health and safety of the school site and the ability to safeguard children that use the school. A previous proposal to increase the height of the fence and gates to 1.8m was withdrawn by the applicant.
25. This application includes a Design and Access Statement and an Education Safeguarding Service Review (November 2018). These detail the recommendation of the KCC Area Education Safeguarding Adviser and the KCC Training and Development Manager for a proposed increase in fence and gate height in areas where there is currently no boundary hedge in place. They also refer to the "good" outcome of the most recent Ofsted inspection (October 2015) and that the School had verbally agreed to make improvements to the height of the front fencing and gate at the rear of the school during the Ofsted Inspection.
26. The Safeguarding Service review identified that the 1.2m fencing at the moment is at a height where children can easily climb over or a parent or visitor can easily reach over to get access to a child. The proposal to increase the fence and gate height in the locations suggested would meet the safeguarding and safety needs of the School.
27. There have been no objections from the District Council or the Parish Council regarding the need for the proposal. Whilst there is one neighbour objection to the proposal that does not agree with the need to increase the fence height, I consider that the Safeguarding Service Review by the KCC Area Education Advisor recommendations demonstrate a need for improvements to the School in respect of safeguarding and safety, irrespective of whether there have been playground safeguarding incidents at the school in the past.



## Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

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28. I therefore conclude that the application demonstrates that improvements to existing arrangements are needed for children safeguarding and safety.

### Location

29. The proposal relates to a 11.7m section of existing fencing adjoining Sundridge Road; a small section of fence and pedestrian gate within the site; an existing pedestrian and double gate set measuring 7.3m along the southern elevation opposite residential property to the rear of The Granary and one new pedestrian gate within the Ide Hill School site.
30. The proposed development would be permitted development but for the location which surrounds a listed building. The impact to the listed building is discussed below in relation to heritage.
31. The site is also located within the Metropolitan Green Belt. The NPPF states that the fundamental aim of the Green Belt is to serve 5 purposes: to check unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; assisting in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the recycling or derelict and other urban land. One of the essential characteristics of Green Belt is their openness. I consider that the proposal to increase the height of the fence and gates by 0.3m using materials which are very similar to the existing arrangement does not compromise the purposes of the Green Belt designation nor the openness of the Green Belt in this location. The proposed new fencing would be in keeping with the existing area and appropriate to the location.

### Design and heritage implications

32. This proposal has been shaped by the Applicant as a result of the views received in relation to the previous planning application in 2018 which was withdrawn by the applicant. That earlier application sought permission for 1.8m high black metal fencing and was met with 21 neighbour objections and objection from the District Council.
33. As a result, the applicant sought pre-application advice for a revised design and agreement to a trial section of proposed increased height of fencing at the front of the school.
34. Drawings have been submitted showing the location of the proposed fencing and existing and proposed elevations. The design has attracted no objection from Sevenoaks District Council or the Conservation Adviser.
35. However, a neighbour representation raises objection to the impact of the proposal to the main front elevation and considers that the "front elevation deserves to be protected from [.....] modernisation and urbanisation works". The representation does not detail any adverse impacts other than in relation to the loss of original elevations on the main front elevation.
36. The location in the Ide Hill Conservation Area requires that proposals should conserve or enhance the character, appearance and setting of the heritage asset. The proposed fencing along Sundridge Road is in a prominent location with views from the village green through the Conservation Area. However, the replacement of the fencing with new

## Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

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staves that at 1.5 metres are only 0.3 metres higher does not in my view adversely affect the character and appearance of the Conservation Area or the setting, historic and/or architectural significance of the Listed Building and therefore the policy requirements of EN4 of the Local Plan and the NPPF are met.

37. The school is grade 2 listed. The listing entry is "1-storey building of shallow U-shape. Each gabled wing has large window, under pointed relieving arch with tile-hung tympanum, with 4 round-headed, transomed lights. Lean-tos on inner returns hold doors under pointed arches. Random rubble masonry, stone dressings in right wing, red brick in left. High pitched tiled roofs. Centre section has 3 grouped, 3-light double-transome windows. All door and window dressings of stone. Domestic quarters behind in narrower parallel span. Later rear additions at South end".
38. The listing therefore refers to the building itself and not the curtilage features. The fencing is not an original feature. The KCC Conservation Advisor comments in this instance that provided that the modern works are of high quality then they can sit well with a historic building. Timber palisade fencing is well suited to a rural location and the open nature of this fencing proposal will not preclude views to the front elevation. Raising the height of the fencing with like for like materials would not materially alter the front elevation of the building. Notwithstanding the local resident's view, the KCC Conservation Officer does not consider this proposal to be urbanisation. Furthermore, there has been no objection from Sevenoaks District Council or the KCC Conservation Adviser as to the impact to the listed building nor the Conservation Area.
39. However, as the front elevation is important to the Historic England listing the applicant will need to seek advice from Sevenoaks District Council on the need for Listed Building Consent in relation to the proposals. I am satisfied that this can be requested via an Informative should Members be minded to grant permission for the proposal.
40. Whilst the setting of the school in a rural location is quite different to that of a large urban school, it does not mean that safeguarding and safety of the school is not a consideration in a rural location. The creation of a safe and secure environment and incorporation of adequate security measures and features to deter crime and the fear of crime is a design consideration for all proposals within Local Plan policy EN1. I consider that the proposal seeks to achieve a sympathetic design which meets the needs of the School in terms of safeguarding and health and safety and which also appropriately addresses the location within the AONB and Conservation Area and the listed building setting.
41. In light of this, I consider that the proposed design is acceptable in this location and meets the planning policy requirements relating to design and heritage.

### **Landscape and tree protection**

42. The proposal is the Kent Downs AONB and Policy EN5 requires consideration of the form, scale, materials and design in relation to the AONB setting and that proposals would conserve and enhance the character of the landscape with regard to the Kent Downs Management Plan which is a material planning consideration. The Kent Downs AONB have no comments to make on this proposal.
43. The proposal does not require the removal of any trees or hedges at the site.

## Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

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44. It has been suggested in a representation that existing planting could be extended along the existing fence line instead of replacing the existing fence staves with higher fence staves. It has also been suggested that temporary fencing could be used meanwhile to allow the hedge to grow. However, that is not what has been proposed by the applicant and a decision needs to be made on the proposal that has been submitted to the County Planning Authority. Furthermore, as the playground surface extends to the fence boundary and the narrow highway verge abuts the boundary any planting is unlikely to be practicable.

### **Transport and Highway Implications**

45. The proposal does not give rise to any highway impacts.

### **Residential Amenity Considerations**

46. The proposal does not create any adverse residential amenity impacts and accords with policy EN2. The proposal does not give rise to excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and does not result in the unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties. There have been no objections relating to residential amenity.

### **Other Considerations**

47. A neighbour comment has been received stating that the existing palisades are already 1.7m above the road surface because of the difference in levels between the road surface and the playground. The applicant, in response, advises that the road is on a slope and as a result at one end of the existing fence the difference in levels is 1.7m and that at the other end the top of the fence is 1.2m above the road level. The elevations submitted with the application show that the ground slopes however the photos show that the fencing is installed at the level of the school playground and not the road level. The actual existing fence height is 1.2m. The applicant seeks to increase the fence height to 1.5m as stipulated in the KCC Safeguarding report at the points of maximum vulnerability. Whilst other local village schools may well have 1.2m high fences, this proposal needs to be considered in relation to the information submitted to the County Planning Authority in this application and be considered on its own merits.

### **Conclusion**

48. There is strong national policy support for schools related development. The applicant has submitted information to demonstrate a need for the proposal in areas of the site where the existing arrangements need improvement and have amended previous proposals to suit the setting of the grade 2 listed building in the Ide Hill Conservation Area. This revised proposal has attracted considerably fewer objections than the original proposal.
49. The key considerations in the determination of this application are the impacts to Heritage, Landscape, Green Belt and Design. There has been no objection from the District Council, the Kent Downs AONB Unit or the KCC Conservation Advisor in relation to these matters. The 0.3m taller proposed replacement staves of the timber palisade fencing would be well suited to a rural location. The open nature of this fencing proposal will not preclude view to the front elevation and the features of the building that relate to the listing. I therefore conclude that raising the height of the fencing with like for like

## Alterations to existing fencing and gates at Ide Hill Primary School - KCC/SE/0014/2019 (SE/19/00247)

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materials would not materially alter the front elevation of the building and is an appropriate design solution.

50. There have also been no objections to the proposals in relation to Public Rights of Way nor Highways and Transportation and the proposal does not adversely impact on residential amenity.

51. Whilst the proposal has received one objection, I consider that the proposal accords with development plan policy in Sevenoaks and with the principles of the National Planning Policy Framework and the Government's planning policy statement on school development. I do not consider that there are any material planning considerations which indicate that permission should not be granted for this proposal. Therefore, my recommendation is that planning permission be granted.

### Recommendation

52. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO imposition of conditions covering (amongst other matters) the following:

- The standard 3 year timescale for commencement of the development;
- The development be in accordance with the submitted details;
- The protection of existing trees and hedgerows along the southern and eastern site elevations within the application area.

And Informatives concerning:

- PROW and highways advice
- That the applicant establishes the need or otherwise for Listed Building Consent via Sevenoaks District Council.

Case Officer: Hazel Mallett	Tel. no: 03000 413411
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Background Documents: see section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

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

**Background Documents** - The deposited documents.

- DA/18/1657 Provision of a welfare building.  
Longreach Sewage Treatment Works, Marsh Street, Dartford, Kent DA1 5PP  
Decision: Permitted
- TM/15/2500 Request for approval of sustainable drainage scheme (SUDS) and  
/R4&16 landscaping scheme pursuant to conditions 4 and 16 of planning permission  
TM/15/2500.  
Land at 54 The Street, Mereworth, Maidstone, Kent ME18 5NB  
Decision: Approved
- TM/19/23 Variation of condition 2 of planning permission TM/04/1019 to allow the retention  
of the office building for use by Aylesford Heritage Limited until 21 February  
2042, or within 6 months of the permanent cessation of mineral working at  
Aylesford Quarry, whichever is the sooner.  
Aylesford Quarry, Rochester Road, Aylesford  
Decision: Permitted
- TM/19/58 Variation of conditions 2 and 5 of planning permission TM/11/1632 to extend the  
life of the Stangate Gas Utilisation Plant and to supplement the existing landfill  
gas and leachate management activities with electricity generation from natural  
gas during peak periods of demand until 31 July 2050 or until no longer required  
for the permitted/proposed uses (whichever is the sooner).  
as Utilisation Plan.  
Stangate Landfill Site, Quarry Hill Road, Borough Green  
Decision: Permitted
- TM/19/59 Variation of condition 2 of planning permission TM/11/1618 to allow the retention  
of the Electricity Sub-Station until 31 July 2050 or until electricity generation  
ceases at the Stangate Gas Utilisation Plant (whichever is the sooner).  
Stangate Quarry, Quarry Hill Road, Borough Green, Sevenoaks  
Decision: Permitted
- TM/19/222 Proposed erection of gas metering kiosk building.  
Stangate Quarry, Quarry Hill Road, Borough Green, Sevenoaks  
Decision: Permitted

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

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

**Background Documents** – The deposited documents.

- AS/19/0178 Installation of 36 (24 + 12) solar car ports and ancillary development  
Kroner House, Eurogate Business Park, Thompson Road, Kennington, Ashford,  
Kent TN24 8XU  
Decision: Permitted
- CA/19/372 Outdoor Classroom/Canvas Canopy.  
Westmeads Community Infant School, Cromwell Road, Whitstable, Kent  
CT5 1NA  
Decision: Permitted
- DA/19/237 New single storey teaching block formed of 3 separate modular buildings  
accommodating 3 classrooms, library, WC's and circulation space. The 3  
buildings are to be connected by a new canopy joining the existing canopy. New  
soft play areas to the rear of 2 buildings and additional hard play area are to be  
laid. A new timber frame workshop (14m<sup>2</sup>) is to be situated to the north of the  
existing hard play. The works are in relation to planning application DA/18/569  
(KCC/DA/0066/2018); this planning application seeks to amend the design and  
layout of the classroom block.  
Darenth Primary School, Green Street Green Road, Darenth, Kent, DA2 8DH  
Decision: Permitted
- DO/17/751/R11 Details of external lighting pursuant to condition 11 of planning permission  
DO/17/751. Dover Grammar School for Girls, Frith Road, Dover, CT16 2PZ  
Decision: Approved
- MA/19/500757 Installation of a barrel-vault canopy (Width: 2.5m Length: 26.5m) to provide a  
covered walkway at Park Way Primary School. The purpose of the walkway is  
to link the main school building to a new two classroom modular building to be  
constructed under Permitted Development.  
Park Way Primary School, South Park Road, Maidstone, Kent, ME15 7AH  
Decision: Permitted
- SE/18/1521/R Non-Material Amendment to planning permission SE/18/1521 for internal  
changes to the proposed classroom and toilet layout and resultant changes to  
the location of the proposed canopy, minor window alterations to the southern  
elevation and the slight relocation of roof ventilation stack. Omission of small  
extensions to existing school that are no longer required and the minor  
rearrangement of the car park (no loss of parking spaces).  
Seal C of E Primary School, Zambra Way, Seal, Sevenoaks, Kent, TN15 0DJ  
Decision: Approved

- SE/18/1726 /R17(part) Details of a Sustainable Surface Water Drainage Scheme relating to the Phase 1B works only (three storey extension to the front of the school) pursuant to condition (17) of planning permission SE/18/1726 (partial discharge of condition only).  
The Trinity School, Seal Hollow Road, Sevenoaks, Kent TN13 3SL.  
Decision: Approved
- SE/18/1726 R23(part) Details of Construction Management Plan relating to the Phase 1B works only (three storey extension to the front of the school) pursuant to condition (23) of planning permission SE/18/1726 (partial discharge of condition only).  
The Trinity School, Seal Hollow Road, Sevenoaks, Kent TN13 3SL.  
Decision: Approved
- TH/94/2018 /R4 Details of biodiversity enhancement pursuant to Condition 4 of planning permission KCC/TH/0094/2018.  
St Georges Church of England Foundation Primary School, Westwood Road, Broadstairs  
Decision: Approved
- TH/19/138 Installation of edge protection to the flat roof of the building to enable the internal roof outlets to be accessed safely.  
St Peters House, Dane Valley Road, St Peters, Broadstairs, Kent CT10 3FD  
Decision: Permitted
- TM/16/853 /R16 Details of a School Travel Plan pursuant to Condition 16 of planning permission TM/16/853  
Wouldham All Saints CEP School, Worrall Drive, Wouldham, Rochester, Kent ME1 3GE.  
Decision: Approved
- TM/18/2532 Section 73 application for the proposed variation of planning condition number 8 (removal of 'no community-use' restriction) following the granting of planning permission reference TM/15/121 dated 16 April 2015.  
Judd School Playing Fields, Land off Lower Haysden Lane, Tonbridge, Kent  
Decision: Permitted
- TM/19/563 The Installation of (sports) stop-netting to the rear play area.  
St Peter's Church of England (VC) Primary School, Mount Pleasant, Aylesford, Kent, ME20 7BE  
Decision: Permitted
- TW/19/0281 Installation of 6 rows of solar photovoltaic panels facing 3 directions (to provide electricity generation throughout the day) located at the southern end of the site adjacent to the point of connection at Swattenden House  
Swattenden Centre, Swattenden Lane, Cranbrook, Kent TN17 3PR  
Decision: Permitted

### **E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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#### **Background Documents –**

- *The deposited documents.*
  - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
  - *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
- (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/MA/0063/2019 Variation of condition 2 of planning permission MA/14/727 to amend the date for completion of importation and stabilisation works and restoration from 18 to 36 months from commencement of development (i.e. from 25 March 2019 to 25 September 2020).  
Chilston Sandpit, Sandway Road, Sandway, Maidstone, Kent ME17 2LU
- KCC/TM/0017/2019 Details of Interim Restoration (Conditions 2b and 22), Working, Restoration and Aftercare Scheme for the area marked in 'yellow' on drawing P1/1782/2 (Condition 8), a Woodland Management Scheme (Condition 24), Aftercare Scheme (Condition 27) and an Archaeological Watching Brief (Condition 30) pursuant to planning permission TM/02/2663/MR97, which allows for clay and sand extraction from the quarry.  
Park Farm Quarry, Wrotham.
- (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 2017 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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- (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 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

None

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## **SECTION F KCC RESPONSE TO CONSULTATION**

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.

### **KCC Response to Consultations**

Reports to Planning Applications Committee on 15 May 2019.

These reports set out KCC's responses to consultations.

Recommendation: To note the reports

Unrestricted

#### **1. Introduction and Supporting Documents.**

Kent County Council has commented on the following consultations. The response document can be found under the item heading.

#### **F1: Draft Folkestone and Hythe Core Strategy Review 2019 – March 2019**

#### **F2: Application DO/12/00440 – Western Heights and Farthingloe, Dover - Outline application (with all matters reserved except access) for the construction of:**

1. Up to 521 residential units (Use Class C3)
2. Up to 9,335sqm 90 apartment retirement village (Use Class C2);
3. Up to 730sqm health facility (Use Class D2); together with associated landscaping and ancillary infrastructure and works at Great Farthingloe Farm, Dover; and (with all matters reserved) for:
4. Construction of up to 31 residential units (Use Class C3); and
5. Construction of up to 7,400sqm 130 bed hotel & 150-person conference centre (Use Class C1); together with ancillary infrastructure and works at land at Western Heights, Dover; and  
Provision of a pedestrian access network to facilitate enhanced recreation access together with associated landscaping and works on land at Great Farthingloe Farm and Western Heights, Dover;

and **Full** application for the conversion of:

1. Thatched barn to pub/restaurant (Use Class A4/A3);
2. Stable block to retail shop (Use Class A1/A2); and
3. Farmhouse to bed & breakfast use (Use Class C1); together with associated landscaping and ancillary infrastructure and works at Great

- Farthingloe Farm, Dover; and
4. Victoria Hall to provide 9 residential units (Use Class C3); and
  5. Drop Redoubt to a Museum/Visitor Centre (Use Class D1) together with associated landscaping and ancillary infrastructure and works.

**F3 – Canterbury CC - Canterbury City Council Community Infrastructure Levy (CIL) - Publication of the Draft CIL Charging Schedule (Regulation 16) and invitation to make representations (Regulation 17)**

**F4 – Canterbury CC - CA/17/01383/OUT - Land at Sturry/Broad Oak, Sturry Proposal** - Outline application (with all matters reserved) for the development of up to 650 houses and associated community infrastructure comprising primary school, community building, public car park and associated amenity space, access, parking and landscaping; and detailed/full application for the construction of part of the Sturry Link Road and a local road from the Sturry Link Road to Shalloak Road.

**F5 – Thanet DC - EIA Scoping Opinion for a mixed-use development at land at Westgate on Sea, to the east and west of Minster Road, Kent**

**Recommendation: To note the reports**

*Background documents; As set out in the reports.*



Mr. A Tofts  
Planning Policy Manager  
Folkestone & Hythe District Council  
Civic Centre  
Castle Hill Avenue  
Folkestone  
Kent CT20 2QY

## **Growth, Environment & Transport**

Room 1.62  
Sessions House  
Maidstone  
Kent  
ME14 1XQ

Phone: 03000 415981  
Ask for: Barbara Cooper  
Email: [Barbara.Cooper@kent.gov.uk](mailto:Barbara.Cooper@kent.gov.uk)

### **BY EMAIL ONLY**

11 March 2019

Dear Adrian

### **Re: Folkestone and Hythe Core Strategy Review 2019 Consultation**

Thank you for your email dated 24 January 2019, notifying Kent County Council (KCC) of the Regulation 19 consultation on the Core Strategy Review Submission Draft.

The County Council continues to support the growth ambitions of Folkestone and Hythe District Council to meet local housing needs which have increased significantly to 676 homes a year to 2037, in accordance with the Government's standardised methodology. KCC notes that the proposed new garden settlement at Otterpool Park will make a significant contribution towards the overall housing requirement; and the County Council looks forward to continuing the well-established collaborative working arrangements on the scheme as this moves forward.

The County Council, as a provider of key strategic infrastructure across Kent, has a significant role in providing the infrastructure required to ensure that growth is delivered sustainably. In the current context of the well documented reductions in public sector funding, which has significantly reduced the ability of upper tier authorities to invest in capital infrastructure projects, the role of development contributions in providing this essential infrastructure has heightened in importance. The County Council therefore welcomes the commitment that the Community Infrastructure Levy (CIL) is not to be utilised for Otterpool Park.

#### *Otterpool Park*

The County Council has consistently supported the District Council's approach to delivering a new garden settlement at Otterpool Park, including through the submission of an Expression of Interest, in response to the Locally-Led Garden Villages, Towns and Cities Prospectus.

The County Council supports the ambition for the Otterpool Park settlement to be a 'beacon' of best practice environmentally and for it to follow garden town principles to ensure that it creates strong and cohesive communities. The County Council recognises that the location of the proposal will have an impact on the setting of the Area of Outstanding Natural Beauty (AONB) and would draw attention to the matters that are being raised by the Kent Downs AONB Unit. KCC would also encourage early engagement with partners to ensure that Design Codes are developed to enable the long-term delivery and maintenance of high quality design.

As the Otterpool Park proposal develops, the list of social and community requirements for the garden settlement will be subject to further discussion with KCC, given the scale of developer contributions that will be required for KCC delivered services.

Timescales do present a particular challenge in determining and reflecting changes in service provision and funding, and so will necessitate a flexible approach to ensure that infrastructure can be funded and delivered over the long term. Officers will continue to work with the District Council to ensure that as the proposal progresses, all County Council services and infrastructure will be captured in the planning, phasing and delivery of the new settlement.

It is advised that in order for the settlement to be self-sufficient for education provision and deliverable over the plan period, there may be a requirement for the safeguarding of land for the provision of two secondary schools within the site. For the wider masterplan of up to 10,000 homes, the education need is likely to consist of up to 13FE of secondary provision and eight 2FE of primary provision provided on site.

The Kent Social Care Accommodation Strategy, launched in 2014, emphasizes a greater importance on people being able to live longer and more independently in their own homes; and less on more institutional residential care. The Strategy is currently under review and this review will set the future need and strategic direction for the accommodation needs of residents in Kent and those that will require the support of Adult Social Care services. To fit with the objectives of the Strategy, any strategic housing plan should put the emphasis on homes that are built and developed within the Lifetime Homes Standard and promote independent living with or without care and support.

Further, the importance of placing the delivery of social care and public health alongside the wider health agenda will also be critical, and all these services will need to be appropriately provided for within the settlement. This will include the provision of employment and community space for the delivery of social care and public health services.

The County Council requests continued close working with the County Council as it leads the development of a Kent and Medway Energy and Low Emissions Strategy, with the potential that Otterpool Park could be an exemplar of 'clean growth' development. Taking sustainable design approaches (which achieve greater energy efficiency and provide infrastructure that enables more walking, cycling and electric

vehicle use) will in turn will reduce developments' overall impact on local air pollution and will provide a healthier place to live.

In respect of waste management, KCC has been working collaboratively to ensure that there is an understanding of what waste provision will look like moving forward; taking into account the infrastructure review undertaken by KCC Waste Management in 2017. KCC requests to continue working closely with the District as the Waste Collection Authority to carefully plan where the District should take kerbside collected waste to in order to maximise rounds and minimise costs for both parties.

Overall, the County Council welcomes the incorporation of the range of policies that look to ensure that the essential infrastructure will be delivered, phased and prioritised to support the significant growth planned at Otterpool Park. The County Council remains supportive of the focus to secure and/or fund all necessary infrastructure through Section 106 and Section 278 legal agreements, to ensure that infrastructure is delivered at the appropriate phase of the development for the Otterpool Park proposal. The County Council is also supportive of the proposed policy requirement for the consideration of long term stewardship options for the development, to ensure that infrastructure is managed and maintained.

The County Council will continue to support and constructively challenge the District Council through the preparation and master planning of the scheme through our well established, collaborative working arrangements.

*Full environmental and technical comments are set out in the schedule accompanying this letter (Appendix 1).*

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The County Council continues to welcome the positive engagement with the District Council in the progression of its Core Strategy Review and will look to continue the close working arrangements as the Core Strategy Review is submitted for Examination, and beyond, to ensure that development is supported by the necessary infrastructure and service provision.

If you require any further information or clarification on any matter, then please do not hesitate to contact me.

Yours sincerely



**Barbara Cooper**  
Corporate Director – Growth, Environment and Transport

Enc.

Appendix 1: Schedule of KCC's technical responses to the Core Strategy Review 2019 consultation

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Andrew Somerville  
 Dover District Council  
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## Growth, Environment & Transport

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### BY EMAIL ONLY

25 March 2019

Dear Andrew,

### Re: Western Heights and Farthingloe, Dover (DO/12/00440)

Thank you for inviting Kent County Council (KCC) to comment on the hybrid planning application received for the comprehensive redevelopment of Western Heights and Farthingloe, Dover comprising (in summary) the following:

- Outline planning permission for the construction of up to 512 new residential units, a 90 apartment retirement village and health facility at Great Farthingloe Farm, and up to 31 new residential units, a hotel, conference centre and pedestrian access network and associated landscaping and works at Western Heights; and
- Full planning permission for the conversion of existing buildings to a pub/restaurant, retail shop and bed and breakfast at Great Farthingloe Farm, nine new residential units and a museum/visitor centre with associated landscaping and ancillary infrastructure and works at Western Heights.

In considering the application as it currently stands, the County Council raises a **holding objection** on the following grounds:

**Highways and Transportation:** There is a need for further clarification and discussion with the applicant on the transport modelling, with a view to then carrying out revised modelling once relevant parameters are agreed. In addition, further information is required for access arrangements and parking.

**Sustainable Urban Drainage Systems:** No information has been submitted to confirm existing drainage provision. It does not appear that any preliminary ground investigation has been undertaken to inform a surface water management strategy, nor does any other ground investigation consider infiltration rates. In addition, there is

concern that the delivery of off-site drainage works has not been fully considered for feasibility, or related impacts on project viability.

The County Council would welcome continued discussion with the applicant and Dover District Council (DDC) in an effort to overcome these issues as the application progresses.

KCC has reviewed the submitted documentation and would like to raise the following comments.

## **Highways and Transportation**

Having reviewed the updated Transport Assessment (TA), and in light of the submitted plans and changes to the originally proposed development, the County Council as Local Highway Authority has the following comments to make:

### *Transport Modelling*

The trip rates used for the hotel/conference centre use appear high when compared to similar sites within the TRICS database. Notwithstanding this, multiplying the trip rates by the number of proposed rooms gives much higher two-way trip generation figures in the network peak hours than indicated in Table 5.4 in the TA (69-75 trips as opposed to 3-4 indicated). This would clearly make a difference to the capacity assessments undertaken. It is also noted that trip rates for nursing homes have been used to determine the peak hour trip generation of the proposed retirement apartments, although there does not appear to be a material difference between the two.

There appear to be differences between the 2015 base model figures and the traffic counts undertaken in 2018 at some junctions, potentially impacting on the modelling results produced. This also leads to queries over the accuracy of the base modelling compared to how some junctions are currently operating, based on initial observations.

There also appear to be discrepancies in modelling results between the summary tables in the TA and the corresponding outputs in Appendix K, for the Elms Vale Road/Folkestone Road, Folkestone Road/York Street and York Street/A20 junctions (including for the mitigation proposed). For example, Table 6.10 shows potential capacity issues at the Folkestone Road/York Street roundabout, whereas the corresponding modelling outputs do not. Table 7.4 shows no capacity issues with the proposed mitigation, whereas the corresponding modelling outputs do.

The plan of mitigation - option 2 (mini-roundabout) for the Elms Vale Road/Folkestone Road junction is not included in the TA. The presented preferred mitigation - option 1 (priority junction) reverts back to the layout in place prior to the current mini-roundabout, which it is believed was installed as a traffic calming measure and would therefore preferably be retained.

The figures used for committed development in the assessments do not appear to match those shown in Appendix J for the Dover Western Docks Revival, for both car and HGV

movements. For example, Appendix J shows 108 movements northwards on York Street in the PM peak, but these are not shown in the corresponding flow diagram and assessment.

The additional peak hour trips indicated through the Folkestone Road/York Street roundabout will also spread across the wider highway network to the north and east of this junction. The distribution and assignment model should therefore be expanded to include the routes to and from the Whitfield Roundabout on the A2, including the A256, A258 and A20. It is also noted that there are no AM peak hour trips assigned to the Elms Vale Road/Astor Avenue route, which would be unlikely, bearing in mind that most of the nearest schools to the application site are located along this route.

### Access

Visibility splays appropriate for the speed limit in force or 85th percentile measured speeds are required to be shown for the proposed additional Farthingloe access. If measured speeds are available, details of the associated surveys should be provided, including location. The submitted drawing appears to suggest extending the existing 40mph speed limit in Folkestone Road, but this is only possible if the measured speeds are appropriate and further physical measures are put in place to encourage lower speeds. These measures could include narrowing the existing running lanes and widening the existing southern footway to provide an off-road footway/cycleway between the site access and the existing on-road cycle lanes/crossing island to the east of the access. This would also remove the need for cyclists going to/from the site to negotiate the proposed junction.

The TA and Travel Plan (TP) suggest existing bus services could be routed through the application site and KCC is aware that the previous S106 agreement included a contribution towards part provision or revision of bus services. However, there is no information provided on the previous discussions with the bus operator and the KCC Public Transport Team, and KCC is aware that bus services/strategy have been altered since the application was originally submitted. The applicant should therefore discuss possible revisions to bus services with the relevant parties to ascertain what is now feasible and appropriate, bearing in mind that there are currently three buses per hour each way past the site. It should be noted that if bus services are not to be diverted through the site, the applicant will need to consider enhancements to existing pedestrian crossing facilities in Folkestone Road, to enable access to/from bus stops.

The TA and TP suggest that existing bus services could be diverted and improved to provide a half-hourly service along the South Military Road/Centre Road/North Military Road route to serve the Western Heights development. Again, no information has been provided on the previous discussions between the bus operator and KCC's Public Transport Team, and given that the alterations to the bus services/strategy, the applicant should ascertain what is now feasible and appropriate. There is also reference to the possibility of linking the visitor centre to other tourist attractions, such as Dover Castle, although no details have been provided. Again, discussions should be held with relevant parties to ascertain what is feasible and appropriate.

The visibility splays shown for the amended Citadel Road/Gun Store/Drop Redoubt Road junctions should be 43 metres x 2.4 metres x 43 metres, unless measured speeds indicate

otherwise. The same splays but with a 1 metre 'x' distance are also required at all the proposed pedestrian crossing points, and the height of these splays should also be 0.6 metres from the crossing points to the end of the splays. The proposed crossing point in Citadel Road is too remote from the desire line and provides limited visibility, so it should be moved to the junction with South Military Road. A minimum of 43 metres forward visibility is also required to the rear of a stationary bus from a driver approaching the same, at both proposed stops.

Swept path diagrams should be submitted for the largest vehicle likely to use the Gun Store and Drop Redoubt junctions, considering the likely need to accommodate coaches and 11.3 metre refuse/delivery vehicles for the hotel/conference/visitor centre. The Citadel Road junction should also be able to suitably accommodate an 11.3 metre refuse and swept paths should be submitted to demonstrate this.

Independent safety audits and designer responses to all issues raised are required for all the proposed highway alterations.

The TA refers to a plan showing illustrative highway improvements to accommodate coach parking/drop-off and pick-up facilities in South Military Road, to serve a possible future Commonwealth Memorial. The plan does not appear to have been included in the submission, but in any case, the Commonwealth Memorial is not part of the current proposal and the likelihood of it coming forward is unknown, so it is not for consideration at this time.

### *Parking*

The amount and type of parking for the outline elements of the proposal is not being considered or agreed at this time. KCC is satisfied that the proposed 40 parking spaces for the bed and breakfast, pub/restaurant and A1 retail at the Farthingloe site are appropriate and a detailed plan showing the same should be submitted.

In accordance with Local Plan policy DM13, a total of 14 spaces are required for the nine dwellings in Citadel Road, and a detailed plan to illustrate this should be submitted.

The parking accumulation exercise carried out for the visitor centre indicates a demand for 54 spaces, and this figure is not absolute, as it does not appear to include staff arriving before the facility opens. The original proposal (in February 2015) for the visitor centre was a total of 14 spaces; significantly below the demand indicated. Clarification is therefore required on the current proposals for visitor centre parking and detailed plans showing the parking layout should be submitted. Coach parking will also need to be considered.

### *Travel Plan*

The Framework TP is noted and measures such as vouchers for bus travel/cycle purchase and improvements to bus stops are welcomed. However, the plan will be influenced by the modelling, access and parking issues raised above and therefore is likely to be amended, so further comments will be made on the plan once those issues are agreed. It should also be noted that the future maintenance of new bus shelters needs to be given consideration, as they will not be the responsibility of the highway authority.

In conclusion, the County Council, as Local Highway Authority, places a holding objection, until the above matters have been satisfactorily resolved. Clarification from the applicant is required on the transport modelling, with a view to revised modelling being carried out once the relevant parameters are agreed and KCC Highways would therefore welcome discussions with the applicant on this matter. In addition to this, additional information and more detailed plans relating to access and parking are required, as set out above.

### Provision and Delivery of County Council Community Services

The County Council has assessed the implications of the proposal in terms of the delivery of its community services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. A summary of this impact is provided below (with more detail in Appendices 3-5).

	Per Dwelling (x642*)	Total (642*)	Project
<b>Community Learning</b>	£25.64	£16,460.88	Towards new Adult Education Centre in the Dover Discovery Centre
<b>Youth Service</b>	No current requirement		
<b>Libraries</b>	£78.66	£50,499.72	Towards Dover Discovery Centre library refurbishment and bookstock
<b>Social Care</b>	£58.48	£37,544.16	Towards Social Care Hub in Dover Discovery Centre
	60 Wheelchair Adaptable Homes - as part of the on-site affordable homes delivery		
<b>High Speed fibre optic Broadband</b>	INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. KCC understands that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact <a href="mailto:broadband@kent.gov.uk">broadband@kent.gov.uk</a> .		

\*The total of 642 dwellings has been calculated using the Schedule of Accommodation dated 20<sup>th</sup> November 2018 (400 houses, 112 flats and 90 retirement apartments at Great Farthingloe Farm, and 5 houses and 35 flats at Western Heights).

Please note that these figures are to be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3). The figures are valid for three months from the date of this letter; after which they may need to be recalculated, due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

#### *Education*

The section 106 agreed in April 2015 secured £1,110,034 towards additional places at White Cliffs Primary School, Dover. KCC forward funded the expansion of the school, with the expectation that the agreed developer contributions would be received in due course.

Forward funding the expansion ensured that there were sufficient school places for the development at Western Heights and Farthingloe.

The addition of primary school places at White Cliffs Primary School is still the strategic solution for primary places generated from the Western Heights and Farthingloe development, and therefore KCC would expect that a new S106 agreement would secure developer contributions towards the agreed expansion of White Cliffs Primary School.

	Per 'Applicable' House (x391*)	Per 'Applicable' Flat (x75*)	Total	Project
<b>Primary Education</b>	£3,324.00	£831.00	£1,362,009**	The proportionate share towards White Cliffs PS expansion
<b>Secondary Education</b>	£4,115.00	£1,029.00	£1,686,140	Towards Phase 1 Dover Grammar School for Girls

\*'Applicable' units exclude the 90 sheltered retirement apartments and all one-bedroom units less than 26sqm. It has been assumed that all one-bedroom units are less than 26sqm – please advise the County Council if this is not the case. *(The table is based on 391 'applicable' houses and 75 'applicable' flats as outlined in the Schedule of Accommodation which provides the breakdown for bedroom numbers.)*

\*\*Total cost reflects updated construction costs.

## Sustainable Urban Drainage Systems

The planning application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy prepared by WSP (December 2018). The FRA notes that there is no surface water infrastructure on site or within its vicinity. Although the document notes that it is anticipated that the surface water from the application site drains by infiltration or via private surface water drainage networks, no information has been submitted to confirm the existing drainage provision. It is proposed that surface water runoff from each development will be attenuated and discharged at a reduced rate to a new public surface water sewer to the existing Southern Water surface water sewer location to the south and the east.

KCC Sustainable Urban Drainage provided a pre-application consultation response in relation to this site on 23 April 2018, in which it was advised that objection would be raised to any planning application which is not supported by preliminary ground investigations. It was outlined that preliminary ground investigations should include the ground and groundwater conditions throughout the proposed development site and the infiltration rates achieved from on-site testing, and that this information should then be used to inform the surface water management strategy.

It does not appear that any preliminary ground investigation has been undertaken to inform the surface water management strategy, nor does any other ground investigation appear to consider infiltration rates.

Building regulations and the Non-Statutory Technical Standards prioritise discharge destinations and as part of this, clearly prioritise the use of infiltration above others. In this instance, the County Council has an additional concern that the delivery of the off-site

drainage works may not have been fully considered for feasibility or the related impacts on project viability.

The County Council therefore recommends that a holding objection is in place until further information is provided to respond to these concerns.

## **Heritage Conservation**

The proposed development at the Western Heights is located within a scheduled monument, and the development located at Farthingloe is within an Area of Outstanding Natural Beauty; both of which are given very significant weight in the National Planning Policy Framework (NPPF). A large part of the site is also located within a Conservation Area, and the farmhouse at Great Farthingloe is a Grade II Listed Building.

The proposed development will cause harm to the significance of the site's designated heritage assets and this is acknowledged in the updated Environmental Statement. Paragraphs 190 and 194 of the NPPF set out a staged approach to decision taking and explain that in the first instance, steps should be taken to avoid or minimise harmful effects on designated heritage assets, and that any remaining harm should require clear and convincing justification. Paragraph 196 of the NPPF then explains how any remaining harm to designated heritage assets should be weighed against the public benefits of the proposal.

Given the changes that have occurred since the application was first submitted, it would be appropriate to consider whether some of the elements of the scheme that are identified as being harmful could now be delivered elsewhere, whilst delivering similar public benefits, including benefits to the historic environment.

The heritage benefits to be delivered by the scheme include the provision of a new museum/visitor centre within the Drop Redoubt. Although part of the full application, there is very little detail within the submission as to what the completed museum/visitor centre will look like, how many visitors it expects to attract, or how it will function. This makes it challenging to quantify the level of public benefit that these improvements will bring.

Additionally, it is noted that it is not the applicant's intention to deliver the proposed heritage benefits themselves, but instead to provide a Heritage Contribution to the sum of £5 million, which would be used by a trust or other such body to deliver this element of the scheme. It is unclear precisely what benefits could be delivered within the £5 million sum or if the benefits proposed rely on securing additional funding from other sources.

As well as the great weight given in the NPPF to the conservation of designated heritage assets, paragraph 172 of the NPPF similarly applies a great weight to the conservation and enhancement of landscape and scenic beauty in AONBs. In heritage terms, the County Council notes that the Farthingloe site forms part of the setting of the Western Heights; the landscape outlook that the AONB provides helps to reinforce the setting of the historic fortifications on the western edge of the town; overlooking and commanding the road from Folkestone. The open countryside of the AONB also forms part of the setting of the listed Great Farthingloe Farmhouse. This is because there is a clear and appreciable historic link

between the farm and the open/agricultural countryside of the Farthingloe Valley. The NPPF notes the importance of the conservation and enhancement of cultural heritage when considering proposals for change in an AONB.

In respect of the AONB, the NPPF notes that major development such as this, should not be permitted other than in *exceptional circumstances* and where it can be demonstrated that the development is in the public interest. Dover District Council will need to determine whether the combination of housing need, economic benefit, and advancement of the Dover regeneration agenda, including proposed enhancement and conservation works at the Western Heights, are sufficiently exceptional to justify the acknowledged harm to designated heritage assets and the AONB.

If the heritage benefits are to be given significant weight in Dover District Council's considerations, then these benefits must be meaningful, deliverable and be based on a thorough understanding of costs. If they are to be considered as an exceptional circumstance, then the heritage benefits must provide a *substantial transformation* at the Western Heights, and such transformation cannot be reliant on securing match funding from other sources, as this may not be forthcoming.

As well as designated heritage assets, the site at Farthingloe is also likely to contain undesignated buried archaeological remains. In previous advice provided to the District Council, the County Council has suggested the need for planning conditions relating to buried archaeology, the recording of historic buildings and structures and for measures to make this information publicly accessible in accordance with the aims of paragraph 199 of the NPPF. The County Council has also advised that a developer contribution be sought towards the long-term storage cost of the archaeological archive that would be generated. The County Council would suggest that such provision should again be included as part of any planning consent that may be granted.

KCC Heritage Conservation will be providing full, detailed advice directly to Dover District Council on this application in its role as Archaeological Advisor.

### **Public Rights of Way (PRoW)**

Public footpaths EB3 and EB10 would be directly affected by the proposed development, and the locations of these paths are indicated on the attached extract of the Network Map (Appendix 1). It should be noted that the Network Map is a working copy of the Definitive Map and the existence of the Public Right of Way (PRoW) is a material consideration.

#### *Pedestrian and Cycle Access*

Although the application states that both developments are located in areas which do not currently have a particularly high demand for pedestrian or cycle movement, once the developments have been built, there will be a need to ensure that sustainable transport options are available to and from the sites. Such links will encourage sustainable travel patterns and further increase opportunities available for recreation, active travel and physical activity.



The County Council is pleased to see that access within and adjacent to the sites has been considered to enhance the recreational amenity of the land. The County Council supports the proposal that, in line with the Green Infrastructure Strategy, seeks to improve connectivity and recreational amenities, providing both east-west and north-south connections.

The County Council notes the proposed pedestrian access into Farthingloe from Folkestone Road to the north east corner, along with proposed safe crossing points. The aim of this route is to create a convenient and attractive link, minimising the length over which pedestrians must walk along Folkestone Road, especially where the speed limit is greater than 40mph. The County Council requests that cycle access is also considered and that the route is created in line with Kent Design guidance, where provision for walkers and cyclists should be within traffic free, wide green corridors of open space and should be overlooked by adjoining property to help facilitate a safer environment for path users.

The application identifies a lack of pedestrian access, with missing footways along Centre Road / North Military Road between Western Heights and the town centre. It also identifies leisure pedestrian links from Western Heights and Farthingloe which are not necessarily suitable as 'all season' and 'all time' trails. The County Council requests that in addition to the footway improvements made to Centre Road / North Military Road, improvements to the PRoW network referred to as 'leisure pedestrian' links are also made. Such improvements will create an 'all season' route and will be in line with the applicant's Design and Access Statement for existing PRoW and the existing National Trails to be retained and enhanced.

Improvements to the PRoW network will help mitigate the increased pressure and potential visual impact the development will have on the surrounding area, which includes the Kent Downs AONB, and will make the area more accessible. These improvements may be secured through Section 106 funding and the County Council is happy to provide improvement costs for these routes.

The County Council requests that the applicant supplies further details of any proposed improvements to the surrounding PRoW Network, North Downs Way (NDW) and the England Coast Path (ECP). The applicant should also be aware that any proposed work on the surface of a PRoW must be authorised by the KCC PRoW and Access Service.

#### *Fragmentation of the Network*

Heavily trafficked roads may significantly contribute to PRoW fragmentation. The impact on the NDW crossing the junction of Citadel Road and South Military Road, along with the ECP crossing North Military Road, will need to be addressed. The potential hotel site will also impact on the current alignment of the ECP, as the proposed road layout would indicate.

The applicant is advised to contact Natural England to seek a variation report to divert the alignment of both the NDW and the ECP. Also, any PRoW diversions or creations should be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the PRoW network as soon as possible. It is important that DDC is in a position to make the necessary Orders at the point at which consent is given.

Planning consent does not confer a right to disturb or divert any PRow at any time without the express permission of the Highway Authority. It is recommended that all existing PRow and open space be kept open throughout construction. Any temporary closures will require arrangement by this office and should include alternative route plans.

### *Conclusion*

The application site has the potential to provide excellent opportunities for walking, cycling and equestrian use. Such provision will greatly benefit the sites connectivity, further increasing opportunities available to residents and visitors for recreation, active travel and exercise. The County Council believes that the PRow network has not been given sufficient consideration throughout the developments and request that further details are provided.

The County Council is happy to discuss any of the points raised and would advise that the applicant gets in contact at their earliest convenience, to address the PRow issues and to ensure that the planning process is not unnecessarily delayed.

### **Biodiversity**

The County Council has reviewed the ecology chapter of the updated Environmental Statement and advises that an adequate level of ecological survey work has been carried out to inform conclusions regarding the potential for ecological impacts to arise as a result of the proposed development.

In paragraph 4.4.33, it is stated, in relation to chalk grassland, that *'there may also be small amounts of woodland and tree planting in some areas of grassland.'* The County Council does not consider this to be appropriate or necessary and advises that tree planting on chalk grassland must be avoided.

In paragraph 4.4.60, it is stated that *'noting the layout of the proposed Hotel there is the possibility that its construction could damage the tunnels forming St. Martin's Battery (in which hibernating bats have been recorded)'*, yet paragraph 4.4.64 goes on to state *'there is no proposed development associated with the application that will affect the known hibernation roosts or swarming site within the Application Site'*. The County Council advises that further information is sought on this point as it is also understood from speaking with Heritage colleagues that an exit from the tunnels may be affected by the proposed development.

The application would benefit from clear tables and site plans showing the extents of current habitats, which will be lost as a result of the proposed development, and that created. This should be sought in respect of the habitats identified on the site, but also in relation to the availability of suitable habitat for the protected species present on the site. This will ensure clarity in Dover District Council's understanding of the potential impacts to the ecological receptors and assist in understanding whether the proposed development meets an aim to minimise impacts on and provide net gains for biodiversity, as outlined in part d of paragraph 170 of the NPPF.

In this respect, the County Council would also seek a better understanding of the proposal for the open space areas, particularly in relation to the habitat creation and timescales for delivery aligned to the development programme.

While not clearly stated, it is expected that there will be ongoing ecological assessments to ensure that all ecological mitigation is based on up-to-date information.

## **Minerals and Waste**

As the Minerals and Waste Planning Authority, the County Council is responsible for ensuring that mineral resources and mineral infrastructure are not needlessly sterilised by other forms of development, thus ensuring that a steady and adequate supply of minerals is maintained into the future to facilitate sustainable development. This safeguarding approach is supported by national planning policy guidance in the NPPF and locally in the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP). The NPPF requires that development proposals should not be permitted within mineral safeguarding areas where they might constrain potential future use of the economic mineral resource. As such, the policies within the KMWLP aim to prevent the sterilisation of Kent's potentially economic mineral assets.

There are no safeguarded economic minerals that could be sterilised within the application area. Moreover, there are no minerals or waste management and transportation infrastructure within the application area or within 250m of any of the residential development proposed by the application.

## **Broadband**

The County Council notes the existing provision of broadband in the locality is poor. In relation to the development at Farthingloe, Full Fibre to the Premise (FTTP) is required and it is recommended that the following wording is included as an informative or condition;

*Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. KCC understands that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk).*

In relation to the development at Western Heights, broadband speeds are limited due to the Fibre to the Cabinet (FTTC) technology that supplies the area being located a long distance away from the site. The County Council requests that FTTP is sought for this site, and if possible, an improved system to assist neighbouring properties at Heights Terrace. Whilst it

is noted that there is fibre in the area, specifically feeding the Immigration Centre, this may not be capable of being used.

The adequate provision of broadband is required within both parts of development and it is requested that the applicant liaises directly with the County Council's broadband team to try and secure the best provision for the area and the immediate neighbouring properties.

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The County Council will continue to work closely with the District Council to help to ensure the delivery of new housing and infrastructure in response to local needs. In addition, the County Council welcomes any further engagement with the District Council and the applicant as this planning application progresses.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely,



**Barbara Cooper**

Corporate Director – Growth, Environment and Transport

Encs:

[Appendix 1: Public Rights of Way Network Map 1](#)

[Appendix 2: Public Rights of Way Network Map 2](#)

[Appendix 3: KCC Developer Contribution Education Assessment](#)

[Appendix 4: KCC Developer Contributions Communities Assessment](#)

[Appendix 5: KCC Developer Contributions Social Care Assessment](#)



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Your ref:  
 Our ref: GT/BC/VRF

Date: 02 April 2019

Dear Karen

**RE: Canterbury City Council Community Infrastructure Levy (CIL) -  
 Publication of the Draft CIL Charging Schedule (Regulation 16) and  
 invitation to make representations (Regulation 17)**

Thank you for consulting Kent County Council (KCC) on the Canterbury City Council Community Infrastructure Levy (CIL) Draft CIL Charging Schedule and associated documentation. The County Council previously provided a response to the Preliminary Draft CIL Charging Schedule (KCC's previous response) on 18 December 2018.

KCC welcomes the opportunity to comment on the following published documents:

- Draft CIL Charging Schedule;
- Draft Regulation 123 List;
- Draft Infrastructure Delivery Plan;
- CIL Viability Report; and
- Draft Instalments and Payment in Kind Policy.

The County Council has reviewed the relevant consultation documents and would like to provide the following comments.

## **Draft CIL Charging Schedule**

A number of large-scale infrastructure projects, including significant transport schemes and the commissioning of new primary schools, are required to support Canterbury's spatial strategy, which is characterised by the allocation of several large residential housing sites. The current section 106 regime has enabled these sites to directly contribute to the cost of infrastructure and has ensured that the developments are sustainable. The funding secured through these section 106 agreements has been essential to the successful delivery of the Local Plan.

The County Council therefore continues to be supportive of Canterbury City Council's approach for section 106 agreements to be used to secure the necessary contributions for the identified strategic development sites within the Canterbury District Local Plan. The County Council also supports the application of the CIL to developments of ten units or fewer, as these currently do not contribute to infrastructure funding through section 106 agreements.

As a provider of key strategic infrastructure across Kent, the County Council has a significant role in providing the infrastructure required to ensure growth is sustainable. Reductions in public sector funding have significantly reduced the ability of upper tier authorities to invest in capital infrastructure projects, which has meant that the role of development contributions in providing essential infrastructure has heightened in importance.

The County Council would like clarity on the benefits of implementing CIL for developments greater than ten units, rather than continuing to use section 106 agreements, particularly in light of the Government's commitment to remove the pooling restrictions relating to section 106 agreements. KCC would request clarity and evidence from Canterbury City Council on this position.

There are various governance options available for the allocation of CIL receipts, which the County Council considers must be founded on a set of shared principles, acceptable to Elected Members of both authorities. The County Council would welcome a commitment from the City Council for constructive engagement with the County Council to develop and agree robust arrangements governing the future expenditure of CIL receipts. KCC would like to ensure that there continues to be a focus on strategic infrastructure delivery, ensuring that there is no loss of funding towards infrastructure through the adoption of CIL.

The Draft Charging Schedule sets out proposed CIL rates and zones for residential units, older person housing, retail development, hotels and student accommodation. The County Council notes that these rates remain unchanged from that in the Preliminary Draft CIL Charging Schedule consultation.

KCC would reiterate its request for clarification from the City Council around how adequate funding for the delivery of infrastructure will be secured to support flatted developments, which are set at a nil contribution. Confirmation that buildings for KCC's community uses (including schools) and for mineral and waste uses are zero rated is also again requested.

## **Draft Regulation 123 List**

KCC welcomes the opportunity to review the Draft Regulation 123 list and would like to provide the following comments.

### *Sustainable Transport and Highways*

The County Council is supportive of the intention to use funding through both the CIL and section 106 planning obligations to improve sustainable transport options within Canterbury; including cycling and walking improvements and public realm enhancements.

### *Education Provision*

The County Council welcomes the continued use of section 106 contributions for the strategic development sites identified, to deliver the necessary education infrastructure provision to support development. The CIL may secure funding on smaller sites where previously little section 106 funding was provided.

### *Waste management and disposal*

As mentioned in the County Council's previous response, KCC Waste Management operates a network of Household Waste Recycling Centres (HWRCs) and co-located Waste Transfer Stations (WTSs). At Canterbury and Herne Bay, it is expected that the two HWRCs will be able to cope with additional demand. Waste collected by Canterbury City Council from the kerbside is currently dealt with as part of the East Kent contract. However, this waste could become the responsibility of KCC to dispose of in the future, which will require further Waste Transfer Station capacity and onwards disposal infrastructure in the future.

KCC, as Waste Disposal Authority, recommends that part of the funding obtained through the CIL should go towards providing the waste management facilities and services to support sustainable growth. The County Council therefore requests that waste management is identified within the Draft Regulation 123 List, to ensure that appropriate funding is invested in waste management facilities.

## **Infrastructure Delivery Plan**

The Draft Infrastructure Delivery Plan identifies an indicative list of infrastructure that could be funded by the CIL. KCC continues to welcome the inclusion of education, transport, broadband and health and community infrastructure amongst the types of infrastructure identified in the Infrastructure Delivery Plan.

KCC will look to continue to work closely with the Canterbury City Council to further inform the detailed costs and funding of the infrastructure projects contained within the Infrastructure Delivery Plan, and to identify further sources of funding to ensure the delivery of required infrastructure in response to local needs.

### *Highways and Transportation*

The County Council, as the Local Highway Authority, has been working with the City Council in the preparation of the Infrastructure Delivery Plan and associated CIL charging documentation to ensure that the necessary highway infrastructure is identified, funded and delivered. As such, the County Council as Local Highway Authority has no comments at this stage.

### *Sustainable Urban Drainage Systems*

The County Council welcomes the identification of sustainable drainage within the draft infrastructure list (p.3). However, KCC recommends that drainage and flood risk is also included within the Infrastructure Delivery Plan.

Sustainable drainage is usually integrated within open space, and can make considerable demands on spatial arrangements, which as a result, can reduce the useable open space or developable area. If sustainable drainage is necessary, it should be developed to provide multifunctional benefits, including surface water quantity management, improvements to water quality and enhancement of biodiversity and amenity space.

Sustainable drainage systems are required under Canterbury's Local Plan Policy CC11 to "provide or enhance wetland habitat and biodiversity where possible." All major strategic sites must deliver this infrastructure within approved masterplans and be developer funded. There may also be additional section 106 contributions in relation to establishment and implementation.

The County Council recommends therefore that sustainable urban drainage systems matters are included within Schedule 1E "open space, recreation and green infrastructure".

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The County Council recognises the importance of the CIL for infrastructure funding, to underpin sustainable development within the Canterbury District. The Draft CIL Charging Schedule represents a positive step in setting appropriate CIL rates, for appropriate infrastructure within Canterbury.

KCC will work closely with Canterbury City Council to ensure that the delivery of development is accompanied by the necessary supporting infrastructure in response to local needs; and that this infrastructure is appropriately funded through suitable mechanisms. The County Council fully expects that through the use of section 106/278 agreements, and the CIL, there will be suitable funding in place to secure the delivery of necessary infrastructure to support development.



If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink that reads "B. Cooper". The signature is written in a cursive, slightly stylized font.

Barbara Cooper  
Corporate Director  
Growth, Environment & Transport

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## Canterbury City Council

### Highways and Transportation

Ashford Highway Depot  
4 Javelin Way  
Ashford  
TN24 8AD

**Tel:** 03000 418181

**Date:** 26 April 2019

**Application - CA/17/01383/OUT**

**Location - Land at Sturry/Broad Oak, Sturry**

**Proposal - Outline application (with all matters reserved) for the development of up to 650 houses and associated community infrastructure comprising primary school, community building, public car park and associated amenity space, access, parking and landscaping; and detailed/full application for the construction of part of the Sturry Link Road and a local road from the Sturry Link Road to Shalloak Road.**

Thank you for your further consultation in relation to the above planning application. I have the following comments to make with respect to highway matters: -

### Base Traffic Flows

The base flows have been updated to 2018 using unspecified TEMPRO growth factors and we would request clarity on the rate used. The flow figures shown in Appendix B for the A291 in both the AM and PM are demonstrated as being lower in 2018 than 2015 having had TEMPRO growth applied. This would not appear to be correct and an explanation is requested.

### TRIP Generation

The subject of rates and levels of development associated with committed development have been subject to earlier discussions and are agreed. The trip rates associated with the primary school have been reviewed and my own assessment concludes that the rates demonstrated in Table 2.3 are agreed. The additional entry is acknowledged and associated internalisation of 45% of traffic is agreed.

As presented, it is unclear as to the number of movements that have been allocated to each of the elements of the development. Summary tables should be presented to clearly show the number of trips being generated from both the Broad Oak and Sturry sites to enable the junction and flows to be properly reviewed. For avoidance of doubt these should include; for Broad Oak, Residential and Employment. For Sturry, Residential, Community building and parking (including that for the train station) and the School (including staff).

## **Network assumptions**

The network assumption has been agreed earlier in collaboration with colleagues from our Major Projects Team. For clarity this includes all those listed in section 2.2.11 of the updated Transport Assessment.

## **Phasing of Development**

Clarification is requested as to how many homes have been included prior to the opening of the link road. The 70 houses per annum predicted would allow for 280 homes not the 325 suggested. Assessing at 2024 would presumably enable 420 homes. The previously agreed residential departure trip rate of 0.295 would appear to show that 278 homes have been included in the pre-link road analysis. Assuming 325 is the number of homes then 96 departures would be anticipated. It will need to be made clear as to whether this figure is for both applications or solely that of land at Sturry.

AM peak analysis shows 569 movements towards Broad Oak with development and the link road in place. 875 movements are demonstrated towards Broad Oak prior to link road completion compared with the 798 movements of the 2015 observed figures. It is however clearly demonstrated that the introduction of the proposed link road should significantly reduce the number of movements through Broad Oak. Assuming 325 is the number of homes delivered prior to the link road it is suggested that at most an additional 24 movements could be heading towards Broad Oak on top of those demonstrated in the TA. This would take the figure to 900, a temporary increase of 12%. Considering this against the benefits delivered by this developments ability to complete the link road it is concluded that the negative impacts should be tolerated for the short term. However, when considering the current exceeding capacity and crash data of the Sweechgate/A291 junction, measures to reduce speeds in the vicinity of the existing junction should be introduced prior to any occupations.

The Highway Authority will required further clarification of financing and phasing options for the delivery of the relief road on which this allocation is dependant. Security of finance will be required for the delivery of the County Councils element of the scheme, along with land security in respect of the remaining link road through the application. Guarantees would be required through any Section 106 agreement that ensure no development can occur without mechanisms for the completion of the Sturry Relief Road in its entirety. Such guarantees would need to include provision for the land required for the Relief Road to the Highway Authority at no cost should development be granted but not proceed.

The Highway Authority also requires this application to be heard at planning committee prior to that of the Broad Oak application 18/00868. Should this (Sturry) application be refused then the Highway Authority's recommendation for the Broad Oak application 18/00868 would also be to refuse. This would be on the grounds of uncertainty of the Sturry Relief Road and resultant severity of congestion and safety concerns at the A28/A291.

To be clear our position is that the Broad Oak application cannot avoid a Highway Authority refusal without approval of this application.

## **Traffic Impact of the Wider Network**

The analysis provided for the Broad Oak Road/St Stephen's roundabout and Broad Oak Road/Farleigh Road has been reviewed. It is agreed that the development does have an impact on both junctions, but the demonstration of them being over capacity is not entirely the doing of this application. Notwithstanding the above, the junctions are demonstrated as over capacity and queues of 78 vehicles on the Broad Oak Road and delays of 127 seconds on the St

Stephen's Road are not insignificant. The existing roundabout is tightly constrained with few obvious solutions for physical improvement. It is therefore suggested a conversion of this junction to signal control be reviewed. Design and assessment of a signal controlled crossing should be prepared which includes pedestrian crossing facilities on the Broad Oak Road and St Stephens Road SW arms. The applications would not be expected to fully fund any identified improvement scheme only a contribution mitigating their impact.

### **Popes Lane**

The 2018 PICARDY assessment of the Popes Lane/A291 junction demonstrates significant delay and queuing in the AM peak. It is accepted however that the introduction of the link road and A28/A291 junction improvements are forecast to improve journey times and as a consequence reduce the likelihood of using Popes Lane. The submitted junction analysis and associated flow diagrams submitted do not appear to include the Popes Lane junction and this information is requested so that it can be reviewed.

### **Public Transport**

Mitigation would be sought by way of householder public transport vouchers to encourage new residents to take up sustainable transport options. These will help to improve the viability of additional public transport services and reduce vehicle trip generation and associated air quality impacts on the A28.

The locations of the bus stops are now agreed as appropriate.

### **Land at Sturry**

The access junctions have been reviewed against the flows demonstrated in Figures 2.6 and 2.7. As mentioned above, details of the trip generation for this element should also be presented to enable the results to be properly considered. Junction 2 figures would appear to be on the low side considering the expectation that the primary school and community facilities would be located off this access.

### **Station Parking**

The movement of the station facility is welcome and the proposed location agreed.

### **Walking**

Comments regarding public rights of way improvements will be provided from the appropriate department with KCC. In general the layout of both applications is well thought through and permeable for pedestrians.

The application includes a controlled pedestrian crossing of the internal spine road and is well located at the desire line for the school.

### **Cycling**

Connections between the Broad Oak and Sturry developments will be considered in the detailed elements of each application.

It is acknowledged that improvements are provided through the length of the spine road and viaduct to the A28. Further improvements would also be provided towards the Vauxhall Road/Broad Oak Road roundabout. Off-site connections would however be required to ensure a direct connection to the Stour riverside cycle route from Vauxhall Road. This would facilitate the most direct access to Canterbury West station. Contributions for cycling should be expected to enable this connection mitigating the site allocations impact upon the St Stephens roundabout. Further contribution would be sought to enable the completion of the Mayton Lane and University of Kent. In total an amount of £160,000.00 is requested between the two applications. Understanding that the Sturry application is providing considerable stretches of strategic cycling facilities adjacent to its Spine Road it is recommended that the Broad Oak allocation provides the majority off site contributions of £100,000.

In respect of the Sturry application it is noted that a continuous cycle facility is available on the Southern side of the spine road. Sections of facility on the approach to the Eastern roundabout are also welcomed. The design has been reviewed and agreed as appropriate. A note is made in respect of any forthcoming reserved matters application; it is requested that any minor roads connecting to the spine road have raised crossings and priority stop lines that give priority to cyclists crossing them.

It had been anticipated that the two parts of the allocation would be connected with a cycle route penetrating the South side of the Broad Oak site and North of the Sturry Site. This would provide access to the shared use route on the southern side of the Sturry spine road. Whilst a cycle link is shown to the South East corner of the Broad Oak site, it is unclear how the route is proposed to permeate through the Sturry site to connect to the proposed Toucan crossing. It is recommended that a condition be placed upon the development to ensure the link is secured.

### **Street Hierachy**

The indicative hierarchy, as demonstrated in the D&A “Street typology plan” is appropriate but will require more detailed evaluation at the Reserved Matters stage. Elements of some Primary access roads should include a 3 metre shared footway/cycleway as a minimum. The pedestrian and cycling provision in close proximity to the school will require an additional 0.5m to accommodate the heavy flows. For the avoidance of doubt street designs must comply with Kent Design Standards.

### **Parking**

The correct parking standards have been correctly referenced in section 6 of the submitted Design and Access Statement. The accompanying Transport Assessment correctly assumes that the Rural/Suburban provision parameters will be applicable to this site. It should also be noted that EV charging provision in accordance with Canterbury City Councils Air Quality Action Plan would also be applicable.

### **Traffic Modelling Scenario Development**

We are unable to find the updated VISSIM forecasting report and request that this is sent for review.

## **Concluding summary**

Further information has been requested and should be submitted before the Highway Authority will be in a position to make a final determination. Assurances are required to ensure that the Local Plan Site 2 infrastructure policy requirement to deliver the Sturry Relief Road is delivered before consent should be considered.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

**Colin Finch**

Principal Transport & Development Planner

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**Environment, Planning and Enforcement**

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**BY EMAIL ONLY**

18<sup>th</sup> April 2019

Dear Emma,

**Re: EIA Scoping Opinion for a mixed-use development at land at Westgate on Sea, to the east and west of Minster Road, Kent**

Thank you for consulting Kent County Council (KCC) on the request for a Scoping Opinion, for the erection of up to 2,000 residential dwellings (Use Class C3), District Centre comprising retail use (Use Class A1), Medical Centre and two-form entry Primary School (Use Class D1), open space/landscaping (including outdoor sport/ recreational facilities), car parking, infrastructure (including roads and utilities) and site preparation and other associated works.

The County Council has reviewed the Environmental Impact Assessment (EIA) Scoping Report and sets out its comments below, which follow the chapters set out in the Scoping Report.

**Transport (p16)**

The scale of the proposed development is such that a planning application will require the submission of a full Traffic/Transport Impact Assessment, which can form part of a separate chapter within the EIA. This should consider the impact that the development would have on both the local and wider strategic highway network (where necessary), including any public transport requirements. Continued pre-application dialogue with the Highway Authority is recommended, including to discuss the potential use of the current Thanet Strategic Highway Model to inform final outputs of any highway impact appraisals as outlined within the scoping document.

The criteria for ascertaining significant effect on the highway network capacity should not solely be identified using the guidelines outlined in paragraph 4.34, as these will not necessarily correlate with specific local traffic conditions. The breadth of highway network assessment for this purpose will need to be scoped with the Highway Authority in due course, once the trip rate and distribution of likely development trips has been identified and agreed in full.

### **Water Resources (p21)**

The Scoping Report indicates that a Drainage Strategy will be prepared and that the proposed development will be “drained in a sustainable manner”. Surface water is proposed to be managed such that peak runoff rates and volumes of surface water leaving the site will be no greater than at present. Infiltration is proposed to be the primary surface water management technique.

KCC would emphasize that this approach will require appropriate ground investigation to inform location and sizing of any proposed surface water management measures. As there are no local surface water systems, if any infiltration constraints are identified and surface water cannot be adequately managed within the red-line boundary, new surface water sewers will be necessary. It is therefore recommended that preliminary ground investigation is undertaken at early stages of master planning.

### **Ecology (p29)**

KCC has provided comments in relation to the ecology chapter of the Scoping Report in its letter dated 8<sup>th</sup> April 2019 (appendix 1).

### **Archaeology and Built Heritage (p49)**

KCC welcomes the scoping of Heritage and Archaeology into the assessment (paragraph 4.2), with the relevant chapter (paragraph 4.197) having been entitled ‘Archaeology and Built Heritage’. Given the landscape scale of the development proposal, the chapter should also consider historic landscapes and landscape features. It is noted that this is included as part of the baseline in Landscape and Visual Chapter, but there needs to be clear linkages across to the archaeology. Examination of the historic environment records (HER) shows very clearly that there are vestiges of ancient landscape, both extant and buried within the proposed development site. A chapter heading of “Historic Environment” or “Cultural Heritage” may be more encompassing of what is needed for the EIA.

As referred to in paragraph 4.201, the KCC Heritage department was consulted at pre-submission stage by CgMs and was provided with a draft of the desk based assessment. Initial comments were provided, and it is considered that these have not been reflected appropriately within the Scoping Report.

The following comments mainly relate to archaeology, as built heritage matters would be considered by Historic England and the District Conservation Officer. The comments draw upon previous comments provided, as well as a review of the draft desk based assessment.

### Archaeology Baseline Conditions and potential

In respect of the archaeology baseline, the Scoping Report does not reflect the extremely high potential of the area. CgMs was previously advised that in terms of the archaeological potential of the area, it is clear from the study of cropmarks and records on the HER that the area has extremely high archaeological potential from a range of periods - from prehistoric to medieval times. Thanet is known to be particularly rich in buried archaeological landscapes that are of distinctive and unique character, reflecting the ancient and historical gateway location of the isle. Remains that are often of high importance - sometimes of national or international significance - are regularly encountered in Thanet's archaeological landscape. Many of these highly significant remains are not included in any heritage designations. Recent major archaeological investigations, which have tended to focus on the southern area of the island to date, should be reviewed to provide a general feel for the character of what can be expected. In particular, any study should take account of the findings on the East Kent Access Road, Thanet Way 7A, Weatherlees to Margate pipeline, Thanet Earth, Ramsgate Harbour Approach Road and Cliffsend Farm, to provide general context of Thanet's archaeology potential.

KCC Heritage disagrees with the conclusions (paragraph 4.208) that a generally moderate archaeological potential is identified other than for Neolithic / Bronze Age funerary monuments and a Roman farmstead (which it is believed is the collection of three cropmark complexes Scheduled as an Iron Age / Roman settlement site). As can be seen in the HER and illustrated as cropmarks in the Desk Based Assessment (DBA) Figure 2G, there are extensive remains across the landscape. The 'Areas of likely Archaeological Potential' that were presented in what was Figure 18 of the DBA does not reflect the potential that was illustrated in the cropmark plots, which included several cropmark complexes that are of high significance. It is likely that these only reflect a small fraction of the buried archaeology in this area, as cropmark formation is reflective of the ground conditions and character of the archaeology present.

In terms of the features shown on Figure 2G, it is suggested that there is clear evidence for at least two - and possibly three - complexes of medieval settlement stringing along north to south routes through the site with the southern boundary; also potentially reflecting a medieval route and hints of enclosures alongside it. This arrangement seems to be characteristic of Thanet settlement, as identified at Thanet Earth and also recently in Birchington. Other enclosures may reflect Bronze Age, Iron Age and Roman complexes. The complex bisected by the site boundary to the east is presently being investigated and has, it is understood, revealed a robbed Roman building. It would be useful if the topography of the site could be overlaid with archaeological features so that the influence of the topography can be considered on both the arrangement for known remains and the effects on visibility. It is important on such a wide area of landscape that the various landscape features are properly taken account of and that the archaeological landscapes recognise the landscape variations.

It is suggested that the site description (paragraph 2.6) of a site that is 'largely level, with some undulation' is not a good representation of the topography.

With respect to the Scheduled Monument that falls within the site, there is clearly an issue with the extent of the designation and the extent of the northern enclosure seen as a cropmark, which the designation seeks to protect. It is important to note that the transcription of features from cropmarks may be in places inaccurate, as the Thanet cropmarks were plotted as an early pilot project by the RCHME and that inaccuracy may extend to the location of the designation. It will be important to establish the true extent of the archaeology that is intended for protection by the designation and to consider any part of that archaeology that falls outside in similar terms to the scheduled area.

In summary, it is maintained that the existing baseline clearly illustrates that there is a very high archaeological potential for multi-period remains across the landscape and that these will in many cases exceed the local significance suggested in paragraph 4.210.

#### Archaeology effects and mitigation

The Scoping Report mentions in paragraph 4.214 that the master planning can be used to help protect and possibly enhance the designated heritage assets. This principle should be extended to the wider historic environment and heritage assets of the area; some of which could be of equivalent significance to the presently designated heritage. In terms of the EIA, it is important that sufficiently detailed work is undertaken to ensure that development design takes account of where significant archaeology should be preserved in situ.

The heritage study should set out clearly how the archaeology articulates across the development site and how significant it is both in terms of individual assets and cumulatively. The EIA should also show how the development is responding to the archaeology of the site, both in terms of its appropriate preservation and its value to contributing to the historic sense of place of the site. The setting of the designated heritage assets and undesignated but significant heritage assets should be considered in the EIA. KCC agrees that the setting of the Scheduled Monuments can be informed by geophysical survey.

Mitigation proposed (paragraph 4.216) focuses on a process of identification and recording, whereas the initial position should be to identify heritage assets and their significance and then look at how that significance can be accommodated with the development proposal. Where heritage assets are not able to be protected from development impact, then the appropriate level of investigation and recording should be considered as a secondary option. There may be locations where development is not desirable, due to the presence of particularly significant heritage assets.

The study for the EIA should include archaeological survey and evaluation to better understand and articulate the baseline conditions. In the first instance, a broad geophysical survey through magnetometry should be undertaken across the development site to provide additional details and confirm the location, layout and extent of known sites, as well as identify additional significant archaeology. It may be that where the present record or the

magnetometry indicates there may be buried structures then targeted resistivity is also used. Following geophysical survey, a programme of targeted evaluation trenching should be undertaken. This reflects an approach that is being taken forward successfully on a similar scaled site south of Birchington.

### Built heritage

This should be led by Historic England and the Thanet District Council Conservation Officer, particularly for designated heritage assets. It is not clear from the Scoping Report how non-designated built heritage assets will be treated. Whilst Historic England and Thanet DC will lead on the advice for built heritage, KCC would wish to be involved in discussions, so that linkages with between built heritage, archaeology and historic landscapes are maintained.

### Historic landscape

Paragraph 4.233 refers to the historic landscape contributing to the landscape baseline. There is a clear need for the historic landscape of the scheme to be specifically studied as part of the EIA and to show how this can be taken account of in development master planning.

### Consultation

KCC Heritage Officers would be happy to meet and discuss the scope of the further studies with the applicant's specialists in due course. There would be advantages in such a meeting being in conjunction with both Historic England and the Thanet District Council Conservation Officer.

### **Landscape and visual (p53)**

In respect of Public Rights of Way & Access, KCC has identified potential impacts of the proposed development and how they could be mitigated. An extract of the definitive map of Public Rights of Way is attached at appendix 3.

### Public Footpath TM23

Consideration will need to be given to ensure views to the south from the Public Right of Way (PROW) are retained as much as is possible. An upgrade of the footpath to bridleway status would provide pedestrian, equestrian and cycle access through the site. This with improvements to the surface of the path, to a minimum width of 3m, will help mitigate the pressures from increased use that the proposed development will have on the path.

### Public Footpath TM27

Consideration will need to be given to ensure the countryside views from the PROW are retained as much as is possible. An upgrade of the footpath to bridleway status would provide pedestrian, equestrian and cycle access through the site. This, with improvements to

the surface of the path to a minimum width of 3m, will help mitigate the pressures from increased use that the proposed development will have on the path.

#### Public Bridleway TM28

Consideration must be given to ensure the countryside views from this PROW are retained as much as is possible. Improvements to the surface of the path to a minimum width of 3m will help mitigate the pressures from increased use that the proposed development will have on the path.

For all PROW, any forthcoming design should ensure that routes are accommodated within wide green corridors of open space away from access roads, to help mitigate the loss of amenity and countryside views, as a result of the development. PROW should not be confined behind rear gardens and adjacent properties should overlook the public areas to ensure surveillance.

It is essential that consideration is given to the likely impact of the development on the nearby rail crossing point and the potential impact that the development will have on increasing use. It may be that this development contributes to an improved rail crossing to help mitigate the impact.

#### **Ground and unexploded ordinance (p62)**

As the Minerals and Waste Planning Authority, the County Council is responsible for ensuring that mineral resources are not needlessly sterilised by other forms of development, thus ensuring that a steady and adequate supply of minerals is maintained into the future to facilitate sustainable development. This safeguarding approach is supported by national planning policy guidance in the National Planning Policy Framework (NPPF) and in the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP).

The NPPF requires that development proposals should not be permitted within mineral safeguarding areas where they might constrain potential future use of the economic mineral resource. As such, the policies within the KMWLP aim to prevent the sterilisation of Kent's potentially economic mineral assets.

#### Land won-Minerals Safeguarding

According to the Dover District & Thanet District Mineral Safeguarding Areas identified within the KMWLP, the area has no economic safeguarded mineral deposits. On this basis, a planning application for the development described in the Scoping Opinion would not be in conflict with Plan Policy CSM5: Land-won Mineral Safeguarding. Therefore, a Mineral Assessment would not be required to accompany an application.

#### Minerals and Waste Infrastructure Safeguarding

The area of the potential development is not within 250m of any mineral or waste management infrastructure. Therefore, the proposed development would not be in conflict with Plan Policy CSM7: Safeguarding Other Mineral Plant Infrastructure or Plan Policy CSW16: Safeguarding of Existing waste management Facilities. Therefore, an Infrastructure Assessment would not be required to accompany any eventual application.

### **Topics scoped out (p66)**

Kent County Council Waste Management operates a network of eighteen Household Recycling Centres (HWRCs) and six co-located Waste Transfer Stations (WTSs) and demand on these sites is at unprecedented levels. As a result of additional demand generated by housing growth, this could result in a requirement to build more, larger sites or invest in the maintenance or repair of existing HWRCs and WTSs. At Margate HWRC and Richborough HWRC, KCC is expecting a significant increase in waste throughput as a result of significant housing development. The site referred to in the submitted document is within a five minute drive time of Margate HWRC and a fifteen minute drive time of Richborough HWRC.

KCC as the Waste Disposal Authority would look to secure developer contribution funding through a section 106 agreement, to invest into waste infrastructure, as a result of increased housing growth and therefore demand on the service provided.

### **Other comments**

The County Council has assessed the implications of the proposal in respect of the delivery of its community services and is of the opinion that the proposal will have an additional impact on the delivery of its services, which will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Appendix 2 sets out the impact of the proposed scheme on primary and secondary education, community learning, youth services, libraries, social care and high-speed fibre optic broadband connection.

The provision within the development of outdoor sport and recreational facilities is supported. KCC would advise that account is taken of Sport England's policies and guidance<sup>1</sup>.

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The County Council will continue to work closely with the District Council to help to ensure the delivery of new housing and infrastructure in response to local needs. In addition, the

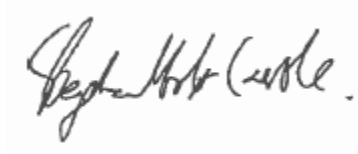
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<sup>1</sup> <https://www.sportengland.org/facilities-planning/planning-for-sport/playing-fields-policy/>  
<https://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/>  
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/playing-pitch-strategy-guidance/>

County Council welcomes any further engagement with the District Council and the applicant as this planning application progresses.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, reading "Stephanie Holt-Castle". The signature is written in a cursive style and is enclosed in a light grey rectangular box.

**Stephanie Holt-Castle**

Interim Director for Environment, Planning and Enforcement

Encs:

Appendix 1 – KCC Ecological Advice Service (8<sup>th</sup> April 2019) response  
Appendix 2 – KCC Community Services letter (dated 11<sup>th</sup> April 2019) and appendices  
Appendix 3 – PwoW location map