

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 9th October, 2019**

**10.00 am**

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







## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Wednesday, 9th October, 2019, at 10.00 am**      Ask for:      **Andrew Tait**  
**Council Chamber, Sessions House, County**      Telephone:      **03000 416749**  
**Hall, Maidstone**

*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 J Burden

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 - 11 September 2019 (Pages 7 - 14)
4. Site Meetings and Other Meetings

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

1. General Matters

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

1. Application KCC/AS/0056/2019 - Amendment to site layout provided for by Permission AS/12/518 (involving demolition of an existing shed, alterations to weigh-bridges, repositioning the shear and altering the surface water drainage system, fencing and boundary treatment and landscaping) and the erection of a replacement End of Life Vehicle shed, associated storage tanks, additional boundary fencing and new non-ferrous metal storage/reception building at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford; European Metal Recycling Ltd (Pages 15 - 42)

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

1. Proposal AS/19/705 (KCC/AS/0088/2019) - 2 FE primary School at Chilmington Green, Ashford; KCC (Gen2) (Pages 43 - 74)
2. Proposal 19/502955 (KCC/MA/0110/2019) - Sports Hall extension to provide shower and changing facilities and a classroom/conference room at Maidstone Grammar School for Girls, Buckland Road, Maidstone; Governors of Maidstone Grammar School for Girls (Pages 75 - 92)
3. Proposal MA/19/503387 (KCC/MA/0107/2019 - 2 FE expansion involving: a) erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) additional 22 car parking spaces; and d) associated landscaping works at Maplesden Noakes School, Buckland Road, Maidstone; KCC Infrastructure (Pages 93 - 122)

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

1. County matter applications (Pages 123 - 126)
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 (None)

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

1. Maidstone BC Local Plan Review (Pages 127 - 152)
2. Maidstone BC Community Infrastructure Levy (CIL) Regulation 123 List Review (Pages 153 - 154)
3. Lamberhurst Neighbourhood Plan - Regulation 14 (Pages 155 - 164)

#### **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)*

Tuesday, 1 October 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 sections C and D, are available to Members in the Members' Lounge.)*

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## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 11 September 2019.

PRESENT: Mr R A Marsh (Chairman), Mrs R Binks, Mr A Booth, Mr J Burden, Mr I S Chittenden, Mr P C Cooper, Mr P M Harman, Mr M D Payne, Mr H Rayner, Mr C Simkins, Mrs P A V Stockell and Mr J Wright

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr P Hopkins (Principal Planning Officer), Mr J Bickle (Senior Planning Officer), Mrs L Cook (Senior Planning Officer), Mr D Joyner (Transport & Development Manager) and Mr A Tait (Democratic Services Officer)

#### UNRESTRICTED ITEMS

##### **36. Minutes - 10 July 2019**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 10 July 2019 are correctly recorded and that they be signed by the Chairman.

##### **37. Site Meetings and Other Meetings**

*(Item A4)*

The Committee agreed to postpone its tour of permitted development sites that had been scheduled for 8 October until the New Year.

**38. Application TM/02/2663/MR97/R (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 Permission TM/02/2663/MR97 which allows for clay and sand extraction from the quarry at Park Farm Quarry, Platt Industrial Estate, Maidstone Road, Platt; Echoraise Ltd (trading as J Connolly and Sons Ltd)**

*(Item C1)*

(1) Mr H Rayner moved, seconded by Mr A Booth that consideration of this matter be deferred due to inaccuracies in the report and that the opportunity caused by the deferment be taken to hold a site visit in order to inspect the site access arrangements.

*Lost 4 votes to 6 with 1 abstention.*

(2) The Committee agreed to the addition of three Informatives to the recommendations. These were that the applicants should consider the potential for further measures to reduce the noise levels arising from the defined temporary

operations to below 70dB<sub>LAeq</sub>; that they should explore the potential for an alternative access route through Nepicar Farm Quarry; and to encourage them to form a liaison group with the local community.

(3) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 6 votes to 3 with 2 abstentions.

(4) RESOLVED that:-

- (i) approval be given to the application pursuant to the requirements of Conditions 2, 8, 22, 24, 27 and 30 of Permission TM/02/2663/MR97 subject to further conditions, including conditions covering daily HGV movements being limited to 58 (29 in / 29 out) on Mondays to Fridays and to 30 movements (15 in / 15 out) on Saturdays; no work, except for archaeological investigations, taking place in phases 2 and 3, nor any disturbance of the route of Restricted Byway MR247B until the diversion of this right of way is legally confirmed and the revised route provided on site; and the submission for approval of drawings reflecting the amended route of right of way MR247B; and
- (b) the applicants be advised by Informative:-
  - (i) that all conditions imposed on Permission TM/02/2663/MR97 remain in force, including on-going controls/ requirements under Conditions 2, 8, 22, 24, 27 and 30 unless they are superseded by the details hereby approved;
  - (ii) that this permission confers no other permission or consent and that any change to the PROW requires the express permission of the Highways Authority, separate from the planning process;
  - (iii) of the Informatives recommended by the County Archaeological Officer relating to delivery of the written specification of work and subsequent reporting, and advice that the applicants should consider implementing sample investigations ahead of the main excavation;
  - (iv) that they should consider the potential for further measures to reduce the noise levels arising from the defined temporary operations to below 70dB<sub>LAeq</sub>;
  - (v) that they should explore the potential to bring forward an alternative access route through Nepicar Farm Quarry; and
  - (vi) that they should explore the potential to form a liaison group with the local community.



**39. Proposal CA/19/1046 (KCC/CA/0108/2019) - Installation of new public canoe/kayak pontoon, six timber changing cubicles, upgrading of existing fishing swims/platforms and upgrading of existing footpath from the car park to the riverbank at Grove Ferry Picnic Site, Grove Ferry Road, Wickhambreux; KCC Country Parks**

*(Item D1)*

(1) Mr H Rayner informed the Committee that he was a member of *British Canoeing*. This did not constitute An Other Significant Interest and he was able to approach the determination of the application with an open mind.

(2) The Head of Planning Applications Group referred to paragraph 11 of the report and asked the Committee to note that application sought to improve 6 rather than 7 existing fishing platforms.

(3) The Head of Planning Applications Group reported correspondence from the Local Member, Mr M J Northey in support of the proposal.

(4) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard three-year time limit; the development being carried out in accordance with the permitted details; and, prior to the commencement of works (including vegetation removal) to install the pontoon, the submission for approval of a method statement detailing the vegetation management measures that will be implemented to avoid and mitigate impacts to water voles and their burrows.

**40. Proposal MA/18/502882 (KCC/MA/0084/2018) - Creation of a 3G artificial turf pitch (ATP) with fencing, floodlighting and associated features at Maidstone Grammar School, Barton Road, Maidstone; Governors of Maidstone Grammar School**

*(Item D2)*

(1) Mrs Sharon Thompson, Head of Planning Applications Group declared that she had a conflict of interest in respect of this item as her daughter had attended Maidstone Grammar School until the end of the Summer Term in 2019. She confirmed that she had played no part in the consideration of this application and had delegated responsibility as Head of Planning Applications Group for this case to Mr Paul Hopkins, Principal Planning Officer, lead for community development. Mrs Thompson then left the meeting for this particular item.

(2) Mr Paul Hopkins, Principal Planning Officer informed the Committee that his children had been pupils at Maidstone Grammar School and that the youngest of them had left at the end of the Summer Term in 2017. One of his nephews had also attended the School until the end of the Summer Term 2019. He confirmed that since his children had left, he had had no direct involvement or personal interest in the School and that there would be no personal benefit to himself or his family if planning permission were granted. Whilst he would not normally be placed in such a position, the Corporate Director and the Monitoring Officer had advised that, in the absence of a suitable alternative officer with the necessary expertise on community development, he would be able to advise the Committee on this occasion.

The Head of Planning Applications Group had therefore delegated her responsibility for the functions relating to town and country planning and development management matters for Maidstone Grammar School to him.

(3) Mr Aftab Khan (Amey: Lighting) and Mrs Jenefer Taylor (Amey: Noise) were present to give detailed advice to the Committee on their responses as the Council's advisors on these matters.

(4) Correspondence from Mr C Brockwell, Mr R Davey, Mr J Doody, Mr P Edwards, Mr D Harwood and Mr A Tilbury in respect of the application had previously been circulated to all Members of the Committee.

(5) The Principal Planning Officer informed the Committee of the content of correspondence from the Local Members, Mr R H Bird and Mr D S Daley in support of the application.

(6) The Principal Planning Officer asked the Committee to agree to Mr Bird's suggestion that the tree-planting Informative should be strengthened so that the applicant was strongly encouraged to plant additional trees as suggested by Amey Landscape. This was agreed.

(7) Mr David Ealham addressed the Committee in opposition to the application. Mr Mark Tomkins (Head Teacher) spoke in reply.

(8) The Committee agreed to the inclusion of an additional Informative advising the Applicants to establish a local liaison group involving local residents.

(9) The Chairman put the recommendations of the Principal Planning Officer, as amended in (6) and (8) above) to the vote.

*Tied 5 votes to 5 with 2 abstentions*

(10) In accordance with Committee Procedure Rule 2.26 (2), the Chairman declared that he was using his casting vote in favour of the recommendations set out in (9) above.

(11) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard 3 year time limit; the development being carried out in accordance with the permitted details; no development taking place until the applicant has secured a programme of archaeological field evaluation work in accordance with a written specification and timetable to be approved in writing by the County Planning Authority; no development taking place until a detailed sustainable surface water drainage scheme has been submitted for implementation as approved; the submission for approval of an operation and maintenance manual for the proposed sustainable drainage scheme, and its implementation thereafter; no development taking place until a construction management plan, including lorry routing, access, parking and circulation within the site for contractors and other vehicles related to construction operations has been submitted for approval and implementation thereafter; measures to prevent mud and debris being taken onto the public

highway; measures to protect the existing trees during construction; hours of working during construction being restricted to between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations being on Sundays and Bank Holidays; hours of use of the Artificial Turf Pitch being limited to those specified in paragraph 29 of the report, including no community use or use of the floodlighting on Sundays, and limiting the amount of Friday evening use between 6.30 pm and 8.00 pm to 23 occasions between 1 September and 31 May; no other external playing field facilities being in community use at the same time as community use of the ATP takes place; a Noise Management Plan being submitted for approval, including measures to deal with excessive noise and anti-social behaviour and being implemented as approved thereafter; details of all fencing, including the acoustic fencing being submitted for approval within 3 months of the date of this permission and being implemented, maintained and retained as approved thereafter; details of the retaining structure to the north side of the pitch being submitted for approval within 3 months of the date of this permission and being implemented as approved thereafter; the mesh fencing including synthetic rubber inserts between the panels and all post fixings; on site car parking being available at all times when the ATP is in use out of school hours; the submission for approval of a community use agreement before use of the ATP commences; lighting levels not exceeding those specified within the application; lighting being installed in accordance with the submitted details and specification unless otherwise approved in writing by the County Planning Authority and checked on site prior to first use, with any necessary adjustments being made; the extinguishment of floodlighting when the pitch is not in use; a hedge and tree planting scheme being implemented as submitted within the first planting season and being maintained for a period of not less than 5 years; a hedgerow management plan being submitted for approval within 3 months of the date of this permission; no tree removal taking place during the bird breeding season; the re-leveling of the north eastern part of the playing field and its reinstatement in accordance with the submitted details; and the construction access road being removed upon completion of the works, reinstated and grass-seeded, with the access and dropped kerb off West Park Road being removed and made good, with the boundary hedge being reinstated; and

- (b) the applicants be advised by Informative that:-
- (i) they should take account of the interests of the Rugby Football Union and the English Cricket Board when preparing the community use agreement;
  - (ii) they are strongly encouraged to plant additional trees as recommended by Amey Landscape; and
  - (iii) they should establish a local liaison group involving local residents.

**41. Matters dealt with under delegated powers**  
(Item E1)

(1) The Head of Planning Applications Group reported an urgent decision taken under Section 1.7 of Appendix 2 Part 3 of the Constitution. This decision had been taken after publication of the papers for the Committee meeting. This was a **Request by Gallagher Aggregates Ltd for out of hours working at Hermitage Quarry, Hermitage Lane, Maidstone to enable the supply of aggregates for the preparation of HGV holding sites on behalf of the Department of Transport for use in the event of a hard Brexit.**

(2) The request sought a 3-hour extension to the operating day to allow Hermitage Quarry to open between 1800 and 2100 hours on Mondays to Fridays and between 1300 and 1600 hours on Saturdays for a 6 week period prior to the end of October 2019 to enable the delivery of aggregates to the HGV holding sites being prepared for the Department for Transport. Gallagher Aggregates Ltd indicated that it hoped to supply the majority of the aggregates during the normal working day but that use of the additional hours might be necessary in order to meet the deadline.

(3) A similar request to supply aggregates for the Manston Lorry Park Project was approved in February 2019 for the period prior to the end of March 2019 and reported to the 6<sup>th</sup> March 2019 Committee.

(4) 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.

(5) In agreeing to the request, considerable weight had been 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 had not been possible to secure any formal planning permission in time to facilitate the proposed operations.

(6) For the avoidance of doubt, the 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.

(7) In agreeing to the request, Gallagher Aggregates Ltd was also required to advise the County Planning Authority in writing of the start and end of the 6- week period and those days where the extended operating hours were used.

(8) 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 decision taken under Section 1.7 of Appendix 2 Part 3 of the Constitution as set out in (1) to (8) above.

**42. KCC responses to consultations**

*(Item F2)*

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

- (a) Application Y19/0257/FH – Outline application with all matters reserved at Otterpool Park Development, Ashford Road, Sellindge;
- (b) Innovation Park Medway, Rochester; and
- (c) Marden Neighbourhood Plan – Regulation 16.

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SECTION C  
MINERALS AND WASTE DISPOSAL

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

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## Item C1

**Amendment to the site layout provided for by planning permission AS/12/518 (involving the demolition of an existing shed, alterations to weigh-bridges, repositioning the shear and altering the surface water drainage system, fencing and boundary treatment and landscaping) and the erection of a replacement End of Life Vehicle shed, associated storage tanks, additional boundary fencing and new non-ferrous metal storage/reception building at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9<sup>th</sup> October 2019.

Application by European Metal Recycling Ltd for Amendment to the site layout provided for by planning permission AS/12/518 (involving the demolition of an existing shed, alterations to weigh-bridges, repositioning the shear and altering the surface water drainage system, fencing and boundary treatment and landscaping) and the erection of a replacement End of Life Vehicle shed, associated storage tanks, additional boundary fencing and new non-ferrous metal storage/reception building at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)

Recommendation: Permission be granted, subject to conditions

Local Member: Mr Paul Bartlett

Classification: Unrestricted

### Site

1. Eclipse Business Park is the site of a former industrial building located on the Cobbs Wood Industrial Estate at the junction of Brunswick Road and Carlton Road. Both these roads provide the main spine road for the Industrial Estate. The former building has been demolished, with two buildings remaining - an office building at the front and an open sided structure to the rear of the site. The total site measures just over 1 hectare and has one existing vehicular access point on to Brunswick Road. The mainline Ashford to London railway line lies immediately to the south of the site, with light industrial units and waste recycling activity lying to the east and west of the site boundaries.

**Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

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2. The Cobbs Wood Industrial Estate contains a mix of land use activities, predominantly focussing around light industrial units. Several waste recycling/processing activities already take place within the Estate, including GreenBox Recycling immediately to the east of the site, and Viridor Waste Management as well as the County Council's household waste recycling centre and waste transfer station. The nearest residential properties to the application site are those located to the north-east in Godinton Road (250 metres) and Sackville Crescent (260 metres) to the north east of the site, in between which is the Carlton Business Park. The site is bounded to the east by two other waste management premises, and to the south beyond the railway is a concrete batching plant. Further down Brunswick Road is the Civic Amenity site. The Chart Industrial Estate, containing a mix of commercial development, is located south of the application site and railway line.
3. The site is within the Ashford Urban Area, as identified in the Ashford Local Plan 2030, and it is not allocated for a specific land use within the existing Development Plan. Site Location Plans are provided on page C1.3 below.

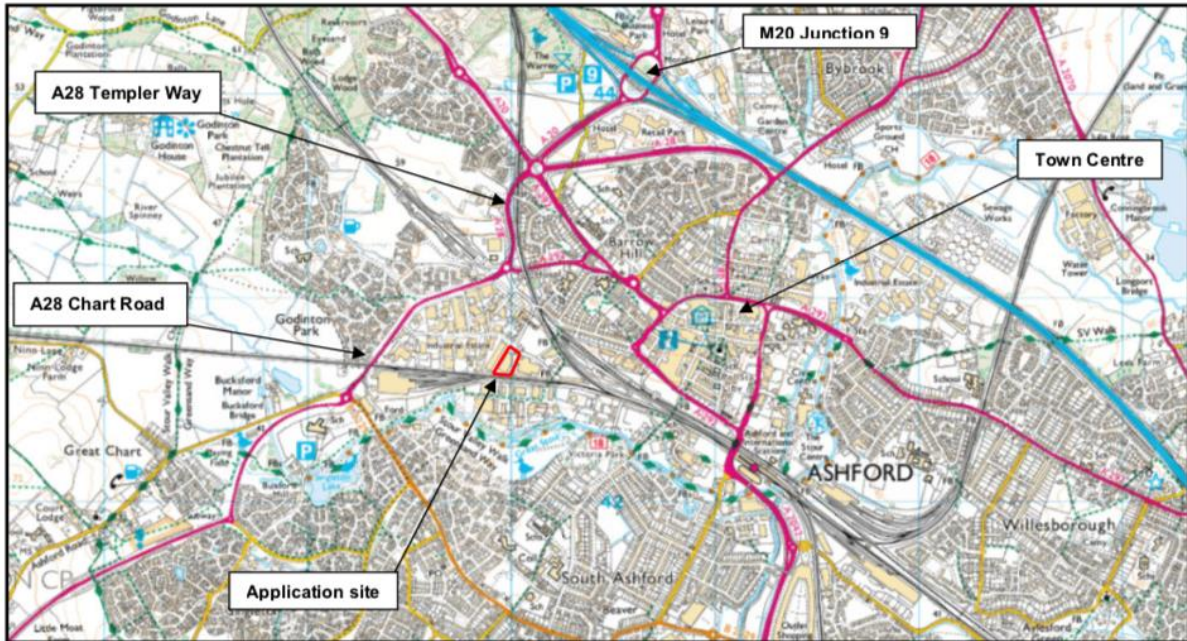
**Background / Recent Site History**

4. Planning permission was granted (reference AS/12/518) on 21st November 2012 for development of land situated at Eclipse Business Park, Brunswick Road, Ashford, for change of use for the whole site to a Scrap Metal Storage and processing facility, including the conversion of the front of the existing building into a two storey weighbridge office/staff amenity block; construction of a non-ferrous compound; creation of a new entrance from Brunswick Road; addition of palisade and site fencing/screening; installation of a weighbridge, tanks to hold fluids drained from End-of-Life Vehicles and a shear/densifier in the ferrous yard
5. The permission was granted subject to 30 conditions. The Conditions included: Condition 1. Time Limits (Commencement and Duration) requires the development to which the permission relates to be commenced not later than expiration of 5 years beginning with the date on which the permission is granted. The development commenced within this period in 2015.

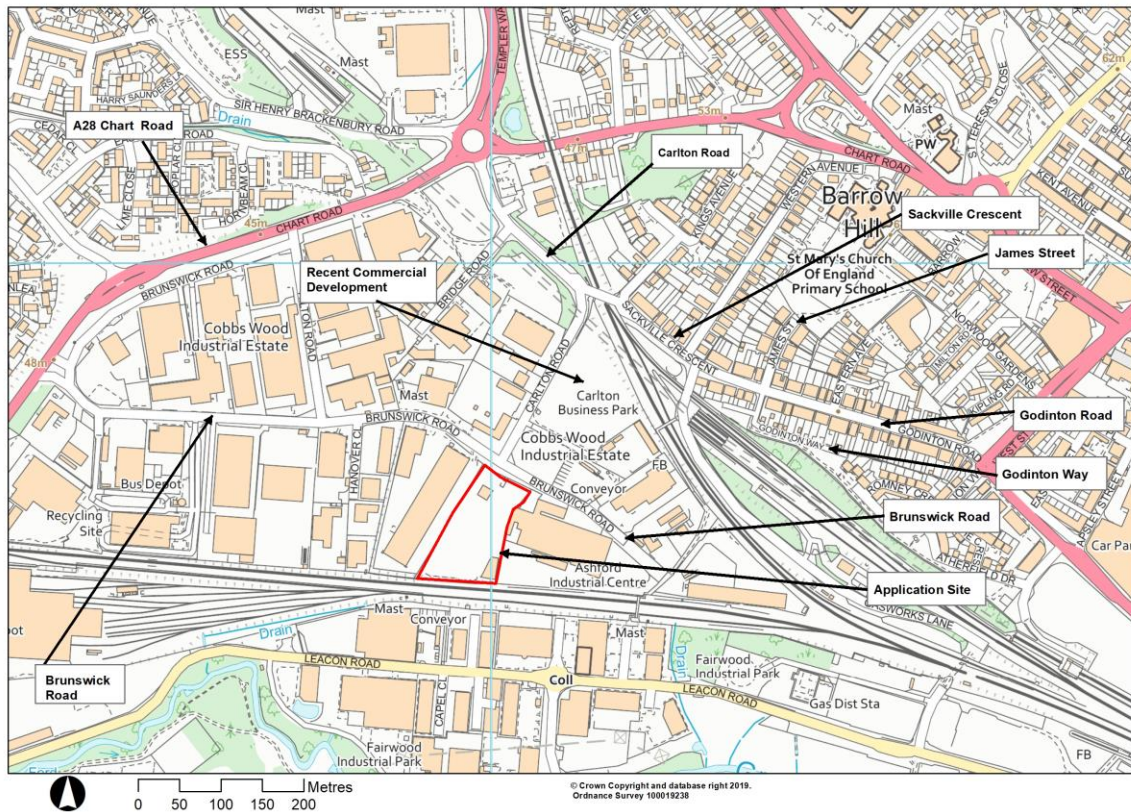


**Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

General Location Plan

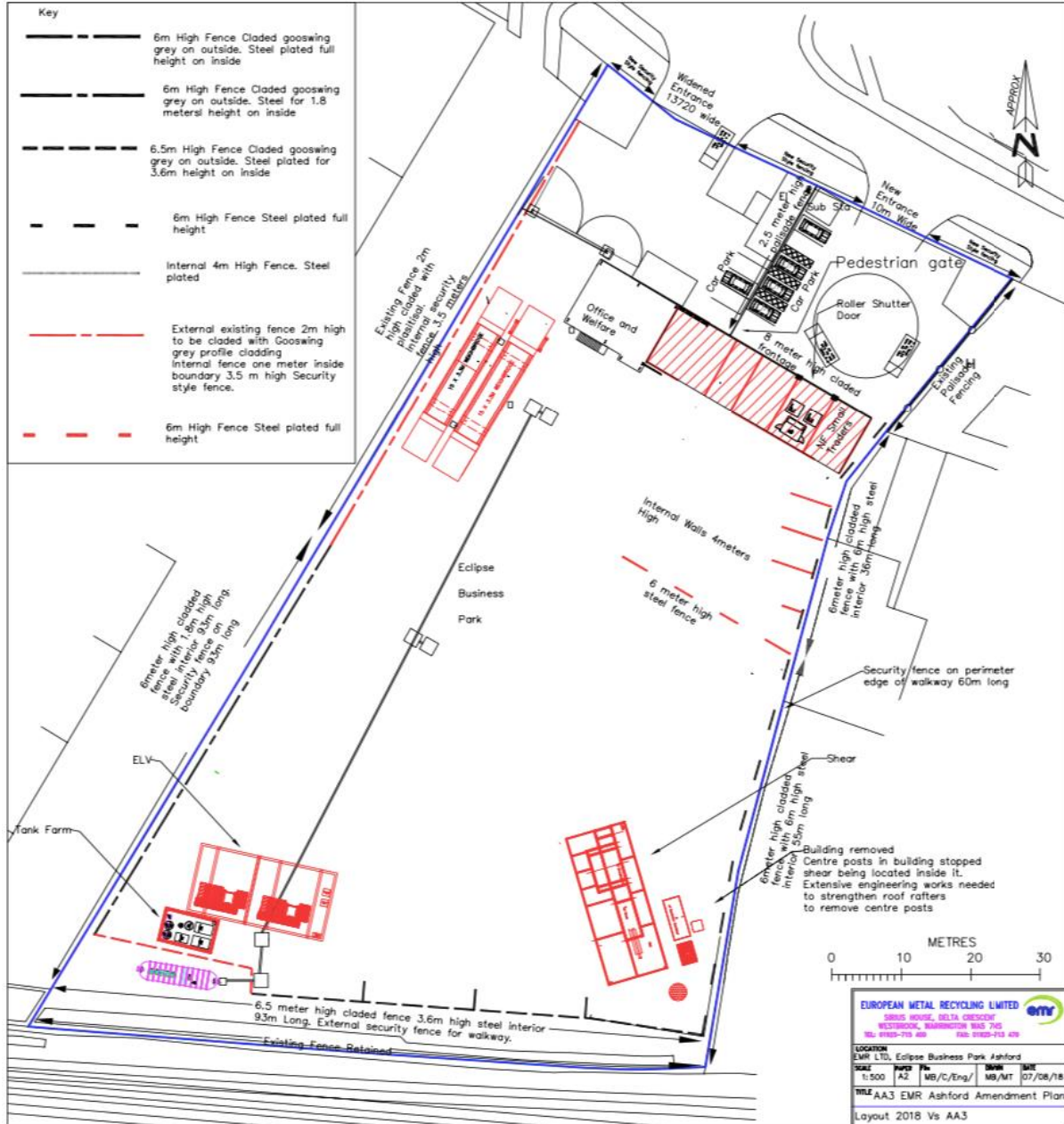


Site Location Plan



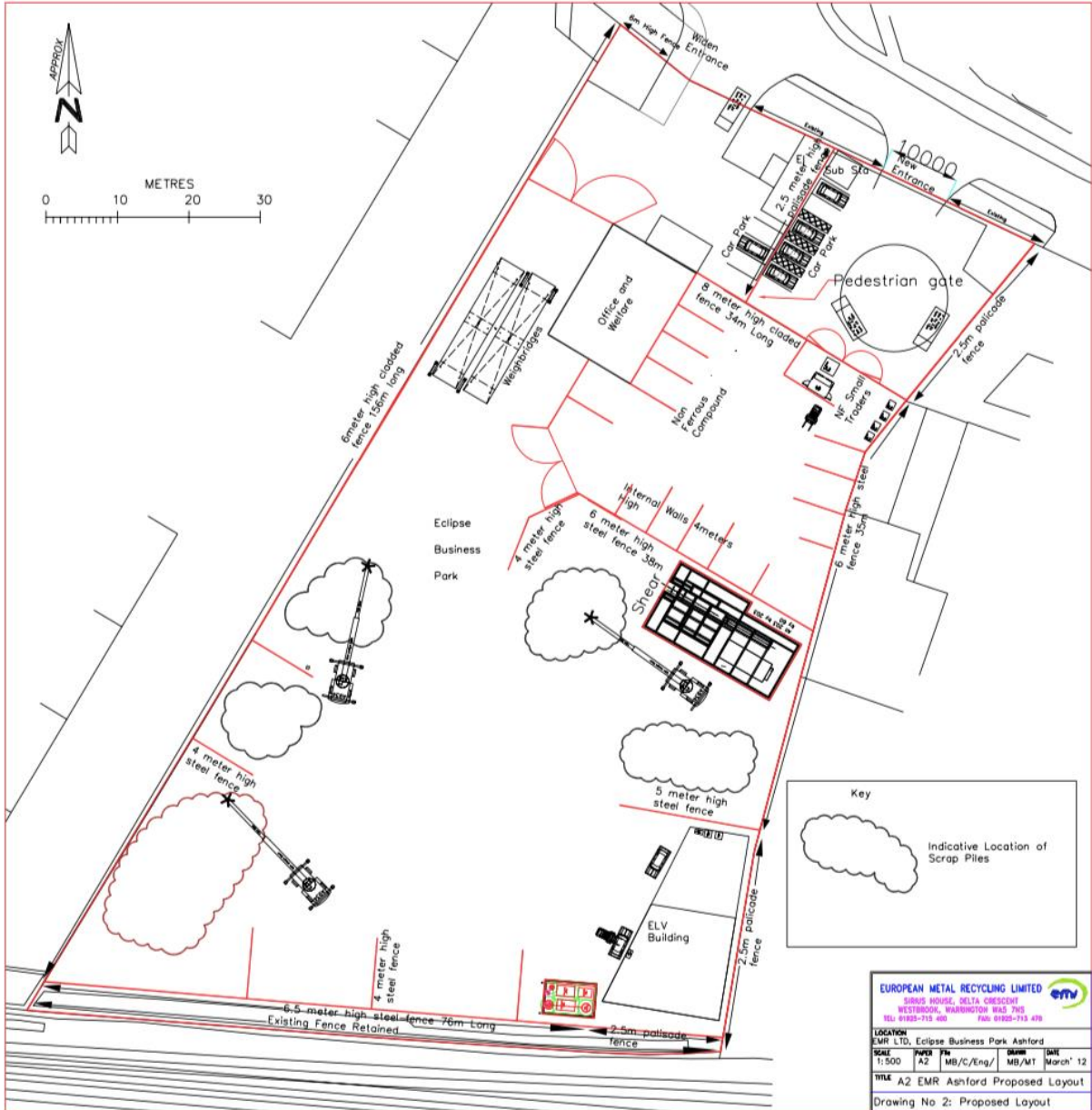
**Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

**Proposed Site Layout (Amendment to layout permitted under AS/12/518) ('Layout 2018 Vs AA3')**



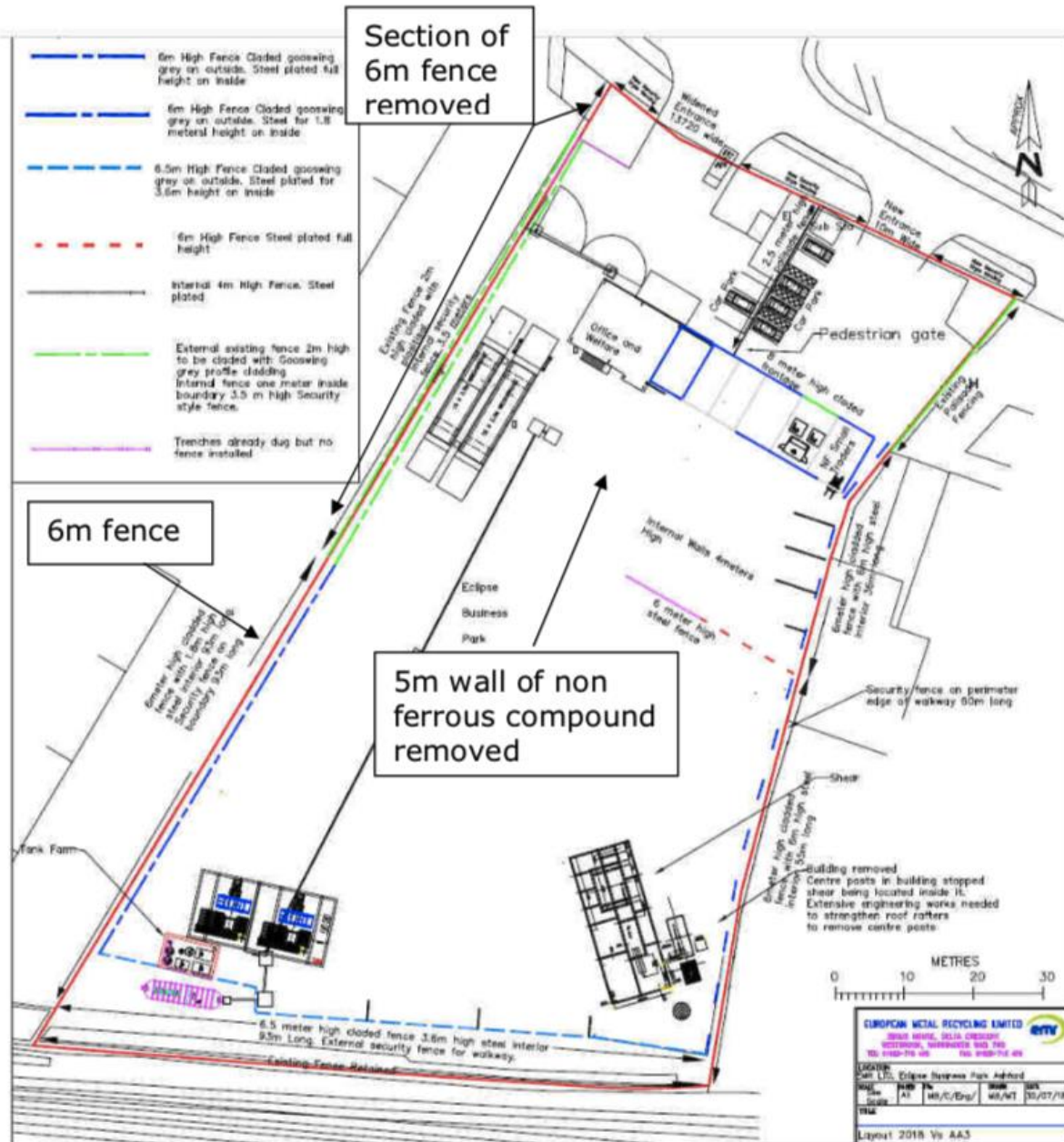
**Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

Layout Permitted under AS/12/518 ('Drawing No.2 Proposed Layout')



**Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

Summary of proposed changes to fencing and screening



- In addition, an application was approved on 10<sup>th</sup> December 2012 to extend the period for submission of a verification report (demonstrating completion of works set out in the approved remediation strategy required pursuant to condition 4) required by condition 26 from 6 months to 2 years (by 1 July 2016). My records show that this has not yet been discharged, although the applicant has advised that post-development monitoring has been undertaken and an application for discharge is expected shortly.

**Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

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7. Other conditions particularly relevant to the current application include:

Condition 12: No more than a combined total of 70,000 tonnes of scrap metals (split into the following proportions: 60,000t per annum of ferrous and 10,000t per annum of non-ferrous) shall be imported to the site in any calendar year.

Condition 13: No more than 400 vehicle movements (200 in/200 out) associated with the import and export of materials to and from the development ... shall take place in any one day.

Condition 14: Only ferrous, non-ferrous and End of Life Vehicles (as specified in the application) shall be imported to, stored or processed at the site, and the site shall be laid out as specified in the application. No waste shall be stored or processed outside of the ferrous and non-ferrous compounds.

Condition 15: All operations on site shall only take place between the hours of 07.00 and 18.00 Monday to Friday and 07.00 and 13.00 on Saturday. No operations shall take place on Saturday afternoons, Sunday, Bank or Public Holidays.

Condition 20: The site fencing shall be maintained at all times at the heights shown on 'Layout Proposals' drawing.

Condition 24: At no time during the operation of the development hereby permitted shall the noise rating level  $L_{A,T}$  calculated in accordance with the method provided in BS:4142:1997, attributable to the operation of all fixed and mobile plant together with machinery installed or otherwise used at the premises exceed the background noise level  $L_{A90,T}$  at any noise sensitive property.

8. This permission was implemented in 2015 with installation of the entrance, drainage, weighbridge office, workshop and part of the fencing.

## **Proposal**

9. The application is submitted on behalf of European Metal Recycling Ltd (EMR) for amendments to the site layout provided for by planning permission AS/12/518 and for approval of the proposed structures (involving the demolition of an existing shed, alterations to weigh-bridges, repositioning the shear and altering the surface water drainage system, fencing and boundary treatment and landscaping) and the erection of a replacement End of Life Vehicle shed, associated storage tanks, additional boundary fencing and new non-ferrous metal storage/reception building.
10. The application is necessary as, during excavation and construction works implementing the permission (digging out for the foundations of the 6m screen along the western barrier and western wall of the non-ferrous compound), a water main was uncovered which means that the necessary foundation depth to support the 6m screen is not achievable. Structural concerns were also identified with one of the existing sheds on site that was proposed to be used for the plan end of life vehicle process. The amended layout includes changes to the perimeter fencing and screening long the north west perimeter, and to the location of components of the recycling operation, described in more detail below.
11. The application does not seek to make changes to the scale or types of operation proposed at the site and previously permitted subject to conditions. The application is for full planning permission and the area of the application is the same as that covered by the extant permission.

**Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

12. The application was submitted on 12<sup>th</sup> March 2019. The development was completed in November 2018 and is now is fully operational, and so the application is for retrospective planning permission.
13. The table below sets out the information submitted to assess the changes proposed and their implication over planning permission AS/12/518:

Approved ref. AS/12/518	Proposed changes (subject of application)	Supporting documents
Change of use of the site to a Scrap Metal Storage and processing facility. (Inc. waste types, throughputs, HGV movements, hours of operation, vehicle parking and proposed access).	Unaltered	
Conversion of the front of the existing building into two storey weighbridge office/staff amenity block.	Unaltered	
<b>Construction of a non-Ferrous Compound.</b>	<b>Replaced/re-positioned</b>	<b>5306.C001-EMR-Non-Ferrous-Cladding Section 5306.C002-EMR-Non-Ferrous-Roof Plan 5306.C003-EMR-Non-Ferrous-Gable-Cladding- Elevations</b>  <b>5306.C004 EMR-Non-Ferrous-Side-Cladding-Elevations 5306.C005 EMR-Non-Ferrous-Roof Details</b>  <b>5306.C006 EMR-Non-Ferrous-Corner Details</b> <b>5306.C007 EMR-Non-Ferrous-Opening-Details-on- Gridline C 5306.C008-EMR-Non-Ferrous-Opening-Details-on-Gridline A</b> <b>5306.C009-EMR-Non-Ferrous-Liner-Details</b>
Creation of new entrance from Brunswick Road	Unaltered	
<b>Addition of palisade and site fencing/screening</b>	<b>Altered</b>	<b>AA.3-EMR-Ashford-Amendment-Plan</b>
<b>Installation of 2no. weighbridges</b>	<b>Minor Alteration</b>	<b>A7 Proposed Weighbridge Plan</b>

**Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

Tanks to hold fluids drained from ELV and shear/densifier in the ferrous yard	Replaced/re-positioned	AA.3-EMR-Ashford-Amendment-Plan
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14. In summary the proposed changes are (as illustrated in Drawing Layout 2018 Vs AA3 and Proposed Site Layout on page C1.4, and summary of proposed changes to screening and fencing on page C1.6):
- Re-location of the shear (used to process scrap metal through compression and cutting) to the south eastern corner of the site (in place of the building proposed to be demolished) – a change from the location permitted by planning permission AS/12/518;
  - Demolition of the existing building in south east corner of the site, originally intended to house the End of Life Vehicle (ELV) operation, which was found to be unsuitable for this purpose;
  - Re-location of the ELV processing area and associated tanks to the south west corner of the site;
  - Re-location and construction of the non-ferrous compound (an enclosed area to the east of the existing office building and to the south of the screening façade) 8m height at its northern side/the north facing façade, 6m height on its southern facing side;
  - Installation of a double weighbridge 15m in length which, including ramps, is slightly longer than those permitted;
  - Changes to layout of internal fencing and walls including removal of 5m wall around the western side of the originally proposed non-ferrous compound;
  - Changes to perimeter fencing/screening
    - Western perimeter (northern part): Cladding existing 2m high fence with ‘Goosewing grey’ Plastisol on outside and installation of 3.5m high internal security fence, 63m length (to replace 6m high cladded fence permitted under AS/12/518);
    - Western perimeter (southern part): 6m high cladded fence, with 1.8m high steel interior security fence, 93m long;
    - Southern perimeter: Installation of 6.5m high 93m long clad fence with 3.6m high steel interior security fence;
    - South west corner: Installation of 6m high steel plated fence and drainage interceptor;
    - Eastern perimeter: Installation of 6m high 55m long clad fence with 6m high internal security fence (southern section) and 6m high 36m long clad fence with 6m high steel internal security fence (northern section).
15. The applicant considers that the submitted detailed layout amendments and new (ancillary) buildings are required to address the issues encountered during site excavations and that the proposed reconfiguration is essential for the plant to operate at capacity.
16. An updated ‘Assessment of noise impact’ (MAS Environmental Ltd) was submitted with the application, which assesses the impact of re-location of the shear to the south east of the site and the revised screening proposals described above in order to mitigate potential noise impacts on sensitive receptors.

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17. The potential noise impacts resulting from the proposed changes to layout and perimeter screening, particularly removal of planned 6m high fencing on the north western portion of the perimeter, are the main issue for consideration in determination of this application. Therefore, the methodology, results and conclusion of the updated Noise Assessment is described in this report.
18. Overall, the updated Assessment of Noise concludes that:
- The proposed site is located in an established area of industrial/commercial activity where relatively high levels of residual and background noise arise from road & rail traffic and industrial activity;
  - The revised layout changes do not affect noise immission (the sound heard) at the closest residential dwellings with no increase in noise level. This is to be expected as the 6m and 8m screening has the greatest effect breaking the line of sight from activity within the EMR site towards receptors to the north and east;
  - The noise impact is below any point that could be considered to constitute either a 'significant observed adverse effect' level or 'adverse effect' level;
  - The site is considered suitable for a new metals recycling facility with regards to noise impact. The noise measurements and predictions indicate this locality is acoustically acceptable for new industrial/commercial development;
  - Worst case predicted sound levels, compared to the lowest daytime background sound levels, indicate the potential for adverse impact does not occur. This worst case is reduced to a minimum by the noise mitigation scheme, as required by national noise policy and guidance - National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and Noise Policy Statement for England (NPSE). In those circumstances it falls well within acceptable criteria;
  - The proposed mitigation options are shown to reduce noise a minimum of 2dB below a level considered to indicate adverse impact to residential properties;
  - Increases in noise were predicted at the closest affected commercial/industrial premises. However, in context of the activities that are likely to be affected, character of the area and existing ambient sound levels, the increase in noise is considered acceptable.
  - The construction of new buildings on the corner of Brunswick Road and Carlton Road may provide additional screening to that assumed within the MAS assessment.

**Planning Policy****Development Plan**

19. The most relevant policies to the determination of this application are:

**Kent Minerals and Waste Local Plan (KMWLP) 2013-30 (July 2016)**

CSW1 Sustainable Development

CSW2 Waste Hierarchy

CSW4 Strategy for Waste Management Capacity

CSW6 Location of Built Waste Management Facilities within existing industrial estates

CSW7 Waste Management for Non-Hazardous Waste

CSW12 Identifying Sites for Hazardous Waste

DM1 Sustainable Design



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DM10 Water Environment  
DM11 Health and Amenity noise  
DM12 Cumulative Impact  
DM13 Transportation of Minerals and Waste

**Ashford Local Plan 2030**

SP1 Strategic Objectives  
EMP2 Loss or Redevelopment of Employment Sites and Premises  
TRA7 The Road Network and Development  
TRA9 Planning for HGV Movement  
ENV4 Light Pollution and Promoting Dark Skies  
S22 Chart Industrial Estate

20. As the principle of this form of development (scrap metal storage and recycling) has been considered and accepted at this location, the key issue is the potential effect on amenity, particularly due to noise. KMWLP Policy DM11 is therefore of most relevance, namely that development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment.
21. An Early Review of the Kent Minerals and Waste Local Plan is also underway, in which amendments to Policies including of relevance CSW4, CSW6, CSW7, CSW8,. The Plan has been submitted to the Secretary of State for Examination with hearings scheduled for October 2019.
22. The most relevant National Policy, Guidance and Development Plan Policies relevant to the consideration of this application are summarised below are relevant to the consideration of this application:
23. **National Planning Policies** – the National Planning Policy Framework (NPPF, 2018) and National Planning Policy for Waste (NPPW, 2014) are material planning considerations. Further advice on implementation of national policy is provided in Planning Practice Guidance, including for waste.
24. Of particular relevance to this application is NPPF paragraph 180, which states that:  
  
*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*  
  
*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; [footnote refers to the Noise Policy Statement for England. Defra 2010]*
25. The National Planning Policy for Waste (NPPW) advises in paragraph 7 that when determining applications waste planning authorities should:

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- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies.

26. Appendix B of NPPW sets out locational criteria, including:

*j. Noise, light and vibration: Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered.*

27. Planning Practice Guidance (PPG), revised in July 2019, includes specific advice on noise. Paragraph 003 addresses how noise impacts can be determined:  
*Plan-making and decision making need to take account of the acoustic environment and in doing so consider:*

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

*In line with the Explanatory note of the noise policy statement for England [NPSE], this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.*

28. PPG paragraph 004 addresses the observed effect levels:

- *Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.*
- *Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.*
- *No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.*

*Although the word 'level' is used here, this does not mean that the effects can only be defined in terms of a single value of noise exposure. In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs.*

29. PPG (paragraph 006) outlines the factors that influence an assessment of whether or not noise could be a concern, stating that:

*The subjective nature and objective outcomes of noise means there is not a simple relationship between noise levels and impact on those affected. It will depend on how various factors combine in any particular situation. These factors include:*

- *the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they*

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*occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;*

- *for a new noise making source, how the noise from it relates to the existing sound environment;*
- *for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;*
- *the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features), and;*
- *the local arrangement of buildings, surfaces and green infrastructure, and the extent to which it reflects or absorbs noise.*

30. The Noise Policy Statement for England (2010) and the National Planning Practice Guidance therefore encourage assessment of noise based on whether or not a significant adverse effect is likely to occur; whether or not an adverse effect is likely to occur; and whether or not a good standard of amenity can be achieved. For noise levels that exceed the lowest observed adverse effect level (the level of noise exposure above which adverse effects on health and quality of life can be detected) it recommends development is mitigated and reduced to a minimum. In instances where the significant adverse effects level is exceeded development should be avoided, and only when the unacceptable adverse effect level is exceeded should development be prevented. This latter state is defined as noise resulting in extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm.

## **Consultations**

31. **Ashford Borough Council - No objection** subject to the following conditions:
- i) All existing relevant conditions from the previous planning approval should be carried over onto granting of any new permission granted under the variation application. This should provide safeguards previously approved to be re-applied and for the situation to be monitored to ensure these safeguards prevent any potential harm to the amenity of residents in the immediate area;
  - ii) Following consultation with the Council's Environmental Health Officer, relevant consideration should be paid to the concerns regarding uncertainty of the impact regarding the neighbouring commercial units as outlined in the officer assessment. Relevant conditions to mitigate any impact would need to be considered prior to any determination of the application required.
32. The Ashford Borough Council **Environmental Health Officer** has **No objection** but has the following comments:
- i. Background noise survey is within a short two-hour window. There appears to be no reporting of the level of uncertainty associated with the report and such a short background measurement.
  - ii. Impact on residential – a worst case gives a rating level of +3dB against background, however assuming the most representative background will be higher than the minimum used it could be assumed that the actual representative impact will be less than this.

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The rating can be compared with the BS4142:2014 assessment of impact;

- a. A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.
- b. The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact.

Additionally, the residential to the north may be liable to benefit from further barrier effects associated with now built ABC development in Carlton Road (Carlton Business Park). The context of the location is also be applied with respects to rating taking into account the other industrial noise sources, and transport related noise sources than mean that there will be an expectation of industrial type noise.

- iii. KCC will need to be satisfied that the increase of up to 11dB at neighbouring commercial receptors ('Menzies' to the west) is acceptable, if this includes any form of penalty for acoustic character, and that the assumptions with reference to the sensitive uses not being on that façade are indeed correct. I would suggest some clarification is needed here to ensure that there are not adverse impacts on these existing units/businesses.
- iv. The assumption of an internal noise level of 42 dB LAeq at 'Practical rent a car' relating to a design criteria of 45-50 dB LAeq for open plan offices where the objective is to provide acoustic privacy is shared spaces. BS8223:2014 gives further design ranges for other general office spaces such as staff/meeting room or training rooms of 35-45 dB LAeq, and, executive offices of 35-40 dB LAeq).

The above criteria generally apply to steady noise sources such as road traffic or continuously running plant (as stated in BS8233:2014)

No allowance appears to have been applied due to the characteristics of the noise in question and the fact that the noise source is not liable to be a 'steady noise source' I would suggest some clarification is needed here to ensure that there are not adverse impacts on these existing units/businesses.

Although I have **no immediate objection** on the basis of the predicated outcome in relation to the residential, I would recommend that KCC seek further clarification on the uncertainty associated with the short-term background measurement, and the potential impacts on the nearby commercial units/businesses.

33. Kent County Council's technical noise consultants (Amey) have reviewed the updated Assessment and are satisfied that the residential properties to the north and north east of the site will not be significantly adversely affected by noise from the proposed metal recycling operations. They are also satisfied that the amended layout, necessitating the removal of the western noise barrier, gives rise to no additional noise effect on the residential premises.
34. **Environment Agency (Kent Area) - No issues** with the amendments to the site layout. The application form indicates that both surface and foul water are to be disposed of via discharge to mains sewer therefore EA has no concerns from a groundwater protection point of view.

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35. **County Flood and Water Management (as Lead Local Flood Authority)** - Has the following comments:
- Note that the application involves amendments to a previously approved application on the same site. It is unclear whether any changes to the previously approved drainage scheme are required. Should those details be identical to those agreed under Condition 5 of AS/12/518 then we would regard the development as low risk;
  - Recommend that the LPA seeks confirmation from the applicant to describe any proposed changes to the drainage system. If any significant changes to the surface water drainage scheme are required, we would expect to be re-consulted with further details provided on the proposal;
36. **County Transportation Planning - No objection** providing the following requirements are secured by planning condition or obligation:
- i. Submission of a Construction Management Plan before commencement of any development on site to include;
    - a) Parking and turning areas for construction and delivery vehicles and site personnel
    - b) Provision of wheel washing facilities
  - ii. Provision and permanent retention of the vehicle parking spaces shown on the submitted plans Drawing No.2 Proposed Layout prior to the use of the site commencing
  - iii. Use of a bound surface for the first 5 metres of the access from the edge of the highway
  - iv. Provision of measures to prevent discharge of surface water on to the highway
  - v. Provision of permanent retention of vehicle loading/unloading and the turning facilities shown on submitted plans Drawing No.2 Proposed Layout prior to the use of the site commencing
  - vi. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority
  - vii. Completion and maintenance of the access shown on the submitted plans Drawing No.2 Proposed Layout prior to the use of the site commencing.
37. **County Archaeological Officer** - No response/comment
38. **Local Member – Paul Bartlett, Ashford Central Division** – has the following comments:
- The site adjoins a dense residential area and has been a cause of concern by residents for the sudden and unexpected noises, particularly early in the morning. The noise can be before the site operations times in the existing consent of 7am. To 6pm, Monday to Friday and 7am-1pm on Saturdays.
- I see this application as an opportunity to improve the quality of life for residents. I understand the point being made by the applicant that the 'application will not have a material impact on matters such as highways, dust or visual impact' (page 2 para 5 of the application letter) but note they do not mention noise. The applicant does say (page 2 para 1) that the noise impact will be acceptable but I disagree. It is my view that this

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application would have a material impact if the application does not have the following conditions:

- i) The hours of operation limited from 7am to 6pm should be altered to include deliveries as my assessment is that pre-7am noise is deliveries to site and these are not prevented from happening before 7am under present conditions. This is because the conditions refer to 'operations on site'.
- ii) The start time of operations should be altered to 8am with deliveries permitted from 7.30am. I accept that the applicant do try and 'push the envelope' with start times and this new starting time should see no noise before 7.30am

I do accept the applicant is making significant efforts to mitigate the additional noise that will be generated by the 4.1m hopper that will be located on site. However, the problem with this hopper is that it will be the source of noise as operations commence and it is elevated. The noise will be generated by the mechanised grab used at height that feeds the hopper. The efforts made by the applicant include installing an 8m barrier for the retained office to the eastern boundary. This will mitigate the effect on properties on Sackville Crescent. But there is a problem with this in that there will be an opening between the office and the 6m wall; this will allow noise to spill out to the adjoining area, potentially reaching as far as Sackville Crescent/Godington Road. This is illustrated on the plan on page 29 of the MAS Environmental Report.

So, a further condition is required:

- iii) The applicant should be asked (a reserved matter) to agree with the planning authority the materials used in the 6m and 8m barriers and should aim to use the same acoustic barrier as that used on the Sevington Sidings recently to mitigate nearby residents from noise from that site. This is because the nature of the barrier used as Sevington seems very effective in reducing noise. It is noted in the application that the barrier is a solid steel barrier (page 19 of 45 in the MAS Environmental Report [2011]) and this is not good enough as technology has moved on since then and much better options are now available. The applicants should confirm that ground conditions permit its construction (noting that the previous fence had to be abandoned due to a water pipe)
- iv) Similarly, it should be investigated whether any mitigation can be offered from the noise emanating from the gap between the office and the 6m high noise barrier. Other conditions should include:
  - v) A condition that waiting HGVs should not leave their engines idling.

Previous applications on this site have benefitted from a site visit by members and the original application was approved by just one vote so I would ask members to consider again a site visit to see how the site has developed and the greater impact that it is now having on residents.

39. Since receiving these comments, I met with Councillor Bartlett to discuss the proposals and understand that he will be addressing the Committee.

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**Publicity**

40. The application was publicised by the posting of a site notice(s), an advertisement in a local newspaper, and the individual notification of 209 nearby properties. In addition, as the proposed development is within 10m of railway land, a separate site notice was posted and consultation letters were sent to Network Rail Freight and Network Rail Infrastructure on 20<sup>th</sup> August 2019.

**Representations**

41. In response to the publicity, **3 letters objecting** to the application have been received: from an owner of properties in Sackville Crescent (to the north east of the site); from 'Godinton Residential Community' - a group of 43 residents of Godinton Road, Sackville Crescent, Western Avenue, James Street and Kings Avenue, and a family residing in the vicinity of the site . The key points raised can be summarised as follows:

Noise:

- A growing number of residents are complaining about noise;
- Current measures to control noise emissions are inadequate and existing noise is problematic;
- The recycling process that fragments the waste is at a higher level than the existing process raising the likelihood that sound will travel further;
- Sound emissions will travel further than existing;
- Concerns over the noise assessment and lack of consideration of weather, and need for independent scrutiny of the method and results;
- Cumulative effects of waste management and industrial activity, as well as train and road traffic;
- Existing noise from the site and the industrial estates, and cumulative effects;
- The perimeter wall not including noise absorbing material;
- The height of the all being inadequate;
- Noise from vehicles entering the site;
- Operating hours too long.

Dust and airborne pollution:

- Machines used to process ELVs cause release loose dust and debris during fragmentation
- Existing problem with dust – source unknown

The Planning Committee should consider the following:

- Condition that requires improved design of containment wall that incorporates sound-absorbing materials and a new design to overcome the difficulties with ground conditions;
- Ground surveys are undertaken first to confirm no obstacles to construction of the new barrier design to full 8m height;
- Accept that if the combination of new machinery height and low level of existing wall is allowed, complaints from residents will escalate;
- Applicant asked to present evidence that dust and airborne pollution will not be an issue;
- Current working hours are reduced to ones that re more socially acceptable

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- The Committee should undertake a site visit.

42. In addition, the Borough Council Member for Repton Ward has the following comments:

I am very concerned about the environmental impact that this application will have on my property and the surrounding residential area. The following list contains my objections and observations on this application.

- It seems that the main source of noise from the proposed new machinery will emanate from 4 metres above ground level. This situation makes the construction of 8-metre-high wall which is made from the latest acoustic mitigation materials imperative. In addition, I'm concerned about the entrance to the site on this proposed wall which by the applicant's calculations will omit an unacceptable level of noise when opened. This problem needs to be addressed.
- The noise from the existing plant is unacceptable and can take place well before 7 am. In my view the hours of working for this new application should be 8 am to 6 pm Monday to Friday and 8 am to 1 pm on Saturdays. This should include hours of delivery too.
- In 2012 when the present site application was made I as the Ashford Borough Council Ward Member requested that the KCC Planning Committee make a site visit. In reality the location of this site is far too close to our residential area and I thought it was prudent that the KCC Members of the Committee could only appreciate this fact by a site visit. As a consequence, it was subsequently only passed by one vote. The positioning of this plant to our residential area is highly contentious.
- The proposed new activity and equipment on this site is highly controversial with local residents who are already being plagued with unacceptable noise and disturbance with what takes place there at present. What is advocated in this application could potentially make the situation much worse.

## **Discussion**

### Introduction

43. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 19 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. The application is being reported to the Planning Applications Committee as it has met with an objection from an owner of nearby residential property and the concerns raised by the Local Member.

### Need and Acceptability in Principle

44. The acceptability of the need for this form of waste development and the suitability of the location has been demonstrated and accepted in the grant of planning permission AS/12/518 and its subsequent implementation. The development of a new purpose-built metal recycling facility enables existing waste streams to be dealt with more efficiently towards the top of the waste hierarchy and be likely to improve recycling rates. The



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application site is within the established Cobbs Wood Industrial Estate which contains a mix of light industrial and warehouse uses together with a number of other waste management uses, including the Council's own HWRC and Waste Transfer Station.

45. Since the permission was granted in 2012, there have been changes to the development plan, namely adoption of the Kent Minerals and Waste Local Plan (2016) and of the Ashford Local Plan 2030 (2019) together with changes to national planning policy through publication of the National Planning Policy for Waste (2014), of the revised NPPF (2018).
46. In the context of the extant planning permission, the use of the application site for the proposed waste metal uses remains consistent with the relevant development plan policies, subject to detailed consideration of the amended site layout and related aspects.
47. It was previously considered, in granting the planning permission in 2012, that the transport aspects of the development (including highway safety and capacity issues on the local road network) would be satisfactory subject to the imposition of a number of conditions to cover: the provision for construction vehicles parking, loading, off-loading and manoeuvring space on-site during construction activities; details of onsite parking ; the submission of a site drainage scheme to avoid off-site run off towards the highway; measures to prevent mud or other substances being deposited on the highway; the requirement to provide 3 cycle parking spaces within the site; and details of the new access.
48. The relevant detailed schemes have been subsequently approved and largely implemented and therefore, subject to the inclusion of similar controls, the amended proposals are considered satisfactory and in conformity with the transport policies. This will meet the requirements of Ashford Local Plan Policy TRA7 (The Road Network and Development), and KMWLP Policy CW6 (Location of Built Waste Management Facilities), DM12 (Cumulative Impact), and DM13 (Transportation of Minerals and Waste), requiring developments that would generate significant traffic movements to be to be well-located in relation to the road network, and that movements can be accommodated, resolved or mitigated to avoid unacceptable adverse or cumulative residual impacts. There will be a limit on the total vehicular movements to meet Ashford Local Plan Policy TRA9 (Planning for HGV Movement), which requires proposals which generate significant heavy goods vehicle movements to be limited to appropriate times.
49. Determination of the previous application also considered the visual impact of the development, against development plan policies. The scale of the metal fence screening/walling was raised as a concern by objectors and additional information was provided by the applicant, including details of the 8m high north facing false façade between the existing building and eastern boundary, to fit with the scale and appearance of the existing building and others on the industrial estate.
50. The pre-commencement conditions to planning permission AS/12/518 were discharged. During initial works, a water mains was uncovered which prevented the completion of the load-bearing foundations for the northern section of the 6m high screen fence along the western boundary, and western wall of the non-ferrous compound. In response, the applicant has decided to amend the layout of the site, requiring this application. This includes a shorter length of screening along the western boundary and the complete

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removal of the non-ferrous compound western wall, with the shear facility (cutting and condensing metals) re-located to the south-eastern corner of the site to help reduce noise impacts outside of the site. The amendments to the layout of the site and erection of various structures are proposed to enable the sustainable operation of the facility.

51. This application seeks planning permission to amend the layout of the scrap metal storage and processing facility, including an End of Life Vehicle facility which was granted planning permission in November 2012 and subsequently commenced. The capacity, vehicular generation and other aspects of the development would be unchanged with up to 60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous scrap metals processed each year. It does not propose any operational changes to those permitted under the previous extant permission. Supporting evidence submitted with this application include revised layout plan, demolition plan (of the existing building in the southeast corner of the site), an amended Noise Assessment, and technical drawings illustrating details of the non-ferrous compound and weighbridges.
52. KMWLP Policy DM 1 (Sustainable Design) seeks to ensure that emissions are minimised; the re-use or recycling of materials is maximised; sustainable drainage systems are utilised wherever practicable and proposals protect and enhance the character and quality of the site's setting. To comply with Policy DM 11 (Health and Amenity) the development will need to demonstrate that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Waste development will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes. To comply with Policy DM 12 (Cumulative Impact) development needs to show that it does not result in an unacceptable adverse, cumulative impact on the environment or communities.
53. In the determination of the previous application AS/12/518, it was considered that, with conditions attached, the development would be acceptable in terms of noise, dust and odours and the permitting process would ensure negligible impact on air quality.
54. The key material considerations, therefore, relate to the acceptability of the proposed amendments to the layout of the site, particularly in respect of potential noise impacts, and the issues arising from consultation and publicity. The updated Assessment of Noise undertaken by the applicant's consultants MAS Environmental Ltd (July 2018) and submitted with the application is of particular importance in determining this application.

**Acceptability of the proposed amendments to the layout in terms of Noise Impact**

55. The proposed development has the potential to have adverse noise impacts, particularly on the nearest sensitive receptors comprising the residential dwellings 280-300m to the north and north-east of the site at Sackville Crescent, Godminton Way and Atherfield Drive/Romney Crescent.
56. The development plan policy of most relevance is the Kent Minerals and Waste Local Plan Policy DM11 (Health and Amenity) which, as described above, provides for waste development to be permitted if it can be demonstrated that it will not be likely to

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generate 'unacceptable adverse impacts from noise'. Also of relevance is Policy DM12 (Cumulative Impact) which provides for development here it does not result in an 'unacceptable adverse, cumulative impact on the environment or communities'.

57. The NPPF and NPPW are material considerations. The NPPF (paragraph 180) advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life. The NPPW advises (paragraph 7) that when determining applications waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies; Appendix B advises (clause j) that considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved.
58. The updated Assessment of Noise, undertaken in July 2018 and submitted in support of the application, provides detailed consideration of the potential effect on noise impacts of the proposed changes to the screening of the site and the re-location of the shear to the south east part of the site (compared with the location towards the centre of the eastern boundary as permitted by planning permission AS/12/518).
59. I describe the methodology, results and conclusions in some detail below, as these are key to informing the determination of this application and whether the proposed development accords with the development plan and is consistent with national policy and guidance.
60. The assessment explains that the main noise guidance used for assessing the likely impact of industrial noise on humans is BS4142 2014 *Methods for rating and assessing industrial and commercial sound* (2014). The Assessment provides an update to the assessment undertaken in support of the original application in 2011, reflecting the re-location of the shear and taking account of mitigation options, primarily internal and external screening, and the updated BS4142 and Planning Practice Guidance.
61. The principles of BS4142 consider the specific sound level of the proposed industrial/commercial use and compare this against the background (masking) sound level. The greater the difference between the background sound level (no scrap metal recycling operation) and the specific sound from the site (from the proposed scrap metal recycling), the greater the likelihood that sound will cause adverse and/or significant adverse impact.
62. It identifies that positive indication of adverse impact is likely when the rating sound level exceeds background sound level by around 5dB, and of significant adverse impact when the rating sound level exceeds the background level by around +10dB (depending on context).
63. Revisions to the BS4142 standard in 2014 introduce penalties for sound characteristics, with the highest penalties applied for impulsive noise, such as bangs and crashes associated with scrap metal processing. Given the character of the area and reductions

**Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

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due to distance and screening, the applicant's consultants considered it to be appropriate to apply a decibel penalty of +6dB for clearly perceptible impulsive noise.

64. The updated Assessment involved:

- updated noise monitoring undertaken by MAS Environmental Ltd in December 2017 (at the nearest residential receptors in Sackville Crescent and Godinton Way, as well as within the site). The noise monitoring shows similar but slightly higher background sound levels than those measured in 2011, at around 45-48dB LA90,T;
- Using noise modelling software to predict the likely noise levels from the metal recycling at existing noise sensitive receptors;
- Identifying noise mitigation required to achieve acceptable noise levels at existing residential dwellings in the context of national government planning and noise policy.

65. Observations during the noise monitoring demonstrated a variety of noise sources affecting existing dwellings including the cement batching/aggregates site adjacent to the application site, road traffic and frequent passenger train movements.

66. Noise sources assumed from the proposed development include metal handling, loading and operation of the shear. The noise modelling considered these noise sources, their location and height, pathway, receptor conditions and receptor type. Mitigation measures were then considered and modelled, which comprise the amended layout and perimeter screening set out in the application and supporting drawings:

- A continuous screen along the northern frontage to a minimum height of 8m from the retained office building to the eastern boundary (as provided for in permission AS/12/518).
- A 6m along the southern part of the western boundary and the southern and eastern boundary to a minimum height of 6m.
- Non-ferrous compound southern wall minimum height 6m.
- Main metals handling area and shear located to the south east of the site to maximise screening effects and maximise separation distance to the closest residential dwellings.

67. The modelling used data from other metals recycling sites and assumed a worst-case scenario of continuous metal handling and loading of the shear, assumes the layout and mitigation measures outlined above are in place, and takes account of topography. Noise levels were modelled at 1.5m and 4.5m height at receptors, to reflect location of living rooms and bedrooms respectively.

68. The results indicate that, with all screening implemented, the initial estimate of impact indicates a low likelihood of adverse noise impact (at +3dB) at the nearest residential properties in a worst-case of the lowest measured background sound level and the highest predicted noise level. This is 2dB below a point that could be 'adverse' noise impact and 7dB below the point at which 'significant adverse' noise impact is predicted to arise.

69. The conclusion of the updated Assessment is that 'adverse' and 'significant adverse' impact from noise at the closest dwellings is unlikely to occur. It concludes that

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residents may perceive industrial noise from the industrial estate, including peaks of noise from metals handling, but this would be 'not noticeable' or at worst, 'noticeable and not intrusive' following the implementation of acoustic screening.

70. The modelling indicates there would be an increase in noise at the closest commercial receptors. This is due to the removal of part of the 6m western boundary screen. There is a predicted increase of 11dB at Menzies distribution, 8dB increase at Practical vehicle hire, and 1dB at Medway.
71. Menzies, to the west of the site, has a façade facing the application site with a small number of non-opening windows, and there are unlikely to be noise sensitive uses within this façade. Given the character of the area and activities that could be affected, the assessment concludes that the increase in noise is considered acceptable.
72. For Practical Rent-a-Car to the north, a +8dB increase in noise is predicted. The assessment concludes that, in terms of the absolute noise level, this falls within the typical range of 15-minute average noise levels and assuming a typical reduction through an open window of 12dB, would give an internal noise level of 42dB LAeq,T which would be within typical levels for an unoccupied office.
73. At Medway, to the immediate east, the predicted noise increase from metals handling is around 1dB. The Assessment concludes that this is not considered significant given typical measured ambient noise levels within the area.
74. Overall, the updated Assessment concludes that:
  - The revised layout changes do not affect noise immission (the sound heard) at the closest residential dwellings with no increase in noise level. This is to be expected as the 6m and 8m screening has the greatest effect breaking the line of sight from activity within the EMR site towards receptors to the north and east;
  - The noise impact is below any point that could be considered to constitute either a 'significant observed adverse effect' level or 'adverse effect' level;
  - Worst case predicted sound levels, compared to the lowest daytime background sound levels, indicate the potential for adverse impact does not occur. This worst case is reduced to a minimum by the noise mitigation scheme;
  - The proposed mitigation options are shown to reduce noise a minimum of 2dB below a level considered to indicate adverse impact on residential receptors;
  - Increases in noise were predicted at the closest affected commercial/industrial premises. However, in context of the activities that are likely to be affected, character of the area and existing ambient sound levels, the increase in noise is considered acceptable;
  - The construction of new buildings on the corner of Brunswick Road and Carlton Road may provide additional screening to that assumed within the MAS assessment
75. Kent County Council's technical noise consultants (Amey) have reviewed the updated Assessment and are satisfied that the residential properties to the north and north east of the site will not be significantly adversely affected by noise from the proposed metal recycling operations. They are also satisfied that the amended layout, necessitating the removal of the western noise barrier, gives rise to no additional noise effect on the residential premises.

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76. However, the increase in noise at the nearest commercial operation to the immediate west of the site, and the assumption that there are unlikely to be noise-sensitive uses in the façade facing the site, was identified as a concern by Amey. They recommend that the use of space inside the façade (and the row of windows facing the site) is confirmed, and if the use is shown to be non-sensitive, then the development may be approved, incorporating the proposed site layout/design elements, and no further detailed noise studies are required.
77. During a site visit on 27<sup>th</sup> August 2019 I viewed the façade and frontage of the 'Menzies' building (distribution) and confirm that the windows are non-opening. I also noted that all vehicles operating on site used 'white noise' reversing alarms to mitigate noise. The applicant subsequently provided photographic evidence that the internal use of the Menzies building behind the windows is general warehousing and so non-sensitive in terms of noise assessment considerations.
78. Ashford Borough Council and the local Member for the Ashford Central Division raise concerns over noise, with two representors (one a group of 43 residents) objecting on these grounds. Concerns include the assessment itself, and the effectiveness of the proposed noise mitigation measures, particularly the type of fencing and screening, with the suggestion that noise-absorbing materials that are more effective than concrete walls should be used and required through condition. The Ashford Borough Council Environmental Health Officer highlighted the uncertainty over the potential impact on the neighbouring commercial use (Menzies) of an increase in noise levels of 11dB. In addition, concerns were raised over existing noise levels experienced at residential properties, cumulative effects of development, potential noise emanating through gaps in the perimeter barrier, and further potential issues with ground conditions which may constrain the erection of the barriers to their full height.
79. Having considered the findings of the updated Assessment of Noise, and the views of the County Council's technical consultants outlined above, I consider that the objective evidence shows that there would be no 'adverse' or 'significant adverse' noise impacts at the closest residential receptors, namely the properties to the north and north east of the site at Sackville Crescent, Godinton Road, Godinton Way, and Atherfield Drive/Romney Crescent.
80. Having visited the site and confirmed the closest commercial property to the immediate west of the site is not a sensitive receptor, I consider that, in line with the advice from the technical consultants, the increase in noise predicted on adjacent commercial properties would be acceptable.
81. The updated Assessment of Noise takes account of the fencing and screening proposed in the application and now installed and concludes that this will provide adequate mitigation of noise impacts so these are not adverse or significant adverse. Therefore, a requirement for different materials or additional noise attenuation measures would not be justified in this instance.
82. I am, therefore, satisfied that the impact of the development on noise levels would not have an unacceptable impact and is in accordance with development plan policies and national policy.

Other issues raised by consultees and representations

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83. The local Member for Ashford Central Division has also requested that hours of operation and for deliveries to the site be limited, with operations not commencing before 08.00 am and deliveries not before 07.30am (currently Condition 15 of the extant permission limits 'operations on site' to between 07.00-18.00 Monday-Friday, and 07.00-13.00) as deliveries to site are causing pre-operation noise.
84. The restriction on hours of operation applied to the permitted operation (Condition 15) are normal for this industry and use. Planning permission can only control movements within the site and therefore any delay of opening times would either cause vehicles to queue on the public highway or generate journeys towards the peak of the rush hour. In addition, Condition 16 of the extant permission restrict deliveries to or exports from the development outside of the operational times stipulated in Condition 15. For these reasons, as well as being the start time and delivery times being within the existing consent, it is not considered that a reduced operating or delivery period is justified.
85. A number of consultees have advised that conditions should be attached to any permission in order to provide further details of on-site parking and turning, drainage, and materials and finish of the proposed perimeter fencing and screening barriers. In addition, it has been recommended that all of the conditions applied to the extant permission to be applied to any new permission. I consider that the same suite of conditions should be attached to a new planning permission to ensure that it accords with the current development plan, with some amendments to some conditions to reflect those that have been discharged and current policy and guidance, and also to ensure issues raised in representations and by consultees are addressed. My recommendation below addresses this.
86. In addition to the grant of planning permission, the applicant will need to ensure that it complies with the requirements of other regulatory regimes such as those provided for by the Environmental Permitting Regulations. The NPPF (paragraph 183) is clear that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
87. The amended layout involving construction of a covered non-ferrous metal compound immediately behind the new façade facing Brunswick Road at the north of the site, re-location of the shear to the south east corner of the site, and re-location of the End-of-Life-Vehicle processing building to the south west corner would not result in any change in visual impact, as these structures can only be viewed from within the site. The changes to the boundary fencing, with removal of the 6m high fencing along the north western part of the site, allow limited views into the site but only from the rear and carpark of the neighbouring industrial buildings. Therefore, these changes would not result in any adverse visual impacts.

**Conclusion**

88. The principle and acceptability of a scrap metal storage and processing facility on the site has been established in the grant of permission (AS/12/518) in 2012. This

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permission was commenced in 2015 with construction of the new entrance, site drainage system, weighbridge office and workshop.

89. The current application is for amendment to the layout provided by that permission and applies to the whole of the site (red line area). No changes to the type, operation or scale of development are proposed. The development has been completed and the site is operational, and so this application is for retrospective planning permission. Determination of the application, however, needs to be considered on the basis of its planning merits and as if the development has not taken place.
90. There have been changes in national and local planning policy since the permission was granted. In my view, the principle and acceptability of the development at this location is not affected by these changes.
91. The key issue for consideration in determining this application is the potential impact of noise on sensitive receptors, due to the changes proposed in the layout and perimeter fencing and screening. The site is within an industrial estate with relatively high levels of residual and background noise from road and rail traffic and industrial activity. It is approximately 250m from the nearest residential dwelling.
92. The updated Assessment of Noise follows the most up-to-date methodology as set out in BS4142 2014 and is consistent with the approach described in Planning Practice Guidance and the Noise Policy Statement for England. It provides detailed evidence that demonstrates that the revised layout would not affect noise immission (the sound heard) at the closest residential dwellings with no increase in noise level. This is to be expected as the 6m and 8m screening has the greatest effect breaking the line of sight from activity within the site towards receptors to the north and east. The noise impact at these residential properties would be below any point that could be considered to constitute either a 'significant observed adverse effect' level or 'adverse effect' level. Increases in noise are predicted at the neighbouring industrial premises, but given their commercial use, design, and existing ambient sound levels, the increase is considered acceptable.
93. I recommend that conditions are attached to a new planning permission to ensure that it accords with the current development plan. These will replace those attached to the original permission to ensure that it would be acceptable.
94. With regard to noise specifically, the wording of condition number 24 on permission AS/12/518 should be altered to take account of updated British Standard, development plan policy, and Planning Practice Guidance, and the modelled predicted noise levels from operation of the site with the amended layout (considered further below). This should be to require that the noise rating level calculated in accordance with BS4142 2014 attributable to the operation of all fixed or mobile plant together with machinery installed or otherwise used at the premises should not be at the level at which an adverse effect is likely to occur.
95. Given the above considerations, I consider that the proposed development and amended layout would accord with the development plan, particularly Policy DM11 of the Kent Minerals and Waste Local Plan, as it is unlikely to generate unacceptable or adverse impacts from noise, and associated damage to the quality of life and wellbeing to communities and the environment. Permitting the development would be consistent



**Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

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with the NPPF that requires decisions to ensure new development is appropriate to its location and they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.

96. To conclude, I consider that, in accordance with the NPPF and the presumption in favour of sustainable development, the proposal accords with the development plan and represents sustainable development.

**Recommendation**

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

- Remediation Verification Report to be published
- Restriction of permitted development rights
- Development in accordance with submitted plans and drawings
- Restriction of throughput to 70,000 tonnes per annum of scrap metals (60,000tpa ferrous, 10,000tpa non-ferrous)
- Restriction of materials imported to, stored and processed on site to ferrous, non-ferrous and End-of-Life Vehicles
- Restriction of vehicle movements to no more than 400 (200 in/200 out) per day
- Hours of operation 07.00-18.00 Monday-Friday, and 07.00-13.00 on Saturday, with no operations on Sunday, Bank or Public Holidays
- No deliveries outside of operational hours
- All mobile plant operating on site to be fitted with and only use white noise reverse alarms
- Measures to ensure vehicles leaving site do not deposit materials on the public highway
- External illumination only when required for operation and site security
- Material stockpiles, including skip storage, not exceed 6 metres above existing ground level
- Fencing maintained at heights shown on drawing 'Layout 2018 2018 Vs AA3'
- Plant and machinery operated from ground level
- Storage of 3 cycles
- Noise control – noise rating level calculated in accordance with BS4142 2014 attributable to the operation of all fixed or mobile plant together with machinery installed or otherwise used at the premises should not exceed the background level by +5dB or more at any residential receptor and the operator shall take measures, including the insulation of fixed plant, effective noise suppression of vehicles and mobile machinery and the erection of acoustic fencing, to ensure that these levels are not exceeded.
- No piling or foundation works unless otherwise approved
- Maintenance of landscaping
- Tree protection during construction and development

Case Officer: David Payne
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Tel. no: 03000 415441
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Background Documents: see section heading
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**Amendment to the site layout provided for by planning permission  
AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park,  
Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)**

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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

Proposed 2FE Primary School at Chilmington Green,  
Ashford – AS/19/705 (KCC/AS/0088/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 9 October 2019.

Application by Kent County Council (Gen2) for the development of a new 2FE primary school for 420 mainstream pupils with 26 nursery places and a Specialist Resource Provision (SRP) for up to 14 pupils with Autistic Spectrum Disorder (ASD), including associated on-site parking for staff and visitors, hard-surface external play areas, sports field and ecology zone at Parcel PS1 to the south of Mock Lane on the Chilmington Green development, Ashford – AS/19/705 (KCC/AS/0088/2019)

Recommendation: Permission be granted subject to conditions.

**Local Member:** Mr Charlie Simkins

**Classification:** Unrestricted

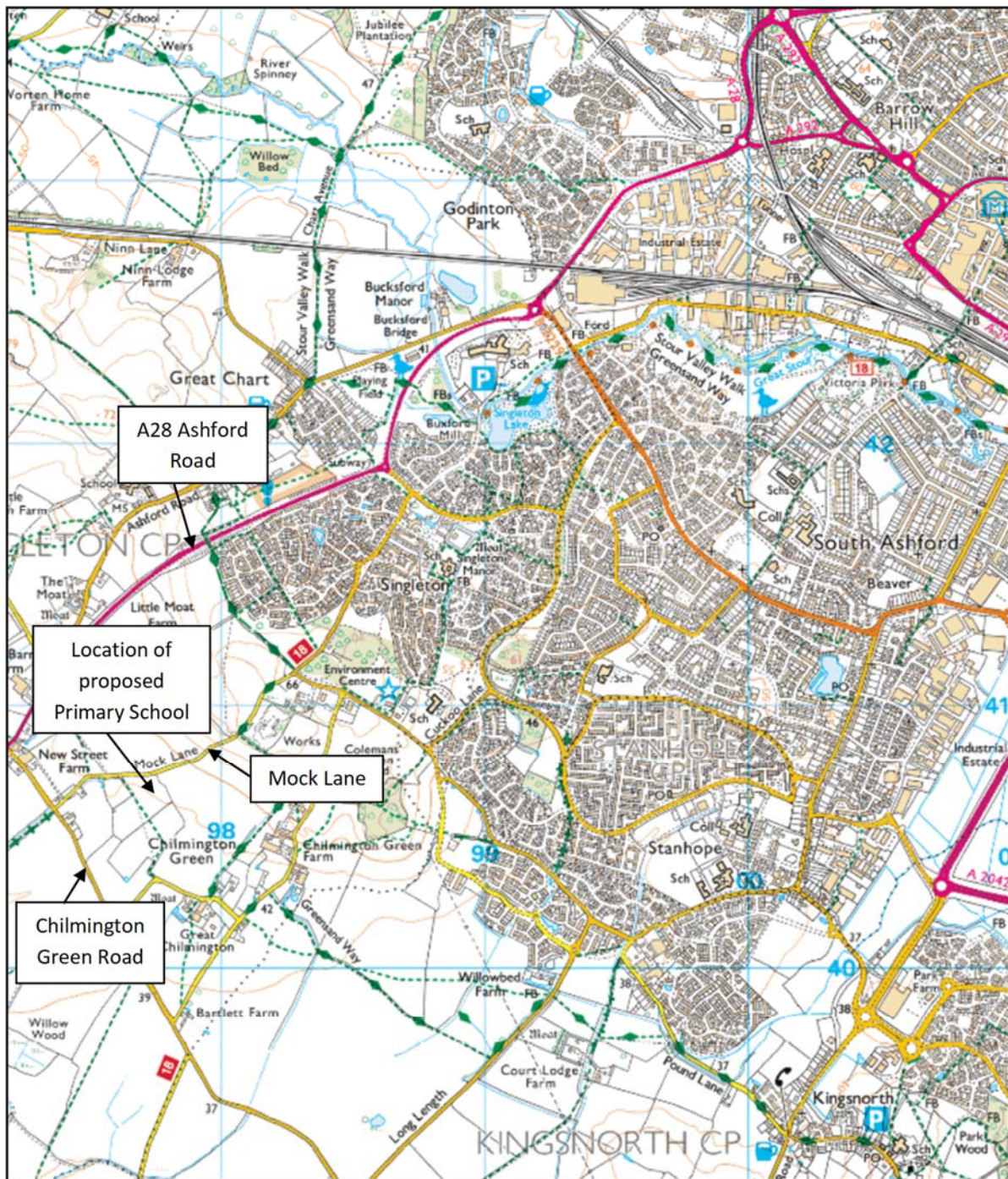
#### Site and Background

1. The proposed 2 Form of Entry (2FE) Primary School is to be provided as part of a new major mixed-use development to the south west of the town of Ashford. The mixed-use development, known as Chilmington Green, was granted outline planning approval by Ashford Borough Council under planning consent reference 12/00400/AS and includes up to 5,750 residential units, up to 10,000sqm of light industrial space, up to 9000sqm of Class A1 to A5 uses (including shops and food establishments), a Secondary School and up to four Primary Schools (of which this is one), community and leisure facilities, and associated utilities and transport infrastructure. The development is being provided in phases, with some housing already complete/under construction and the main arterial routes through the development completed but not yet in use.
2. This application seeks to provide one of the four Primary Schools referred to in the outline planning permission, the allocated site for which is to the north west of the Chilmington Green development, approximately 3.8km to the south west of Ashford Town Centre and 340 metres to the east of Chilmington Green Road. The 2.42ha site is relatively flat and is currently an open area of grassland surrounded by mature and established hedgerows. To the immediate north of the site lies Mock Lane, an existing road, beyond which land has been allocated for a future District Square and mixed-use development including a high street and 'Neighbourhood Centre'. Land to the west of the site is also allocated for mixed use, and land to the south and east allocated for residential use. A new road has been constructed along the eastern boundary of the application site, which would provide vehicular access to the school. This road is currently not in use. Construction of all other immediate adjacent land uses is yet to commence, but the Borough Council advise that the District/Market Square is envisaged to be the heart of the Chilmington Green development and would comprise of this school, a community hub building, a supermarket, smaller retail units and commercial buildings.

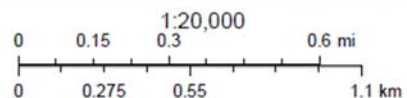
Proposed 2FE Primary School at Chilmington Green, Ashford – AS/19/705 (KCC/AS/0088/2019)

- Public Right of Way AW219 runs in a north south direction along the western boundary of the site and would cross the south west corner of the application site. The application site is not subject to any landscape, wildlife or heritage designations.

Site Location Plan

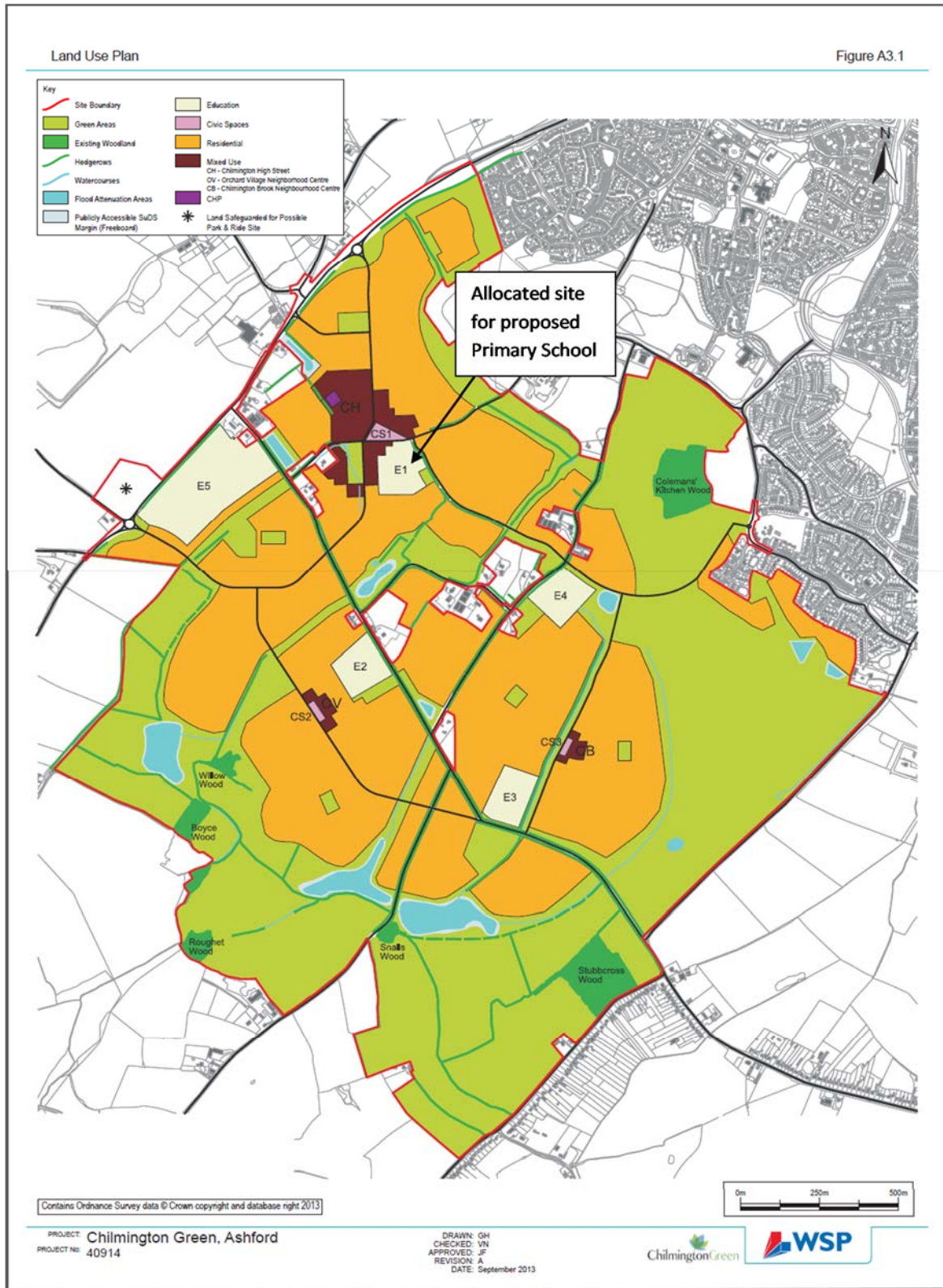


September 18, 2019



Proposed 2FE Primary School at Chilmington Green, Ashford – AS/19/705 (KCC/AS/0088/2019)

Site Location Plan showing the application site in relation to the wider Chilmington Green Development



Proposed 2FE Primary School at Chilmington Green, Ashford –  
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Design Development prior to submission

4. Prior to submission of this application, the design proposal evolved following a process of regular meetings with stakeholders and Ashford Borough Council, including a Design South East Review Panel and presentation to Members of the Borough Council's Planning Committee. The key message that came out of those meetings was the importance the Borough Council placed on providing a building with a 2 storey frontage to Mock Lane and the 'District/Market Square'.

Amendments following submission

5. It should be noted that the application as originally submitted met with concern from Ashford Borough Council regarding building design and site layout, primarily regarding the relationship of the school building with the future District Square. In response to that, the applicant met with the Borough Council, and the architect and applicant have amended the scheme in an effort to address the concerns raised. The following summarises the amendments that have been made:
  - Boundary fencing amended to reduce the extent of 1.8m high security fencing, removing all fencing at the front of the building to create an active frontage with the District/Market Square, and replacing it with 1.2 m high roll-top anti-trap railings where appropriate;
  - Rainscreen cladding to the nursery re-orientated to replicate the hall;
  - Glazing on the north and east elevations of the nursery simplified;
  - Windows to the chair store & kitchen servery omitted;
  - Ribbon glazing to the hall omitted;
  - The fenestration of the high-level glazing within the hall revised;
  - High-level louvred panels to the glazed screens omitted where not required, and replaced with spandrel panels;
  - Openings formed in the existing hedgerow adjacent to the main entrance and vehicle entry/ exit points to enable access;
  - Cycle store re-orientated;
  - Extent of the external canopies reduced in line with the basic needs provision of BB103;
  - Rooflights omitted from the roof plan and a zone identified for the future inclusion of a photovoltaic array to produce 10% of the school's energy consumption from renewables
  - Inclusion of 5 Electric Vehicle Changing Spaces;
  - Additional tree and shrub planting included;

Need/Education Background

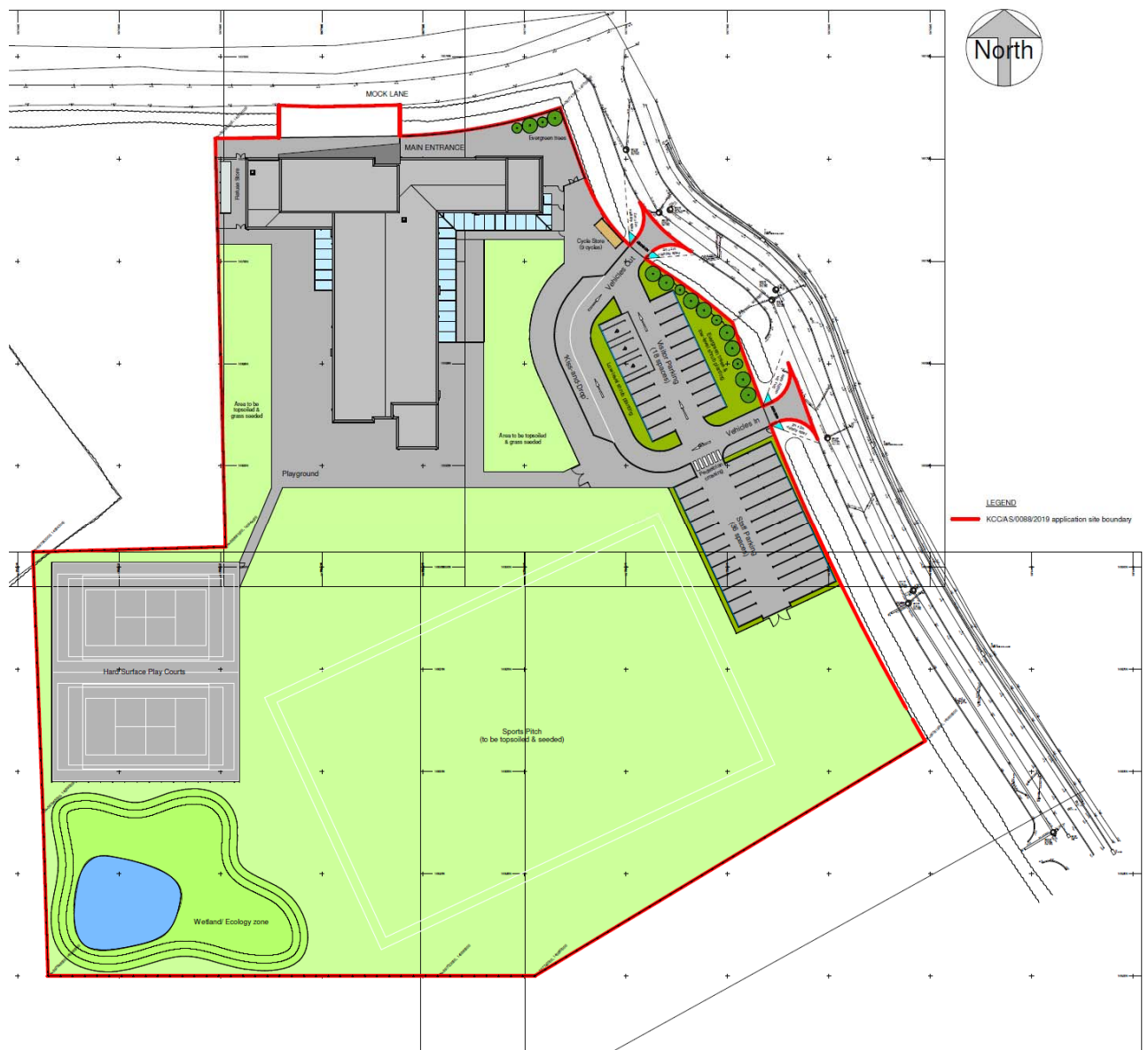
6. As stated in paragraph 1 above, the wider Chilmington Green development will, when complete, include up to 5,700 new homes, which is forecast to generate a demand for 1,600 Primary School places. To meet this demand, the wider development would be serviced by three 2FE Primary Schools and one 1FE Primary School, in addition to an 8FE Secondary School. There are currently seven existing Primary Schools within the local area, none of which have the capacity to accommodate the pupils that would result from this major new housing development. Kent County Council therefore is planning to establish the first primary school at Chilmington Green, to provide places for the occupants of Phase 1 of the housing development. The school would be delivered

Proposed 2FE Primary School at Chilmington Green, Ashford – AS/19/705 (KCC/AS/0088/2019)

several years prior to the planned Community Hub and, as such, would provide community access to the school hall and playing facilities to aid in developing a sense of community.

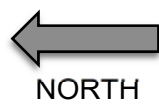
- The sponsor of the Primary School has been appointed by the Department for Education (DFE) as the Stour Academy Trust. The school has therefore been designed around the DFE guidelines for mainstream schools and would have a Published Admission Number (PAN) of 60, resulting in a 420 pupil capacity from Reception to Year 6. In addition to that, the building would have a 26 place Nursery and a specialist facility for up to 14 pupils with Autism Spectrum Disorder. The Primary School is currently operating in temporary facilities in Jemmett Road, Ashford, on the site of the former Ashford South Primary School.

Proposed Site Plan



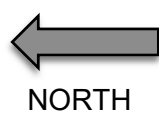
Proposed 2FE Primary School at Chilmington Green, Ashford – AS/19/705 (KCC/AS/0088/2019)

Proposed Ground Floor Plan



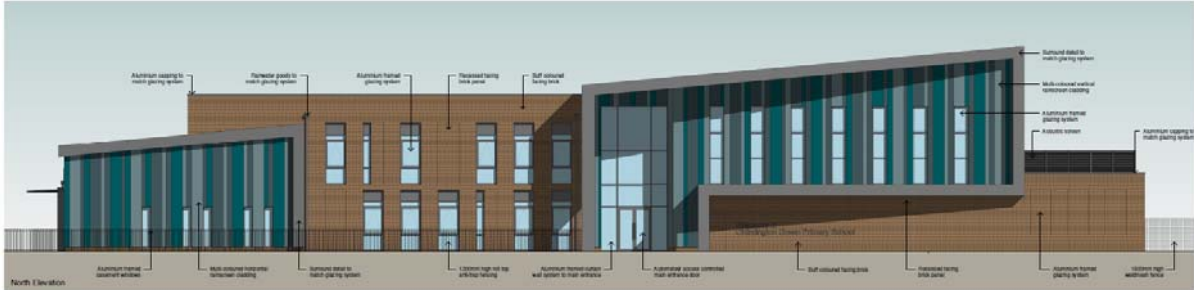


Proposed First Floor Plan



Proposed 2FE Primary School at Chilmington Green, Ashford – AS/19/705 (KCC/AS/0088/2019)

Northern Elevation



Eastern Elevation



Southern Elevation



Western Elevation



Proposed 2FE Primary School at Chilmington Green, Ashford –  
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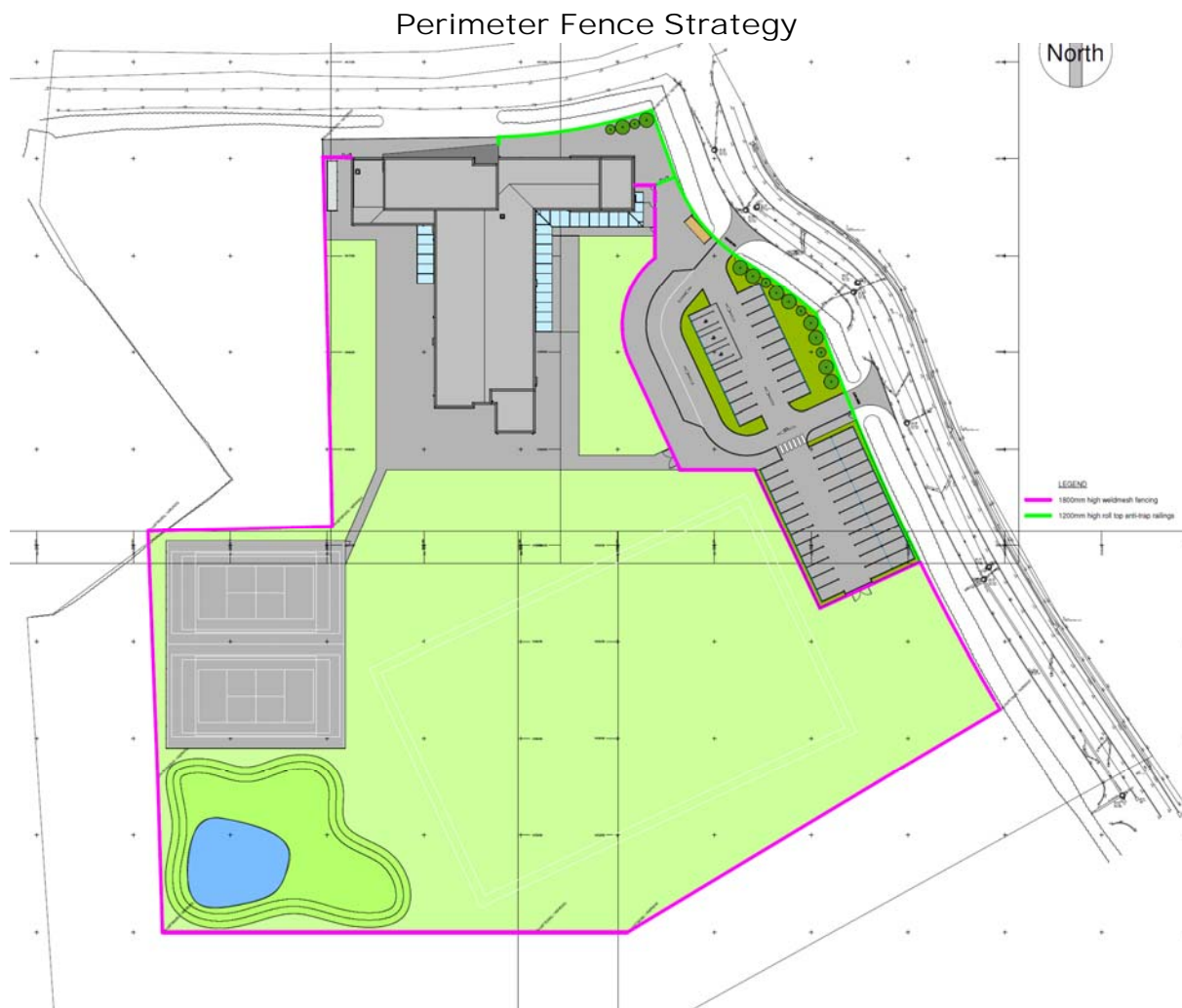
Main Entrance Visual



Nursery Visual



Proposed 2FE Primary School at Chilmington Green, Ashford –  
AS/19/705 (KCC/AS/0088/2019)



Proposal

8. This application has been submitted by Gen2 on behalf of Kent County Council Property and Infrastructure Support, and proposes the erection of a 2 Form Entry (2FE) Primary School for 420 mainstream pupils with 26 nursery places and a Specialist Resource Provision (SRP) for up to 14 pupils with Autistic Spectrum Disorder (ASD), including associated on-site parking for staff and visitors, hard-surface external play areas, sports field and ecology zone at Parcel PS1 to the south of Mock Lane on the Chilmington Green development, Ashford.

#### Accommodation and Site Layout

9. The proposed T-shaped two storey school building would be located to the north of the application site, fronting Mock Lane and the future District Square, with the south of the site accommodating playing fields, hard surface play courts and an ecology zone. Vehicular access, car parking and vehicle circulation space are proposed to the east of the application site, accessed via the recently constructed (but as yet operational) road.
10. The proposed school building would have a footprint of 1575sqm (6.5% of the total site area), and a provide 2465sqm of floorspace over the two floors. Internal accommodation

Proposed 2FE Primary School at Chilmington Green, Ashford –  
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includes 14 classrooms, a large main hall, a kitchen, office spaces, toilets, cloakrooms and storage areas, in addition to a nursery facility to the eastern end of the building. The northern section of the T shaped building, fronting Mock Lane, would accommodate the hall, kitchen and office areas, in addition to the nursery, and the Schools main entrance. The other section of the building, which runs north to south, would accommodate the main teaching areas, with Reception and Key Stage 1 on the ground floor, and Key Stage 2 and Juniors on the first. The nursery is located away from the main teaching areas and would operate as a 'self contained' unit with a separate means of access and operating hours.

11. The main reception would provide a controlled entry point for visitors, with easy access to the hall for out of hours community events, with services and security zoned for different users/uses of the school building.

#### Design and Appearance

12. The applicant advises that the form and massing of the building is based on the Department for Educations (DFE) Baseline Design Model (Basic Needs), which has been specifically designed to align with the DFEs stringent requirements for cost, floorspace, environmental performance and specification. Although this is a standardised baseline design, the applicant has provided additional funding in this case to enable the architects to design a scheme that is of a higher design quality than the generally accepted DFE standard.
13. The focal points of the building design are located on the main school frontage, which runs east west along Mock Lane. To the east of that elevation the nursery would sit under a mono-pitched roof, with vertical rainscreen cladding in various shades of blue forming the elevations, set under a dark grey aluminium fascia. Likewise, the school main entrance and hall, to the centre and western end of that elevation, would sit under a similar monopitched roof, projecting higher than the flat roofed sections of the school, with a focal glazing area forming the main entrance and the hall clad in the same material as the nursery. Lighting and signage would further accentuate the school's main entrance. The school entrance and school hall, which are non-teaching spaces, would be back of pavement (no fencing/boundary treatment) linking directly in the District/Market Square to the north.
14. The teaching accommodation to the south of the school frontage would be within a flat roofed section of the building finished in a buff facing brickwork, with external canopies providing outdoor teaching and circulation space. All windows and doors would be grey powder coated aluminium, as would the louvres and the parapet capping.
15. The applicant advises that the external materials proposed would weather well, not attract dirt or be easily damaged, whilst achieving a high standard of finish. The choice of materials was also influenced by the Chilmington Green Design Code (Palette C – District/Market Square), a document prepared by Ashford Borough Council as Supplementary Planning Guidance.

#### Access/Parking

16. A total of 54 car parking spaces (36 for staff and 18 for visitors) are proposed, in addition to a 'kiss and drop' pick-up and drop-off loop. The vehicle entrance and exits would both be located to the eastern boundary of the site, forming an on site one way

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circulation loop, from the entrance to the south to the exit to the north. Pedestrian access to the site is also proposed adjacent to the vehicle entrance on the eastern site boundary, in addition to the main pedestrian entrance to the north of the building on Mock Lane. Covered cycle parking for 9 cycles is proposed to the east of the school building, adjacent to the vehicle exit point.

#### Landscaping/Fencing

17. As set out in paragraph 2 of this report, the application site is currently open grassland bound by mature and established hedgerows. Although the hedgerows are outside of the redline site boundary for the most part and, therefore, their retention or otherwise is a matter for the Borough Council in their consideration of future plans for surrounding development, three sections are proposed to be removed as part of this application. The three sections would all require removal to facilitate access to the site, two sections to the east (vehicular entrance and exit) and a section along Mock Lane to the north to enable pedestrian access to the site. New planting and landscaping is proposed across the site, including evergreen tree planting to the eastern boundary between the perimeter fencing and car parking, and to the north eastern corner of the site. A wetland ecology zone is also proposed to the south western corner of the site, which would include bird and bat boxes and a pond.
18. The school's secure boundary runs from the western end of the northern elevation of the building, around the western and southern site boundaries, and to the eastern site boundary up the vehicular entrance. From there, the secure line runs into the site, to the western side of the car parking and drop off area, and ends at the eastern end of the building. That secure line is proposed to be delineated with 1.8metre high weldmesh fencing, powder coated black. The remainder of the eastern site boundary and the northern boundary up to the main school entrance, is proposed to be delineated with 1.2metre high roll top fencing, again powder coated black. As set out in paragraph 13, the school entrance and school hall, would be back of pavement (no fencing/boundary treatment) linking directly in the District/Market Square to the north.

#### Lighting

19. The applicant advises that external areas would be lit with LED light sources. The building would incorporate surface mounted emergency/security light fittings, in addition to feature lighting to the main entrance and site frontage. Bollard lighting would be incorporated into the drop-off/pick-up area and the main car parking areas would be lit with column mounted LED street lighting. The applicant further advises that a detailed lighting scheme would be developed in collaboration with the landscape designer and the School to ensure that it would be suitable for the local environment and fit for purpose.

#### Sustainability

20. The applicant advises that energy consumption has been a key consideration of the design proposals which has informed both the layout and orientation of the building, i.e. the east/ west aspect of the classrooms ensure a consistent ambient temperature throughout the day without excessive temperature variations during the summer months. Together with mixed-mode environmental controls, openable windows provide a source natural of ventilation and cooling and therefore reduce the demand on the building management system (BMS) to maintain a comfortable working/ learning environment. The applicant further advises that natural day-lighting would be used to

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create an efficient, user friendly and inspiring internal environment. As well as enhanced basic construction technologies, the building is proposed to feature the following:

- Highly-insulated building envelope;
- Low air-permeability envelope;
- LED lighting system;
- BREEAM A-rated materials where appropriate;
- Low-E double glazing;
- Low Surface Temperature radiator panels;
- Waste management for recycling;
- Hybrid ventilation system;
- An area of the flat roof allocated for an array of solar PV panels; &
- 5no. EV charging bays equivalent to 10% of the total on-site parking provision.

### Planning Policy

21. 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 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:

- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- that the planning system contributes to and enhances the natural and local environment;
- meeting the challenge of climate change and flooding and incorporating SuD's;
- 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*

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*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)** 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 and 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**

The **Ashford Borough Local Plan 2030 (adopted February 2019)**

**Policy SP6** Development proposals be of a high quality design and should show how they have responded positively to design policy and guidance, including national and local design guidance, relevant Neighbourhood Plans, Village Design Statements and site specific development briefs.

**Policy COM1** Infrastructure and facilities required to meet the needs generated by new development, including sports, arts, community (including youth) and voluntary sector space, education and health provision, open space and play areas shall be provided as the community is established.

**Policy TRA4** Applications should demonstrate whether modal shift in favour of public transport can be achieved through existing bus services or improvements to the network as a key determinant of the scheme’s sustainability. This should be demonstrated through a Travel Plan, Assessment or Statement.

**Policy TRA5** Development proposals shall demonstrate how safe and accessible pedestrian access and movement routes will be delivered and how they will connect to the wider movement network.

**Policy TRA6** Development proposals shall promote and provide cycle parking facilities;

**Policy TRA8** Planning applications will be supported by either a Transport Statement, or a Transport Assessment depending on the nature and scale of the proposal and the level of significant transport movements generated. The recommendations of these studies, including Travel Plans, will be required to be delivered prior to or as part of the development and will be secured through condition.

**Policy ENV9** All development should include appropriate sustainable drainage systems (SuDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on



water quality, and to mimic the drainage from the pre-developed site.

**Policy ENV11** All major non-residential development will achieve BREEAM 'Very Good' standard, with at least a 40% improvement in water consumption against the baseline performance of the building, unless demonstrated not to be practicable.

**Policy ENV15** Where the case for development affecting a site of archaeological interest is accepted, any archaeological remains should be preserved in situ as the preferred approach. Where this is not possible or justified, appropriate provision for preservation by record may be an acceptable alternative dependent upon their significance. Any archaeological recording should be by an approved archaeological body and take place in accordance with a specification and programme of work to be submitted to and approved by the Borough Council in advance of development commencing.

**Policy IMP1** The Borough Council will continue to work with relevant service providers to identify and deliver the infrastructure that is needed to support the development set out in this Plan.

#### **Chilmington Green Area Action Plan (AAP) (2013)**

**Policy CG0** When considering development proposals within the Chilmington Green AAP area, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

**Policy CG1** Chilmington Green will become a major new, sustainable, development in line with the aims and objectives of the Core Strategy. Each main phase of the development will be sustainable in its own right, through the provision of the required social and physical infrastructure.

**Policy CG2** The District Centre will become the focal point of the community and be delivered in the first phase of the development. The form of the District Centre will help to generate a critical mass to support public transport and local services and create a vibrant street-scene.

**Policy CG13A** A Travel Plan shall be provided to bring together the different transportation elements necessary to support the proposed development.

**Policy CS15** Sites for three 2 form entry primary schools, and one 1 form entry primary school with the capability for future expansion to 2 form entry (all on sites of minimum 2.05 ha), shall be provided at the locations indicated on Strategic Diagram 1. Each site will be transferred by the developers to the relevant

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education authority in line with trigger points to be agreed with the county council, and in a form which is consistent with the relevant site transfer requirements. The primary schools should be well connected by foot and cycle to the District Centre or the Local Centres.

**Policy CG19** Development at Chilmington Green shall be carbon neutral, in line with the guidance contained within the Sustainable Design and Construction SPD. These requirements will be achieved through the delivery of a range of on-site design measures, as well as through the delivery of low and zero carbon on-site technologies.

**Policy CG21** Development at Chilmington Green will avoid the loss of locally important ecological networks and semi natural habitats. Where any part of the development would impact on important ecological assets, it will be necessary to demonstrate that appropriate mitigation is already in place and suitably established, prior to the commencement of that part of the development. The provision of ecological enhancement and mitigation measures will be needed to support each phase of the development.

Ashford Borough Council **Supplementary Planning Guidance**

**Chilmington Green Design Code SPD 2016**  
**Residential Parking and Design Guidance SPD 2010**  
**Sustainable Drainage SPD 2010**  
**Landscape Character SPD 2011**  
**Residential Space and Layout SPD 2011**  
**Sustainable Design and Construction SPD April 2012**  
**Public Green Spaces and Water Environment SPD April 2012**  
**Dark Skies SPD 2014**

Consultations

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

1. The proposals for the land at the front of the school and the interface with the public realm of the future District Square are not of a sufficient high quality or standard given the role the Chilmington District Centre has at the heart of the new development at Chilmington Green in providing a vibrant, high quality focal point for business and community engagement and the role the school has in this regard. This would be contrary to the provisions of Policies CG1 and CG2 of the Chilmington Green Area Action Plan.
2. Concern is expressed about the value placed on the pre-application process by the applicant given the inclusion of the landscaping at the front of the school in pre-application consultation submissions and its omission from the formal submission, in full knowledge of its importance to the Borough Council and the Design Panel. Furthermore, once the application was submitted, there was reluctance to meaningfully engage with the Borough Council in order to secure any additional

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amendments.

The Council therefore raises an OBJECTION to the proposal.

Should Kent County Council grant themselves planning permission notwithstanding this, the following conditions are suggested:

1. Time condition
2. Materials/samples to be submitted
3. Joinery, colour finish and depth of reveals
4. Details of the jointing and cladding panels
5. Solar panels to be provided
6. Details of hard and soft landscape proposals
7. Parking and KCC highway conditions
8. Full provision of cycle parking to be provided
9. Electric vehicle Charging points to be provided for all on site car parking
10. Contaminated land condition
11. Ecological, mitigation and biodiversity enhancements
12. The proposed development should comply with the requirements of Policy ENV11 of the Ashford Borough Council Local Plan 2030 and achieve a BREEAM 'Very Good' standard and at least a 40% improvement in water consumption against the baseline performance of the building, unless it can be demonstrated by the applicant that it is not feasible or viable."

**Great Chart with Singleton Parish Council** consider the overall design of the building to be nice, but observe that there are no shower facilities for staff who cycle to work and no electric vehicle charging points. Additional cycle storage is suggested, and it is requested that off site parking restrictions are imposed to promote good parking from the outset.

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

1. Submission of a Construction Management Plan to be approved before the commencement of any development on site, and to be implemented in accordance with those details, which will include the following requirements:
  - (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management / signage
2. Provision and permanent retention of the vehicle parking spaces shown on the submitted plans, including EV charging points prior to the use of the site commencing.
3. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
4. Provision and permanent retention of the pedestrian visibility splays shown on the submitted plans prior to the use of the site commencing.

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5. Gates shall be hung to open away from the highway.
6. The access details shown on the submitted plans to be provided prior to the use of the site commencing.
7. Submission of a School Travel Plan to be approved prior to occupation of the development. The Travel Plan shall remain in force for the duration of the approved use, and there shall be an annual review for a minimum of 5 years.

**The County Council's School Travel Plan Advisor** no comments received to date.

**The County Council's Public Rights of Way Officer** confirms that their department is currently processing an application to divert Public Right of Way (PROW) AW219 under the Town and Country Planning Act on behalf of Ashford Borough Council. Until such time as that legal process is complete the PROW alignment remains as shown on the definitive map.

Therefore, should permission be granted a condition of consent is required to ensure that no development takes place over the PROW until confirmation of its diversion/extinguishment and certification of the new route. General informatives are also suggested regarding obstruction of a PROW.

**Environment Agency** raises no objection to the proposed development subject to a condition requiring development to cease should contamination not previously identified be found to be present at the site until such time as a remediation strategy has been submitted to and approved by the County Planning Authority.

**The County Council's Biodiversity Officer** raises no objection to this application and is satisfied that sufficient ecological information has been submitted to demonstrate that protected species would not be adversely affected by the proposed development, subject to the imposition of conditions, as set out below:

#### Badgers

A survey has identified an active badger sett in the south-east corner of the development site. The sett is considered to be an outlier sett and the updated information states the badger tunnels, that lead away from the development site, are unlikely to go towards the ploughed arable field. A small proportion of the proposed sports field and car park fall into the 30m buffer-zone around the sett but not into the 20m buffer-zone so to ensure no significant impacts occur to the sett, mitigation measures have been proposed by the applicant which are considered acceptable. *A condition of consent must ensure that the development is undertaken in accordance with submitted details.*

Additionally, as badgers are highly mobile and because works may not commence for a long period of time, we advise that a walkover survey is carried out prior to the commencement of works within the 30metre buffer zone to see if the badger status has changed on-site. *To secure the implementation of these measures, we advise that a condition is attached to planning permission.*

#### Reptiles

Common lizard and slow-worm have been found to be present on-site. An off-site receptor site for the translocation of reptiles, along with associated methodology, has

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been proposed and is considered acceptable. *A condition of consent must ensure that the development is undertaken in accordance with submitted details.*

#### Dormice

As the site's hedgerow sits outside the red-line boundary, it is considered that any further alterations to hedgerow (which would be a potential impact to dormouse habitat) are not within the remit of this application.

#### Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. We remind the applicant that enhancements must be in addition to any necessary mitigation measures. To secure the implementation of enhancements, *a condition should be imposed requiring the submission of details of biodiversity enhancement measures within 6 months of commencement of the development.*

**The County Archaeologist** raises no objection to this application subject to the imposition of a condition requiring the implementation of a phased programme of archaeological work, to be undertaken in accordance with a written specification and timetable which must be submitted for approval prior to commencement of the development.

**The County Council's Flood Risk Team (SuDs)** raises no objection to the application subject to the imposition of conditions requiring the submission of a detailed sustainable surface water drainage scheme prior to commencement of the development (other than works associated with the installation of the foundations) and the submission of a verification report prior to occupation of the development (or within an agreed timeframe).

#### Local Member

23. The local County Member, Mr Charlie Simkins, was notified of the application on the 25 April 2019. No views have been received to date.

#### Publicity

24. This application was publicised by an advertisement in a local newspaper, the posting of 2 site notices and the individual notification of 7 nearby residential properties

#### Representations

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

#### Discussion

#### Introduction

26. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 21 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the

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Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF) and the Planning for School Development Policy Statement, and other material planning considerations arising from consultation and publicity.

27. In this case the key determining factors, in my view, are the principle of the development and need, design, massing and siting including landscaping of the site, sustainable design and construction, access and highways matters, ecological matters, and the policy support for the provision and development of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on other material considerations. In the Government's view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in paragraph 55 of the NPPF.

Principle of the Development and Need

28. As outlined in paragraph 1 of this report, the proposed 2 Form Entry (FE) Primary School is to be provided as part of a new major residential development at Finberry (also referred to as Cheesemans Green). Outline planning approval for a Primary School has already been granted by Ashford Borough Council as part of the approved overall site masterplan and development brief, which also includes the provision of 1100 homes and approximately 70,000sqm of business floorspace. I am therefore of the opinion that the principle of the development has been assessed by the Borough Council and accepted in the granting of outline approval. It is the detail of the proposal before us that must now be assessed.
29. In addition, as outlined in paragraph 21 of this report, great emphasis is placed within planning policy generally, specifically paragraph 94 of the NPPF, on the need to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. The NPPF states that Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The NPPF further states that Planning Authorities should give great weight to the need to create, expand or alter schools. The Policy Statement – Planning for Schools Development (15 August 2011) also sets out the Government's commitment to support the development of state funded schools and their delivery through the planning system. There is a presumption in favour of the development of state funded schools expressed in both the NPPF and the Policy Statement – Planning for Schools Development.
30. Kent County Council, as the Strategic Commissioner of Education Provision in the County, is responsible for ensuring that there are sufficient school places of high quality for all learners. As set out in paragraphs 6 & 7 of this report, the wider Chilmington

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Green development will, when complete, include up to 5,700 new homes, which is forecast to generate a demand for 1,600 Primary School places. To meet this demand, the wider development would be serviced by three 2FE Primary Schools and one 1FE Primary School, in addition to an 8FE Secondary School. There are an existing seven Primary Schools within the local area, none of which have the capacity to accommodate the pupils that would result from the new housing stock. Therefore, this application is proposing the first Primary School at Chilmington Green, to provide places for the occupants of Phase 1 of the housing development.

31. Based on the above, in my view, it is evident that there is a clear case of need for additional Primary School places within Ashford, specifically within the Chilmington Green development as new housing stock is completed and occupied. Support for the provision of school places is heavily embedded in the NPPF, the Planning for School Development Policy Statement, and local Planning Policy, and I consider that the need for the development should be given significant weight in this instance. I therefore accept the need for Chilmington Green Primary School, subject to being satisfied on the relevant material considerations set out below.

Pre-application discussions and amendments to the scheme following submission

32. As set out in paragraph 22 of this report, Ashford Borough Council raise objection to this application, and express concern regarding the 'value placed on the pre-application process by the applicant given the inclusion of the landscaping at the front of the school in pre-application consultation submissions and its omission from the formal submission'. Furthermore, the Borough Council state that once the application was submitted, there was reluctance by the applicant to 'meaningfully engage with the Borough Council in order to secure any additional amendments'.
33. First, as set out in paragraph 4 of this report prior to submission of this application, the design proposal evolved following a process of regular meetings with stakeholders and Ashford Borough Council, including a Design South East Review Panel and presentation to Member's of the Borough Council Planning Committee. The key message that came out of those meetings was the importance the Borough Council placed on providing a building with a 2 storey frontage to Mock Lane and the 'District/Market Square'. As a result of that requirement, the initial school layout was completely reoriented so that the hall and other community facilities were on the Mock Lane frontage. The applicant advises that initial pre-application discussions related to a scheme that included planters to the Mock Lane boundary, as referenced by the Borough Council in their objection. These planters were staggered/stepped and were proposed to form the secure boundary to the Mock Lane frontage. However, this met with objection from the Academy Trust and the Education Authority due to security, maintenance and health and safety concerns. The scheme was subsequently amended prior to submission to omit the planters and include a 1.2metre high fence along the Mock Lane boundary instead. I am advised that the Borough Council were advised of that amendment in further pre-application discussions with the applicant.
34. Furthermore, as part of the scene setting for this application, and in setting out how the scheme has changed and progressed as a result of pre-application discussions with the Borough Council, the applicant has provided the County Planning Authority with copies of written correspondence from Officers at the Borough which express support for the amended scheme at the pre-submission stage. It is also of note that the pre-application

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process and the resulting design changes has delayed the opening of the school by an academic year.

35. Following submission of the application, and receipt of further design concerns from the Borough Council, the applicant and the County Planning Authority met with the Borough Council. As set out in paragraph 5 of this report, the following amendments were made to the submission as a direct result of that meeting;
- Boundary fencing amended to reduce the extent of 1.8m high security fencing, removing all fencing to the front of the building to create an active frontage with the District/Market Square, and replacing it with 1.2 m high roll-top anti-trap railings where appropriate;
  - Rainscreen cladding to the nursery re-orientated to replicate the hall;
  - Glazing on the north and east elevations of the nursery simplified;
  - Windows to the chair store & kitchen servery omitted;
  - Ribbon glazing to the hall omitted;
  - The fenestration of the high-level glazing within the hall revised;
  - High-level louvred panels to the glazed screens omitted where not required, and replaced with spandrel panels;
  - Openings formed in the existing hedgerow adjacent to the main entrance and vehicle entry/ exit points to enable access;
  - Cycle store re-orientated;
  - Extent of the external canopies reduced in line with the basic needs provision of BB103;
  - Rooflights omitted from the roof plan and a zone identified for the inclusion of a photovoltaic array to produce 10% of the school's energy consumption from renewables;
  - Inclusion of 5 Electric Vehicle Changing Spaces;
  - Additional tree and shrub planting included;
36. In considering the above, I am of the view that the applicant has met reasonable requirements for engagement with the Borough Council as a consultee on this application, at both the pre-application stage and during the determination of the application. The applicant would normally only seek pre-application advice and guidance from the County Planning Authority, as the determining authority. In this instance, the scheme has been amended in an attempt to address the Borough Council concerns at both the pre-application stage and during the determination of the application. I am therefore satisfied with the level of engagement between the applicant and the Borough Council, and consider that the applicant has done all it practicably can (considering the needs and requirements imposed by the Education Authority and the Department for Education (DFE)) to address the Borough Councils views and concerns. However, the merits, acceptability and suitability, or otherwise, of the site layout and building design must be considered and addressed. These are considered below.

Design and siting including landscaping of the site

37. As set out in paragraph 12 of this report, the form and massing of the building is based on the Department for Education's (DFE) Baseline Design Model (Basic Needs), which has been specifically designed to align with the DFE's stringent requirements for floorspace, environmental performance and specification, and cost. Although this is a standardised baseline design, the applicant has provided additional funding in this case



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to enable the architects to design a scheme that is of a higher quality than that generally possible within the DFE Baseline Design Model.

38. As out in paragraphs 32 – 36, the design of the development, including the site layout, building design and landscaping, has been amended following the original submission of the application to address initial concerns raised by Ashford Borough Council. However, the Borough Council continue to express concern regarding the interface of the school with the future District Square. As set out in paragraph 22, the Borough Council raise objection to the application and comment as follows:

*“The proposals for the land at the front of the school and the interface with the public realm of the future District Square are not of a sufficient high quality or standard given the role the Chilmington District Centre has at the heart of the new development at Chilmington Green in providing a vibrant, high quality focal point for business and community engagement and the role the school has in this regard. This would be contrary to the provisions of Policies CG1 and CG2 of the Chilmington Green Area Action Plan”*

39. With regard to Policy CG1 of the Chilmington Green Area Action Plan (AAP), which requires each phase of the wider Chilmington Green development to be sustainable in its own right, this will be addressed and discussed in the sustainability section of this report. As set out in paragraph 21 of this report, Policy CG2 of the AAP states that the District Centre will become the focal point of the community, with a vibrant street scene. The northern elevation of the Primary School, fronting Mock Lane, would lie to the south of that District Square and would therefore be a key building within it. However, plans for surrounding development are yet to be submitted and/or approved by the Borough Council, and the applicant therefore does not have any adjacent building designs to draw from in the design of the school. In such circumstance, the Chilmington Green Design Code SPD 2016 has been the applicants only guide in developing a design that would complement surrounding development, and the materials selection and design principles are in accordance with the document.
40. Before discussing the merits of the design of the building itself, I will first discuss the site layout, boundary treatment and landscaping, including the interface with the future District Square. As discussed above, the applicant has made a number of key changes to the scheme, both prior to submission and following the submission in response to the Borough Council’s concerns. The site layout as proposed, with the building to the north of the site, orientated so that the hall, main entrance and other publicly accessed areas face onto the District Square, with teaching facilities to the south, appears logical and practicable, whilst also enabling a public interface with the future District Square. The Borough Council’s requirement for a 2 storey building frontage directly facing the square has been achieved in the current scheme. Car parking to the east of the site is again logical, linking with the new road which would provide vehicular access, in addition to some pedestrian access. Playing fields and hard courts are located to the south and west of the site, which again is a location which would work well operationally for the school. I am therefore satisfied that the site layout as proposed is acceptable and would successfully balance the requirements of the Education Authority and the DFE, in addition to the Borough Council’s need for a 2 storey building to the District Square frontage.
41. Landscaping and boundary treatment, including the building’s interface with the future District Square, remains a concern for the Borough Council who would wish to see more

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of the building being back of pavement and additional planting and landscaping to the northern site boundary. With regard to the fencing and boundary treatment, when this application was originally submitted the site boundary was to be secured with 1.8 weldmesh fencing, with the exception of a small section from the north eastern corner of the site to the north western corner, along the Mock Lane site frontage which was proposed to be secured with 1.2 metre high roll top fencing. As a result of the Borough Council's desire for a 'back of pavement' development, with no boundary treatment along the northern site boundary the applicant amended the boundary fencing proposals, which are now as set out in paragraph 18 of this report. The school's secure boundary (1.8metre high black weldmesh fencing) now runs from the western end of the northern elevation of the building, around the western and southern site boundaries, and to the eastern site boundary up the vehicular entrance. From there, the secure line runs into the site, to the western side of the car parking and drop off area, and ends at the eastern end of the building. The remainder of the eastern site boundary and the northern boundary up to the main school entrance, is proposed to be delineated with 1.2metre high roll top fencing, again powder coated black. As set out in paragraph 13, the school entrance and school hall, would be 'back of pavement' (no fencing/boundary treatment) linking directly in the District/Market Square to the north.

42. Whilst I recognise that the Borough Council would like the whole of the northern elevation of the school to be 'back of pavement', this is not achievable due to the exacting requirements of the Education Authority, maintenance, security, health and safety considerations, and most importantly safeguarding issues. Where possible the design has been revised to accommodate as much of the development as 'back of pavement' as feasible. The school hall and main entrance, which form the main focal design elements of the northern elevation and would be the main public areas of the school, would be back of pavement, with a direct interface onto the District Square. In addition, the applicant has also amended, at the Borough Council's request, the indicative landscaping scheme to show evergreen tree planting to the northern site boundary and to the eastern site boundary between the car park and site boundary. There are however some elements where it is not possible to achieve 'back of pavement'. This includes the nursery and teaching spaces which are unable to have windows that face directly onto public areas without a degree of separation, or direct public access.
43. In considering the above, I am of the view that the applicant has amended the scheme as far as practicably possible to address the concerns of the Borough Council with regard to boundary treatment, landscaping and the public interface with the future District Square. The applicant has removed as much fencing as possible to make the main entrance and school hall 'back of pavement', has lowered boundary fencing to the north and western boundaries, and included additional planting. Should permission be granted I consider that a landscaping scheme, to include details of all new planting, treatment to hard surfacing, and a detailed fencing specification, should be submitted for the approval of the County Planning Authority. Subject to that condition, I am satisfied that the building would sit well within the wider District Square, and would not, in my view, undermine the Borough Council's vision of a vibrant street scene, as set out in Policy CG2 of the AAP. I therefore see no reason to refuse the application on these grounds.
44. With regard to the design of the building itself, this again has met with concern from the Borough Council as they do not consider that the design would result in a building that would be a focal point for the District Square. In response, the applicant advises that

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the form and massing of the building is based on the Department for Education's (DFE) Baseline Design Model (Basic Needs), which has been specifically designed to align with the DFEs stringent requirements for floorspace, environmental performance and specification, and cost. Although this is a standardised baseline design, the applicant has provided additional funding in this case to enable the architects to design a scheme that is of a higher design quality than the generally accepted DFE standard.

45. It should be noted that there is very little opportunity to depart from the Government imposed design templates for new schools if Government funding is to be achieved, and that earlier examples of more individual or iconic Kent school building designs are no longer possible under the current Government's funding criteria. The current design templates may be less striking in their visual appearance to some commentators, but they have the advantages of being functionally compact and ergonomically cost effective to construct, run and maintain, as well as achieving sound environmental performance standards. The applicant has however, made a number of changes to the fenestration following the initial submission of the application which, together with the use of external materials and varied roof form, in my view moves away from the standard design approach and adds to the individuality of this school, whilst maintaining its functionality and deliverability.
46. As set out in paragraphs 13-15 of this report, the focal points of the building design are located on the main school frontage which would form part of the District Square. To the east of that elevation the nursery would sit under a mono-pitched roof, with vertical rainscreen cladding in various shades of blue forming the elevations, set under a dark grey aluminium fascia. Likewise, the school main entrance and hall, to the centre and western end of that elevation, would sit under a similar monopitched roof, projecting higher than the flat roofed sections of the school, with a focal glazing area forming the main entrance and the hall clad in the same material as the nursery. Lighting and signage would further accentuate the school's main entrance. As discussed above, the school entrance and school hall, which are non-teaching spaces, would be 'back of pavement' linking directly to the future District/Market Square to the north.
47. The teaching accommodation to the south of the school frontage would be within a flat roofed section of the building finished in a buff facing brickwork, with external canopies providing outdoor teaching and circulation space. All windows and doors would be grey powder coated aluminium, as would the louvres and the parapet capping. The applicant advises that the external materials proposed are robust and could withstand heavy use without relying on excessive maintenance, and would weather well, not attract dirt or be easily damaged, whilst achieving a high standard of finish. The applicant further advises that the choice of materials was influenced by the Chilmington Green Design Code (Palette C – District/Market Square).
48. The design of the focal point of the building would, in my view, add to the school's public presence within the wider development, specifically the District Square, creating a clear and visible entrance point to the school. The blue cladding panels would give the school a clear identity and would visually link the nursery section of the building with the main school. Set under the mono-pitched roof, the main entrance would be clearly identifiable, further emphasised by feature lighting and appropriate school signage. Being back of pavement, the entrance to the school would read as part of the main District Square.

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49. The design of the school building is, in my view, above and beyond that of the initial standardised DFE Baseline Model from which this school derives. The general design as proposed is appropriate for the internal layout and users of the internal space. I consider that the school building would have clear individual design characteristics giving the school a sense of identity within the wider housing and commercial development. The applicant has provided indicative details of external materials, however, in my view, it would be appropriate to seek further and final details of all materials to be used externally pursuant to condition, should permission be granted. In addition, to satisfy the requirements of the Borough Council, details of joinery and jointing regarding windows and the cladding should also be required.
50. In summary, the school building would respect the character of the site and would not detract from the overall quality of the surrounding area and its future development. I consider that the proposed school development is in accordance with the principles of Development Plan Policy, including Policy CG2 of the Chilmington Green Area Action Plan, and would respect the character and appearance of future surrounding development, specifically the District Square, in terms of scale, massing, design and appearance. Subject to the imposition of the conditions outlined above, I do not consider that the design, massing, or scale of the building would have a detrimental impact upon the appearance or amenity of the locality and future surrounding development, and, therefore, would be acceptable.

Access, parking and highway issues

51. Although no objections have been raised by consultees and/or the local community with regard to access and highway matters, it is important to discuss the access arrangements proposed. As outlined in paragraph 16 of this report, the vehicular entrance and exit points would both be located to the eastern boundary of the site, forming an onsite one way circulation route, from the entrance to the south to the exit to the north. 54 car parking spaces are proposed (36 staff and 18 for visitors) 5 of which would be electric vehicle charging bays. An onsite 'kiss and drop' pick-up and drop-off loop is also proposed. These access arrangements and car parking areas would link with the wider Chilmington development and the transport links that would run through it, including the road to the immediate eastern boundary of the school which is constructed but not yet operational.
52. With regard to pedestrian access, this is primarily proposed to be via the north of the building, via Mock Lane and the 'District/Market Square' (as discussed above), although further pedestrian access is proposed to the eastern site boundary, adjacent to the vehicular entrance. Covered cycle parking for 9 cycles is proposed to the east of the school building, adjacent to the vehicle exit point. With regard to cycle parking, Great Chart and Singleton Parish Council suggest that additional cycle storage is provided, but the applicant advises that the provision accords with required standards, and it should be noted that the provision of 9 spaces has not met with objection from Highways & Transportation (H&T) or the Borough Council.
53. The Parish Council further state that electric vehicle charging spaces should be provided, in addition to off-site parking restrictions. With regard to electric vehicle charging spaces, 5 are now included in the scheme as a result of the revisions made by the applicant since submitting the application. This accords with the guidance provided by H&T, which suggests that 10% of all new car parking should provide facilities for electric vehicles. Ashford Borough Council's list of suggested conditions includes a

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condition requiring all new car parking to provide electric vehicle charging points, but in considering the advice of H&T, and the fact that a high proportion of private vehicles still use fossil fuels and would not need or use such facilities, I consider a 10% provision to be reasonable in this case. With regard to off-site parking restrictions, this would be a matter for the Borough Council to consider as part of future detailed planning applications for surrounding land uses and infrastructure and cannot be imposed here as the surrounding road network is not in situ.

54. Highways and Transportation raise no objection to the application, subject to various matters being covered by relevant conditions of consent, should permission be granted. One of the required conditions relates to construction activities and will be discussed later in this report. The remaining conditions relate to the provision of the matters discussed above, namely the provision and retention of car parking, access and circulation space, including 5 electric vehicle charging bays, prior to first occupation of the school, the provision and retention of cycle parking prior to first occupation of the school, the provision and retention of vehicle and pedestrian visibility splays prior to first occupation of the school, and a requirement that gates open away from the highway. These conditions would also satisfy the requirements of the Borough Council.
55. In addition, a further condition of consent would require the submission and approval of a School Travel Plan within 6 months of first occupation of the new school. Although H&T request that a Travel Plan be submitted prior to occupation, I consider that, as the surrounding road network and housing development is yet to be completed, and that the school roll would be relatively low for the first few years of occupation, the submission of the detailed Travel Plan be required within 6 months of first occupation of the school. That would enable a more informed Travel Plan to be submitted (via the County Council's Jambusters System) for approval once the school is in operation. Should Members be minded to grant permission, a condition of consent would be imposed in that regard, including a requirement for ongoing monitoring and review.
56. Subject to the imposition of the conditions required by Kent County Council Highways and Transportation as outlined above, I consider that the development would not have a significantly detrimental impact upon the local highway network and, therefore, see no reason to refuse the application on these grounds.

#### Public Right of Way

57. As set out in paragraph 3 of this report, Public Right of Way (PROW) AW219 runs in a north south direction along the western boundary of the application site, and would cross the south west corner of site, where the hard surface play courts and ecology zone are proposed. The County Council's PROW Officer confirms that their department are currently processing an application to divert the PROW, and until such time as that legal process is complete the PROW alignment remains as shown on the definitive map. Therefore, the PROW Officer requires a condition to ensure that no development takes place over the PROW until confirmation of its diversion/extinguishment and certification of the new route. Therefore I advise that, should permission be granted, the above condition would be imposed upon the planning consent, in addition to the inclusion of an informative drawing the applicants attention to the advice given by the PROW Officer regarding obstruction to the PROW.

Sustainable design and construction, including SuDs

58. Development Plan policies require developments to be sustainable and to address issues of climate change. In particular, as set out in Ashford Borough Council's suggested list of planning condition, Policy ENV11 of the Borough Councils Local Plan 2030 requires all major non residential development to achieve BREEAM 'very good' standard. Further, the Policy requires that at least a '40% improvement in water consumption against the baseline performance of the building', unless demonstrated that not to be practicable. In addition, Policy CG1 of the Chilmington Green Area Action Plan required each phase of the wider Chilmington Green development to be sustainable in its own right. As a general principle, where it is able to do so, the applicant should meet the key objectives of development plan policies which promote sustainable design and construction. However, this does need to be balanced against making sure that the design quality of the project as a whole is still achieved and maintained, and without unduly compromising other elements of the proposal in delivering this important community building.
59. First, with regard to BREEAM, although this development is not being assessed specifically under BREEAM, the applicant advises that the scheme has been designed to meet the equivalent of a BREEAM rating of 'Very Good'. It should be noted that undertaking the BREEAM assessment regime is itself an expensive process and therefore diverts funds away from elements that otherwise can be incorporated into the actual development. As outlined in paragraph 20 of this report the applicant advises that energy consumption has been a key consideration of the design proposals which has informed both the layout and orientation of the building, i.e. the east/ west aspect of the classrooms ensure a consistent ambient temperature throughout the day without excessive temperature variations during the summer months. Together with mixed-mode environmental controls, openable windows provide a source of natural ventilation and cooling and therefore reduce the demand on the building management system (BMS) to maintain a comfortable working/ learning environment. The applicant further advises that natural day-lighting would be used to create an efficient, user friendly and inspiring internal environment. As well as enhanced basic construction technologies, the building is proposed to feature the following:
- Highly-insulated building envelope;
  - Low air-permeability envelope;
  - LED lighting system;
  - BREEAM A-rated materials where appropriate;
  - Low-E double glazing;
  - Low Surface Temperature radiator panels;
  - Waste management for recycling;
  - Hybrid ventilation system;
  - An area of the flat roof allocated for an array of solar PV panels; &
  - 5no. EV charging bays equivalent to 10% of the total on-site parking provision.
60. In considering the sustainable credentials of the scheme as set out above, and the fact that the building has been designed to an equivalent of a BREEAM rating of 'very good', I am satisfied that the proposals accord with the underlying principle of Ashford Borough Council Local Plan Policy ENV11 in regard to sustainable design and BREEAM. However, to ensure that these features are not lost from the scheme as the construction progresses (should permission be granted), I would advise that a condition of consent be imposed to require the building to meet a BREEAM or equivalent standard of 'very good'. This would also satisfy the Borough Council's requirements.

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61. With regard to the '40% improvement in water consumption against the baseline performance of the building', the applicant has confirmed that the specification of sanitaryware and taps within the school building meet or better the requirement of 40%, with the exception of the children's toilets which need to have a lever handle flush due to the age of the children being unable to use a pneumatic flush. I am therefore satisfied that the proposed building would satisfy the requirements of Policy ENV11 of the Borough Council's Local Plan 2030 with regard to water consumption, and that the condition outlined in paragraph 60 would ensure that the sustainable credentials of the scheme are delivered.
62. Further, the County Council's Flood Risk Team (SuDs) raise no objection subject to the imposition of conditions. The Flood Risk Team require the submission of a detailed Sustainable Surface Water Drainage Scheme prior to the commencement of the development (other than works associated with the installation of the foundations), and the further submission of a verification report prior to occupation of the development (or within an agreed timeframe). Should permission be granted, the conditions as outlined above would be imposed upon the consent to ensure that drainage of the site was both sustainable and effective.
63. In considering the information provided by the applicant, specifically that the building has been designed to meet the equivalent of the BREEAM rating of 'very good', and that water consumption requirements are achieved, I am of the view that the development as proposed meets the key objectives of Policy ENV11 and other Development Plan Policies, including Policy CG1 of the Chilmington Green Area Action Plan, which promotes sustainable design and construction. Subject to the imposition of the conditions of consent outlined above, I see no reason to refuse the application on this ground.

#### Land contamination

64. The Environment Agency raises no objection to the proposed development subject to a condition requiring development to cease should contamination not previously identified be found to be present at the site until such time as a remediation strategy has been submitted to and approved by the County Planning Authority. The Borough Council also request such a condition. Therefore, should permission be granted the required condition would be imposed upon the consent.

#### Ecology

65. The County Council's Biodiversity Officer has been consulted on this application and has no objection, as set out in paragraph 22 of this report. However, due to the presence of a badger sett, common lizards and slow worms on the site, the following matters are required to be covered by suitably worded planning conditions;
- development to be undertaken in accordance with the submitted badger mitigation proposals;
  - no works no commence within the 30 metre buffer zone around the badger sett until a walkover survey has been undertaken and results submitted for approval, along with details of any further required mitigation;
  - development to be undertaken in accordance with the submitted reptile mitigation proposals;

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- submission of details of biodiversity enhancement measures within 6 months of commencement of the development.

66. In addition to the above, I consider that a further condition of consent should be imposed to ensure that there is no tree/hedge removal during the bird breeding season, unless supervised by a suitably qualified ecologist. Subject to the imposition of the conditions outlined above, I am of the view that the development would not have a detrimental impact upon ecology/biodiversity interests.

#### Archaeology

67. The application site is located within an Area of Archaeological Potential and, as part of a wider Chilmington Green development, the surrounding area has been subject to archaeological investigations. The County Archaeologist was consulted on this application and raises no objection subject to the imposition of a condition requiring the implementation of a phased programme of archaeological work, to be undertaken in accordance with a written specification and timetable which must be submitted for approval prior to commencement of the development. Subject to the imposition of that condition, I am satisfied that the development would not have an adverse impact on archaeological interests.

#### External lighting

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

#### Residential amenity and construction matters

69. No issues regarding specific residential amenity have been raised by consultees and/or objectors to the proposal, due in part to the fact that land surrounding the application site is yet to be developed. However, given the site layout and allocated surrounding land uses, I am satisfied that the proposed development is sufficiently distanced from any forthcoming neighbouring properties/community facilities to avoid any adverse impacts.

70. In accordance with the requirements of the Highways and Transportation advisor, I consider it appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods and hours of working, location of site compounds and operative/visitors parking, details of site security and safety measures, lorry routing, lorry waiting and wheel washing facilities, and details of construction accesses. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.



## Conclusion

71. This proposal seeks to provide educational facilities for a major growth area of Ashford and would allow early provision of required community infrastructure. The principle of the provision of a school on this site has been established by the granting of outline approval by Ashford Borough Council as part of the overall site masterplan and development brief for the wider development at Chilmington Green. The applicant has modified the site layout and design of the school in response to pre-application engagement with stakeholders, including a Design Panel Review, and has made further amendments during the determination of this application as a result of concerns expressed by the Borough Council. In my view, the applicant has made significant efforts to address the concerns raised and has moved away from the standard EFA baseline design approach, adding to the individuality of the school whilst maintaining its functionality and deliverability.
72. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies, including the Chilmington Green Area Action Plan. The development is in accordance with the principles of the National Planning Policy Framework and the Planning Policy Statement for Schools (2011), which strongly supports and presumes in favour of the development of new state schools. Subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the character and appearance of the local area (to be developed in accordance with Ashford Borough Council planning approvals), the local highway network, ecological matters, or the amenity of future residents, and would accord with the principles of sustainable development as set out in the NPPF. In addition, support for the provision of school places is heavily embedded within the NPPF, the Planning for Schools Development Policy Statement, and local planning policy, and this development would satisfy a required need for primary school places within the Ashford area, specifically within the Chilmington Green development. Therefore, I recommend that permission be granted subject to appropriate conditions.

## Recommendation

73. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
- a 3 year time limit for implementation;
  - the development to be carried out in accordance with the permitted details;
  - the submission and approval of details of all materials to be used externally, including details of joinery, colour finishes, depth of reveals, and details of the jointing of the cladding panels;
  - the submission and approval of details of all external lighting, including hours of operation;
  - the submission and approval of a scheme of landscaping, including details of tree planting, soft landscaping, fencing & hard surfacing;
  - the submission and approval of a School Travel Plan within six months of occupation, and thereafter ongoing monitoring and review;
  - the provision and retention of car parking, access and circulation space, including 5 electric vehicle charging bays, prior to first occupation of the school;
  - the provision and retention of covered cycle parking prior to first occupation of the school;

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- the provision and retention of vehicle and pedestrian accesses and visibility splays prior to first occupation of the school;
- all gates to open away from the highway;
- the development to meet the sustainable design standards set out in the application documents to meet a BREEAM or equivalent standard of 'very good';
- no tree/hedge removal during the bird breeding season;
- development to be undertaken in accordance with the submitted badger mitigation proposals;
- no works no commence within the 30 metre buffer zone around the badger sett until a walkover survey has been undertaken and results submitted for approval, along with details of any further required mitigation;
- development to be undertaken in accordance with the submitted reptile mitigation proposals;
- submission of details of biodiversity enhancement measures within 6 months of commencement of the development;
- no development to take place over the Public Right of Way until confirmation of its diversion/extinguishment and certification of the new route;
- implementation of a phased programme of archaeological work, to be undertaken in accordance with a written specification and timetable which must be submitted for approval prior to commencement of the development;
- the submission of a detailed Sustainable Surface Water Drainage Scheme prior to the commencement of the development (other than works associated with the installation of the foundations);
- the submission of a verification report prior to occupation of the development (or within an agreed timeframe);
- development to cease should contamination not previously identified be found to be present at the site;
- the submission of a Construction Management Strategy, including the hours of working, location of site compound and operative parking, wheel washing/cleaning facilities, lorry routing an waiting details, and details of the construction access & management of the site access;

74. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

- With regard to the requirement to prepare and submit a (revised/amended) School Travel Plan, the applicant is advised to register with Kent County Council's Travel Plan Management system 'Jambusters' using the following link <http://www.jambusterstpms.co.uk>. Jambusters is a County Wide initiative aiding Schools in the preparation and ongoing monitoring of School Travel Plans.
- The applicant's attention is drawn to the letter from Public Rights of Way which contains general informatives with regard to works adjacent to and/or on a Public Right of Way.

Case officer – Mary Green	03000 413379
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Background documents - See section heading
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**Item D2****Sports Hall extension to provide shower and changing facilities, a classroom/visitor learning centre and a classroom/conference room at Maidstone Grammar School for Girls, Buckland Road, Maidstone, Kent ME16 0SF – MA/19/502955 (KCC/MA/0110/2019)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9<sup>th</sup> October 2019

Application by Maidstone Grammar School for Girls for a Sports Hall extension to provide shower and changing facilities and a classroom/visitor learning centre and classroom/conference room at Maidstone Grammar School for Girls, Buckland Road, Maidstone, Kent ME16 0SF – MA/19/502955 (KCC/MA/0110/2019)

Recommendation: Permission be granted, subject to conditions.

Local Member(s): Mr Dan Daley & Mr Robert Bird

Classification: Unrestricted

**Site**

1. Maidstone Grammar School for Girls (MGGS) is located at the end of Buckland Road, which is a residential road, and is accessed via a bridge over the London to Ashford railway line. Maplesden Noakes School is located to the north of the school and Brunswick House Primary School is located to the south west of the site. The latter is accessed via Leafy Lane.
2. The proposed location of the sports hall extension is to the north of the existing sports hall, which is located at the east of the site.
3. To the north and east of the proposed sports hall extension is the Maidstone Barracks to Strood railway line and to the south the London to Ashford railway line with housing beyond in Buckland Road. To the west of the site beyond the railway line there is housing in Little Buckland Avenue.
4. The sports hall and proposed extension fall wholly within the urban area of Maidstone, as defined in the Maidstone Borough Local Plan. There are no physical boundaries between the Maidstone Grammar School for Girls and the Maplesden Noakes site and there are some shared access routes within the site.

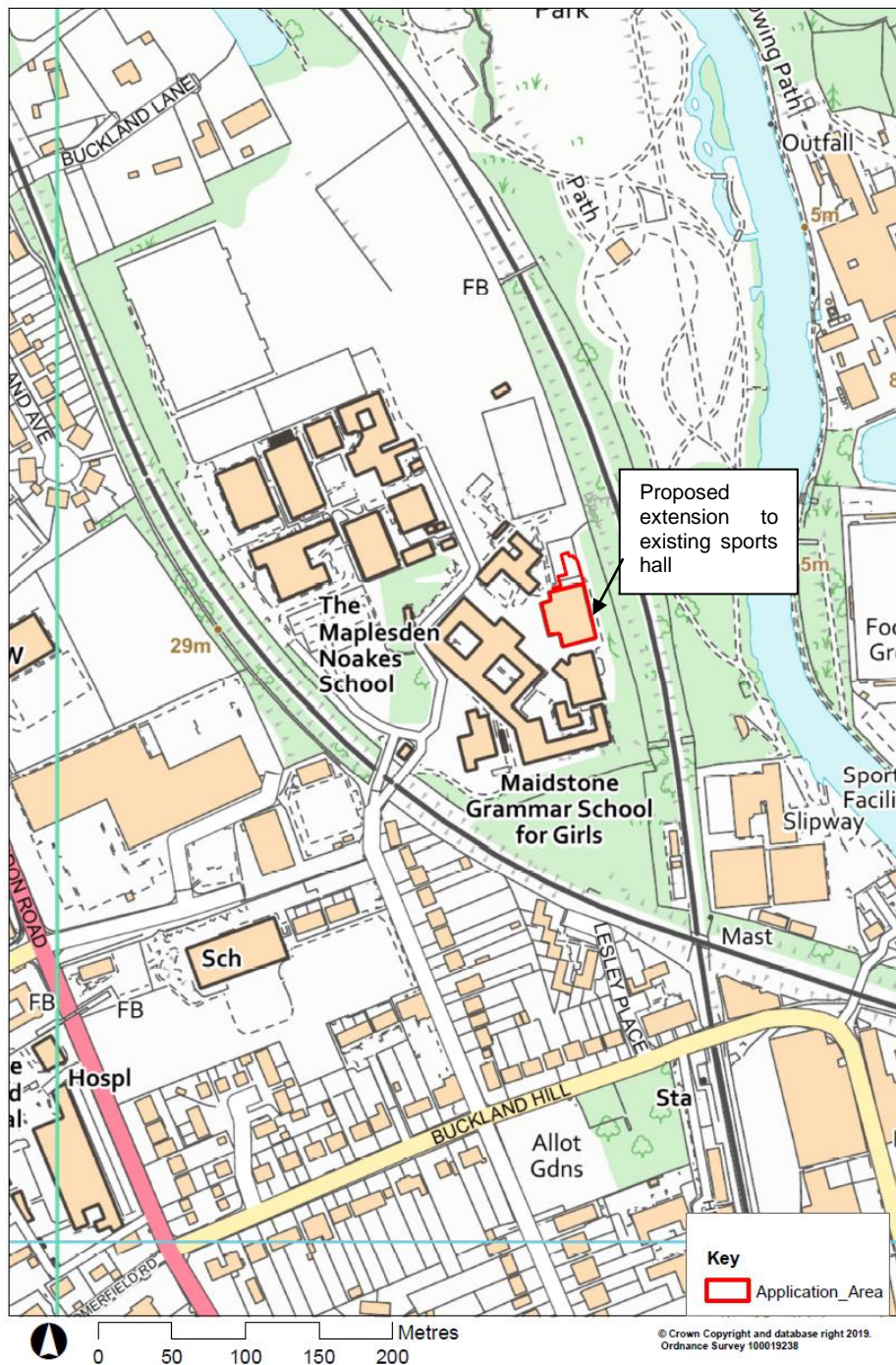
**Background**

5. In 2015 planning permission was granted for a new sports hall at MGGS following on from a series of applications concerning the demolition of the old sports hall and its replacement provision. Due to funding constraints, the 2015 permission was for a reduced size school hall and was built in 2016.
6. The current proposal aims to provide additional toilet and shower facilities for the existing sports hall; additional versatile classroom/conference room space for the school and also to provide new facilities to support viewings for the underground WWII bunker at the site for both primary school children and the public.

**Proposed Sports Hall extension to provide shower and changing facilities, a classroom/visitor learning centre and a classroom/conference room at Maidstone Grammar School for Girls, Buckland Road, Maidstone - MA/19/502955**

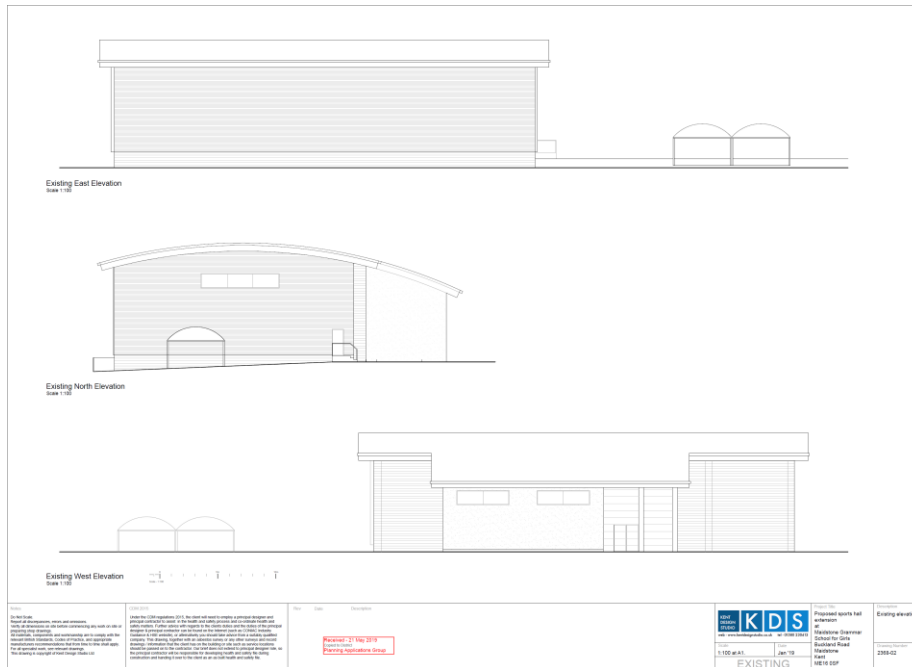
- The proposal does not seek to increase the current school roll which is currently 908 across years 7 to 11 and currently 335 in the sixth form. The applicant states that the smallest year groups are currently in the sixth form: the School expects the current sixth form numbers to increase by 25 in the next two years as the larger year groups come through the school to the sixth form.

**General Location Plan**

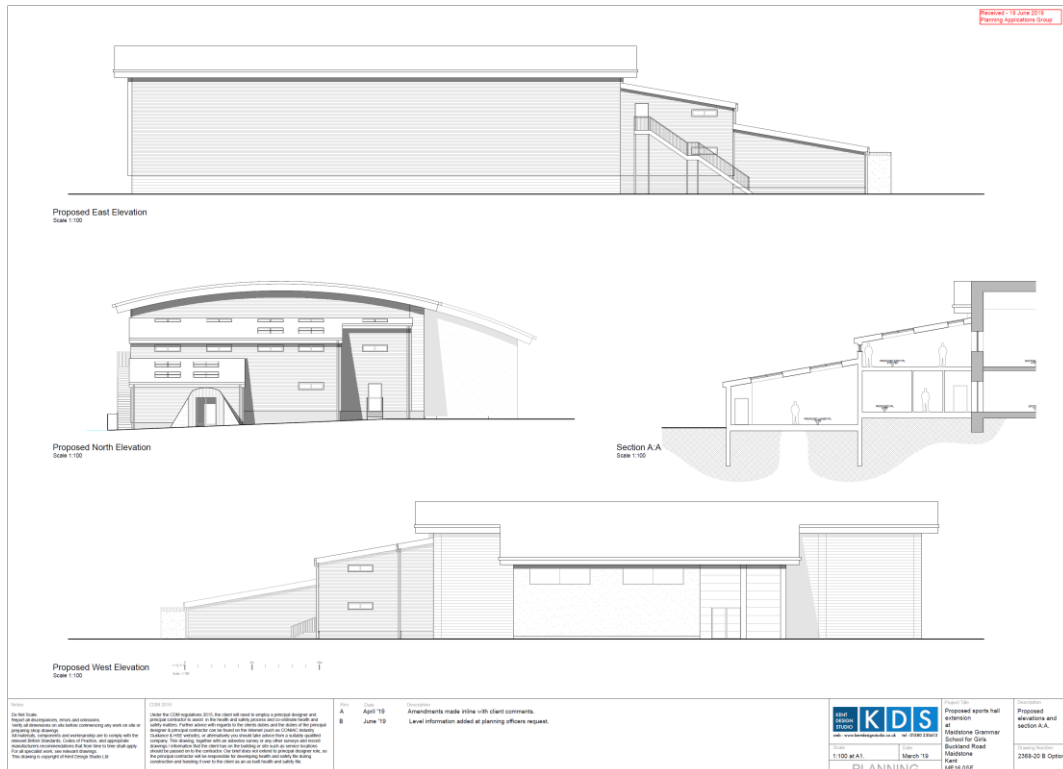


# Proposed Sports Hall extension to provide shower and changing facilities, a classroom/visitor learning centre and a classroom/conference room at Maidstone Grammar School for Girls, Buckland Road, Maidstone - MA/19/502955

## Existing Elevations

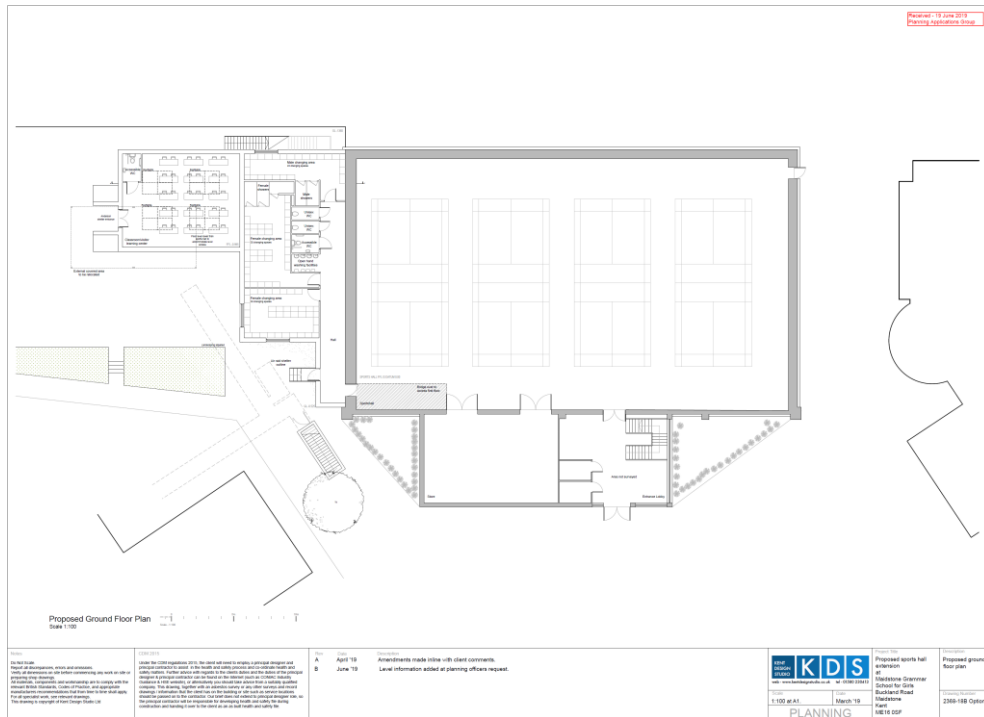


## Proposed Elevations

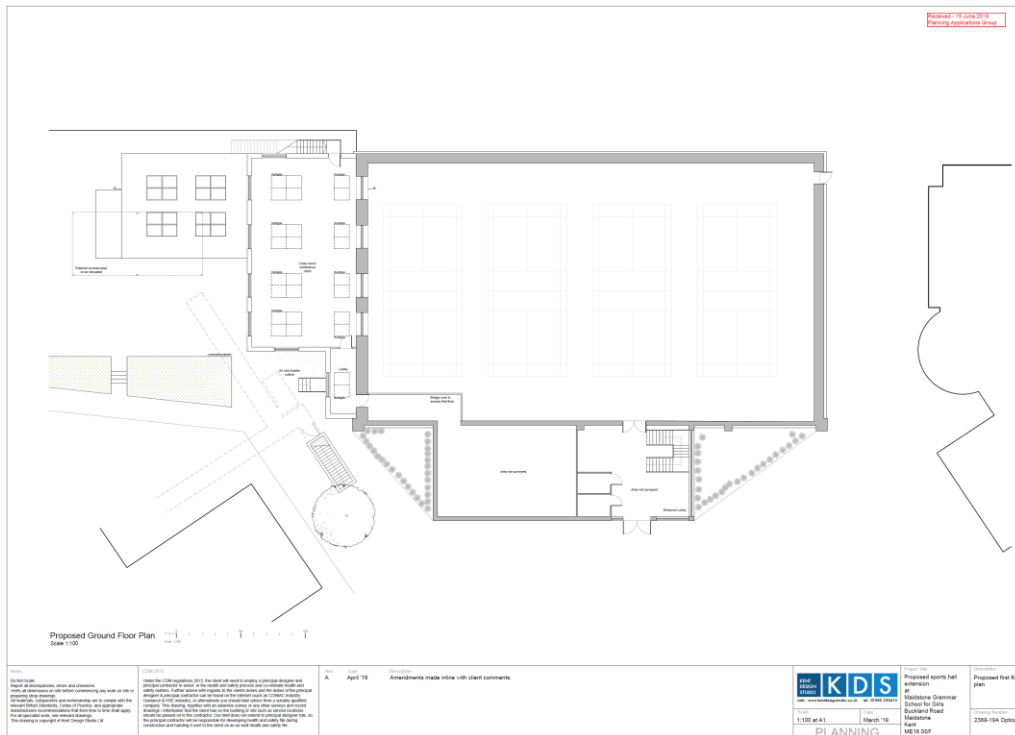


**Proposed Sports Hall extension to provide shower and changing facilities, a classroom/visitor learning centre and a classroom/conference room at Maidstone Grammar School for Girls, Buckland Road, Maidstone - MA/19/502955**

**Proposed Ground Floor Plan**



**Proposed First Floor Plan**



**Proposed Sports Hall extension to provide shower and changing facilities, a classroom/visitor learning centre and a classroom/conference room at Maidstone Grammar School for Girls, Buckland Road, Maidstone - MA/19/502955**

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**Recent Site History**

8. Since 2002, the following decisions have been made concerning the site:

MA/15/500376 Proposed replacement sports hall implemented (alternative application to planning permission ref: MA/14/500814 which was not built)

MA/14/500814 Proposed demolition of existing sports hall and support facility and the proposed erection of a new sports hall and support facility (alternative application to MA/12/920 which was not built).

MA/12/920 Demolition of existing buildings and erection of replacement sports hall, dining hall and kitchens and music teaching accommodation together with external works (not built).

MA/09/1014 Erection of a two and three-storey classroom block on land to the rear of the existing school, the temporary re-siting of mobile accommodation before removal on completion and the formation of a car park and landscaped area at the front of the school.

MA/08/505 Proposed Woodland Pathway.

MA/06/657 Demolition of an external wall to insert a new single storey flat roof extension; to provide disabled access into the building and to fell/remove trees to a detached school teaching block.

MA/04/1386 Construction and installation of a new electrical intake building and the installation of the new electrical mains head.

MA/03/949 The construction of a single storey, multi-purpose hall with kitchen and ancillary areas within an existing enclosed quadrangle. (amended scheme from MA/02/1572).

MA/02/1572 The construction of a two storey, multi-purpose hall with toilet facilities, kitchen & ancillary areas within an existing enclosed quadrangle.

**Proposal**

9. The proposal is an extension to the northern end of the existing sports hall. The proposal seeks to provide dedicated shower and changing facilities for the existing sports hall; a classroom/visitor learning centre on the ground floor and classroom/conference room on the first floor. The ground floor classroom/visitor centre would be used to provide an area for hosting visitors to the underground WWII bunker which is located within the School site. The room has capacity for 30. The first floor classroom/conference room would be used as a versatile space by students for sixth form study and as an exam room. The room has capacity for a maximum of 50 students.
10. The existing sports hall is currently let out for community use during the week between 6pm and 10pm and at the weekend between 8am and 10pm, although the times of use at the weekend are agreed on an individual basis and usually finish by 4pm. It is

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proposed that there would be community use of the proposed sport hall extension during the same hours. During school hours (between 8am and 5pm Monday to Friday), the external community would not have use of the facility.

11. For the visitor learning centre, it is proposed that it would be used during school term time in the summer months (May to July and September) to provide a dedicated space for primary school visits for a class size of 30 with associated accompanying staff. The applicant proposes to open the facility up to the public (up to 30 visitors per session) in the school holidays in May and the Summer holiday. The proposed hours for this would be 10am to 4pm (with a maximum of 5 tours in a day). The proposal includes this use at the weekend on a Saturday and Sunday and Bank holidays.
12. The proposed extension is 364sqm housing both the changing facilities and the visitor learning centre. It has two floors and is approx. 8m high at the highest point. The proposed materials are to match those used in the existing sports hall and are brickwork; standing seam aluminium roof of natural finish; horizontal metal profile insulated sheeting; self-coloured acrylic render; powder coated aluminium windows and doors. The design incorporates an Anderson shelter entrance which would be corrugated metal sheeting with a grass top roof. An external staircase forming an emergency escape route is also proposed.
13. The proposal is located on an area of hard surface which is currently used for seating and would require the removal / relocation of two canopies.
14. The proposed construction hours are 0800 to 1800 Monday to Friday and 0900 to 1300 Saturday with no working on Sundays and Bank Holidays. A temporary construction compound is proposed within the school site during construction works.

**Planning Policy**

15. 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** and the **National Planning Policy Guidance** (first published in March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance 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.



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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:

- Promoting healthy and safe communities, including promoting social interaction and enabling and supporting healthy lifestyles and providing social and recreational facilities to meet community needs. 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;
  - Promoting sustainable transport, including the requirement for developments that generate significant amounts of movement to provide a travel plan and for the application to be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed;
  - 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;
  - Achieving the requirement for well designed places including high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - Meeting the challenge of climate change, flooding and coastal change;
  - Conserving and enhancing the natural environment in relation to habitats and biodiversity, ground conditions and pollution including ensuring that new development is appropriate for the location;
  - Conserving and enhancing the historic environment.
- (ii) **Policy Statement – Planning for Schools Development (15 August 2011) which sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. 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.**
- (iii) **Maidstone Borough Council Local Plan Policies (adopted October 2017):**
- Policy SP 1 **Maidstone urban area.** Defines the focus for new development seeking to achieve a good place to live and work by seeking to achieve development in a way that contributes positively to the locality's distinctive character.

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- Policy SP 18 **Historic Environment.** Seeks to protect and where possible enhance the characteristics, distinctiveness, diversity and quality of heritage assets including through the development management process, by securing the sensitive management and design of development which impacts on heritage assets and their settings.
- Policy SP 23 **Sustainable transport.** Seeks to mitigate the impact of development, where appropriate, on the local road networks and protect and enhance public rights of way; ensure the transport network provides inclusive access for all users; and address the air quality impact of transport.
- Policy ID 1 **Infrastructure Delivery.** Seeks to encourage and support infrastructure schemes that are brought forward by service providers where they are in accordance with other policies in the local plan.
- Policy DM 1 **Principles of good design.** Covers the principles of good design which proposed development should accord with, including reference to permeable layouts; responding to local natural or historic character and incorporating a high quality, modern design approach; high quality public realm; respecting the amenities of occupiers of neighbouring properties; respecting natural features such as trees and hedges; high quality design which responds to surrounding areas; maximising opportunities for sustainable development; protecting on-site biodiversity; safely accommodating vehicle and pedestrian movements; incorporating security measures to design out crime; avoiding areas at risk of flooding; incorporating adequate storage of waste and recycling; and providing adequate vehicle and cycle parking; and being flexible towards future adaptation in response to changing life needs.
- Policy DM 2 **Sustainable design.** Where technically feasible and viable, non-residential developments should meet BREEAM very good standards addressing maximum water efficiencies under the mandatory water credits and energy credits.
- Policy DM 3 **Natural environment.** The Policy seeks to protect and enhance the natural environment through measures to protect landscape character, avoid inappropriate development, control pollution, enhance biodiversity, maintain and manage natural assets, mitigate for climate changes, and positively contribute to the improvement of accessibility to natural green spaces. It seeks to ensure that where appropriate an ecological evaluation of development sites is made to take full account of biodiversity present, as well as arboricultural assessments and landscape/visual impact assessments.
- Policy DM 4 **Development affecting designated and non-designated heritage assets.** Seeks to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting. Where appropriate, development proposals will be expected to respond to the value of the historic environment by the means of a proportionate Heritage Assessment which assesses and takes full account of: any heritage assets, and their settings, which could reasonably be impacted by the proposals; the

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significance of the assets; and the scale of the impact of development on the identified significance. Where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy DM 6 **Air Quality.** Seeks to ensure that the impacts to air quality in Air Quality Management Areas and identified exceedance areas are appropriately considered and that the air quality impacts of the development will be mitigated to acceptable levels, and that the air quality impacts of the development will be minimised.

Policy DM 8 **External lighting.** Seeks to ensure that proposals for external lighting use the minimum amount of lighting necessary to achieve the proposed purpose and that the design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways; and the lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes.

Policy DM 20 **Community facilities.** The adequate provision of community facilities, including social, education and other facilities is an essential component of residential development. Where appropriate the dual use of education facilities (new and existing) should be encouraged for recreation and other purposes.

Policy DM 21 **Assessing the transport impacts of development.** Proposals must demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts; provide a satisfactory Transport Assessment and a satisfactory Travel Plan; and comply with the requirements for the policy for air quality.

Policy DM 23 **Parking standards.** Vehicle parking for non-residential uses will need to take into account the accessibility of the development and the availability of public transport; the type, mix and use of the development proposed; whether development proposals exacerbate on street car parking to an unacceptable degree; and the appropriate design and provision of cycle parking facilities.

Policy DM 29 **Leisure and community uses in the town centre.** States that proposals for community uses (Class D1) in the town centre in combination with any similar uses in the locality, should not have a significant impact on local amenity, including as a result of noise and hours of operation.

**Sport England Guidance**

**Sport England's Planning for Sport Guidance (June 2019)** which sets out Sport England's support of the NPPF and the importance of promoting healthy communities and achieving sustainable development.

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**Consultations**

16. The consultees have the following comments to make on the planning application.

**Maidstone Borough Council:** raise no objection to the proposal and state that the development accords with all the relevant provisions of the Development Plan and there is no material conflict with Policy DM1 directed to the design acceptability of built development, or with the provisions of policy DM20 which supports the provision of adequate community facilities.

**Environment Agency (Kent Area):** Raise no objection to the proposal. They comment that the site is located over a Principal Aquifer. The Application Form indicates that ground contamination is neither known nor suspected, but no information (e.g. a Preliminary Risk Assessment) has been provided to confirm this. The Environment Agency consider that planning permission should only be granted to the proposed development as submitted subject to planning conditions concerning submission of a scheme to deal with the risks associated with contamination; a remediation strategy for dealing with any unexpected contamination found during development; a verification report demonstrating completion of works set out in the approved remediation strategy; no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters; no piling or other foundation designs using penetrative methods other than with the express written consent of the Planning Authority.

**Transportation Planning:** Raise no objection to this application subject to submission of a Construction Management Plan for approval, prior to commencement and retention/maintenance of at least 50 car parking spaces being kept available for the use of the Anderson shelter and sports hall use outside of school times.

**Sport England:** Raise no objection to the proposal and is satisfied that the proposed development meets exception 3 of the playing fields policy, in that the proposed development affects only land incapable of forming part of a playing pitch and does not reduce the size of any playing pitch, result in the inability to use any playing pitch, reduce the sporting capacity of the playing field to accommodate playing pitches, result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any remaining areas of playing field on the site. Sport England do however comment that one of the changing rooms proposed will have no showers and another will only have 3 showers between 30 users.

**Network Rail:** Have no comments to make regarding the proposal.

**Local Member**

17. The local County Member(s) for Maidstone Central, Mr Dan Daley and Mr Robert Bird were notified of the application on 22 July 2019. No comments have been received to date.

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**Publicity**

18. The application was publicised by the posting of a site notice, and the individual notification of 3 nearby properties.

**Representations**

19. In response to the publicity, 2 letters objecting to the application have been received from the same person. The key points raised can be summarised as follows:

- The proposal would lead to an intensification of the usage of the school site by using the classroom/ visitor learning centre and the classroom/ conference room, to allow local schools to visit the underground World War II bunker, by opening the facility for one week in May and possibly four or five weeks during the summer holiday and by opening to the public and that there is an intention that the proposal would also lead to increased community use of the Sports Hall.
- That there has been no traffic and parking assessment for the whole of the surrounding area in relation to this proposal, in conjunction with the Maplesden Noakes proposal and that local residents could be subjected to more traffic movements, including in school holidays and that there is no provision of adequate parking onsite for the whole school community.
- That there has been no update of the school's travel plan.
- There should be no intensification of usage on this whole joint school site until all of the above issues have been addressed properly, to mitigate all traffic-related problems which are suffered by the local community.
- There are congestion and related problems caused by parking and movement of parent and student cars in a significant number of adjacent roads, not just those immediately adjoin the school.
- Parking restrictions should be introduced around Maplesden Noakes and Maidstone Grammar School.

**Discussion**

20. This application is being reported for determination by the Planning Applications Committee due to the neighbour objection to the planning application as summarised in paragraph 19 above.

21. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 15 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:

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Need

22. The planning history for the replacement sports hall provision at this site shows that the school developed a smaller hall than they had wanted because of an urgent need for a replacement facility when the original hall was demolished and because of funding constraints at that time. The 2015 application was for a proposal that would meet the school core requirement but that would be extendable in the future to enable ancillary facilities to be added. The 2015 application was for a smaller hall than the one that had been permitted in 2014 and 2012.
23. The applicant states that the school does not currently have dedicated changing facilities for the existing sports hall. The applicant considers that the proposed development is now needed to provide dedicated changing facilities for the existing sports hall and to facilitate educational school visits for primary school children to the historic WWII bunker along with opportunities to provide facilities for the public to share access to the bunker. The first floor classroom/conference facilities would provide additional space for the sixth form and for examinations. The proposed extension would therefore provide supplementary facilities to the sports hall for the schools own use and facilitate the community use and dual use encouraged by Maidstone Borough Local Plan Policy DM20.
24. Maidstone Borough Council Sports Facilities Strategy January 2019 forms part of the evidence base for the review of the Maidstone Borough Local Plan. The existing sports hall facility at MGGS is not listed in the strategy and it is noted that the evidence in the document was collated in 2016 and was to be reconsidered once the review of the Local Plan had progressed further. For the facilities detailed in the strategy, it recommends capacity enhancements including extended and reconfigured changing facilities to cater for simultaneous adult/junior and male/female usage which would facilitate extra usage at existing sites. The Strategy also recommends other new sports facilities to meet shortfalls including for the equivalent of 1.6 four-badminton court sized sports halls with full community access. The existing facility at MGGS has a 4 court hall for a range of sports activities including badminton.
25. Given the recommendation about changing facilities at existing sites referred to above and policy support to adapting and improving school facilities along with supporting opportunities to create social interaction in promoting health and safe communities, and the policy support for dual use of educational facilities, I consider that need for the development is satisfied.

Location

26. The proposal is located on an existing school site, grouped with existing development and is an extension to an existing school sports hall. As such, I consider that it is appropriately located.

Design

27. The proposal is an extension to an existing building and sits below the height of the existing sports hall building so as to create a staggered effect, and this reduces the visual impact of the proposed extension. The existing building has PV panels. The

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proposed materials would match the existing building and comprise brickwork, standing seam aluminium roof of natural finish, horizontal profile insulated metal sheeting and powder coated aluminium windows and doors. There would also be an Anderson shelter entrance on the north elevation and the materials proposed are corrugated metal sheeting with a grass topped roof mimicking a WW2 shelter. There have been no objections to the proposed design including from Maidstone Borough Council in respect of Policy DM1 and I am satisfied that the proposed design would not be inappropriate in the location proposed.

Highways and Traffic Impacts

28. This is a minor development proposal on an existing school site. It is not likely to be a significant traffic generating proposal. The proposal does however extend the use of part of the school site outside of school term time into the school summer holidays and does generate community use, although it should be noted that there is already community use taking place at the Sports Hall and elsewhere within the MGS site. The dual use of school facilities is encouraged by Maidstone Borough Local Plan Policy DM20, particularly in relation to recreation and other purposes as well as planning policy guidance. At out of school times parking facilities for at least 50 vehicles would be available within the school site. Furthermore it is noted that during school hours, the external community would not have use of the proposed facilities.
29. Given the development proposed, this application did not need to be accompanied by a Transport Assessment or a revised School Travel Plan. It was however accompanied by sufficient information to assess the highway impacts of the development. This has given rise to a neighbour representation objecting to the proposal as it is not accompanied by a traffic and parking assessment for the whole of the surrounding area in relation to this proposal and in conjunction with a proposal for the expansion of the Maplesden Noakes School. The representation also objects to no consideration of increased traffic movements for local residents including in the school holidays; no provision of parking for the whole school community on site and no recent update of the school travel plan.
30. The National Planning Policy Framework sets out that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment. Planning Practice Guidance states that Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis. A Transport Assessment or revised School Travel Plan is not normally required for minor development proposals such as this. Furthermore, Transportation Planning has not requested that one be provided. Notwithstanding this, the applicant was asked to provide further information to clarify their proposal in relation to the level of community use expected and the transport implications of this.
31. As primary schools already visit the underground bunker during school term time in the summer months the proposal would not result in additional traffic over and above what is already occurring. However, the proposal would lead to additional visits by the public in the summer holiday for visits to the underground WWII bunker and the applicant has defined the number of additional visits as being limited to 30 at a time with potentially 60 visits on site at a cross over period and a maximum of 5 tours a day between 10am and 4pm for 1 week in May and in the MGS Summer holiday. This could be on any day of

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the week, including weekends and bank holidays. The applicant also states that the proposal may also lead to additional lettings at the sports hall as the proposed facilities could make the venue more attractive for community users. Additional information has been provided in relation to korfbal. The korfbal match may typically comprise 31 competitors and officials and the application will enable competitions at weekends. Practices already take place on weekday evenings from 6pm to 9pm (9.30pm on a Thursday) without unacceptable impact on the local residential amenity. Whilst the amount of spectators is subject to estimation out of school times there are at least 50 parking spaces available which is considered acceptable.

32. The most recent School Travel Plan logged on the KCC Jambusters website for the site is 2008. The Jambusters system also includes the School's annual reviews dated 30<sup>th</sup> April 2011; 31<sup>st</sup> December 2018 and 6<sup>th</sup> January 2018. Whilst we would not usually require an updated school travel plan to be submitted with an application of this nature I consider that should Members decide in favour of the proposal, a condition should be added to require the School Travel Plan to be updated and submitted for approval to reflect new objectives relating to increased community use of the Sports Hall and for the proposed visits to the underground WWII bunker.
33. Whilst there are two school sites neighbouring each other with a shared access point in this location, the schools are operated separately. A planning application has been received in relation to the neighbouring Maplesden Noakes site (KCC/MA/0107/2019) for the proposed 2 form of entry expansion involving: a) the erection of a new freestanding three-storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works. This, as a major development proposal, is accompanied by a Transport Statement and a School Travel Plan. The proposal has not yet been determined and will be considered on its own merits. It is included within this Committee Agenda (item D3).
34. The wider provision of parking on site at the School during term time school use is not a matter that can be reviewed in relation to this application as the application does not propose any significant changes to term time use and there are no changes to the School roll. However, as this application gives rise to parking requirements as a result of the use of the facility outside of school hours the parking requirements to support these activities are relevant to the application. The applicant has stated that there is sufficient car parking on site for more than 50 cars. I consider that it would be appropriate to require at least 50 existing spaces on the MGGS site to be available for the use of the proposed development out of school hours. This could be required using a condition. Furthermore, it should be noted that the external community would not have use of the facilities during school hours when the parking spaces would be in use for the School.
35. The NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Borough Council has not objected to the proposal and furthermore, Transportation Planning as Highway Authority and statutory consultee, have no adverse comments in relation to the proposal and conclude that the proposed activities do not conflict with other peak periods on the road network or constitute, in the context of the NPPF, a severe impact on the highway.



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36. Whilst it is noted that the objector considers that there are congestion and related problems caused by parking and movement of parent and student cars in a significant number of adjacent roads and that parking restrictions should be introduced around Maplesden Noakes and Maidstone Girls Grammar School, this proposal does not give rise to any highway objections or Borough Council objections and I therefore conclude that there would be no grounds to refuse the proposal in relation to highway and transportation matters.

Community use

37. The principle of community use of the sports hall facilities at the School has already been accepted in planning terms and is encouraged by Maidstone Borough Local Plan Policy DM20 and Sport England.

38. The 2012 application established the use of the sports hall by others after school hours and the 2015 permission for the current Sports Hall was also granted with the expectation of community use and community use is taking place.

39. In relation to the 2015 permission, Sport England requested that a Community Use agreement be provided as prerequisite for community use of the sports hall in order to ensure that the development contributed to the wider overall benefit to sport and the community and to protect the amenities of the locality. Community use has been taking place since the sports hall was built. The school include information about community use and charges on their website. Sport England have not requested a similar prerequisite condition for a community use agreement in relation to this proposal and has no objection to this proposal.

40. I consider that it would be appropriate to define the hours within which community use, including use outside of school hours can take place in relation to this proposal. This would be appropriate in relation to any external community use of the proposed development.

41. The principle of community use of the existing sports hall has already been established in the 2015 planning permission. However, this does not impose any limits to hours. Given that there has been no objection to the proposal on highways grounds from the Highway Authority or from the Borough Council, and subject to there being no adverse residential amenity impacts, it is reasonable to impose a limit on hours to reflect current arrangements at the sports hall ie 0800 to 2200 hours on weekdays and weekends.

42. I also consider that it would be appropriate to restrict the community use of the proposal during the MGGs school hours such that the proposed development could not be used by the external community between 8am and 5pm Monday to Friday during MGGs term time and this can be required by condition.

43. In the interest of maintaining good community and neighbour relations, I also consider that the applicant should ensure that there are adequate arrangements in place to respond to any issues arising as a result of community use outside of the school normal hours, particularly relating to complaints or concerns raised by nearby residents and these arrangements should be set out in the lettings policy.

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Residential amenity

44. The application is located to the north east of the School and is well screened by vegetation. To the east of the site there is the London to Ashford railway line and beyond that the River Medway. This proposal is not likely to result in adverse impacts as a result of noise or lighting given the location in relation to residential neighbours. The nearest residential property is approx. 300m away in Little Buckland Avenue and approx. 195m away in Buckland Road. However, in relation to lighting I consider a condition would be appropriate to ensure that any lighting proposed has regard to the amenities of the locality and also to biodiversity matters as discussed below and in order to address the requirements of Maidstone Local Plan Policy DM8.

Biodiversity and landscaping issues

45. The proposal is located on an area of the site which is currently hardstanding. The applicant has confirmed that the proposal does not disrupt the tree belt to the east of the building and minimises encroachment of disturbance to ground and root systems and I therefore consider that the standard tree protection condition would be appropriate.

46. The proposal will require some landscaping works to be carried out although the detail of these works have not been submitted with the application and I consider that further information can be required as a planning condition. I also consider that a condition can be used in relation to details of any external lighting to ensure that any lighting has appropriate regard to biodiversity matters.

Construction impacts

47. The proposal is likely to give rise to temporary construction impacts. The applicant has agreed to submit a Construction Management Plan as a pre-commencement condition, and this can be used to control the timing of deliveries to avoid peak morning and afternoon times and also the timing of arrival of site personnel to avoid such times. A condition can be used to request submission of a Construction Management Plan.

48. The proposal is not located within the Maidstone Air Quality Management Area, is not major development and is not likely to give rise to negative air quality impacts having regard to policy DM6. I consider that the details of construction management arrangements for the control of dust during construction activity on site can be required by condition.

49. To address Environment Agency comments concerning protection of controlled waters, I am satisfied that conditions can be imposed in relation to submission of a preliminary risk assessment in relation to previous uses of the site; potential contaminants associated with previous uses and potential risks arising from contamination of the site, prior to commencement of the development. A condition can also be used to address any likelihood of unexpected contamination which may be found during development. The Environment Agency also request conditions relating to the infiltration of surface water drainage and piling or other foundation designs using penetrative methods and I am satisfied that these are also matters that can be dealt with by conditions.

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Archaeology and other matters

50. The site is located in an Area of Archaeological Potential. However, the site is located in an area that is currently hardstanding and on a surface that has already been disturbed and subject to any comments from KCC Heritage Conservation I consider that no archaeological measures are required in this instance.
51. Given that the site is also located on existing hard surface and does not impact on playing field land, Sport England have advised that they do not object to the proposal.

**Conclusion**

52. The NPPF has a presumption in favour of sustainable development which for decision making means approving development proposals that accord with an up to date development plan without delay. It would not therefore be appropriate to delay a decision on this application when the proposal accords with the development plan.
53. Whilst the proposal has drawn objection from one neighbour in relation to highway and transport impacts, the proposal has not drawn objection from Maidstone Borough Council or other statutory consultees, including the Transportation Planning as the Highway Authority and the proposal is in accordance with the development plan. The proposal seeks consent for a small extension to an existing sports hall to provide shower and changing facilities for both school and community use (although not at the same time). In addition, the proposal includes dedicated space for primary school pupils and community visits to the site to see the historic underground WWII bunker and provides additional classroom/conference facilities for the school. Other than for the primary school visits which take place during school term time, community use would only take place outside of the MGGs school day and car parking space for at least 50 cars would be available within the school site. I therefore consider that permission should be granted subject to conditions.

**Recommendation**

54. 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 being carried out in accordance with the permitted details;
  - Submission of a scheme to deal with the risks associated with contamination of the site to address comments raised by the Environment Agency;
  - Submission of a Construction Management Plan;
  - Submission of a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation prior to occupation of the development;
  - Retention/maintenance of at least 50 car parking spaces being kept available for the use of the development outside of school times;
  - Concerning prevention of drainage systems for the infiltration of surface water drainage into the ground other than with the express written consent;

## Item D2

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- Measures for dealing with unexpected contamination found to be present during development at the site;
- Concerning the prevention of piling or any other foundation designs using penetrative methods other than with the express written consent;
- Concerning limiting construction hours to 08:00 – 18:00 hrs Monday – Friday and 09:00 – 13:00 hrs on Saturday;
- Concerning tree protection during construction works;
- Restricting the hours of use of the proposal to between 0800 and 2200 hours;
- External community use of the proposal during school hours (ie between 8am and 5pm Monday to Friday during MGS term time);
- Submission of details of external materials;
- Submission of details of external lighting, including bat sensitive lighting in relation to the site boundaries;
- Submission of an updated School Travel Plan within 6 months of occupation of the development.

I FURTHER RECOMMEND that the applicant BE ADVISED of the following informatives:

- Concerning submission of a community use agreement in relation to the existing Sports Hall and concerning ensuring adequate arrangements in response to complaints or concerns as a result of community use
- Regarding general highway approval matters

Case Officer: Mrs Hazel Mallett
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Tel. no: 03000 413411
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Background Documents: see section heading
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**Item D3**

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone, Kent ME16 0TJ - KCC/MA/0107/2019 (MA/19/503387)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9<sup>th</sup> October 2019.

Application by KCC Infrastructure Division for a proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone, Kent ME16 0TJ - KCC/MA/0107/2019 (MA/19/503387)

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mr Dan Daley & Mr Robert Bird

Classification: Unrestricted

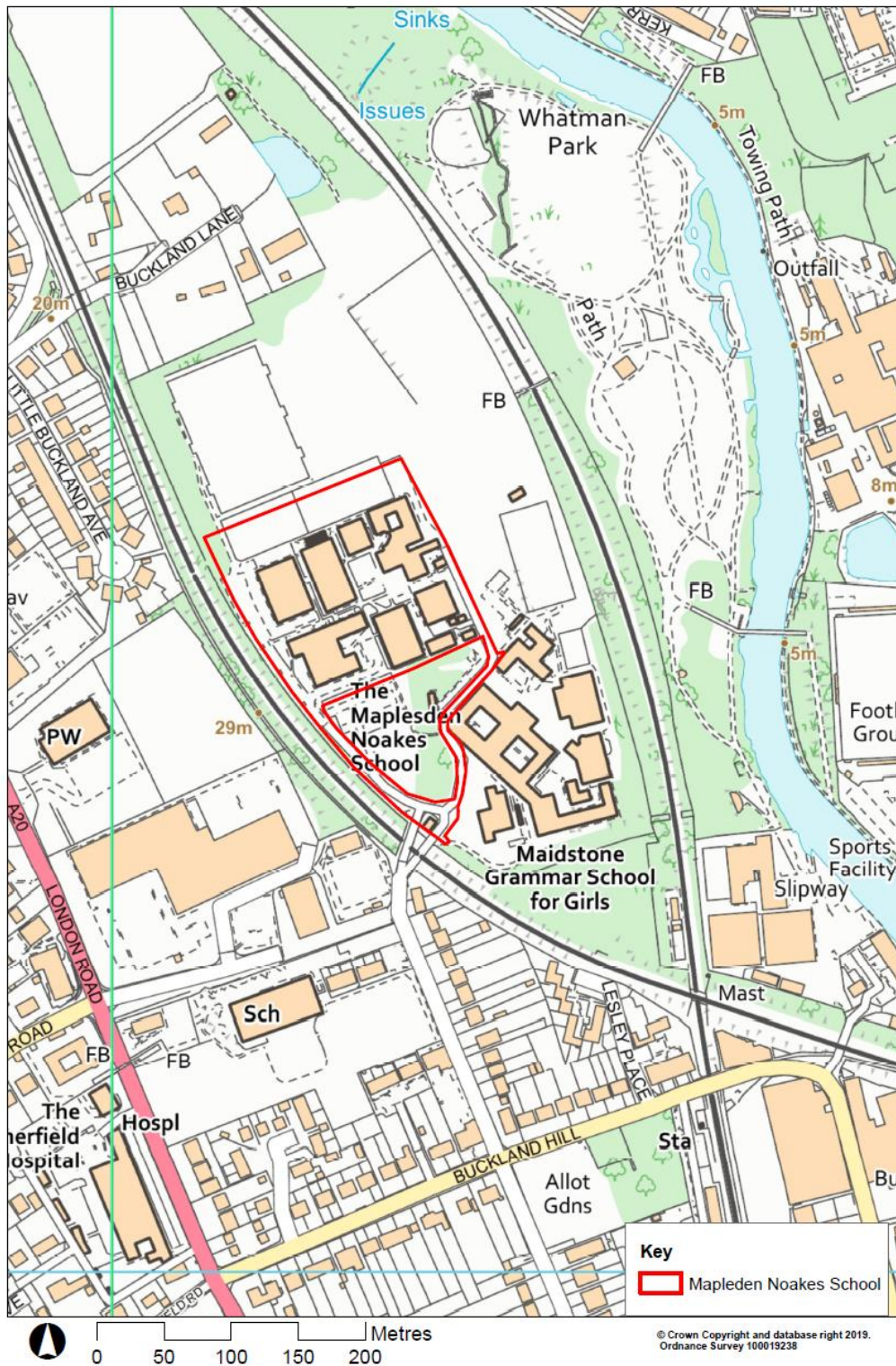
**Site**

1. The Maplesden Noakes School is located at the end of Buckland Road, which is a residential road. It has a shared access with Maidstone Grammar School for Girls with vehicular and pedestrian access via a bridge over the London to Ashford railway line. Brunswick House Primary School is located to the south west of the site, accessed via Leafy Lane.
2. The school is located to the north west of the Maidstone Grammar School for Girls site and there are some shared access routes within the school. There are no physical boundaries between the two school sites.
3. A footpath (restricted byway) runs to the west of the site between Buckland Lane and Buckland Road. A grade 2\* listed building is located to the north of the site in Buckland Lane and residential property is located to the south, west and north of the site, including a number of grade II listed buildings.
4. A railway line runs to the east of the site leading to Maidstone Barracks Station and to the west of the site leading to Maidstone East station.
5. The proposed location of the 3 storey building is in the north east of the site. The proposed additional car parking is in the south east of the site and the proposed extension to the dining area is mid site. Details are shown in the attached plans on pages D3.3.

**Item D3**

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

**General Location Plan**



**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

**Proposed Site Plan**



P06	Revised Issue for Planning. Existing Trees added according to updated Tree Survey.	SW	SR	02.08.2019
P06	Issued for Tender.	SW	SR	03.07.2019
P04	Revised Issue for Planning.	SW	SR	21.05.2019
P03	Issued for Planning.	SW	SW	26.04.2019
P02	Issued for Costing.	SW	AR	04.04.2019
P01	Issued for Design Approval.	SW	AR	08.03.2019

MAPLESDEN NOAKES  
 Kent County Council

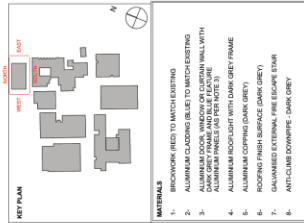
title	project ref	drawn	checked	date	scale	description
PROPOSED SITE PLAN	17-063	SW	SR	02.08.2019	1:500 @ A1	

project	originator	volume	level	type	role	number	status	revision
MPNKS - BBA - 00 - XX - DR - L - 1003	S8	P06						



**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

**Proposed Elevations – 3 storey building**



FOR ISSUE FOR PLANNING APPROVAL: 2024 AP 18.04.24  
 FOR BUILDING REGULATION APPROVAL: 2024 AP 18.04.19  
 FOR ISSUE FOR PLANNING: 2024 AP 18.03.19  
 FOR BUILDING REGULATION APPROVAL: 2024 AP 18.03.19  
 FOR APPROVAL: 2024 AP 18.03.19

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 2 FE EXPANSION  
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Kent County Council

**NEW BUILD ELEVATIONS**

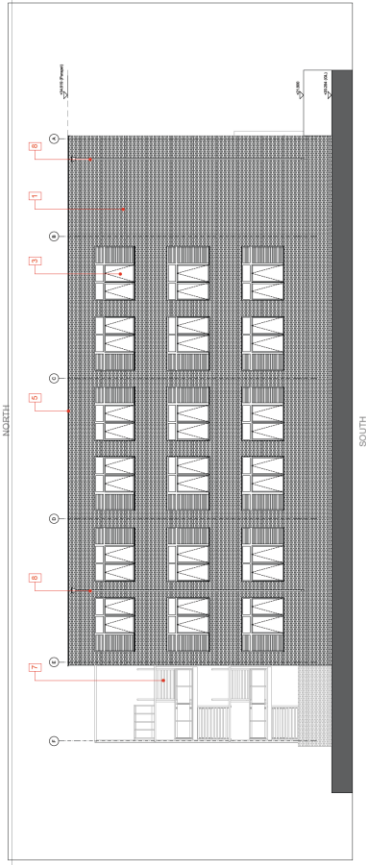
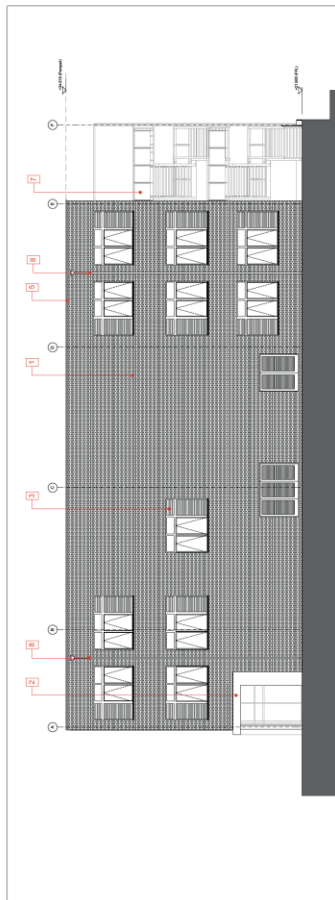
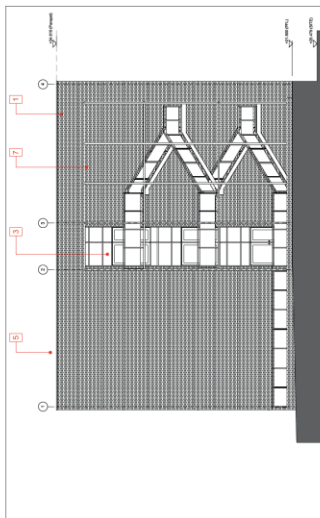
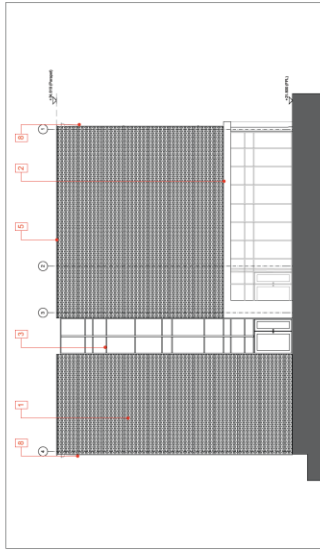
PROPOSED REF: 18/24  
 DATE: 18/04/24  
 PROJECT: 18/24  
 DRAWING: 01 - ELEVATIONS - WEST, EAST, NORTH, SOUTH

**APPKNS - BBA - 00 - ZZ - DR - A - 3001**

**SB - MATERIALS FOR PLANNING APPROVAL**

**PI04 - PRELIMINARY**

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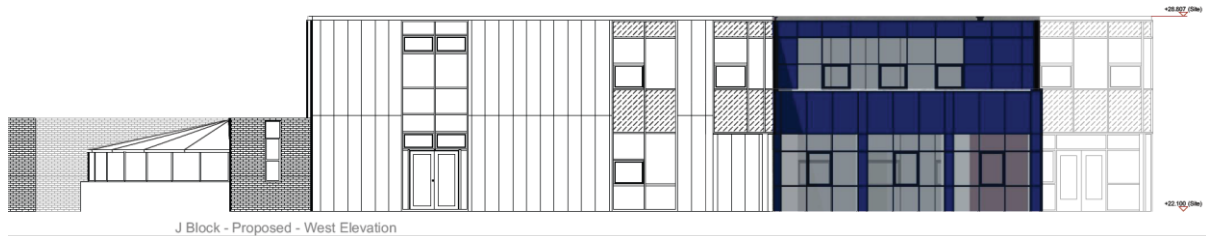




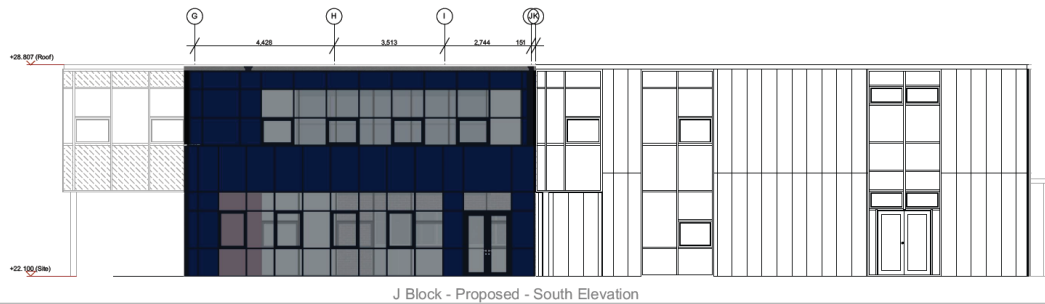
**Item D3**

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

**Proposed west Elevation – dining area**



**Proposed south elevation – dining area**



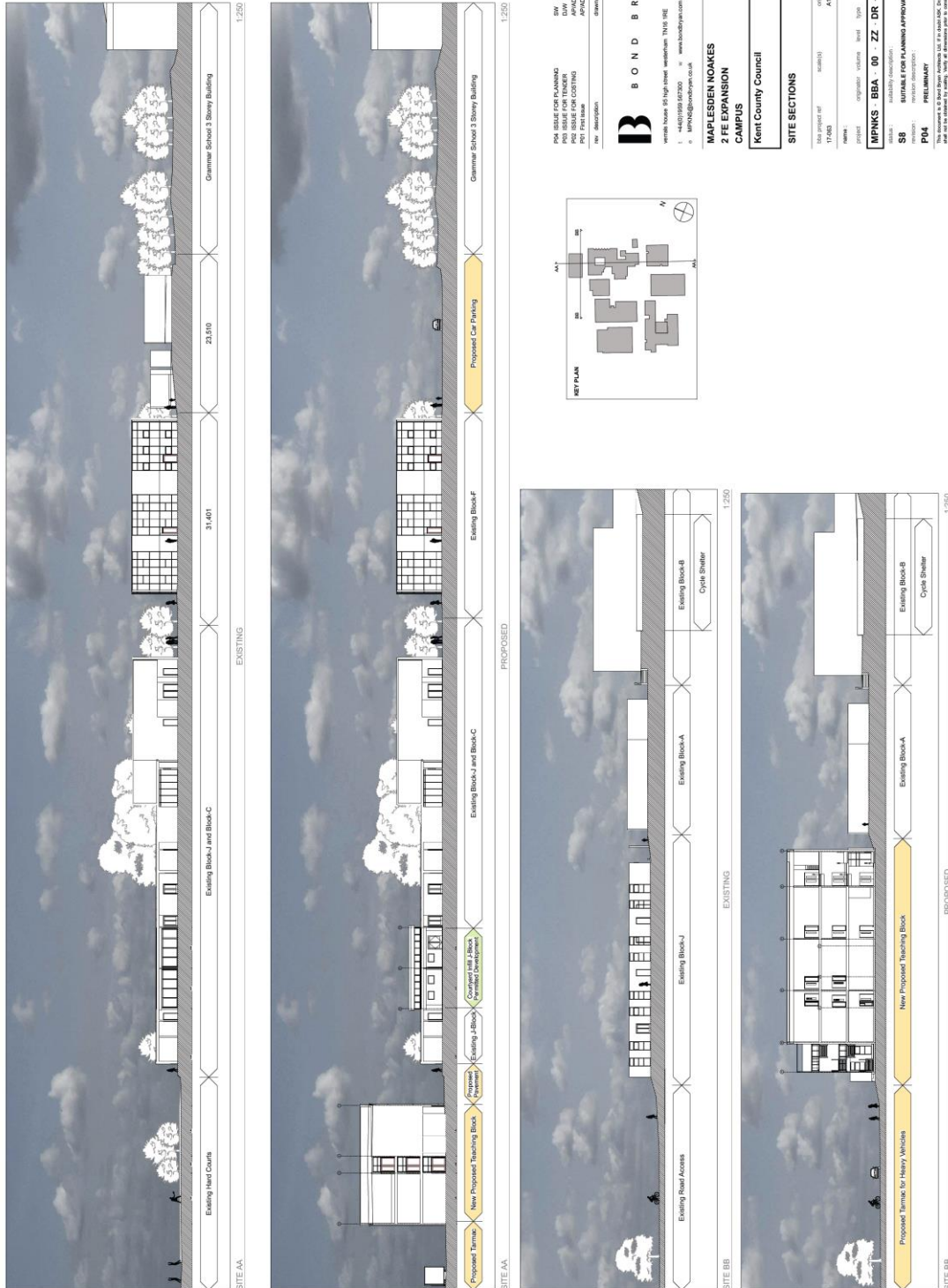
**Visual – proposed dining area extension**



PROPOSED DINING HALL EXTENSION

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

Elevations



**Item D3**

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

**Visual – looking toward north east corner**



PROPOSED SITE

MAPLEDSEN NOAKES  
Kent County Council

site	project ref	drawn	checked	date	scale	description
13-083	DJW	AR	01.05.19	NFS		VISUALS - SKETCH

VISUALS - SKETCH

project	originator	volume	sheet	type	date	number	scale	revision
MPNKS - BBA - 00 - 00 - SK - A - 0015								S8 P02

**B** BOND SYMAN

**Visual – looking toward west elevation of proposed building**



PROPOSED NEW TEACHING BLOCK

MAPLEDSEN NOAKES  
Kent County Council

site	project ref	drawn	checked	date	scale	description
13-083	DJW	AR	01.05.19	NFS		VISUALS - SKETCH

VISUALS - SKETCH

project	originator	volume	sheet	type	date	number	scale	revision
MPNKS - BBA - 00 - 00 - SK - A - 0015								S8 P02

**B** BOND SYMAN

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

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**Background**

6. Kent County Council as Education Authority has asked Maplesden Noakes School to provide additional places at the school by expanding the school from 6 to 8 forms of entry (from 180 to 240 Year 7 places each year) to meet the needs of the local school population. The Governing Body, in conjunction with Education Authority has consulted on expansion of the Maplesden Noakes School and Kent County Council has decided to proceed with an expansion of the school. Expansion is conditional upon planning permission being granted. The planning application is therefore made by Kent County Council Infrastructure Division to support the proposed expansion of the school roll as part of the statutory duty to ensure that there are sufficient school places available for years 7 to 11.
7. The school currently has 248 sixth form students although the current planned admission arrangement allows 150 in year 12 and 150 in year 13 and so there is capacity for 300 in the planned admission numbers for the sixth form. The proposal is for a basic needs expansion for years 7 to 11 and not sixth form expansion.

**Recent Site History**

8. The recent site history from 2003 is listed below

MA/13/0727	Granted 19/06/2013 by Maidstone Borough Council for the erection of two storey modern languages and business teaching block and installation of partially glazed roof over courtyard dining/social area. The permission was not implemented.
MA/13/0528	Granted by Maidstone Borough Council for the temporary siting of mobile classroom(s).
MA/06/118	Granted by KCC for the construction of an all-weather football pitch with associated fencing and floodlighting.
MA/06/42	Granted by KCC for the erection of a single storey sports hall with associated changing, storage, fitness suite and classroom.
MA/04/1169	Granted by KCC for replacement store for KCC use, retention of mobile classrooms (2 no. units) and minor relocation of groundsman store.
MA/04/102	Granted by KCC for new single storey technology block and disabled access and delivery; two storey link block between existing science/art hall extension. Final removal of mobiles and erection of groundsman's store.
MA/03/706	Refusal by KCC for a hard surface access route to the playing fields.

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

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**Proposal**

9. The proposal seeks permission for a new free standing 3 storey teaching block in the north east corner of the site; a single storey extension to the dining area; the provision of additional 22 car parking spaces and associated landscaping. This would facilitate a 2 form entry (FE) expansion to the school.
10. The existing school is 6FE with 30 students per form and 180 students admitted per year. There are 5 years between year 7 and 11 and with an existing committed “bulge” year in 2019 the total number of students is currently 960. The proposal would result in a gradual increase to the school roll by 240 places from 960 to 1200. There would be an incremental increase from September 2021 with 60 additional year 7 places each year so that over a 5 year period there would be 1200 year 7 to 11 places.
11. There is also a sixth form at the school which had 248 students in 2018/19. The current admission arrangements allow up to 300 sixth form students. The County Council in its role of Education Authority does not commission sixth form places and the proposal does not include growth in sixth form places, although the Transport Statement does allow for growth up to the current admission number of 300.
12. The proposed 3 storey teaching block is located in an area that is currently hardstanding, tennis courts and car parking and on disused playing field.
13. The proposed 3 storey extension would measure 29m long by 18m wide by 13.5m high. The building includes a galvanised external staircase to the east of the building. The proposed materials are red brickwork; blue metal cladding for feature colours; powder coated aluminium glazing with side aluminium louvres; curtain walling; aluminium powder coated glazed doors; dark grey aluminium coping’ roofing finish, downpipes. The proposed building has a flat roof and an area is allocated for the future provision of PV panels.
14. The proposed building would accommodate 4 x IT suites; 9 classrooms 1 learning resource centre, storage areas toilets and staff areas.
15. The proposal also includes a 100sqm single storey extension of the dining area at the south of Block J and west of block C. The height of the proposed dining extension is 4.35m whereas the existing building is 6.82m high.
16. No changes are proposed to the existing vehicle access arrangement which provides access from Buckland Road. There is no drop off and pick up area within the site. Additional car parking is proposed to be spread across the site and in the south east corner of the site. 40 new spaces are proposed and as the proposed building would displace 18 car parking spaces there would be a net increase of 22 spaces, 2 of which would be disabled bays. The overall on site parking would increase from 89 to 111 spaces. 34 Additional cycle parking spaces are proposed to the west of the existing cycle shelters at the site, on an area that is currently grass.

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

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17. The proposal includes new fencing; planting and regrading works and would result in the removal of 1 category B Ash (T12). Works to prune selected trees would also be required to allow crane access to the construction site or tree protection fencing installation.

**Planning Policy**

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

(i) **National Planning Policy Framework (NPPF) February 2019** and the **National Planning Policy Guidance** (first published in March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance 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, the NPPF guidance and objectives covering the following matters are of particular relevance:

Promoting healthy and safe communities, including promoting social interaction and enabling and supporting healthy lifestyles and providing social and recreational facilities to meet community needs. 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;

Promoting sustainable transport, including the requirement for developments that generate significant amounts of movement to provide a travel plan and for the application to be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed;

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;

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

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Achieving the requirement for well-designed places including high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Meeting the challenge of climate change, flooding and coastal change;

Conserving and enhancing the natural environment in relation to habitats and biodiversity, ground conditions and pollution including ensuring that new development is appropriate for the location;

Conserving and enhancing the historic environment;

Facilitating the sustainable use of minerals.

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

(iii) **Maidstone Borough Council Local Plan (adopted October 2017)**

- Policy SP 1 **Maidstone urban area.** Defines the focus for new development seeking to achieve a good place to live and work by seeking to achieve development in a way that contributes positively to the locality's distinctive character. (The policy includes support for additional secondary school capacity including one form entry expansions of the Maplesden Noakes School).
- Policy SP 17 **The Countryside.** Relates to all those parts of the plan area outside the settlement boundaries of the Maidstone urban area and seeks to achieve development proposals that will not result in harm to the character and appearance of the area and the retention of the separation of individual settlements.
- Policy SP 18 **The Historic Environment.** Seeks to protect and where possible enhance the characteristics, distinctiveness, diversity and quality of heritage assets including through the development management process, by securing the sensitive management and design of development which impacts on heritage assets and their settings.
- Policy SP 23 **Sustainable transport.** Seeks to mitigate the impact of development, where appropriate, on the local road networks and protect and enhance public rights of way; ensure the transport network provides inclusive access for all users; and address the air quality impact of transport.

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

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- Policy ID 1 **Infrastructure Delivery.** Seeks to encourage and support infrastructure schemes that are brought forward by service providers where they are in accordance with other policies in the local plan.
- Policy DM 1 **Principles of good design.** Covers the principles of good design which proposed development should accord with, including reference to permeable layouts; responding to local natural or historic character and incorporating a high quality, modern design approach; high quality public realm; respecting the amenities of occupiers of neighbouring properties; respecting natural features such as trees and hedges; high quality design which responds to surrounding areas; maximising opportunities for sustainable development; protecting on-site biodiversity; safely accommodating vehicle and pedestrian movements; incorporating security measures to design out crime; avoiding areas at risk of flooding; incorporating adequate storage of waste and recycling; and providing adequate vehicle and cycle parking; and being flexible towards future adaptation in response to changing life needs.
- Policy DM 2 **Sustainable design.** Where technically feasible and viable, non-residential developments should meet BREEAM very good standards addressing maximum water efficiencies under the mandatory water credits and energy credits.
- Policy DM 3 **Natural environment** The policy seeks to protect and enhance the natural environment through measures to protect landscape character, avoid inappropriate development, control pollution, enhance biodiversity, maintain and manage natural assets, mitigate for climate changes, and positively contribute to the improvement of accessibility to natural green spaces. It seeks to ensure that where appropriate an ecological evaluation of development sites is made to take full account of biodiversity present, as well as arboricultural assessments and landscape/visual impact assessments.
- Policy DM 4 **Development affecting designated and non-designated heritage assets.** Seeks to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting. Where appropriate, development proposals will be expected to respond to the value of the historic environment by the means of a proportionate Heritage Assessment which assesses and takes full account of: any heritage assets, and their settings, which could reasonably be impacted by the proposals; the significance of the assets; and the scale of the impact of development on the identified significance. Where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Policy DM 6 **Air Quality.** Seeks to ensure that the impacts to air quality in Air Quality Management Areas and identified exceedance areas are appropriately considered and that the air quality impacts of the development will be



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mitigated to acceptable levels, and that the air quality impacts of the development will be minimised.

Policy DM 8 **External lighting.** Seeks to ensure that proposals for external lighting use the minimum amount of lighting necessary to achieve the proposed purpose and that the design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways; and the lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes.

Policy DM 20 **Community facilities.** The adequate provision of community facilities, including social, education and other facilities is an essential component of residential development. Where appropriate the dual use of education facilities (new and existing) should be encouraged for recreation and other purposes.

Policy DM 21 **Assessing the transport impacts of development.** Proposals must demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts; provide a satisfactory Transport Assessment and a satisfactory Travel Plan; and comply with the requirements for the policy for air quality.

Policy DM 23 **Parking standards.** Vehicle parking for non-residential uses will need to take into account the accessibility of the development and the availability of public transport; the type, mix and use of the development proposed; whether development proposals exacerbate on street car parking to an unacceptable degree; and the appropriate design and provision of cycle parking facilities.

Policy DM 30 **Design principles in the countryside.** Outside the settlement boundaries proposals which would create high quality design will be permitted if they meet criteria relating to materials, siting, mass and scale; impact on appearance and character of the landscape; would not result in unacceptable traffic levels; be of a scale which relates sympathetically to the existing building and rural area.

**(iv) Kent Minerals and Waste Local Plan 2013-30 (2016)**

Policy DM7 **Safeguarding mineral resources.** Seeks to safeguard mineral resources from non-mineral development.

In addition, the Kent Minerals and Waste Local Plan Safeguarding Supplementary Planning Document (2017); Kent Design Guide (2005); Kent & Medway Structure Plan 2006: SPG4 Vehicle Parking Standards and Maidstone Borough Landscape Character SPD are material planning considerations.

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

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(v) Sport England Guidance

Sport England's Planning for Sport Guidance (June 2019) which sets out Sport England's support of the NPPF and the importance of promoting healthy communities and achieving sustainable development.

**Consultations**

19. The consultees have the following comments to make on the planning application.

**Maidstone Borough Council:** Raises no objection to the proposal

**Transportation Planning:** Raise no objection to the proposal subject to conditions concerning submission of a construction management plan; provision and permanent retention of the vehicle parking spaces; provision and permanent retention of the vehicle loading/unloading and turning facilities; provision and permanent retention of secure covered cycle parking facilities and annual revision of the School Travel Plan with reporting on the School's web site.

**Sustainable Drainage:** Raise no objection to the proposal and comment that the existing drainage on site is to be retained and continue to be used after development and that there are no objections to the continued use of the drainage system. They advise that the existing soakaways on site are assessed and if needed are cleansed to ensure they continue operating as intended into the future. They recommend conditions are attached requiring submission of a detailed surface water drainage scheme prior to commencement and submission of a Verification Report, pertaining to the surface water drainage system before any building on site.

**Environment Agency (Kent Area):** Raise no objection subject to planning conditions are imposed to address the possibility of finding contamination during development works at the site; consent to be sought for drainage systems for the infiltration of surface water drainage into the ground; piling or any other foundation designs using penetrative methods.

**Sport England:** Raise no objection to the proposal and states that Sport England is satisfied that the proposed development meets exception 3 of playing fields policy, in that the proposed development affects only land incapable of forming part of a playing pitch and does not reduce the size of any playing pitch, result in the inability to use any playing pitch, reduce the sporting capacity of the playing field to accommodate playing pitches, result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any remaining areas of playing field on the site.

**Historic England:** Do not wish to offer any comments and suggest that the views of the KCC specialist conservation and archaeological advisers are sought as relevant.

**County Archaeological Officer:** Advises that no archaeological measures are required in this instance.

### Item D3

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

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**Kent County Council Conservation Officer:** Raises no objection to the proposal.

**Natural England:** Have no comments to make on this application.

**Biodiversity:** Comment that the ecological information submitted with the application shows that there is limited potential for protected species to be present, including roosting bats (within the buildings), reptiles and badgers, within the site due to the current management of the site and the lack of suitable bat roosting features within the buildings. The submitted information has detailed the following: Tree T41 has some low potential to be used by roosting bats but will not be impacted by the development; nesting birds may utilise the vegetation and buildings on site; bats may forage along the vegetated boundaries. To ensure the impact on the above species groups is minimised we advise that all breeding birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and that informatives are included regarding nesting birds. In relation to bats it is advised that if the plans change and tree T41 will be impacted by the works, details of a precautionary approach must be implemented when the tree is being felled. Lighting can have a negative impact on bats and therefore we advise that if any external lighting is proposed a bat sensitive lighting plan must be secured as a condition of planning permission. Comment that one of the principles of the National Planning Policy Framework is that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”*. The ecological report has made a number of recommendations to enhance the site but the site plans do not demonstrate what enhancements will be incorporated in to the site and a condition is suggested for this.

**Mineral and Waste Planning Policy:** Raise no objection to the proposal.

**Network Rail Infrastructure Limited:** Have no comments to make on the proposal.

**Kent Fire and Rescue Service:** Comment that the means of access is considered satisfactory.

**South East Water:** Does not object, however comments that if the plan is to increase the amount of water used on site then an application will need to be sent to its developer services department. If the plans will interfere with its infrastructure a mains diversion may be required or short term protection while any works are carried out so as not to damage its mains. South East Water can be contacted to provide the relevant utility drawings and can advise on next steps.

#### Local Member

20. The local County Member(s) for Maidstone Central, Mr Dan Daley and Mr Robert Bird were notified of the application on 2 July 2019. No views have been received to date.

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

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**Publicity**

21. The application was publicised by the posting of two site notice(s), an advertisement in a local newspaper, and the individual notification of 46 nearby properties.
22. In addition to the publicity undertaken by the Planning Authority, the Education Authority undertook public engagement concerning the proposals prior to the submission of the planning application.

**Representations**

23. In response to the publicity, 4 letter(s) objecting to the application, 2 of which were from the same person, were received. The key points raised can be summarised under the following headings as follows:

Highways and traffic related matters

- The proposal and the resulting year-on-year increase in the school roll, would lead to an intensification of the traffic-related problems in the surrounding area, to the detriment of the local community.
- It is considered that the planning statement at paragraph (6.53) “in the light of the assessment and conclusions documented in the accompanying Transport Statement it is considered that the proposal is acceptable in respect of its impact on the local highway network and the level of parking proposed” is misleading.
- The traffic survey does not truly represent the traffic in this area and questions whether it was taken during school holidays.
- The research process which was undertaken into local highway issues was flawed, as the Transport Statement makes no mention of the fact that students are forced to park on adjacent roads, and it is stated that the only roads which were included in the survey were Buckland Road, Buckland Hill and Leafy Lane.
- The Transport Statement refers to the controlled parking zones around the school and surrounding streets which “should prevent staff and older sixth form pupils who are of driving age from driving to school and parking on streets around the site.’ Other badly affected roads have been ignored, ie Little Buckland Avenue, Buckland Lane, Cloudberry Close, and the Queens Road area: these do not have the benefit of the parking restrictions which are described. In addition, those restrictions serve to push student cars further away from the schools and into other roads.
- Expecting the school to monitor any worsening of traffic issues effectively as part of its own travel plan reviews is unrealistic: ongoing involvement by professionals from the local authorities will be essential.
- That the 22 extra parking spaces will be for the use of members of staff. No mention is made of allowing students to park on the site, and yet it is the students’ vehicles which cause many of the parking problems in nearby roads.
- That the revised School Travel Plan, seeks to prevent parent drop offs and Sixth Form students gaining access to and parking within the site and that the School seeks to encourage students to park off the site in adjoining roads.

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- That KCC and MBC should work together to introduce effective parking restrictions in all local roads which are affected by vehicles related to Maplesden Noakes School and Maidstone Grammar School for Girls for the benefit of local residents.
- There should be no intensification of usage on this whole joint school site until all of the above issues have been addressed properly, to mitigate all traffic-related problems which are suffered by the local community.
- Comment that their drive is often blocked at school times - this can only get worse and that the road is often in gridlock due to the “drive blockers” covering the only passing points on the road.
- Comment that damage to fence post has repeatedly occurred by turning cars, and concern that it is the height of a small child.
- None of the schools appear to take any responsibility for the chaos created in Buckland Road. Buckland Hill is at a standstill during school drop off and pick up times, along with Leafy Lane and the London Road. Pedestrians walking along Buckland Road at 3.30 get forced into the road.
- Little Buckland Ave was not one of the roads included in the survey. This road becomes extremely congested during drop off and pick up times, with parents parking across drives and refusing to move at times and with student parking.
- There is blasé mention of highway issues in the applicants Statement of Community Involvement.

Air Quality

- Concern that the air quality must be very poor in traffic gridlock.
- View that Allington is the worst polluted area of Maidstone and extending the school to accommodate further pupils will exacerbate the situation. The additional pollution from transport increase the number of young children (at Brunswick House Primary) and teenagers at the secondary school suffering from carbon dioxide related illness like asthma.
- A view that there are plenty of other schools within the Maidstone area that could be extended to take the additional pupils that are not located in the most highly polluted area of Maidstone.

Other matters

- The Consultation Summary that was undertaken by the Education Authority and which was provided in the planning application is misleading and does not include one of the objections made and that this should be rectified.
- Students from Maplestone Noakes (identifiable by their school uniform) are “smoking drugs in the alleyway that runs from the school gates along the railway to Little Buckland Ave and Buckland Lane before, during breaks and after school. This encourages drug dealers to Allington. Extending the school is not a good idea and if extension is to go ahead CCTV in the alley should be included.
- The planting on any site should consist wholly of native species.

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**Discussion**

24. This proposal is being reported to the Committee because of the neighbour objections received. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 18 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:

Need for the development

25. In considering proposals for the creation, expansion and alteration of Schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in paragraph 55 of the NPPF

26. This proposal arises from the role of the Local Authority as Strategic Commissioner for school provision and the Local Authority's duty to ensure that there are sufficient school places. To meet this role, the County Council seeks to increase the published admission number from 180 places to 240 places from September 2021 subject to planning permission being granted as the expansion would need a phased programme of works. This includes works for a new 3 storey building and single storey extension to the dining area and additional parking to accommodate expansion.

27. Maidstone Borough Council's Local Plan includes policy support for additional secondary school capacity and identifies a need for 1FE at Maplesden Noakes and at Maidstone Grammar School for Girls in Policy SP 1. Whilst weight can be given to the SP1 policy support for this proposal it should be noted that the 2FE expansion is not fully supported by policy SP1. However, there is strong national planning policy support for ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and Local Planning Authorities are encouraged to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education, giving great weight to the need to create, expand or alter schools. The Policy Statement – Planning for Schools Development (15 August 2011) states that the Government seeks to enable new schools to open, good schools to expand and all schools to adapt to improve their facilities.

28. The County Council's Commissioning Plan recognises the need for additional secondary school places in the Maidstone area. This need has also been reflected in the Maidstone Borough Council Local Plan. This planning application seeks the necessary

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planning consent to deliver this identified need. In the light of this and the national policy support for ensuring sufficient school places. I therefore conclude that there is a need for development to provide for increasing numbers of children at the Maplesden Noakes site, subject to other planning considerations being satisfied. These considerations are discussed below.

Location of the development

29. The application describes in the Statement of Community Engagement that it had previously been proposed that the 3 storey building would be located to the south east of the site near to the boundary line between the Maidstone Girls Grammar School and Maplesden Noakes and in a location where permission had previously been granted by Maidstone Borough Council (MA/13/0727) for a new two storey building which was never implemented. However, the current proposal for the new teaching building is in the North East corner of the site and parking is proposed in the south east corner of the site. The amended location in this proposal arises as a result of the applicant's prior consultation with Maidstone Grammar School for Girls.
30. The timescale for implementation of the earlier Maidstone permission (MA/13/0727) has expired. It should also be noted that this proposal includes car parking within the area of the site that would have been subject to the 2 storey building allowed by the Maidstone Borough Council MA/13/0727 permission.
31. The location for the proposed teaching building at the north east corner of the site would take up space currently used as hard surface, courts and car parking. It would be grouped with existing development within the site. The location of the proposed parking is on an area of the site which is currently occupied by prefabricated and concrete buildings, storage containers and soft landscaping and would require the removal of 1 tree (T12). The proposed dining hall extension is in an area currently used as courtyard.
32. The Maplesden Noakes site is predominantly (but not entirely) outside the Maidstone Urban boundary. The Maidstone Grammar School for Girls site buildings are predominantly in the urban area. Policies relating to the Maidstone Urban Area and the Countryside apply within the Maplesden Noakes site area.
33. The site is also located in an area of safeguarding of mineral resources for Kentish Ragstone. However, given that the nature of the material and the extent of development surrounding the area (within an established school site), it is accepted that extraction of the mineral would not be viable or practicable and there is no objection in mineral safeguarding terms.
34. Given the above, I conclude that the proposal is appropriately located within the existing school site. Whilst elements of the proposal would be outside the urban area, I am satisfied that they are immediately adjacent to the urban area and that given the policy support in SP1 the development in this part of the site is acceptable.

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Highways and Traffic Matters

35. National Planning Policy and Local Planning Policy seeks to address the highways and traffic impacts of development proposals. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF indicates that the travel plan is a key tool for promoting sustainable transport.
36. Local residents have objected to this application on highway, traffic and parking impacts and consider that the proposal and increase in the school roll, would lead to an intensification of the traffic-related problems in the surrounding area, to the detriment of the local community.
37. Kent County Council Transportation Planning have been consulted on the application and raise no objection, subject to conditions concerning submission of a construction management plan; provision and permanent retention of the vehicle parking spaces and/or garages; provision and permanent retention of the vehicle loading/unloading and turning facilities; provision and permanent retention of secure covered cycle parking facilities and annual revision of the School Travel Plan with reporting on the Schools web site. Transportation Planning consider that the additional vehicles that will be generated by the proposal will be spread across the nearby urban network to collect children and not be concentrated in the dead-end section of Buckland Road where the use would be inconvenient and inefficient. They comment that in the mornings the drop off locations would be more widely dispersed.
38. The Highways Authority also note that whilst the increase in pupil numbers is significant, the use of sustainable transport at Maplesden Noakes is high and that the immediate urban network lends to a variety of opportunities for picking up and dropping off which dilutes the transport impact of the increase in the school roll. Their view is that the impact of the application would not be regarded as severe and there is no evidence to indicate that the proposal would lead to an unacceptable impact on highway safety.
39. The school site is served by bus routes on the A20 and two railway lines in the vicinity.
40. However, it is considered by residents that the supporting Traffic survey and Transport Statement contains flaws in relation to the timing of the survey and the extent of the survey in that some of the local roads which become congested at drop off and pick up times were not included in the survey. The applicant has clarified that the travel survey was carried out with reference to established and recognised parking survey methodology and that the surveys were carried out in March 2019 during school term time. The survey area included Buckland Road, Buckland Hill and Leafy Lane with reference to a 500m walk distance from the school.
41. Some of the neighbour concerns received relate to the impacts of sixth form students parking during the school day. The Transport Statement states that the school and surrounding streets are in controlled parking zones which should prevent staff and older sixth form pupils who are of driving age from driving to school and parking on streets around the site. Neighbours have objected to this because beyond the controlled



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parking zones there are roads (such as Little Buckland Avenue, Buckland Lane, Cloudberry Close, and the Queens Road area) where there are no parking restrictions and where students can therefore park throughout the school day. This concern relates to the impacts further from the site from sixth form parking whereas this application concerns providing adequate facilities for an increase to years 7 to 11 only. As the proposal relates to years 7 to 11 this will not change the current situation in relation to sixth form student parking and the Transport Survey undertaken, including the timing and extent is considered by the Highways Authority to be acceptable.

42. As a result of the proposal and to support expansion at the school the number of on site parking spaces for Maplesden Noakes school would increase from 89 to 111 spaces. The proposed teaching building is partially sited on an existing 18 space car parking area and so 40 new spaces would be created resulting in an overall increase of 22 spaces. There would be 20 additional FTE members of staff as a result of the proposal.
43. Local residents consider that the 22 extra parking spaces will be for the use of members of staff and that it is the students' vehicles which cause many of the parking problems in nearby roads. They say that the School Travel Plan including a policy to restrict students from parking onsite does not help this and the school has no on site student parking. This planning application does not change the existing arrangements relating to sixth form parking which is not currently provided for within the site. Neighbour concerns regarding the provision for sixth form cannot be addressed via this application which relates to expansion for years 7 to 11 only. Any resultant increase to the sixth form accommodation would need to be subject to a further planning application and the transport implications of this would need to be assessed at that time.
44. Neighbours have also expressed a view that Kent County Council and Maidstone Borough Council should work together to introduce effective parking restrictions in all local roads which are affected by vehicles related to Maplesden Noakes School and Maidstone Grammar School for Girls. This application only concerns the Maplesden Noakes School and must be considered on its own merits. Transportation Planning have not raised objection to the proposal or requested that any decision be subject to extended parking restrictions in the locality and I therefore conclude that the parking restrictions that are suggested by neighbours are not justified in order to make the proposal acceptable in planning terms and on highways grounds.
45. The applicant has submitted a draft School Travel Plan with the application which aims to promote sustainable modes of transport. It is stated that it will be reviewed and updated annually and I am satisfied that a condition can be used to require this.
46. However, neighbour comments question the value of the travel plan without ongoing involvement by professionals from the local authorities. Whilst the travel plan annual updates are normally submitted by the school using the Jambusters system, I consider that it would be appropriate to require submission of a full revised travel plan for approval by the County Planning Authority should Members decide in favour of this proposal. This would allow the travel plan to be revised with up to date information and formally submitted to allow review of the submitted information via our consultation with

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the School Travel Planner, Maidstone Borough Council and Highway Transportation, within 6 months of occupation of the new teaching building.

47. Furthermore, the applicant suggests that they will monitor school drop off and pick up impacts on the public highway and mitigate reactively if required in response, by providing additional travel planning measures or school management measures such as yellow jacket marshalling at the school gates and possible staggered start and finish times. An update within 6 months of occupation would allow a review to reflect any additional measures early on and would also allow inclusion of the air quality mitigation measures discussed in paragraph 51 below.
48. Some of the neighbour comments received relate to parent / driver behaviour. Inconsiderate and antisocial behaviour from parents and drivers is not something that the Planning Authority can control. However, these behaviours could in part, be addressed through School Travel Plan actions working to achieve better driving behaviour and greater consideration to the neighbouring environment.
49. Local representation have also commented about the way that highway issues are referred to in the Applicant's Statement of Community Involvement. The Statement of Community Involvement includes references to the proposal's impacts on traffic, highway and parking matters and refers to their Transport Statement and Travel Plan findings. It summarises findings in relation to the highway impacts. Given that no objection has been raised from Transportation Planning I do not consider that the content is incorrect or unacceptable in this regard.
50. To conclude this section, Transportation Planning raises no objection to the proposal subject to their recommended conditions. Whilst it is acknowledged that the proposal would increase traffic to the site, it is considered that impacts would not be considered to be such that there would be an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe or contrary to the NPPF requirements. Taking account of the Highways Authority comments and subject to the imposition of the conditions outlined in paragraph 90, I am satisfied that the development would not have a significantly detrimental impact on the local highway network so as to warrant refusal of the proposal.

Air Quality

51. In assessing the transport impacts of development, Policy DM21 also requires that development proposals demonstrate that major development complies with the requirements of policy DM6 for air quality.
52. Neighbours have expressed concerns about worsening of air quality and resultant health issues as a result of the proposal and a view that other schools within less highly polluted areas of Maidstone area should be extended instead of Maplesden Noakes. However, a decision on the merits of this proposal is required given that this is the application that has been submitted.

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53. The proposal is located near to but is not within the Maidstone Town Air Quality Management Area (the boundary of Air Quality Management Area was revised in 2017 and is shown in Appendix 1 of Maidstone Borough Council Air Quality Guidance November 2017).
54. The proposal is a major development and is partially within the Maidstone Urban Area. The applicant has therefore submitted an Air Quality and Emissions Mitigation Assessment in order to demonstrate how the air quality impacts of the development would be mitigated to acceptable levels as required by policy DM6. The Assessment states that the main source of pollution in the area is road traffic and the relevant air pollutants for consideration are nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). The applicant's assessment concludes that the potential air quality impact of the Proposed Development is considered to be 'Low/ Imperceptible'.
55. The Maidstone Air Quality Planning Guidance, requires the air quality impacts of the proposal to be measured and an emissions mitigation calculation to be carried out, the result of which is an exposure cost value to be spent on mitigation measures to be incorporated into the design of the development. In addition, it requires provision for minimising dust emissions from demolition and construction works. Measures to address dust are included in the applicant's submission, and a Dust Management Plan can be required by condition. A construction environmental management plan and construction logistics plan can also be required by condition to address dust impacts during the construction phase and construction related transport impacts. By including the proposed dust mitigation measures the applicant concludes that the residual impacts during construction are insignificant.
56. Based on the results of the Applicant's emission mitigation calculations, a total cost of £8,143 should be spent on measures aimed at mitigating air quality. The applicant has confirmed that the proposed mitigation measures within the application are:
- 10% of all new parking spaces are to be designated electric charging bays.
  - Eco-driver training and provision of eco-driver aid to all staff members. To be conducted annually for the first 3 years.
  - Designation of parking spaces for low emission vehicles. This could be monitored as part of the School Travel Plan.
  - Support local walking and cycling initiatives as part of the School Travel Plan.
57. By including the mitigation measures the residual impacts during the operational phase are considered by the applicant to be insignificant. Given that the Borough Council have not objected to the proposal I consider that in this case, subject to the inclusion of conditions requiring the mitigation measures to be implemented, the proposed mitigation is acceptable. In addition, measures to minimise dust emissions during construction in accordance with the submitted details can be required by condition as discussed above.

Design and sustainability

58. The design, massing and siting of the built development as proposed has not met with objection. The existing buildings within the Maplesden Noakes site are predominantly 1

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or 2 storey high, the majority are flat roof although there are 2 buildings that have a pitched roof. There are a range of external building materials including brickwork, light grey/white render panels, blue cladding. There is a range of flat roof and pitched roof buildings within the site. Rainwater goods are a mix of UPVC and aluminium and white or dark grey. Windows in general are dark grey or white UPVC or aluminium. Beyond the Maplesden Noakes site and to the south of the site, buildings there is a mix of between 1 and 3 storey teaching blocks within the Maidstone Girls Grammar site.

59. As set out in paragraphs 9 to 17 of this report, the proposed teaching block would be finished in a combination of red brickwork; blue metal cladding for feature colours; powder coated aluminium glazing with side aluminium louvres; curtain walling; aluminium powder coated glazed doors; dark grey aluminium coping' roofing finish, downpipes and the dining extension would be finished in blue cladding and curtain walling system materials to match the existing building. However, in my view, it would be appropriate to seek further and final details of all materials to be used externally pursuant to a condition, should permission be granted. Subject to the imposition of that condition, I do not consider that the design of the building would have a significantly detrimental impact upon the appearance or amenity of the locality.
60. The proposed teaching block and dining extensions are in locations that would not impact upon residential amenity due to the degree of separation and the significant level of boundary screening. The siting is, in my view, logical and practicable, and I am satisfied that the built development as proposed would not adversely affect local amenity and/or the wider landscape.
61. The applicant advises that sustainable design has been integrated into the building concept in that the proposal would meet with Part L2A of the current building regulations without the need for renewable energy installations. The applicant has also clarified that the Energy performance statement is based upon the conservation of fuel and power in new buildings and the Education Funding Agency (EFA) Output specifications. This includes in relation to design life specifications; insulation and choice of materials.
62. The inclusion of a PV array of 40m<sup>2</sup> of solar panels would reduce the carbon emissions by a further 10%. The proposed building has sufficient roof capacity to accommodate PV panels and the applicant has submitted a roof plan showing where PV panels could be located in the future if required although the currently cost savings from installation would be minimal compared to the installation costs. Therefore, the applicant has stated that PV panels do not currently form part of the application. The application does make clear that they could be installed and would contribute towards a reduction of carbon emissions. I therefore consider that the applicant should be encouraged to review and further consider installation of PV panels prior to occupation of the development via an informative.
63. Policy DM2 requires non-residential development where technically feasible and viable to meet BREEAM Very Good including in relation to water efficiency. In this case, the applicant states that the proposal is not a BREEAM project therefore no rating is applicable. The proposals are designed to meet DfE requirements with an emphasis on Energy Efficiency as documented in the Energy Statement included within the

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application. The applicant has further clarified that the aspiration of the proposal is to meet an equivalent rating to BREEAM Very Good, had this been a BREEAM rated project.

64. It is noted that in response to air quality mitigation, 10% of all new car parking spaces are to be designated as electric charging bays, ie 3 electric charging bays which would contribute to sustainability of the proposal. Given that Maidstone Borough Council have not objected to the proposal I conclude that the proposal meets the Maidstone design and sustainable design policy requirements.

Landscape

65. The school is located partly in the Maidstone Urban Area and partly in the Countryside. It is not located within any sensitive landscape designations and not in the AONB or Green Belt. Access routes to the site and proposals relating to the demolition of buildings to the south of the site in order to create parking space are in the urban area where policies SP1 apply and proposals to the north of the site including the new teaching building area regarded as being in the countryside where policy SP17 applies. Policy SP17 requires account to be taken of the Maidstone Borough Landscape Character Guidelines SPD and landscape planting suggestions.
66. The teaching building is located to the north east of the site within the built up footprint of the site where there is currently hard surfacing. The land falls from higher ground in the west towards the east and so the proposed location is in an area where the visual impact is minimised. Given that the fenced and floodlit all weather football pitch is located to the north east of the site, and that this proposal is grouped within the context of the other school buildings and play areas, views towards this new proposal would be seen in the context of the whole development. The extension to the dining area is within the middle of the site and screened by the existing buildings and the proposed car parking to the south east of the site is also located within areas that are grouped with existing development and require the removal of 2 existing prefabricated buildings, 2 metal storage containers and 1 existing concrete building. Soft landscaping and surfaces would also need to be amended in the area. This meets the requirement of policy DM30 which relates to siting new buildings adjacent to existing buildings or unobtrusively located and well screened by existing and proposed vegetation reflecting the landscape character of the area.
67. With regard to the landscape planting proposed, the application includes replacement planting for the ash tree that is being removed and landscape planting including a 13.5m section of hedge and 367m<sup>2</sup> of shrub planting. The species chosen do not include native varieties and this has given rise to neighbour objection in that the proposed planting on any site should consist wholly of native species. Policy DM1 and DM30 requires particular attention in rural and semi rural areas to the retention and addition of native vegetation appropriate to landscape character around boundaries in order to assimilate development in a manner that reflects the local character of the area. However, the policy does not exclude non-native species. The applicant states that the planting proposed was based on ecological value, ease of maintenance, defensive planting, and fulfilling requirements for non-toxicity. The Maple was chosen because of

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the link to the school name. Should Members decide in favour of the application I am satisfied that a planning condition can be used to include some native species.

68. I also consider that Arboricultural matters in relation to tree and root protection, as set out in the Arboriculture information submitted with the application can be required by condition.

Historic Environment

69. The site is located within an area of Area of Archaeological potential. The application includes an Archaeological Desk Based Assessment. Our consultation with the County Archaeological Officer concludes that no archaeological measures are required in this instance.

70. To the north of the site there is a grade II\* listed building at Little Buckland Farm Cottage. The boundary is approx. 128m from the proposed site for the 3 storey building. The boundary between Little Buckland Farm Cottage and the site is well screened by vegetation. As the proposal is a Grade II\* listed building I have consulted English Heritage who have no comments to offer and the County Council's Conservation Officer who also has no objection to the proposal. Maidstone Borough Council also have no objection.

71. A number of other grade II listed buildings are also located nearby at Little Buckland Cottage, Little Buckland Farmhouse and these are also well screened by the existing boundary planting.

72. I therefore conclude that the proposal does not adversely impact on the historic environment and is acceptable in terms of meeting the policy requirements of SP18, DM30 and DM4.

Lighting and noise

73. The application includes details of new external lighting that would be needed in connection with the teaching building although does not include details of lighting in the car park area. To meet the policy requirements of DM8 regarding all other external lighting a condition can be used to require submission of details of external lighting prior to installation.

74. The application has included details of the limits for plant noise and air handling units are shown on the roof plan of the dining hall extension.

Biodiversity

75. The proposal includes ecological survey information which concludes that there is only limited potential for protected species to be present, including roosting bats (within the buildings), reptiles and badgers, within the site due to the current management of the site and the lack of suitable bat roosting features within the buildings. One of the trees (T41) has some low potential to be used by roosting bats but will not be impacted by the

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development; Nesting birds may utilise the vegetation and buildings on site; Bats may forage along the vegetated boundaries. The proposal gives rise to no adverse biodiversity views and subject to conditions and informatives suggested by our ecological service, including in relation to submission of a bat sensitive lighting plan and submission of an ecological enhancements plan, I conclude that the proposal does not give rise to adverse biodiversity impacts with inclusion of the suggested conditions.

Playing field policy

76. The proposal for the teaching extension is located on an area which currently includes tennis courts and an area of disused existing playing field. The proposal would result in the loss of 3 tennis courts, and 6 courts are retained. The applicant states that the 3 courts are in poor condition and that the remaining courts are sufficient to meet the school outdoor tennis requirements. The applicant states that the outdoor tennis courts affected are not open to community use and I therefore consider that the loss of the courts would not lead to a loss of any community use of the courts which policy DM20 seeks to avoid.

77. Sport England policy seeks to address the loss of playing fields and our consultation with them gives rise to no objection. Sport England is satisfied that the proposed development meets their exceptions to playing fields policy.

78. I therefore conclude that the proposal does not adversely impact on playing field policy.

Construction Impacts

79. The application does not include a Construction Management Plan and I consider that one will be required to be submitted prior to commencement in order to address construction related impacts.

80. The proposal does not include the intended hours of construction and I consider that limiting construction hours to Monday to Friday between 0800 and 1800 and Saturday 0900 to 1300 with no work on Sundays or Bank Holidays would be appropriate.

81. To address Environment Agency comments concerning protection of controlled waters, I am satisfied that conditions can be imposed in relation to any likelihood of unexpected contamination which may be found during development and infiltration of surface water drainage and piling or other foundation designs using penetrative methods.

82. To address sustainable urban drainage matters I consider that a condition can be used in relation too submission of a verification report for the surface water drainage system prior to the occupation of the building.

Other matters

83. KCC as Education Authority ran a public consultation on their proposals to expand Maplesden Noakes between 25<sup>th</sup> February and 25<sup>th</sup> March 2019. This included an information drop in at the school on 6<sup>th</sup> March 2019. The Maplesden Noakes

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

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Consultation Summary compiled by the Applicant was included within the planning application information and summarised responses received to the education consultation at the drop in event on 6<sup>th</sup> March and the education consultation period. The consultation summary indicates that no objections were received to the KCC Education consultation. However, a neighbour representation states that the Consultation Summary which was provided as part of the planning application process is misleading and does not include one of the objections made and that this should be rectified.

84. The Applicant informs me that a letter of objection was received by Education regarding pre-planning matters and that it was not included within the Education Consultation Summary of responses as the issues raised were pre-planning matters and not regarding education. However, the objection was included in the planning application Statement of Community Involvement (SCI) and that also summarised responses to the planning public consultation event on 6<sup>th</sup> March 2019. The SCI identified that 27 feedback forms and a separate letter from a local resident (28 pieces of feedback in total) were received of which 18 respondents fully support the plans with no concerns (64%); - 4 respondents are supportive but with some concerns (14%); 5 respondents object to the plans (18%); and 1 respondent either did not have a view or did not mind the proposals (4%).
85. However, it should be noted that whilst the data included within the KCC Education Consultation Summary and the Statement of Community Involvement is included within the planning application, it is the response to the publicity of the actual planning application by the County Planning Authority that is relevant to the decision making process for the planning application. We have received a total of 4 responses to the planning application, all of which are objections and 2 were from the same person. It is for this reason that the proposal is being reported to the Committee. I therefore conclude that whilst the accuracy of the information within the KCC Property Consultation has been questioned, it is the responses to the planning application that are relevant to the decision-making process for the planning application. This includes in this instance the concerns raised by the local resident who also raised comments at the earlier Education Consultation that the views summarised in the Statement of Community Involvement were incomplete.
86. A comment was also received about students from Maplestone Noakes and alleged drug use in the alleyway that runs from the school gates along the railway to Little Buckland Avenue and Buckland Lane before, during breaks and after school and it is inferred that expansion of the school is not a good idea because of this. It is suggested that if extension is to go ahead CCTV in the alley should be included. Whilst the NPPF seeks to promote healthy and safe communities which are safe and accessible so that crime and disorder and the fear of crime do not undermine the quality of life and community cohesion, this proposal does not seek to make any changes beyond the school site. These are matters that should be brought to the attention of the headteacher and the police however they are not material to the determination of the planning application.



**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

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**Conclusion**

87. This application seeks permission for the erection of a new freestanding 3 storey teaching block, a single storey extension to the dining hall area and the provision of additional car parking places to support the proposed 2 form entry expansion making the school an 8 form entry school. An increase of 60 pupils per year between years 7 and 11 is proposed (a total of 240 extra pupils from the existing committed bulge). There is no increase in sixth form pupils. There is an identified need for the facility for which there is strong planning policy support, specifically in the Development Plan and more widely in the NPPF to meet community facilities for education.
88. The objections and concerns of local residents to the proposal particularly relating to highways, transport and air quality matters are acknowledged. However, in response to statutory and other consultation for the proposal there have been no objections. The potential impacts arising from the development have been given careful consideration in respect of the national and local planning policy requirements.
89. In conclusion, I do not consider that the development would result in any significant adverse impact in respect of visual, residential or local amenity, or on the local highway network or drainage, heritage and ecology interests. I consider that it would accord with the aims and objectives of Local Plan policies and the NPPF and is sustainable development. I recommend accordingly.

**Recommendation**

90. 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 be carried out in accordance with the permitted details;
  - Submission of details of external materials;
  - Measures to protect existing trees during construction, including as set out in the Arboricultural method and impact statement;
  - Requiring submission and approval of a Verification Report pertaining to the surface water drainage system to address matters raised by KCC Sustainable Drainage;
  - Concerning unforeseen contamination found during development; restriction of infiltration of surface water drainage into the ground and restriction of piling or any other foundation designs using penetrative methods to address comments raised by the Environment Agency;
  - Submission of a Construction Management Plan and Strategy;
  - Submission of a Dust Management Plan during construction;
  - Submission Construction Logistics Plan;
  - Provision prior to occupation and then permanent retention of vehicle car parking spaces;
  - Provision prior to occupation and then permanent retention of vehicle loading and unloading and turning areas;

### Item D3

**Proposed 2 form of entry expansion involving: a) the erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) provision of additional 22 car parking spaces; and d) associated landscaping works at The Maplesden Noakes School, Buckland Road, Maidstone – KCC/MA/0107/2019**

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- Provision prior to occupation and then retention of covered secure cycle parking spaces;
- Inclusion of 3 electric vehicle parking bays within the new parking spaces provided and inclusion of air quality mitigation measures proposed in the application;
- Limiting construction hours to between 0800 and 1800 Monday to Friday and 0900 to 1300 Saturday with no work on Sunday or Bank Holidays.
- Submission of an updated school travel plan within 6 months of occupation of the building with annual review via the Jambuster system thereafter;
- Submission of a bat sensitive lighting plan for the site boundaries;
- Submission of external lighting details;
- Submission of an ecological enhancement plan;
- Submission of details of proposed planting to include native species;

I FURTHER RECOMMEND THAT THE Applicant BE ADVISED of the following Informatives relating to:

- nesting birds and timing of works;
- developer consultation with SE Water;
- cleaning the existing soakaway system;
- works to tree T41 should they be required;
- the applicant be encouraged to bring forward its plans for the implementation of PV panels.

Case Officer: Mrs H Mallett
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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.

- AS/19/818 Replacement and relocation of existing flare stack and associated works (retrospective).  
Former Pluckley Landfill Site, Chambers Green Road, Pluckley, Ashford, Kent TN27 0RH  
Decision: Permitted
- KCC/CA/0072/219 Request under Regulation 77 of the Conservation of Habitats & Species Regulation 2017 to determine if the proposed shaft construction within the boundary of the wastewater treatment works benefits from permitted development under Schedule 2, Part 13, Class B(a) of the Town & Country Planning (General Permitted Development) (England) Order 2015. The proposal is to construct the shaft ahead of the construction of the replacement storm water outfall (SWO) from the Swalecliffe Wastewater Treatment Works.  
Swalecliffe Wastewater Treatment Works, Brook Road, Swalecliffe, Kent CT5 2QH  
Decision: Approved
- TM/10/2029/A2/R26A Application for prior approval for the installation of a ready mixed concrete batching plant pursuant to Condition 26 of Annex A2 (Original Quarry) of planning permission TM/10/2029  
Hermitage Quarry, Hermitage Lane, Aylesford, Kent ME20 7PQ  
Decision: Approved
- TW/19/1693 Section 73 application to vary condition 2 of planning permission TW/15/504981, as amended by TW/15/508499 and TW/18/3830, to alter the design and layout of the approved anaerobic digestion scheme.  
Knoxbridge Farm, Knoxbridge, Frittenden, Cranbrook, Kent TN17 2BT  
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.

- CA/19/0063/RVAR Details of External Materials (Condition 3), Sustainable Surface Water Drainage Scheme (Condition 10), Foul and Surface Water Drainage System (Condition 13), Written Specification of a Programme of Archaeological Work (Condition 16), Biodiversity Method Statement (Condition 18), Lighting Design Strategy for Biodiversity (Condition 19), Ecological Design Strategy (Condition 20) and Remediation Strategy (Condition 22) pursuant to planning permission CA/19/0063. Simon Langton Girls Grammar School, Old Dover Road, Canterbury, Kent CT1 3EW  
Decision: Approved
- CA/19/1513 Section 73 application to vary Condition 2 and Schedule 1 of planning permission CA/19/0063 to allow for the demolition of a further single storey mobile teaching block from the site and the incorporation of this teaching space within the new school building. Simon Langton Girls Grammar School, Old Dover Road, Canterbury, Kent, CT1 3EW  
Decision: Permitted
- DA/18/0039/RVAR Details of External Materials (Condition 3), External Lighting (Condition 4), Landscaping (Condition 5), Drainage/SUDS (Condition 16) and Construction Management Strategy (Condition 21) of planning permission DA/18/0039. Wilmington Academy, Common Lane, Wilmington, Dartford, Kent DA2 7DR  
Decision: Approved
- DO/18/1015/R4 Details of a Construction Management Plan pursuant to Condition 4 of planning permission DO/18/1015. Kingsdown & Ringwold CEP School, Glen Road, Kingsdown, Deal, Kent CT14 8DD  
Decision: Approved
- MA/19/501705/R14 Details of an Ecological Mitigation Strategy pursuant to Condition 14 of planning permission MA/19/501705. Harrietsham CEP School, West Street, Harrietsham  
Decision: Approved
- SW/17/505854/R9 Details of a Sustainable Surface Water Drainage Scheme pursuant to Condition 9 of planning permission SW/17/505854. Meadowfield School, Swanstree Avenue, Sittingbourne, Kent ME10 4NL  
Decision: Approved

E.2

## **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*
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- (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/SCR/CA/0164/2019 - Request for a screening opinion to determine whether the proposed road scheme requires an Environmental Impact Assessment.  
Wincheap Western Link Road, Wincheap, Canterbury, Kent
- KCC/DO/0195/2019 - Demolition of existing school buildings and proposed erection of a part three part four-storey teaching block with attached sports hall and associated hard and soft landscaping, a new Multi Use Games Area (MUGA) together with parking and ancillary works.  
Dover Grammar School for Boys, Astor Avenue, Dover, Kent CT17 0DQ
- KCC/SW/0187/2019 - Section 73 application to vary condition 6 of planning permission SW/18/500195 (to allow for a revised phasing and restoration scheme) and seeking approval of details pursuant to conditions 33, 41 & 43 (relating to noise mitigation measures, drainage and habitat management and monitoring).  
Orchard Farm, School Lane, Iwade, Sittingbourne, Kent ME9 8QH
- KCC/TM/0175/2019 - Request for a Screening Opinion to determine whether an Environmental Impact Assessment is required for the proposed importation of inert material to buttress existing quarry slopes and supplement indigenous material for restoration.  
Wrotham Quarry, Trottiscliffe Road, Addington, Kent ME19 5DL
- (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

## **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.

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### **KCC Response to Consultations**

Reports to Planning Applications Committee on 9 October 2019.

These reports set out KCC's responses to consultations.

Recommendation: To note the reports

Unrestricted

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

The County Council has commented on the following planning matters. A copy of the response is set out in the papers. These planning matters are for the relevant District/Borough or City Council to determine.

##### **F1 Maidstone BC Local Plan Review**

##### **F2 Maidstone BC Community Infrastructure Levy (CIL) Regulation 123 List Review**

##### **F3 Lamberhurst Neighbourhood Plan - Regulation 14**

**Recommendation: To note the reports**

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

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# LOCAL PLAN REVIEW

RESPONSE FORM

SCOPING THEMES & ISSUES  
JULY 2019



# MAIDSTONE LOCAL PLAN REVIEW: SCOPING THEMES & ISSUES (JULY 2019)

## Response form

**\*Name:**

**Organisation (optional):**

**Client (optional):**

**\*Address:**

**Email:**

\*Please note: we are unable to consider your comments unless these details are fully completed.

## How should I complete the form?

You do not need to answer every question; just answer the ones which are most relevant to you. You can complete it on line (<https://maidstone-consult.objective.co.uk/portal/>) or by printing or downloading this form.

## Who should I send it to?

Please return your completed form to **Strategic Planning, Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ** OR email to **ldf@maidstone.gov.uk**. Responses must be received **by 5pm on Monday 30th September**.

## How will you use my data?

All consultation comments will be made publicly available on the consultation portal (<https://maidstone-consult.objective.co.uk/portal/>) in due course. This is so that interested parties can view all the responses that have been received. Published information will include the comment and responder name. All demographic and contact data will be removed. All data is processed in accordance with the Data Protection Act 2018. The consultation responses will be used to inform the next stages of the Local Plan Review.



## Overarching questions

QQ1 – What can the Local Plan Review do to make the growth we need 'good growth'?

Firstly, of paramount concern for the County Council is the quantum of development that Maidstone Borough Council is having to plan to deliver as an output from the Government's standardised methodology for assessing local housing needs. When the methodology was under consultation, the position the County Council put forward was that housing need should be locally determined, as the methodology has a disproportionate increase in housing provision in many southern counties; imposing housing on those that have already delivered significant growth. This is certainly the case for Maidstone Borough, which is already delivering high levels of growth and has already expanded beyond what would be considered reasonable in terms of sustainability (ranking 36 out of all local authorities in its three year delivery of net new dwellings)<sup>1</sup>. The Government standardised methodology, which is requiring the Local Plan Review to plan for 1,236 homes a year from 2022 (well in excess of the 883 homes a year required under the adopted Local Plan), will increase the housing requirements dramatically beyond the current housing numbers already planned in the adopted Local Plan. This is an issue that Kent County Council feels it must lobby central Government and Kent MPs on for change, alongside Maidstone Borough Council.

Notwithstanding the above, within this response the County Council has sought to provide technical consideration of the growth strategies proposed within the Local Plan Review - Scoping Themes and Issues consultation to meet the local housing need. The County Council notes that this consultation is the first stage of the Local Plan Review, which sets out key issues to be addressed in the Review. The County Council has sought to provide a comprehensive response to the questions raised within the consultation as a key infrastructure provider in Kent.

**Highways and Transportation:** The County Council, as Local Highway Authority, considers that good growth involves a mix of land uses that minimise the need to travel over longer distances and so encourages sustainable patterns of movement. The growth strategy should be founded on a coordinated and planned set of arrangements that enable the transport infrastructure that is required to support growth to be delivered in an effective and timely manner.

Achieving good growth will require full regard to be given to the constraints that currently exist on the highway network. These constraints are most pronounced in the Maidstone urban area, but equally, across the whole Borough - Headcorn, Staplehurst, Marden and Langley - where many of the principal road corridors are affected by severe levels of congestion over prolonged periods. In most cases, the built-up nature of the surrounding environment will prevent or limit the scope for road capacity improvements to be implemented. It is imperative that growth is directed to locations where sufficient network capacity can be made available rather than simply worsening road conditions on corridors where the impacts cannot be fully mitigated.

Good growth results in the creation of communities that are well-connected and provide residents with an attractive range of travel options. These connections may be more difficult to achieve in rural parts of Maidstone Borough due to the limitations of the existing transport networks. It will therefore be important to direct growth to areas that afford scope for improved transport links to be established.

**Public Rights of Way (PRoW):** As Local Highway Authority, the County Council would also like good growth to ensure the protection and enhancement of the PRoW network. Local planning policy support for the PRoW network helpful in both the protection of the network and negotiating enhancements to it through new development. The KCC Rights of Way Improvement Plan (ROWIP)<sup>2</sup> should be referenced within the Local Plan Review. The ROWIP aims to provide a high quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work

<sup>1</sup> MHCLG Live Table 100, Dwelling stock: Number of Dwellings by Tenure and district: England; 2015 to 2018  
Office for National Statistics Population Estimates for UK, England and Wales, Scotland and Northern Ireland: Mid-2018

<sup>2</sup> [https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf)

and visit. KCC is committed to working in partnership with the Borough Council to achieve the aims contained within ROWIP.

**Sustainable Business and Communities:** The County Council notes that the Borough Council has signed up to the Climate and Ecological Emergency Declaration and has pledged to be carbon neutral by 2030. If this is to be met, significant change will have to be incorporated into new growth, existing communities and infrastructure. Sustainability principles will need to be at the core of planning policies and sustainable growth will need to be 'clean' growth.

It is recognised that the Local Plan Review alone cannot achieve the carbon neutral aspiration, however, it can have a positive influence over new growth within the Borough. The Local Plan Review should support the transition to a net-zero carbon economy. By ensuring that clean growth is entwined within the planning and development of a Borough, environmental sustainability objectives from the Borough and County wide level are more likely to be achieved locally. Examples of changes that could be encouraged within the Local Plan Review could include energy efficiency measures, high standard of design, use of renewables and decentralised energy systems.

The County Council also recommends that the Local Plan Review should ensure optimal environmental and community resilience in terms of location, design and materials. Incremental climate change and associated severe weather impacts should inform new development at the earliest stage.

**Public Health and Prevention:** Good growth must address health and wellbeing. This can be achieved by not only considering healthcare and leisure facilities, but also the wider determinants of health, such as access to green space, air quality and economic opportunity. The County Council notes that one of the strategic issues for the Local Plan Review to address is to contribute to an overall improvement in air quality; particularly in the Maidstone Air Quality Management Area.

With the whole of Maidstone town, including the M20 corridor, designated as an Air Quality Management Area (AQMA) - and the main highway routes within and around Maidstone Town Centre particularly affected (with the nitrogen dioxide emissions at a series of locations within the town exceeding air quality target limits set by EU Directives and national regulations, and fine particulate concentrations also of concerns) - the air quality issues faced by Maidstone could be compounded through further growth, unless measures are taken within the Local Plan Review to address this. Indeed, this issue was acknowledged by the Inspector's Local Plan report (27 July 2017) as one of the reasons for an early review, with the Inspector identifying a clear need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution.

The County Council notes, and is supportive of, the intention for the Review to be progressed in light of the objectives of the Borough Council's Low Emissions Strategy, which sets out how to achieve a higher standard of air quality across Maidstone. The County Council therefore supports the commissioning of air quality modelling, which will be crucial in examining the effects of any preferred growth strategy – and KCC will work closely with the Borough Council as this is progressed alongside the transport modelling, to identify the necessary mitigation measures required. The County Council will be supportive of policy requirements to ensure cleaner technologies and the promotion of sustainable forms of transport (such as footpath infrastructure and the promotion of public transport) and will work closely with the Borough Council as the Review is progressed to help combat public health issues associated with poor air quality.

**Heritage Conservation:** The County Council welcomes the identification of the historic environment as crucial to a community's sense of place, as it reminds people of how their community came to be and how it evolved. The historic environment also brings forward opportunities for health and wellbeing benefits, which is particularly important for new developments whether in the form of new settlements or growth on the urban fringe. If such developments are to feel part of the continuing story of the Borough and form sustainable new communities, then the historic aspects of such places must be recognised and conserved.

The most significant historic environment issues that will need to be taken account of in the Local Plan Review include:

- The setting and layout of new developments – new layouts should complement and be considerate to existing historic settlement patterns, with existing patterns retained as much as possible. The County Council would like to ensure that good growth respect existing settlements in terms of scale, layout and orientation so that pre-existing historic settlements are not diminished by new development.
- Building materials – the Local Plan Review should encourage new developments to be designed to complement any existing local historic character an area may have. Materials used within new

development be encouraged to be appropriate to the existing character, but locally sourced, and traditional materials should be used where possible.

- Protection and conservation of historic assets whether built or buried. The County Council would like to draw attention of the Romano-British site at Westhawk Farm, Ashford as an example of excavation and part protection.
- Incorporation of the historic environment assets into leisure and cultural improvements, particularly relevant in the context of the Borough's historic parks and gardens.
- Working with the historic landscape – new developments may be more successfully integrated with the Borough if they work with the existing historic landscape.

OO2 – What could the Local Plan Review do to help make our town and village centres fit for the future?

**Highways and Transportation:** Town and village centres can only be made fit for the future if the pace and scale of growth is fully supported by improvements to transport infrastructure.

The Review must ensure that new development is brought forward alongside the timely delivery of new and additional transport measures that can accommodate the associated increase in travel demand. A robust and wide-ranging approach will be essential, recognising that junction capacity improvements and measures to encourage modal shift will not, in isolation, be sufficient to achieve a modern, fit-for-purpose transport network.

KCC recognises that improvements can be more challenging to achieve in locations where transport networks are already heavily constrained, with limited scope for upgrading. The problematic nature of traffic congestion in south eastern Maidstone exemplifies how substantive investment in transport infrastructure is required. KCC has been undertaking investigative work in support of a Leeds Langley Relief Road, with a view to establishing how this much-needed scheme can be brought forward to provide relief to communities and add resilience to the network. A range of funding options will need to be explored in order to deliver the scheme and it is anticipated that a modest element of housing growth may be required to help facilitate it.

It remains essential that growth is positioned in such a way that it ensures there is scope for future demands to be accommodated.

**Public Rights of Way:** There is significant research highlighting the benefits of walking and cycling, including improved health and well-being, a boost to the economy and alleviating vehicle congestion on roads where networks are constrained. While progress has been made to improve the provision of walking and cycling infrastructure in recent years, further work is required to create high quality facilities within towns and villages that encourages active travel participation. The Local Plan Review should strengthen existing planning policies to ensure that future development provides high quality walking and cycling links for the public, including within town and village centres. There should be a greater requirement for developers to deliver new sustainable transport infrastructure and contribute towards the enhancement of the existing PRoW network. This will help ensure that the town and village centres are easily accessible in a sustainable manner.

**Public Health and Prevention:** Fundamentally, the air quality issues identified in the consultation document must be addressed and mitigated against.

Town and village centres need good access via public transport, including access for those with mobility issues.

**Broadband:** KCC welcomes the proposal to promote full fibre (fibre-to-the-premise connections) in both new and existing development, in line with current Government policy. It is recommended that full fibre connections are also delivered within town and village centres. Ashford Borough Council has developed a full fibre policy, (EMP6) which is widely promoted nationally as best practice, whilst being in line with the current National Planning Policy Framework (NPPF).

**Emergency Planning and Resilience:** Town and village centres and their infrastructure will also need to be more resilient to extreme weather events as climate change impacts become more prevailing. This could include incorporating more multifunctional green and blue infrastructure into centres - providing a multitude of benefits from helping tackle social isolation, biodiversity enhancement, natural shading and cooling.

QQ3 – How can the Local Plan Review ensure community facilities and services are brought forward in the right place and at the right time to support communities?

**Provision and Delivery of County Council Community Services:** Once priority facilities and services have been identified, the Local Plan Review should seek to provide policies that ensure that these facilities are delivered at appropriate stages of future development programmes. Community facilities must be spatially planned and delivered to ensure residents are able to access local services as required – and this must include the range of KCC provided services. Early delivery of these services can enhance the sense of community from the outset of a new development. Any community facilities which are brought forward should have consideration of the current, and future demographics of an area, to ensure that the facilities remain resilient to the evolving needs to the community. They should be developed via co-production with the communities they serve.

The County Council generally favours growth strategies that include sustainable larger development sites, as they are more capable of supporting new infrastructure, including schools, early years, childcare, libraries and community centres. When a more dispersed growth strategy is proposed, it is more challenging to ensure that the right community facilities are brought forward to support these smaller development sites.

Reductions in public sector funding have significantly reduced the ability of upper tier authorities to invest in capital projects for key strategic infrastructure, which has meant that the role of development contributions in providing this essential infrastructure has heightened in importance. The County Council would therefore like to work closely with the Borough Council on all new allocations to ensure full infrastructure funding to enable the delivery of the necessary infrastructure to support new development at the right time.

QQ4 – What overall benefits would you want to see as a result of growth?

**Highways and Transportation:** Sustainable new communities should be built offering the opportunity to live and work the Borough, with adequate infrastructure, including transport and utilities. There should be a provision for a modern and fit for purpose transport network that contributes to good quality of life for residents and ensures convenient and attractive access to work, education, social and leisure communities.

**Public Rights of Way:** Enhanced connectivity for walking, cycling and equestrian activity across the Borough, with a range of sustainable transport options available for the public and opportunities to access high quality open space should be provided. While the existing PRoW resource provides extensive opportunities for active travel and outdoor recreation, there are gaps in the network and accessibility issues that need to be addressed. Future growth and development should help to address these issues and enhance the PRoW network, so that the benefits of this access resource can be maximised by residents and visitors.

**Provision and Delivery of County Council Community Services:** The County Council would like to see new development being brought forward with innovative design that maximises sustainability in build quality and construction standards. This should include both housing and economic development.

**Public Health and Prevention:** Growth should improve health and wellbeing, particularly through the wider determinants of health and ensure that dispersal of new settlements/ major extensions do not widen health inequalities. The results of the air quality modelling that is to be undertaken should be used to ensure that new policies ensure that new growth must take opportunities to improve air quality in the Maidstone Borough.

**Sustainable Business and Communities:** As far as possible, all growth should be zero carbon, whilst supporting the adoption of zero carbon behaviours. Growth should support zero carbon innovation and attract increased investment into Kent for the low carbon environmental goods and services sector. Growth should also support the creation of sustainable and climate resilient communities.

**Emergency Planning and Resilience:** The County Council would also like to see high quality build and landscape design encompassing renewable and decentralised power generation and green and blue infrastructure. Growth should also further seek to provide infrastructure that is resilient to stand up to future challenges such as climate and ecological emergency and business continuity risks.

QQ5 - What infrastructure and services, including community services and facilities, do you think are the most important for a successful new development?

**Provision and Delivery of County Council Community Services:** To create a successful development, there is a need for a diverse range of services and infrastructure to be delivered, including all infrastructure and service provision that the County Council is responsible for. As the Local Education Authority, the County Council has a duty to ensure provision of sufficient primary pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County

under the Education Act 2011. The County Council is also responsible for ensuring the provision for Community Learning (formerly known as adult education), as well as Early Help for young people (from birth to 25 years old). Early Help duties include the delivery and commissioning of children's centre services, other specialist children's services, youth services and wider public health services. KCC also has a duty to ensure early years childcare provision in Kent, as set out in the Childcare Acts 2006 and 2016. The County Council has adult social care responsibilities (delivered through the Kent Accommodation Strategy for Adult Social Care) to ensure adequate facilities for older persons in the County. It is also the statutory library authority.

KCC supports the commitment for close collaboration between key partners to ensure that required infrastructure is planned, funded and delivered in a timely manner – this is as important to the success of a new development as the type of infrastructure brought forward to ensure a sustainable community is created and/or maintained.

**Highways and Transportation:** The County Council, as Local Highway Authority, considers transport infrastructure as one of the vital components to successful development - used on an everyday basis for movement from, to and within a development. Developments are often considered more attractive and successful if they can be easily accessed by different modes of transport. Poorly connected developments with problematic routes of access due to issues such as congestion are often viewed less favourably.

**Public Rights of Way:** A convenient, accessible and reliable transport network is vital for new development to be successful. Providing infrastructure that encourages a modal transport shift towards walking and cycling should be one of the most important elements of new development. Active travel would help to reduce vehicle congestion on roads, alleviate air quality issues and improve the health and well-being of the public.

In respect of green spaces, studies have shown that they provide considerable health and well-being benefits for the public, but the creation and preservation of this resource will come under increasing pressure from new development. With this in mind, the provision of high quality open space and green infrastructure, which provide opportunities for outdoor leisure and recreation, are important infrastructure requirements that must not be neglected if new development is to be successful.

**Sport and Physical Activity:** It is important that development takes account of Sport England guidance. KCC recommends that the Borough Council reviews the guidance with consideration of the Sport England's Facilities Planning Model, as well as Active Design Guidance. Sport England's strategies for sport are very much focussed on tackling inactivity and supporting/encouraging under-represented groups to be active. The national Active Lives Survey indicates that approximately 25% of people nationally (24% now in Kent - 26% two years ago) are inactive and this is having knock on effects on physical and mental health, as well as individual and social/community development. Development should consider a mix of formal and informal areas/spaces (indoor and out), where people can be active. This can include walking routes and open spaces.

**Public Health and Prevention:** Community meeting space, clinic space for outreach health services and other services and access to active travel and green spaces will all be important.

**QQ6 – How can the Local Plan Review help support a thriving local economy, including the rural economy?**

**Broadband:** Full fibre broadband infrastructure should be developed to encourage a thriving local economy, including the rural economy. The County Council is pleased to see that its role in the delivery of full fibre broadband is included within the Local Plan Review and would welcome further discussions with the Borough Council to seek to deliver full connectivity as far as possible across the Borough.

**Public Rights of Way:** The PRoW network also has a significant role in supporting a thriving local economy, directly contributing to transport, green infrastructure and open spaces. Leisure and tourism industries are increasingly key to supporting the socio-economic well-being of rural areas, providing jobs and supporting community services. For example, the Natural England Monitoring Engagement with the Natural Environment data indicated an average spend when visiting the countryside of £6.44 per visit; with an estimated total spend of £20bn in England between March 2014 and February 2015. The Local Plan Review should therefore support and encourage improvements to the PRoW Network, as the provision of high quality walking, cycling and equestrian infrastructure would enable the public to explore Kent's countryside and support the rural economy.

Analysis of the existing PRoW resource in Kent has identified a shortage of opportunities for higher right path users, with relatively limited off-road cycling and equestrian routes compared to the national average. Considering these path users make a significant contribution to the rural economy, the Local Plan Review should include a focus on developing off-road cycle routes and equestrian access for the public to enjoy.

**Heritage Conservation:** In respect of heritage, it should also be noted that much of Kent has historically had a dispersed settlement pattern. Development between villages and hamlets and amongst farm buildings would in many places be consistent with the historic character of those areas. Historic England, KCC and Kent Downs AONB have published guidance on historic farmsteads in Kent that consider how rural development proposals can be assessed for whether they are consistent with existing character. The Kent Farmsteads Guidance<sup>3</sup> has been endorsed by the County Council and it is recommended that the Borough Council considers adopting this as Supplementary Planning Document.

QQ7 – How can the Local Plan Review ensure we have an environmentally attractive and sustainable borough that takes a pro-active approach to climate change?

The Local Plan Review must ensure there are robust policies in place to protect the natural environment and support proposals that can help address the challenges of climate change.

**Highways and Transportation:** The Local Plan Review should seek to accord with the key principles of the NPPF to ensure sustainable growth is achieved - this requires an approach that is founded on minimising the need to travel and ensuring good opportunities exist for walking and the use of public transport.

**Public Rights of Way:** With regards to future access and movement, the PRoW network provides opportunities for sustainable travel, which have a low environmental impact. By reviewing existing travel routes and consulting the public, new walking and cycling routes can be identified and established that provide alternatives to short distance car journeys. However, appropriate planning policy and political support will be necessary to secure the necessary funding for the delivery of these network improvements. The Local Plan Review must therefore ensure there are policies in place to facilitate the development of the PRoW network.

**Sustainable Business and Communities:** New development should also consider the utilisation of renewable and decentralised energy generation as a proactive approach to climate change.

**Public Health and Prevention:** Access to green and blue spaces for leisure would enhance mental health and give opportunities for physical activity, which improves both mental and physical health. In addition, there needs to be managed of air quality through all means, including engineering solutions, reduction in emissions from vehicles and access to cleaner forms of transport, including electric vehicles.

**Heritage Conservation:** In respect of heritage conservation matters, Maidstone's historic parks and gardens will have an important role in the delivery of sustainable growth. Historic parks are not only important as visually attractive heritage assets but also contribute to leisure, health and wellbeing. If this resource is to contribute effectively to sustainable development, then there is a clear need to ensure this approach is evidence based. At present, the main information resource for the local (as opposed to Registered) historic parks and gardens of Maidstone is the 1996 Compendium of Historic Parks and Gardens (Kent County Council and the Kent Gardens Trust (KGT)). The Compendium needs reviewing in order to ensure that it is brought up to date and that the significance of the Borough's gardens is properly assessed. Only then can it be used to manage and, where possible, enhance this extremely important resource. KCC has recently been working on a number of such reviews with the KGT and the County Council welcome further discussions with the Borough Council to provide an update.

Maidstone's towns and villages also sit within a landscape that is both historic and vulnerable. To understand and value landscape character fully it is important to consider its historic aspect, this includes the pattern of tracks, lanes, field boundaries and other features that comprise the historic character of the modern landscape and which can shape future growth. The Kent Historic Landscape Characterisation (2001)<sup>4</sup> has identified the broad historic character of the landscape of Kent but it is strategic in scope. To be most useful at a local level, the landscape characterisation requires more detailed refinement as has already taken place in Medway and Tunbridge Wells. KCC would welcome further discussions on how this project could be progressed to provide the relevant localised detail.

Sustainable Urban Drainage Schemes (SuDS) may have both direct and indirect impacts on the historic environment. Direct impacts could include damage to known heritage assets, Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets. Archaeological remains in

<sup>3</sup> <https://democracy.kent.gov.uk/documents/s40761/B2%20Appendix%20Part%201%20Kent%20Farmsteads%20Guidance%202013%2024%20205%202013.pdf>

<sup>4</sup> [https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0014/56210/Kent-Historic-Landscape-Character-volume-1.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0014/56210/Kent-Historic-Landscape-Character-volume-1.pdf)



particular are highly vulnerable to changing moisture levels which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Historic buildings are often more vulnerable than modern buildings to flood damage to their foundations. When SuDS are planned, it is important that the potential impact on the historic environment is fully considered and any unavoidable damage is mitigated. This is best secured by early consideration of the local historic environment following consultation with the Kent Historic Environment Record (HER) and by taking relevant expert advice. KCC has recently produced guidance for SuDS and the historic environment. It provides information about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets. It is recommended that the Local Plan Review considers how this guidance is best implemented.

The historic environment has a significant role to play in the conservation of resources required for development and also in energy efficiency. In some scenarios, older buildings can often be more energy efficient than newer ones and benefit from being existing structures. There may be instances where it may take fewer overall resources to adapt an old building than to demolish it and build a completely new one. Historic England has produced guidance<sup>5</sup> that reviews the threats to the historic environment posed by climate change. The guidance also demonstrates that historic structures, settlements and landscapes can in fact be more resilient in the face of climate change and more energy efficient than more modern structures and settlements.

QQ8– Are there any other themes, issues and choices that you believe we should address as part of this Local Plan Review?

**Kent Design Guide:** The County Council requests that the Local Plan Review makes reference to the newly emerging Kent Design Guide and its principles to encourage good practice in development.

**Provision and Delivery of County Council Community Services:** The County Council is supportive sustainable of high quality development that is delivered with adequate infrastructure. Permitted development rights that allow office to residential conversions do not allow for mechanisms such as section 106 agreements to ensure that adequate contributions are provided to enable the delivery of supporting infrastructure and other required mitigation. The County Council is concerned therefore that permitted development can sometimes lead to the development of poor quality housing that does not have access to appropriate community infrastructure and services. KCC is also concerned with the resulting loss of employment space within town centres. The County Council notes the agenda item for Maidstone Borough Council's recent Strategic Planning and Infrastructure Committee (10 September 2019) "Town Centre Article 4 Directions" and would be supportive of the Borough Council's investigation of the use of Article 4 directions throughout the Borough, to potentially allow for the securing of contributions towards infrastructure and other mitigation through developer contributions via the planning application process. This would help to ensure that office to residential conversions are appropriately managed to enable sustainable growth and adequate employment space within the Borough.

**Public Rights of Way:** The County Council recommends that consideration is given to the impact of future development on Non Motorised Users (NMUs) along rural lanes, as these routes provide vital connections for equestrians and cyclists travelling between off-road PRoW routes. New development is likely to increase vehicular traffic along these roads and raise safety concerns for NMUs, who then may be deterred from travelling along the rural lanes and using the PRoW network. Taking these points into consideration, the Local Plan Review should ensure that the experiences of the NMUs along rural lanes are considered and not adversely affected by growth in the Borough.

**Sustainable Urban Drainage Systems (SuDS):** It is requested that KCC's role as Lead Local Flood Authority is reflected and referenced within the Local Plan Review in issues pertaining to surface water drainage.

**Minerals and Waste:** The County Council, as Minerals and Waste Planning Authority, considers that the Local Plan Review should make reference to minerals and waste safeguarding, as outlined below.

The Local Plan Review is aimed at accommodating increased growth. It will need to achieve this with an understanding of the sustainable development principles as set out in the NPPF, as well as addressing to social and economic requirements for the area. Therefore, the Review should encompass both minerals and waste safeguarding as set out in the adopted Kent Minerals and Waste Local Plan 2013-30, including this Council's

<sup>5</sup> <https://www.rbkc.gov.uk/pdf/73%20Climate%20Change%20and%20the%20Historic%20Environment%202008.pdf>

ongoing review work as part of its Early Partial Review of the Kent Minerals and Waste Local Plan. The County Council is currently reviewing the relevant development management policies (DM 7 and DM 8) that address when an exemption to the presumption to safeguard is justified. Of particular importance is the proposed changes to the criteria in both policies that ensure that any allocations in an adopted Plan have been fully tested in terms of minerals and waste safeguarding and found satisfactory. This is so that when the non-mineral or waste development comes forward as applications these are exempt from further consideration. There is an expectation that consideration of mineral and waste safeguarding matters are an integral part of any Local Plan preparation or review and will assist in demonstrating that the 'strategic matters' that form part of the duty to cooperate are satisfied.

The currently adopted Local Plan has allocations that are coincident with a number of important economic minerals which are subject to safeguarding requirements. However, in the case of Sandstone (Sandgate Formation) and Limestone Hythe Formation (Kentish Ragstone), it is recognised that the Independent Examination into the adopted Local Plan in 2017 considered the need to safeguard these minerals and the need to ensure an adequate level of housing delivery. It was concluded that the specific circumstances of these two mineral types in the area were such that the need for greater certainty of housing delivery was an overriding consideration in relation to the presumption to safeguard. Therefore, the allocations coincident with these minerals are currently exempt from further mineral safeguarding consideration. The County Council recommends that this exemption is considered as part of the Local Plan Review to demonstrate compliance with NPPF safeguarding requirements. However, the remaining economic minerals within the Borough do not benefit from the 'blanket exemption' and should be addressed in the Local Plan Review. At present, this is not incorporated in the consultation documentation.

The County Council is happy to discuss these matters as part of our ongoing Duty to Cooperate obligations.

**Waste Management:** It is important to ensure that there is sufficient waste infrastructure to support residents and housing growth. 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.

There is only one Household Waste Recycling Centre in Maidstone, located at Tovil. The Tovil HWRC is a very busy site, which has reached its practical capacity, resulting in vehicles queuing out of the site on to the public highway, causing delays to visitors of the HWRC and the wider local area. Measures to improve the efficiency of the site as well as the permitted tonnage capacity have been investigated and where possible, implemented over the past few years. However, demand has continued to grow, such that there are now no practicable options to make further improvements at this site. Future housing growth / population increase indicates a significant increase in HWRC capacity will be required. Additional waste infrastructure within Tonbridge & Malling to serve both authority areas is anticipated to help alleviate these issues. However, it is important that the requirement for sufficient waste facilities is included within the Local Plan in order to ensure that there are adequate facilities to meet this increased demand.

With regards to Waste Transfer Station capacity, waste collected from the kerbside in Maidstone is currently deposited and bulked at a Waste Transfer Station in Allington (operated by Kent EnviroPower), where there is sufficient capacity.

**Libraries, Registration, & Archives:** There are twelve static libraries operating in Maidstone Borough, supported by 44 mobile library stops to smaller and more rural communities. As well as books, libraries also have computers for customers to use, free Wi-Fi and a programme of events and activities for all ages. Library services are also accessible online, for customers to access the library catalogue, renew and reserve books, pay fees and charges, and download e books, newspapers and magazines. There are over 50 free online resources covering topics like family history, business resources, homework help, jobs and the Ask a Kent Librarian service. KCC delivers a range of library direct services; for example, the home library service where volunteers visit customers unable to access our service in any other way, iPad loans and services to care homes.

KCC has recently published its service strategy for the next three years (2019-2022) informed by five ambitions below:

- Everyone is welcome
- Enriching people's lives
- Resilient and connected communities
- Sustainable & Innovative
- Helping everyone to live well

One of the key areas the strategy covers was the continued evolution of the service at a time when population is predicted to expand, demands on a number of council services is increasing and the financial challenges are increasing. Over the three years of the strategy, KCC is committed to our network of 99 libraries.

To ensure the adequate provision of library services moving forward as a community service, KCC is keen to explore discussions about how it can meet the opportunities and challenges of future development for Kent; and particularly around the issue of new growth communities and what services they will need. KCC would welcome further engagement with the Borough Council to discuss library services in the Borough present and future.

## Technical questions

TQ1 – What do you think should be the end date for the Local Plan Review? Why?

TQ2 – Have we identified the correct cross boundary issues? Please give reasons for your answer.

**Highways and Transportation:** The County Council as Local Highway Authority welcomes the commitment within the Local Plan Review to engage on transport infrastructure matters with cross boundary implications. This acknowledges the need for the network-wide impacts of growth to be properly understood and how the scope of required mitigation may extend to areas that are beyond the Borough boundaries. A cross boundary approach is beneficial as it helps to maintain a consistency in transport provision across Kent as a whole. This is important in meeting user expectations and ensuring individual routes function as part of an effective network. The identified cross boundary issues for transport infrastructure should include reference to the bus network in view of the cross boundary operation of many services.

The County Council would also recommend that with reference to page 20 of the Local Plan Review, the strategic issue for infrastructure is expanded to encapsulate the importance of timely delivery, which will require the cooperation of other affected authorities.

**Sustainable Business and Communities:** In consideration of energy, the County Council welcomes the inclusion of energy infrastructure as a cross boundary issue - especially the inclusion of heat, air quality and climate change mitigation and adaptation.

**Emergency Planning and Resilience:** The County Council would also welcome a collaborative approach on the planning for severe weather impacts, which are likely to raise cross boundary issues.

TQ3 - How do you think the council can achieve a consistent annual rate of housebuilding throughout the Local Plan Review period?

TQ4 – Have we identified all the possible types of housing sites?

It will be crucial for a diverse range of housing types and tenures to be delivered to ensure there is adequate supply of homes to meet the diverse needs of the community. Any rationale for types of housing sites should be developed as a result of the Strategic Housing Market Assessment and Economic Development Needs Study (includes retail assessment). This should also ensure that homes are being built, sited and designed to allow for benefits such as remote working, reducing the requirement for unnecessary travel whilst being more environmentally sustainable.

**Highways and Transportation:** The types of housing sites could also include those that are focused around

existing or new transport hubs, such as rail stations and bus interchanges. These provide good access to public transport and are usually well served by walking and cycling networks.

**Strategic Commissioning – Senior Living and Extra Care:** The County Council has adult social care responsibilities (delivered through the Kent Accommodation Strategy for Adult Social Care) to ensure adequate facilities for older persons in the County. The Borough Council should have regard to the Kent Accommodation Strategy for Adult Social Care in determining housing options for adult social care clients.

Kent County Council Strategic Commissioning has been in discussions with the Borough Council regarding future demand for Housing with Care (Extra Care) in the district and modelling has been shared. KCC forecasts a gap of 316 units, across all tenure types, to 2031. Particular challenges regarding extra care housing are the availability of land, and funding for developments of schemes. The County Council would like to work with the Borough Council to ensure that Extra Care housing is considered within the Local Plan Review and seek to overcome these challenges to ensure adequate supply in the Borough.

There is less demand for residential care places for people with medium needs as people are choosing to stay at home for longer or are selecting other housing options to maximise their independence such as Extra Care. However, there is still a requirement for care homes to be provided and the County Council would encourage their development as they can work effectively with people with challenging dementia. The number of people living with dementia continues to rise, resulting in a need for care homes that can offer nursing level care, given that people are living longer and with more complex medical conditions. The County Council would like to work with the Borough Council to ensure adequate provision of this housing type is considered within the Local Plan Review.

**TQ5 – What approaches could we use to identify more small sites suitable for allocation in the Local Plan Review?**

**TQ6 – What approaches could we use to increase the number of new homes being built on brownfield sites and to make brownfield development more viable and attractive to developers?**

Every effort should be made to bring forward brownfield sites, where they offer a sustainable development opportunity, and the Review process should identify opportunities for bringing sites forward that may be costly to remediate. The County Council would like to work with the Borough Council to seek to resolve viability and deliverability issues on brownfield land, involving other partners such as Highways England as may be necessary, to bring forward sites and secure a sustainable development.

**TQ7 – What factors should we take into account when considering minimum density standards elsewhere in the borough, beyond the town centre?**

**TQ8 – Have we identified all the possible types of employment sites?**

The County Council notes that there is limited information included within the Local Plan Review in respect of employment sites and that the allocations for employment space in the adopted Local Plan will only be refined in the Local Plan Review if updated evidence indicates the need for a revised planning approach for a site.

KCC recommends consideration of employment sites that are focused round existing and new transport hubs – including bus interchanges and rail stations that include good access to public transport and are well served by walking and cycling networks. The movement of goods is likely to warrant the consideration of locations where direct access to rail and/or strategic highway networks can be achieved.

The County Council notes the challenges raised in respect of employment space at M20 Junction 8 as to whether the economic benefits of major commercial development at this location, outweighs the harm caused to the landscape, the adverse impacts on visual amenity and the setting of the AONB. The County Council would like to ensure that new sites proposed within the Local Plan Review provide sustainable opportunities for new employment growth moving forward.

TQ9 - What approaches could we use to identify sites in and at the edge of the town centre for future shopping and leisure needs?

The methodology used to identify suitable sites should include an appraisal of accessibility to establish whether they can be conveniently reached by walking, cycling and public transport. The capacity pressures on the highway network in central Maidstone will also require an assessment of traffic impact, having regard to the internal and external parking arrangements.

TQ10 – Do you think there should be changes to the current settlement hierarchy? If yes, what evidence do you have for your answer?

TQ11 - Which is your preferred option for the future pattern of growth (A, B, Bi or C) and why?

In response to the initial spatial options presented within the Local Plan Review, the County Council supports 'Option C', subject to understanding and agreeing the spatial distribution of new settlements within the Maidstone Borough – which must all be well connected to roads, local economic areas and other infrastructure, necessary to ensure thriving communities.

The County Council would welcome discussions with the Borough Council at the earliest opportunity on any proposals for growth. As a key infrastructure provider, KCC would like to be involved in any master planning discussions at an early stage to ensure the necessary infrastructure is planned from the outset, and the impact of

In addition, the County Council would welcome discussions with the Borough Council on the use of section 106 agreements to secure the delivery of infrastructure on strategic level sites, as opposed to CIL. This provides more certainty around funding and delivery of the required infrastructure, ensuring it is delivered in a timely manner as it is required by a new community. Any infrastructure enhancements required as a result of growth within the Borough must be wholly funded through developer contributions. It will be essential for the funding mechanisms required for infrastructure requirements to be established at the outset, and this must underpin the initial discussions on all growth options, to ensure that prospective site allocations are genuinely viable and deliverable. The Local Plan Review must proactively explore all ways of appropriately maximising land value capture, to ensure that the provision of all necessary infrastructure supporting new development is fully funded by growth.

In respect of the initial spatial options, KCC raises the following considerations.

### **Option A**

Option A is the least favoured approach from a Local Highway Authority perspective, as it results in smaller scale development sites that are more isolated from other areas of growth. This reduces the scope for transport infrastructure improvements to be secured or brought forward in a timely fashion, which in turn can worsen the cumulative effects of additional travel demand.

The County Council as Local Highway Authority considers that Option A could offer some limited potential for growth if concentrated on Maidstone town centre, where a range of facilities are available within a short distance and there are good opportunities for sustainable patterns of movement. These advantages would have to be weighed against the more pronounced impacts that additional travel demand could have on an already congested urban highway network where there is likely to be limited scope for capacity improvements.

Brownfield sites with land uses that could have generated relatively high levels of trip generation will typically be easier to bring forward if a neutral impact or net reduction in trips can be demonstrated. A potential drawback with this approach is that it may result in a more fragmented pattern of growth across the urban area that may restrict the opportunities to secure more substantive improvements to transport infrastructure.

As Education Planning Authority, KCC would advise that primary schools within Maidstone town have experienced significant increased demand in recent years, which has largely been driven by the creation of new homes from allocated sites in the adopted Local Plan, which all development and office to residential permitted

development. The increased level of demand is expected to remain and therefore existing schools within the town hold little scope for expansion in order to create additional places. Therefore, meeting the increased demand from a Maidstone Town focused strategy would be very challenging and would likely result in having to provide the additional provision needed for growth away from the town, undermining the sustainability of the strategy.

In respect of the provision and delivery of County Council Community Services, the County Council would have concerns with this option. Local infrastructure may not be capable of accommodating the additional demand from the growth around Maidstone, and there may be limited capacity to deliver additional infrastructure within the local area. This growth strategy could therefore deliver unsustainable housing development that is not served by infrastructure that is easily accessible.

### **Option B**

For KCC as Local Highway Authority, Option B would compound current challenges on the network in view of the limited transport networks currently available in the more rural areas and the difficulties in achieving the scale of improvements necessary to enable growth to be supported.

This option would create increased demand for education places in many areas across the Borough - the increase in demand would trigger the need for additional places to be commissioned, but the level of demand might not provide the critical mass in all areas for viable expansion. The 'lumpy' nature of provision means that most often primary expansion can only take place in increments of 210 places (30 places per year group), but it is very important that the additional demand will be enough to fill the 210 places. Growth resulting in increased demand of, for example, 100 places, provides a very significant problem as there would not be places for the pupils but little chance of expanding existing schools to accommodate.

A dispersal approach to growth could present similar challenges to Option A in terms of existing infrastructure capacity for County Council community infrastructure provision. Furthermore, the dispersal approach does not usually create the critical mass to be able to deliver new infrastructure to meet the growth requirements.

### **Option C**

The County Council's preferred option, as Local Highway Authority, is Option C, which seeks to deliver new settlements/major extensions. However, this is on the basis that any of the site options for future settlements are in suitable locations, which provide connectivity to (or can be designed to deliver) the full range of highway, rail and bus services, and the necessary community and utility infrastructure necessary for the proposed new communities.

This option affords the best opportunity to create new self-contained communities that will minimise the need to travel over longer distances. It is supported in the NPPF, which in paragraph 72 states:

*'The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.'*

The comprehensive planning and design of a new community enables the patterns of movement to be shaped around walking, cycling and public transport. This aligns with the NPPF objective of 'sustainable development' and crucially helps to minimise the impact on the existing highway network, which is particularly constrained in the urban area and offers limited scope for improvement.

A critical mass of development carries further advantages in how it is usually much easier to secure the timely delivery of any new infrastructure that may be required to support it or mitigate its impacts. Previous experience has highlighted the difficulties associated with piecemeal development, where individual sites are unable to viably bring forward improvements and instead rely on mitigation through financial contributions. This can often result in funding shortfalls that can delay or prevent delivery. There is a far better prospect of such situations being avoided with larger scale development, as the developers are better able to assume responsibility for delivery.

In addition, KCC as Education Planning Authority would advise that Option C is the preferred approach for education provision. Concentration of demand enables new provision to be commissioned and designed within the development itself and demand is of a scale that provides the critical mass for new primary provision to operate sustainably.

In respect of its role as community infrastructure provider, the County Council considers that Option C should

provide the critical mass that would generate the necessity for new infrastructure that is able to support the growth delivered through the Local Plan. The County Council's preference is for growth that is able to deliver the necessary new infrastructure to meet its needs. This is usually achievable on larger development sites where they are not reliant on existing local infrastructure that may not have the capacity to meet an increased need.

Option C also provides an opportunity to create zero carbon developments with high levels of technological innovation that can be master planned from the outset of the development proposal. This will have the potential to attract new investments into Kent.

TQ12 – For your preferred option, what infrastructure would you want to see brought forward as a priority?

**Provision and Delivery of County Council Community Services / Sustainable Business and Communities:** It is vital that County Council infrastructure and services are all an integral part of sustainable growth in the Borough and should be planned into development through early engagement. Infrastructure should seek to reduce the environmental impact of new development with high quality sustainable design that is fully funded and delivered in a timely manner.

**Highways and Transportation:** The County Council's Borough-wide transport priorities over the period to 2031 are identified in the Local Transport Plan (pages 36-37). Some of these, such as the Maidstone Integrated Transport Package, already benefit from committed funding and are currently progressing towards delivery. Those priorities with no certainty of funding, such as the Leeds Langley Relief Road, will provide important focal points in the Review in order to establish whether growth could help facilitate their delivery.

The creation of sustainable new communities will logically require priority to be afforded to providing safe, convenient and attractive networks for pedestrians and cyclists, alongside frequent and accessible public transport services. Alongside this will be the need for any residual traffic impacts on safety or capacity to be mitigated through improvements to the highway network.

TQ13 – If your favoured option won't achieve the number of new homes needed, at the rate they are needed, what combination of options do you think would be best?

TQ14 – Have we identified the correct areas of focus for future masterplanning? What are the reasons for your answer?

**Highways and Transportation:** The County Council supports the focus that is being placed on achieving mixed land uses, pedestrian/cycle route connectivity and infrastructure provision as part of the masterplanning of new developments. These principles reflect the importance of achieving sustainable development and the need for growth to be supported by the timely delivery of improvements to transport infrastructure.

It should be noted however that there are other key design elements that will be critical to achieving high quality development. There should be a high degree of importance placed upon ensuring the design of the road layouts accords with the Kent Design Guide and its successor. Developments with roads that do not conform to the Kent Design Guide are often substandard in terms of their design and specifications and usually involve management companies that assume liability for maintenance. This in turn poses greater risks to residents in terms of highway safety, the effects of obstructive or displaced parking and potential for future disrepair. The County Council regards it to be essential that achieving road layouts in accordance with the Kent Design forms a key component of the masterplanning process.

The issue of car parking should be a key focus in view of the influence it can have on the quality of an environment. Establishing the appropriate level of parking provision and how this should be accommodated within a layout is important in preventing situations where streets are dominated or obstructed by parked vehicles.

The healthy streets approach employed by Transport for London in seeking to increase active travel and improve the quality and attractiveness of an environment should also form a part of the approach to masterplanning.

**Sustainable Business and Communities:** The County Council would also recommend that the need to achieve net zero carbon development should be specifically mentioned in the Local Plan Review. This will better reflect

the Government's revised Climate Change Act target for the whole of England to achieve net zero by 2050, as well as the Borough Council's aspirations for achieving sustainable growth.

TQ15 - Should the national space standards be incorporated into the Local Plan Review? What are the reasons for your answer?

TQ16 - How can the Local Plan Review best plan for the different types of housing which will be needed?

TQ17 – How can the Local Plan Review best plan for the accommodation needs of Gypsy & Travellers and Travelling Showpeople?

The County Council would like to see Gypsy and Traveller sites proposed in sustainable locations. Planned sites will need to have good local connections, whether in urban or rural areas, and with careful consideration of their integration with existing communities. The County Council's Gypsy and Traveller Service agrees with the points set out within the Local Plan Review, page 36. The County Council would welcome an opportunity to have a meaningful input to the Gypsy and Traveller Accommodation Assessment during its preparation

TQ18 – How can the Local Plan Review help ensure that local economic growth benefits everyone?

TQ19 – How can the Local Plan Review help sustain our town and local centres?

The County Council would welcome, through the Local Plan Review, a renewed focus on creating mixed use town centres that are sustainable, resilient and fit for the future, with policies that have sufficiently flexibility to enable town centres to respond to changes in market conditions. Town and local centres should be accessible, with user friendly public transport links, electric vehicle charging and car club provision.

TQ20 – How can the Local Plan Review best plan for the new infrastructure that will be needed to support growth?

Early engagement with local stakeholders and key infrastructure providers is vital. The County Council would welcome ongoing collaborative working with the Borough Council through the Local Plan Review process and implementation to assist in the delivery of sustainable growth in the Borough.

**Highways and Transportation:** The Local Plan Review should plan for future proofed infrastructure. For example, from a highways perspective, there is an anticipated rapid transformation of vehicle use towards electric, alternatively fuelled and autonomous vehicles and increasing use of shared / on demand vehicles. This transformation should be taken into account when planning new infrastructure to support growth. This can be achieved through collaboration with key stakeholders and providing the flexibility within policy to meet the changing infrastructure needs.

**Sustainable Business and Communities:** The Local Plan Review can also best plan for the new infrastructure through consideration of the changing nature of energy generation and supply. This includes continued engagement with UK Power Networks (UKPN) and South Gas Networks (SGN) as the energy sector will likely undergo rapid transformation during the Local Plan period. For instance, gas heating to new homes will be banned from 2025, and the current energy infrastructure will be moving away from large power stations towards a greater use of smaller, community scale, low/zero carbon power generation. This must be taken into account in the Local Plan Review to best plan for new infrastructure.

**Public Rights of Way:** As part of a collaborative approach to new infrastructure, the County Council requests that the KCC PRoW and Access Service is consulted at the initial design stages of a new scheme / infrastructure



project when new proposals may have an impact on the PRow network; or when it provides opportunity to enhance the existing PRow network. KCC will then be able, at an early stage, identify any PRow infrastructure requirements that are urgently required and consider the most appropriate method for delivering these works.

TQ21 – Have we identified all the types of transport measures? Which measures do you think we should prioritise?

**Highways and Transportation:** The majority of the potential types of transport infrastructure improvement have been identified.

However, a key omission is the absence of charging infrastructure to support the use of electric vehicles. This is essential to enable electric vehicles to become a more viable choice for residents and reduce the effects of vehicle emissions on air quality. Including improvements of this nature will accord with Policy 28 of the Department of Transport 'Road to Zero' strategy (July 2018), which highlights the imperative of *'Ensuring the houses we build in the coming years are electric vehicle ready. It is our intention that all new homes, where appropriate, should have a chargepoint available.'*

The range of options to achieve 'parking control' could also be broadened to include the provision of cheaper parking in areas outside of the town centre where there are opportunities for onward travel by walking and public transport.

The priorities attached to individual measures should be primarily driven by the strategic objectives of the Local Transport Plan and the focus of prioritising sustainable travel. Alongside this, there may be opportunities to resolve pre-existing local network constraints for the benefit of both existing and new communities.

Under most circumstances, the priority attached to an individual measure should correlate with the level of certainty surrounding funding and achieving its timely delivery.

**Transport Policy:** The County Council considers that the Local Plan Review has sufficiently covered the rail issues in Maidstone.

**Public Rights of Way:** The Local Plan Review should prioritise measures that encourage walking and cycling activity, ensuring that new developments provide high quality access infrastructure, with links to local amenities and the PRow & Access Network. These sustainable transport connections should ensure that residents are not dependent on private vehicle use for short distance movements. There is an increasing body of research and evidence to suggest that off-road routes encourage cycling participation levels, especially amongst families with young children. Development of high quality 'traffic free' cycle routes should therefore be a priority, to encourage active travel among younger generations and change long term travel patterns. These ambitious proposals could be achieved by upgrading the status of existing PRow or creating new routes, but Local Plan support will be required to deliver these improvements.

TQ22 – How can the Local Plan Review best integrate health and wellbeing into the planning of new development?

**Public Rights of Way:** The Local Plan Review should ensure that high quality, traffic-free walking and cycling routes are provided within new developments, which effectively integrate with the wider transport network. Walking and cycling links should provide realistic travel alternatives to short distance car journeys, offering direct and convenient access between residential estates, local amenities, shops, schools, open green spaces and major areas of employment.

Studies have shown that green spaces provide considerable health and well-being benefits for the public, but these spaces will face increasing pressures from new developments and a growing population. There is a risk that the attractive qualities of green spaces will deteriorate, unless appropriate steps are put in place to protect the sites and manage access. To cope with the increasing demands of a growing population, it is recommended that the Local Plan Review increases the level of open space provision required within new developments above that currently being sought.

The Local Plan Review should also consider the means of accessing these green spaces and recreational resources, so that the public are not dependent on vehicle transport for visiting the sites. Improved connectivity should encourage recreational and leisure activity, including access to country parks, honey pot sites and other facilities of high leisure use.

**Sustainable Business and Communities:** The provision of a well connected network of green and blue infrastructure can also provide multiple benefits for health, climate change adaptation for both flood and heat and air quality benefits, whilst also possibly having economic benefits. This should be reflected in the Local Plan Review across health, infrastructure and environmental themes.

**Provision and Delivery of County Council Community Services:** Reduce social isolation as well as crime and fear of crime through design of safe, inclusive and accessible public spaces and amenity for all.

TQ23 – How can the Local Plan Review best manage flood risk whilst still achieving the growth that is needed?

The adopted Local Plan does not refer to the role of KCC as Lead Local Flood Authority (LLFA). LLFAs were made statutory consultee within the planning process in April 2015 for major development in respect of surface water drainage. The recent revisions to the NPPF specifically state the need for Local Planning Authorities to have regard to advice provided by the LLFA. The current adopted Local Plan does not recognise the importance of consideration of surface water drainage alongside fluvial flood risk.

Though planning policy does recognise the need for implementation of sustainable drainage systems and specific housing allocations recognise the importance of surface water management, the adopted Local Plan is not considered particularly strong in addressing surface water drainage issues and its associated flood risk.

It should be noted that the Environment Agency does not have a role in relation to surface water management. This should be corrected within policy in the Local Plan Review – for example Policy H1(10) South of Sutton Road, should include a policy requirement that “Development proposals will demonstrate that any necessary new or improved foul and surface water including SuDS drainage infrastructure required to serve the development to ensure no increased risk of flooding off-site, will be delivered in parallel with the development, in consultation with Southern Water and the Environment Agency.” This policy should reference the LLFA and not the Environment Agency.

The County Council considers that the current adopted Local Plan does not recognise clearly, with a separate Policy, the need to deliver specific approaches to flood risk and surface water drainage provision. It is appreciated that the general housing site allocation policy (H1) identifies how flood risk is assessed and that specific housing allocations may identify where surface water drainage is also an issue.

The Local Plan Review needs to address (1) a current lack of flood risk and surface water drainage policy and (2) references within policies in the adopted Local Plan which do not include surface water flood risk.

**A lack of flood risk and surface water drainage policy** - it is important that the existing development and any new development accommodates areas of flood risk, make space for surface water runoff generated by the development and any surface water overland flow paths. High level assessments are provided through the Strategic Flood Risk Assessment which supports the Local Plan, and the expectation is that any new development proposal will assess impacts in relation to flood risk and surface water and provide appropriate mitigation such that flood risk is not increased on-site or off-site.

However, guidance is needed with respect to:

- a) Areas which have constraints within local drainage infrastructure (sewers and ordinary watercourses) where additional constraints on discharge may need to be pursued to address an existing situation and which may not be identified within allocations; and
- b) how flood risk and surface water should be managed and accommodated for delivery of multifunctional spaces and supporting objectives in relation to biodiversity and amenity as required by the NPPF.

The County Council would recommend that the Local Plan Review has consideration of the inclusion of a development management policy for flood risk and surface water drainage.

**References within policies which do not include surface water flood risk** - The adopted Local Plan specifies mitigation that may need to be provided, both in strategic policy and housing allocations. Information with Policy SP5 (Rural Service Centres) recognises the impacts of surface water flooding on these areas (Paragraph 4.76, page 40). Similarly statements within Policies SP7 (Headcorn), SP9 (Marden), SP16 (Yalding) which recognise in general that Flood Risk Assessments demonstrate the need for strict controls on the location of development within Flood Zones 2 and 3; yet fluvial flood risk is not the only type of flood risk which needs to be addressed with new development.

Policy SP7 provides for key infrastructure requirements for Headcorn that “additional capacity will be required in the sewer network and at the wastewater treatment works if required in the period to 2031.”

Recent development in Headcorn demonstrated how off-site flood risk could be considered in relation to new development discharging to existing watercourses. The County Council recommends that new development should:

- Account for the risks associated from surface water flooding, having regard to Environment Agency’s Flood Map for Surface Water; and
- assess impacts to local receiving watercourses and ditch networks which may have capacity constraints and connectivity issues.

The housing site assessment may indicate the need to assess surface water drainage where appropriate including H1(20) Wren’s Cross, H1(26) Tovil Hill etc. Policy H1 Housing site allocations requires Flood Risk Assessment in specific situations. It would be recommended that surface water flood risk is assessed in a similar way:

*“Appropriate surface water and robust flood mitigation measures will be implemented where the site coincides with identified flood zones 2 and 3 or areas of surface water flood risk and shall be subject to a Flood Risk Assessment, including sites in Flood Zone 1 greater than 1ha in area, and shall incorporate sustainable drainage systems.”* (page 96).

This policy also requires contributions towards infrastructure requirements.

It would be appropriate that the importance of consideration of drainage is also considered in the overall policies (SP7, SP9, and SP16).

TQ24 – How can the Local Plan Review best plan for the protection and enhancement of the borough’s environmental assets whilst still achieving the growth that is needed?

Under the latest revisions to the NPPF, paragraph 165, major developments should incorporate sustainable urban drainage systems. The systems should where possible deliver multifunctional benefits. Assessing drainage in conjunction with other provisions such as biodiversity enhancements for new development can better accommodate housing requirements and help achieve the growth that is required in a sustainable manner.

TQ25 – How can the Local Plan Review best plan for the conservation and enhancement of the borough’s heritage assets whilst still achieving the growth that is needed?

Maidstone’s heritage has great potential to contribute more effectively to the quality of life in the area. The heritage is complex, however, and needs careful consideration to ensure that the opportunities it presents are not missed and that it is not harmed by inappropriate or poorly planned development. In recent years, the County Council has developed a Heritage Strategy for Dover District Council and Folkestone and Hythe District Council. The goals of these strategies are:

- To identify and describe the key themes of relevance of the heritage of the district and the heritage assets that represent them
- To assess the role that these can play in in regeneration and tourism
- To identify both their vulnerabilities and the opportunities they provide
- To inform site allocations within the district
- To support policy development

The County Council recommends that the Borough Council develops a similar strategy, which would also be compliant with the NPPF paragraph 126, in requiring local authorities to have a “positive strategy for the conservation and enjoyment of the historic environment.” The County Council would welcome further discussions on with the Borough Council on the development of a Heritage Strategy.

If the Borough Council does not wish to pursue a Heritage Strategy, then it is essential that the Local Plan Review underpins the conservation and enjoyment of the historic environment in all relevant sections. The sections will need to describe the contribution that the historic environment can make as well as the issues that need to be considered to ensure appropriate conservation of heritage assets. These should include:

- Building design (e.g. the need for new build to respect local character in terms of form, size, materials, massing and orientation)
- Settlement hierarchy and design (e.g. the benefits of new development respecting the layout of boundaries, roads and lanes so that they fit into the grain of existing settlement)
- Landscape and green infrastructure (e.g. using aspects of the historic landscape to promote connectivity and ensure that historic character is enhanced)
- Natural environment and coasts (e.g. recognising the wealth of heritage assets along the Medway and that these can take the form of settlement, maritime or military sites)
- Tourism and economy (e.g. identifying those heritage assets that can play a greater economic role in the area by promoting them as tourist sites or re-using historic buildings for new purposes).
- Sustainability and climate change (e.g. bringing together recent research by Historic England on the energy savings often inherent in existing buildings compared with the cost of demolition and new build but also the need for historic buildings to be treated sympathetically when energy improvements are being made)
- Flood risk (e.g. the need for SUDS permissions to take account of the impact they can have on historic structures and archaeological sites. Guidance on this is available from KCC Heritage Conservation)

Geodiversity should also be included in the Heritage Strategy. This includes fissures or possible cave sites which may contain Palaeolithic remains, for example, within the Loose Valley or areas to the west of Maidstone, Pleistocene river gravels, and also in relation to the character of the built historic environment and the sourcing of traditional building materials.

In addition to the Scheduled Monuments, Registered Parks and Gardens and Conservation Areas, Maidstone contains numerous heritage assets of local significance in the form of historic buildings, local parks and gardens, archaeological sites and monuments, most of which are included in the Kent Historic Environment Record. These local sites are critical to maintaining local character and need to be identified and conserved. An effective way to highlight significant local heritage assets is to develop a Local List of Heritage Assets. KCC is aware that the Borough Council has a list of Locally Listed Buildings, this should be developed further to include archaeological and landscape heritage assets to become fully effective. To further support the conservation of local heritage assets the Kent Historic Environment Record should be listed as a key information source in the Local Plan Review.

The County Council recommends that the Local Plan Review commits the Borough Council to working with stakeholders and partners to better understand, value, conserve and promote the Borough's heritage. This will maximise the ability of individuals and organisations to contribute their expertise but also ensure a shared ownership of the heritage. Examples of this could include a project with the Kent Gardens Trust as described above or a project to study and conserve the historic defences of Detling Airfield. Another good example would be a project to conserve the defences of the River Medway. During the Second World War the River Medway was the GHQ Stop-Line and still contains dozens of pillboxes and defence sites. The Borough Council could work with the Medway Valley Countryside Project, Historic England and the County Council to assess, designate, promote and protect this nationally important collection of heritage assets.

The Local Plan should also refer to the following key information sources:

- Kent Historic Environment Record, a database of archaeological sites, historic buildings and landscape features in Kent and Medway. See <http://www.kent.gov.uk>
- Historic town survey reports for Maidstone, Headcorn, Lenham, Marden and Yalding (2004). These reviewed the known archaeological and built heritage of the three towns and identified Urban Archaeological Zones of sensitivity. See [http://archaeologydataservice.ac.uk/archives/view/kent\\_eus\\_2006/](http://archaeologydataservice.ac.uk/archives/view/kent_eus_2006/)
- Kent Farmsteads Guidance (2012) for developers and planners considering development in the countryside. See <http://www.kentdowns.org.uk/publications/kent-downs-aonb-farmstead-guidance>
- Kent Historic Landscape Characterisation (2001). See [http://archaeologydataservice.ac.uk/archives/view/kent\\_hlc\\_2014/](http://archaeologydataservice.ac.uk/archives/view/kent_hlc_2014/)
- Kent Compendium of Historic Parks and Gardens.

In relation to policies within the adopted Local Plan, the County Council would like to raise the following points:

**Policy SP 18:** The note accompanying policy SP 18 in the Local Plan Review suggests that the existing policy 'offers a general strategy for the conservation and enjoyment of the historic environment required by NPPF'. As above, the County Council considers that the Borough Council requires a full Heritage Strategy to comply with

the NPPF and simply re-stating the NPPF does not meet the requirement.

**Policy DM 4:** The County Council supports the suggested alteration to the existing policy to explicitly include the requirement for planning authorities to maintain or have access to a historic environment record.

TQ26 – How can the Local Plan Review best plan for the protection and enhancement of the borough’s biodiversity whilst still achieving the growth that is needed?

**Biodiversity:** The County Council would like to see the Local Plan Review ensuring that the Borough’s biodiversity and wildlife habitats are suitably protected and enhanced, including pollinator planting. The Local Plan Review should ensure there is a database of up to date ecological information available to inform planning applications, and applications should be submitted with the relevant ecological information.

The Borough Council should also note that Biodiversity Net Gain is to be mandated, which will be through the second part of the Environment Bill (the first reading is expected in October 2019). The Local Plan Review should ensure that it contains a mechanism to ensure that Net Gain is carried out in the Borough. The Borough Council has a Green Infrastructure Plan and there is need for that to link into the Biodiversity Net Gain requirements to ensure connectivity is retained and enhanced in the County.

The Borough Council should have consideration for the Kent Biodiversity Strategy and the revised targets and priorities should be reflected in the Local Plan Review. The Kent Nature Partnership intends on working with the districts over the coming year to help distil the Kent Biodiversity Strategy targets to the local planning level and identify specifically what contribution could be made.

TQ27 – How can the Local Plan Review best plan for an overall improvement in air quality in the Maidstone Air Quality Management Area, and manage air quality elsewhere, whilst still achieving the growth that is needed?

TQ28 – How can the Local Plan Review best reduce the generation of carbon emissions and mitigate for the effects of climate change whilst still achieving the growth that is needed?

**Highways and Transportation:** The areas worst affected by poor air quality are those alongside the primary road network within the urban area, where the effects of congestion are more pronounced. The Local Plan Review provides an opportunity to explore whether growth can deliver new infrastructure that will relieve these roads, either by providing alternative routes or improving the range of alternative travel opportunities that are available. The difficulty is in ensuring that the problem is not simply displaced to another nearby location and that any benefit is not eroded by the residual cumulative impact of the growth.

There is a high likelihood that an approach founded on the creation of new sustainable communities will be most effective in minimising additional travel demand on the congested urban routes that already have poor air quality.

**Public Rights of Way:** The County Council recommends that the Local Plan Review should have consideration of access and movement patterns across the Borough. A high quality transport network, which enables the public to move around quickly and easily, is an essential requirement for economic growth and prosperity. However, with reference to page 54 of the Local Plan Review, it is recognised that transport is now one of the largest emitters of carbon in the UK. Further, pollutants from motor vehicles can contribute towards a reduction in air quality, especially in congested areas of the road network. Measures to encourage walking and cycling should be accelerated, as they can provide low carbon modes of transport. The PRoW network can provide opportunities for these sustainable forms of transport, especially short distance journeys, but local planning policy support, early engagement with developers and funding will be required to deliver these aspirations.

**Sustainable Business and Communities:** The County Council would encourage reference to the Kent and Medway Energy and Low Emission Strategy within the Local Plan Review

The County Council welcomes the addition of air quality modelling as part of the Local Plan Review and the identification of the need to link transport and air quality modelling. The County Council would support the development of an Air Quality Local Plan Development Plan Document as part of the Local Plan Review and agrees that actions to tackle air quality must be incorporated into initial designs of developments.

The County Council recognises that Issue 13 as published in the consultation document is also relevant for cross cutting objectives “health inequalities are addressed and reduced” and “deprivation is reduced”. This is because

actions to reduce carbon emissions are strongly linked to reduced fuel poverty and improved housing conditions. In addition, some of Maidstone's most deprived communities are at greater risk from climate change impacts, so failure to adapt could potentially exacerbate existing inequalities.

The Climate Change Act has been updated to include a carbon net zero by 2050, and this revised target needs to be updated within the adopted Local Plan that is currently referring to an 80% reduction.

The County Council would encourage the Borough Council to adopt a policy to 'reduce vulnerability' as opposed to 'avoiding increased vulnerability' to the range of impacts arising from climate change. According to current climate change projections (CP18), the Borough's vulnerability to climate change impacts, including heat, drought and flooding, will continue to increase so a business as usual approach is no longer appropriate. New developments present an ideal opportunity to reduce vulnerability to future climate change impacts, reducing the need for more expensive retrofitting at a later stage, and increase the long term sustainability of development.

KCC would encourage the adoption of high levels of building sustainability, with the setting of more stringent energy and water standards justified by the need to achieve the net zero carbon emissions targets of both the Borough and County Councils. Alternatively, the Local Plan Review could consider the identification of zero carbon development hubs, where more stringent energy and water standards are mandated to support and attract funding for trials and pilots of new technologies to encourage longer term innovation and investment in zero carbon technology and infrastructure.

The County Council supports the adoption of policies that require charging points to be built into all new developments. The Local Plan Review is also an opportunity to investigate and evidence emerging future trends in vehicle charging and ownership.

TQ29 - How can the Local Plan Review best provide for open space in new development?

**Public Rights of Way:** Research has found that populations with a relatively high level of physical inactivity have limited access to natural greenspace that is 'close to home'. Comparing areas with access to greenspace, deprivation and good health, there appears to be a correlation, where less deprived areas have better health and good access to green space. The Local Plan Review should address the imbalance of green spaces and improve opportunities to access this resource in deprived areas. Further, consideration will need to be given to the long term management of these open spaces, to ensure they have sufficient financial support for future maintenance and do not degrade over time.

**Sustainable Urban Drainage Systems:** The implementation of sustainable drainage systems is often associated with delivery of open space. The need and definition of open space within the Local Plan Review should therefore consider multi-functionality of green and blue infrastructure as required by the NPPF, paragraph 165. Assessing drainage in conjunction with other provisions such as biodiversity enhancements for new development, and any open space allocation, can mean that a more efficient design proposal is developed which can better accommodate housing requirements.

TQ30 – What community facilities do you consider are the most important to a successful new development?

The County Council would like to refer to Overarching Question 5 in respect of community facilities important to a new development.

TQ31 – Have we identified the extent of potential changes to the adopted Local Plan correctly? What alternative or additional ones do you suggest and why?

The Government's Clean Growth Strategy and the new 2050 net zero target should be fully reflected in the Local Plan Review (not just in the climate change sections) to reflect that sustainability should be central to good growth within the Borough.

## About you

### 1. Are you...

- Male
- Female
- Other – please state

### 2. Which of the following age group do you fall into?

- 17 years and under
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-74
- 75+

### 3. Which of the following best describes your race or ethnicity

- White (English/Welsh/Scottish/Northern Irish/British/Irish /Gypsy/Irish Traveller)
- Black/ Black British (African/ Caribbean)
- Asian/Asian British (Indian, Pakistani/Bangladeshi/Chinese)
- Mixed (White & Black Caribbean/ White & Black African/ White & Asian)
- Other

### 4. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

- Yes
- No
- Prefer not to say

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

**BY EMAIL ONLY**

6 September 2019

Dear Helen,

**Re: Community Infrastructure Levy (CIL) Regulation 123 List Review - Public Consultation**

Thank you for consulting Kent County Council (KCC) on the Regulation 123 List Review.

The County Council notes that the substantive change relates to the education provision, which now includes the one form entry expansion of Lenham Primary as an 'exclusion' - to be funded instead via Section 106 contributions, rather than via future receipts from CIL. As Local Education Authority, the County Council is supportive of this proposed amendment.

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

Yours sincerely,

**Barbara Cooper**  
Corporate Director - Growth, Environment & Transport

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Graham White  
Chair  
Lamberhurst Neighbourhood Development  
Plan Steering Group

**Environment, Planning and  
Enforcement**

Invicta House  
County Hall  
Maidstone  
Kent  
ME14 1XX

Phone: 03000 415673  
Ask for: Francesca Potter  
Email: francesca.potter@kent.gov.uk

**BY EMAIL ONLY**

9 September 2019

Dear Mr. White,

**Re: Lamberhurst Neighbourhood Plan - Regulation 14**

Thank you for consulting Kent County Council (KCC) on the Lamberhurst Parish Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and for ease of reference has provided comments structured under the chapter headings and policies used within the Neighbourhood Plan.

**Parish Vision**

The County Council suggests that as the Public Rights of Way (PRoW) network in Lamberhurst consists of bridleways and footpaths, the opening text should be revised to state *“well maintained Public Rights of Way will provide safe routes throughout to encourage walking and cycling.”*

**History**

This section provides a good review of the history of the Parish but focuses on the early medieval and later periods. It should be noted that in addition to the iron age track, more than 250 prehistoric flints have been found in the Parish, mostly relating to the Mesolithic/Neolithic periods. These include at least one Neolithic axe.

The Neighbourhood Plan also mentions “an iron-age track-way” that runs through Lamberhurst. The School Hill/Broadway/High Street road is likely to have early origins, but although the claim is often made that it is iron age in date, there is, as far as KCC is aware, no particular evidence of this. It should be noted, however, that there are a number of other early trackways and droveways in Lamberhurst.

The High Weald AONB Partnership has identified and digitised a number of early routeways across the Weald<sup>1</sup>, and it is important that these are conserved as important elements in the historic landscape of the Parish. The High Weald AONB Partnership, in collaboration with Tunbridge Wells Borough Council, has also developed a detailed historic landscape characterisation of the area that should also be considered by those preparing or assessing development proposals in Lamberhurst. Copies of this data can be obtained from the High Weald AONB Partnership or KCC Heritage Conservation.

## **Chapter 7 – Landscape and Environment**

The inclusion of a paragraph that highlights public footpaths within the Parish is welcomed, however, it is requested that this text is amended to state ‘Public Rights of Way’. This is because there are two Public Bridleways that pass through the Parish, in addition to the Public Footpaths, providing higher rights of access for equestrians, cyclists and pedestrians.

The text should also clarify that the KCC Public Rights of Way and Access Service has a statutory duty to ensure the network is recorded, protected and maintained.

With regards to the supporting text, the draft Neighbourhood Plan should make reference to the County Council’s Rights of Way Improvement Plan (ROWIP). This will promote and reinforce successful partnership working to continue and deliver improvements to the PRow network in Lamberhurst. Joint delivery of this strategic plan will ensure significant benefits, including access to additional funding opportunities.

### *L1 - Green Spaces*

Studies have shown that green spaces provide considerable health and well-being benefits for the public, but these spaces will face increasing pressures from new developments and a growing population. There is a risk that the attractive qualities of green spaces will deteriorate unless appropriate steps are put in place to protect the sites and manage access. To cope with the increasing demands of a growing population, it is recommended that the Neighbourhood Plan seeks an increase in open space provision above that currently sought.

The provision of high quality open green spaces and opportunities for outdoor recreation should be a priority. The Neighbourhood Plan for Lamberhurst should aim to increase the provision of accessible green spaces and improve opportunities to access this resource in relatively deprived areas.

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<sup>1</sup> <http://www.highweald.org/learn-about/landscape-stories/the-routeways-story.html>

It is imperative that open spaces can be accessed through sustainable modes of transport. To encourage active travel, KCC recommends that the wording of this policy text should be strengthened to ensure that visitors can walk or cycle to open spaces. Alternatively, good public transport links with open spaces should be made available, so that the public is not dependent on private vehicle use for visiting these sites.

#### *Policy L2 Development within the AONB*

KCC is supportive of the inclusion of water course restoration and flood prevention within the Neighbourhood Plan. KCC would also recommend that Policy L2 should specify how drainage should be provided within new development - specifically that “a full sustainable drainage approach should be included within all new development such that the drainage system provides surface water quantity control, water quality protection, biodiversity enhancement and amenity provision.”

#### *Policy L3 – Landscape*

Lamberhurst village and the hamlets of the Parish sit within a landscape that is both historic and vulnerable. To understand and value landscape character fully it is important to consider its historic aspect. This means the pattern of tracks, lanes, field boundaries and other features that comprise the historic character of the modern landscape and which can shape future growth. The Kent Historic Landscape Characterisation (2001) and the Tunbridge Wells Historic Landscape Characterisation (2017) have identified the historic character of the landscape of Kent and are important tools for managing change.

#### *Policy L4 - Biodiversity*

KCC recommends that Policy L4 should refer to sustainable drainage systems that can provide an opportunity to enhance biodiversity. By way of an example, KCC recommends that the following text could be included: “Any development proposals should consider additional benefit of enhancing biodiversity through drainage provision”.

The County Council also recommends that the wording of the policy is strengthened. The use of the word “should” suggests that development proposals are not always required to protect/enhance the habitats of interest/designated sites. The County Council recommends that the policy should replace “should” with “must”, to ensure all developments protect/enhance natural habitats. KCC also recommends that the policy includes a statement that reiterates that developments must not impact designated sites or ancient woodlands.

All applications will need to have Ecological Impact Assessments and the design of the development will need to be informed by the survey results – KCC recommends that the policy refers to the mitigation hierarchy (as described in British Standard BS 42020:2013), which involves the following step-wise process:

- Avoidance – avoiding adverse effects through good design;
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;

- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

#### *Policy L5 - Water Management and Flood Risk*

The Lamberhurst Parish Neighbourhood Development Plan (July 2019) includes consideration of flood risk associated with the River Teise. KCC welcomes the inclusion of this policy within Neighbourhood Plan and that consideration of surface water management has also been noted within other policy areas.

#### *Policy L6 - Public footpaths and by-ways*

As stated within commentary on Chapter 7 of the Neighbourhood Plan, KCC recommends that reference is made to the County Council's ROWIP to ensure continued working and delivery of improvements to the PRoW network in Lamberhurst.

The inclusion of a specific policy for public footpaths and byways is welcomed and supported, however, it is requested that the wording of this policy is strengthened. It is suggested that the policy title is changed to 'Public Rights of Way', as this will encompass all the classifications of PRoW.

KCC suggests that there should be a requirement for planning applications to show recorded PRoW on their plans. Where PRoW would be directly affected by development proposals, plans should clarify intentions for positively accommodating, diverting or enhancing paths. The policy should clearly state that planning applications that would adversely affect the existing PRoW network will not be permitted.

It is requested that additional text is inserted into the policy wording, stipulating that applicants for new developments engage with the KCC PRoW and Access Service at the earliest opportunity. This would allow the County Council to review proposals for access improvements and consider appropriate developer contributions for PRoW network enhancements, which would ensure there are then sustainable transport choices available that provide realistic alternatives to short distance car journeys.

With regards to the 'Evidence' text, the KCC ROWIP should be referenced within this section as it is a statutory policy document for PRoW, setting out a strategic approach for the protection and enhancement of PRoW.

### **Chapter 8 – Community and Wellbeing**

The County Council is working with Tunbridge Wells Borough Council to ensure that the growth the Borough identifies is supported by the right number of additional school places where they are needed.

It is important that development takes account of Sport England guidance<sup>2</sup>. KCC recommends that the Parish Council reviews the guidance with consideration of the Sport England's Facilities Planning Model, as well as Active Design Guidance. Sport England's strategies for sport are very much focussed on tackling inactivity and supporting/encouraging under-represented groups to be active. The national Active Lives Survey indicates that approximately 25% of people nationally (24% now in Kent - 26% two years ago) are inactive and this is having knock on effects on physical and mental health, as well as individual and social/community development. Development should consider a mix of formal and informal areas/spaces (indoor and out), where people can be active. This can include walking and cycling routes and open spaces.

#### *Policy C2: Broadband and Mobile Infrastructure*

Where new developments and sites are being connected by full fibre (FTTP), network operators and developers should be encouraged to consider how the installation of this new infrastructure could support the deployment of better broadband infrastructure into existing area (e.g. through installing aggregating nodes in new fibre spines that could be used later).

Whilst KCC would not expect new build housing schemes to directly fund the connection of adjoining premises, designing the network to allow future build out can create new opportunities to improve connectivity and should be encouraged.

#### *Policy C3 – Developer Contributions*

The Neighbourhood Plan is supportive of the links to the countryside and surrounding open space. However, the Developer Contributions section does not reference the enhancement of the PRow that serve these connections. The increased population will undoubtedly add to the pressure and importance of the surrounding PRow network. It is critical therefore that some general wording is included within this section to secure funding to ensure these highly regarded links are not degraded.

New development provides opportunities to secure investment in the PRow network, which could enhance opportunities for active travel and outdoor recreation across the Parish. Developer contributions could be used to upgrade existing routes or create new path links that address existing network fragmentation issues highlighted by the public. Consideration should therefore be given to the investment of planning obligation contributions or CIL funding into the PRow network.

The PRow and Access Service would welcome engagement with the Parish Council to consider local aspirations for access improvements, the delivery of these projects and potential sources of funding for the works.

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<sup>2</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/>  
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/facilities-planning-model/>  
<https://www.sportengland.org/facilities-planning/active-design/>

## Chapter 9 – Housing and Design

It should be noted that much of Kent has historically had a dispersed settlement pattern. Development between villages and hamlets and among farm buildings would in many places be consistent with the historic character of those areas. Historic England, KCC and Kent Downs AONB have published guidance on historic farmsteads in Kent that considers how rural development proposals can be assessed for whether they are consistent with existing character<sup>3</sup>. It is recommended that the Parish Council makes reference to this guidance.

### *Policy D1 - Design of New Development*

Considering the value and importance of the PRoW network, it is requested that this policy text includes reference to the KCC ROWIP and the KCC PRoW & Access 'Good Design Guide'. This guide is intended to aid decision-making and promote good design in PRoW and countryside access management. The guide applies to both urban and rural locations and is intended to complement and where appropriate, draw together relevant technical and design information, both national and local, that has already been published.

It is also requested that additional text is inserted into the policy wording, stipulating that applicants for new developments engage with the KCC PRoW and Access Service at the earliest opportunity. This would allow the County Council to review proposals for access improvements and consider appropriate developer contributions for PRoW network enhancements, which would ensure there are sustainable transport choices available that provide realistic alternatives to short distance car journeys.

The inclusion of this PRoW text within Policy D1 should ensure that the PRoW network is considered at an early stage of the design process and successfully incorporated into future developments.

### *Policy D6 – Historic Environment*

KCC recommends that the policy objective for Policy D6 "To control infill and rebuilds" should be enhanced. The historic environment has the potential to contribute to the future of Lamberhurst and KCC would therefore suggest that this is amended to "to conserve and enhance the heritage of Lamberhurst".

A more comprehensive list of heritage asset types would be:

Designated heritage assets:

- Listed Buildings
- Scheduled Monuments
- Registered Parks and Gardens
- Protected Military Remains (aircraft crash sites)

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<sup>3</sup> <http://www.highweald.org/downloads/publications/land-management-guidance/historic-farmsteads.html>



- Conservation Areas

Non-designated heritage assets:

- Non-scheduled archaeological sites
- Non-listed historic buildings
- Historic landscape features
- Historic parks and gardens

Information about all of these can be found on the Kent Historic Environment Record.

The Parish Council should note that Archaeological Notification Areas (ANA) should not be listed as heritage assets. They are simply a means by which Tunbridge Wells Borough Council is notified as to which planning applications KCC may wish to be consulted on from a heritage perspective. The ANAs should therefore be removed from this list. The reference to ANAs in paragraph B 'Other heritage assets' should also be removed. The final sentence of this paragraph would be better phrased as "*Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*"

KCC recommends that both the Kent Historic Environment Record and the National Heritage List for England are identified as key evidence bases for this section.

The text should also mention that the landscapes surrounding both Bayham Abbey and Scotney Castle are designated as Registered Parks and Gardens by Historic England.

The title 'Historic Asset List' is confusing, as readers may be aware of 'heritage assets' as a term and 'Local List' as a term and will wonder what a 'Historic Asset List' is. It is also incomplete, with numerous heritage assets not included - such as Furnace Mill, Tollsyle Furnace, the medieval iron producing site beneath the A21 bypass and various hop-pickers huts. KCC recommends that it may be more suitable to change the name of the list to 'Local heritage assets' and to state that "In addition to the designated heritage assets, Lamberhurst contains numerous local heritage assets that contribute to the historic character of the Parish. Among these are..."

It should also be noted that heritage assets, whether designated or non-designated, are often part of wider complexes than can be seen today. For example, iron mills like Furnace Mill are part of an industrial landscape that includes the mill site itself but also millponds, mill leats, slag heaps, accommodation, woodlands and tracks. It is important when considering the impact of development proposals on heritage assets that the integrity of these landscapes is maintained and that consideration is not only given to visible features.

## **Chapter 10 – Traffic and Transport**

KCC, as Local Highway Authority can confirm that the Neighbourhood Plan, and in particular the objectives of Chapter 10 (policies T1-T2), aligns with national, county and borough policies and therefore has no comments to make.

### *Policy T1 - Sustainable Transport*

The inclusion of this policy is supported, as it would ensure that new developments provide opportunities for walking and cycling, enabling active lifestyles.

## **Policy T2 – Traffic Management**

Rural lanes provide useful connections for Non-Motorised Users (NMUs) travelling between off-road PRoW. The potential for additional vehicle traffic along these country lanes is therefore a concern, as increased movements could introduce safety concerns for NMUs and potentially deter public use of the PRoW network. With this in mind, Policy T2 should be strengthened, requesting that developers submit traffic impact studies in support of their applications. Where negative impacts on NMUs are identified, developers should provide or contribute towards appropriate mitigation measures.

## **Chapter 14 – Parish Feedback and Implementation**

It is requested that the KCC PRoW and Access Service is directly involved in future discussions regarding projects that will affect the PRoW network. KCC can then advise on the design and delivery of these projects, ensuring that new routes successfully integrate with the existing PRoW network. KCC would welcome future engagement with the Borough Council to consider local aspirations for access improvements and potential funding sources for the delivery of these schemes.

## **Appendices**

### *Useful Definitions*

It is requested that PRoW are added to this definition section. Suggested text is:

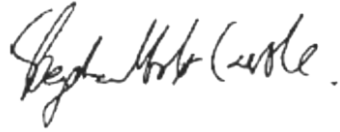
*“A way over which the public have a right to pass and repass, including; Public Footpaths, Public Bridleways, Restricted Byways and Byways Open to All Traffic”*

### *Planning Context*

The KCC ROWIP should be referenced within this section as it is a statutory policy document for PRoW, setting out a strategic approach for the protection and enhancement of PRoW.

KCC would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Holt-Castle'.

**Stephanie Holt-Castle**

Interim Director - Environment, Planning and Enforcement

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