

PLANNING APPLICATIONS COMMITTEE

Wednesday, 10th November, 2021

10.00 am

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





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 10th November, 2021, at 10.00 am
Council Chamber, Sessions House, County Hall, Maidstone

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

Membership (13)

Conservative (10): Mr R A Marsh (Chairman), Mr A Booth (Vice-Chairman), Mr C Beart, Mrs R Binks, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Mr O Richardson, Mr C Simkins and Vacancy

Labour (1): Ms J Meade

Liberal Democrat (1): Mr I S Chittenden

Green and Independent (1): Mr P M Harman

Webcasting Notice

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By entering the meeting room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately.

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Membership - To note the resignation of Mr J Wright from the Committee

2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 13 October 2021 (Pages 1 - 6)
5. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE APPLICATIONS

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal SE/21/891 (KCC/SE/0045/2021) - New sports facilities comprising 2 multi use games areas and 2 all-weather floodlit pitches on the existing school playing fields, and change of use of an area of land to grass playing field at Sevenoaks Grammar Annexe/Trinity School, Seal Hollow Road, Sevenoaks; KCC Strategic and Corporate Services (Pages 7 - 46)
2. Proposal MA/21/502002 (KCC/MA/0078/2021) - First floor extension to the sports pavilion, including a two storey side extension for access and external emergency escape staircase at Maidstone Grammar School, Barton Road, Maidstone: Maidstone Grammar School (Pages 47 - 78)

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 79 - 84)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

F. KCC RESPONSE TO CONSULTATIONS

1. Birchington Neighbourhood Plan (Regulation 14 Consultation) (Pages 85 - 162)
2. Dartford Local Plan Regulation 19 Consultation (Pages 163 - 170)

G. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

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

Benjamin Watts
General Counsel
03000 416814

Tuesday, 2 November 2021

(Please note that the draft conditions and background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report.)

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KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 13 October 2021.

PRESENT: Mr R A Marsh (Chairman), Mr A Booth (Vice-Chairman), Mr C Beart, Mrs R Binks, Mr I S Chittenden, Mr P Cole, Mr D Crow-Brown, Mr P M Harman, Ms J Meade, Mr H Rayner (Substitute for Mr M Dendor), Mr O Richardson, Mr C Simkins and Mr J Wright

ALSO PRESENT: Mr R W Gough

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications), Mrs A Hopkins (Principal Planning Officer), Ms A Short (Planning Officer), Mr A Millard (Senior Development Planner), Ms N Stevens (Invicta Law) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**31. Minutes - 2 September 2021**

(Item A3)

RESOLVED that the Minutes of the meeting held on 2 September 2021 are correctly recorded and that they be signed by the Chairman.

32. Application SE/21/1639 (KCC/SE/0102/2021) - Section 73 Application to amend Condition 2 of Permission SE/18/293 to regularise minor changes to the layout of the agricultural waste digester facility and to seek permission for the installation of a biogas storage facility at Court Lodge Farm, Stack Road, Horton Kirby, Dartford; Oncoland Ltd

(Item C1)

- (1) Mr R W Gough was present for this item as the Local Member and addressed the meeting.
- (2) The Head of Planning Applications Group informed the Committee of correspondence from the Council's Landscape Advisors giving their view that there would be no adverse landscape impacts arising out of the application.
- (3) The Head of Planning Applications Group agreed to write to Horton Kirby and South Darent PC in respect of their concerns regarding traffic and landscaping and the Committee's remit in respect of the waste related traffic associated with the application.
- (4) The Committee agreed that traffic volumes associated with the waste digester facility should be monitored.

(5) The Committee agreed to include Informatives advising the applicants to satisfy themselves on the need for any variation to the Environmental Permit regulated by the Environment Agency and any permit/process regulated by the Health and Safety Executive, and that the species/size of any replacement trees should be agreed in writing by the County Planning Authority prior to planting.

(6) In response to points made by Members of the Committee, the Head of Planning Applications Group confirmed that the Conditions imposed would be worded as instructions (with the additional condition set out in (4) above, as was the usual practice).

(7) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried unanimously subject to (4) and (5) above.

(8) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the development commencing no later than 3 years after the date of the planning permission; the development being carried out in accordance with the submitted details; the Site Management Plan being approved and implemented as approved; only waste arising from the farm estate being processed at the facility; surface and foul water drainage being carried out in accordance with the submitted details of the attenuation pond; lighting being implemented in accordance with approved details in order to minimise light spill; vehicle movements avoiding peak traffic periods and taking the route identified and detailed in the planning application with the traffic volume associated with the development being monitored and the figures being provided to the County Planning Authority upon request; and landscaping being implemented and thereafter maintained in accordance with the submitted scheme;
- (b) any Informatives still relevant from Permission SE/18/293 being carried forward within this planning permission. This includes Informatives relating to the expiry date of the decision notice and adhering to the conditions; a reminder that it is an offence to damage, remove or destroy the nests of wild birds which are in use; and minimising noise from mechanical apparatus at the site; and
- (c) the applicants be reminded by Informative that:-
 - (i) they need to satisfy themselves for the need for any variation to the Environmental Permit regulated by the Environment Agency and a permit/process regulated by the Health and Safety Executive; and
 - (ii) in the event of any tree dying or becoming diseased they shall be replaced, the species to be agreed in writing by the Waste Planning Authority prior to planting as required by condition, and there is an expectation that the species will be replaced on a like for like basis of a similar maturity to that lost.

33. Application SW/21/503467 (KCC/SW/0081/2021) - Change of use from storage of empty skips and associated plant to storage and processing of waste within an existing barn at Cleve Hill Farm, Cleve Hill, Graveney; K&S Services South East Ltd

(Item C2)

(1) The Head of Planning Applications Group informed the Committee of late representations complaining that the operators were carrying out activities in advance of the application being determined. This included vehicles using Cleve Hill Lane to access the site and the farmyard.

(2) The Head of Planning Applications Group said that the operators had confirmed that activity was taking place in conformity with the permission granted to them by Swale BC and that no vehicles were using Cleve Hill Lane. If a loaded skip was brought on site outside of operating hours, the waste remained in the skip and was transported to the disposal site the following day.

(3) The Committee agreed to combine the conditions concerning use of the building and travel through Graveney at peak school travel times into a single condition.

(4) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried unanimously as amended in (3) above.

(5) RESOLVED that permission be granted to the application subject to conditions, including conditions covering the development being implemented within 3 years of the permission; a maximum throughput of 4,000 tonnes per year; use of the building being restricted to the purpose applied for; hours of operation including use of the building and the movement of commercial vehicles being limited to between 0800 and 1730 on Mondays to Fridays with no operations on Saturdays, Sundays or Bank Holidays, with any traffic movements associated with the site not taking place in Graveney Village on School Term Days between 0830 and 0930 or between 1445 and 1600; no more than 30 heavy goods vehicle movements per day (15 in / 15 out); records of all HGV movements being maintained and made available on request to the Waste Planning Authority; access being limited to the road serving the London Array Substation (i.e. not via Cleve Hill); all loaded, open backed HGVs being sheeted, netted or otherwise covered; no waste being delivered to site by members of the general public. no activity associated with the development taking place outside the building; only skip waste being received; roller shutter doors being kept closed unless vehicles are entering or leaving the building; any incidental putrescible waste (including food waste) being removed from site to an authorised waste disposal facility within 48 hours; no crushing, mechanical screening or shredding of waste taking place; no fires or burning of materials; no waste being imported until the concrete pad and associated sealed drainage system are installed; all imported waste being deposited on the sealed concrete pad within the building; drainage from the concrete pad being captured within an underground storage tank, which is to be emptied and maintained on a regular basis; all vehicles, plant and machinery being regularly serviced, with engine covers closed and efficient silencers fitted to exhausts. all fuel, oil or chemicals being stored in accordance with Government Guidance; no external lighting or floodlighting

being installed (except for low-level security lighting); and restrictions on permitted development rights.

34. Matters dealt with under delegated powers

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the meeting on 16 June 2021 relating to:-

- (a) County matter applications;
- (b) County Council developments;
- (c) Screening opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None).

35. KCC Responses to Consultations

(Item F1)

(1) Members of the Committee commented on KCC response to the Tunbridge Wells Borough Local Plan 2021 Pre-Submission Local Plan (Regulation 19 and on the Application by River Oak Strategic Partners Limited (“the Applicant”) for an Order granting Development Consent for the reopening and development of Manston Airport in Kent.

(2) In response to comments made during discussion of this item, the Clerk to the Committee advised the Committee that the KCC Responses to Consultations items were for information only and that the Committee’s Terms of Reference provided no remit to seek to amend the response in advance of it being finalised.

(3) RESOLVED to note Kent County Council’s responses to the following Consultations:-

- (a) Stone Neighbourhood Plan 2020-2035 – Regulation 16;
- (b) Land at Court Lodge, Pound Lane, Kingsnorth Proposal - Construction of up to 1000 new homes (C3), local centre comprising retail uses (up to 450 sqm A1-A5) flexible office space (up to 350 sqm B1) and community facilities including a primary school (2.4ha), a combined community hall and site management suite (up to 650 sqm D1). New means of vehicular accesses onto Pound Lane, Long Length, Magpie Hall Road, new pedestrian and cycle routes laying out of green infrastructure, including allotment gardens and areas of ecological habitats. Drainage infrastructure, earthworks and ancillary infrastructure;
- (c) Brenchley and Matfield Neighbourhood Plan (2020-2038) - Regulation 14 Consultation

- (d) Tunbridge Wells Borough Local Plan 2021 Pre Submission Local Plan (Regulation 19);
- (e) Canterbury District Local Plan - draft vision and options for the district;
- (f) Re-determination of the Application by RiverOak Strategic Partners Limited ("the Applicant") for an Order granting Development Consent for the reopening and development of Manston Airport in Kent;
- (g) EIA Scoping Opinion for a proposed development at Land South and South East Mascalls Court Road, Paddock Wood, Tonbridge, Kent [application reference: 21/02129/EIASCO];
- (h) Re: Tenterden Neighbourhood Plan 2013–2030 Pre-Submission Draft (Regulation 14); and
- (i) Re: Egerton Neighbourhood Plan 2021-2040, April 2021.

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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

New sports facilities comprising 2 multi use games areas & 2 all-weather floodlit pitches on the existing school playing fields, and change of use of an area of land to grass playing field at Sevenoaks Grammar Annexe/Trinity School, Seal Hollow Road – SE/21/891 (KCC/SE/0045/2021)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 November 2021.

Application by Kent County Council for new external sports facilities - comprising 2 multi use games areas & 2 all-weather floodlit pitches on the existing school playing fields, and change of use of an area of land to the east of the school site to grass playing field, together with associated landscaping and access work at Sevenoaks Grammar Annexe/Trinity School site, Seal Hollow Road - SE/21/891 (KCC/SE/0045/2021)

Recommendation: the application BE REFERRED to the Secretary of State for LUHC as a departure from the Development Plan on Green Belt grounds, and that SUBJECT TO his decision that PLANNING PERMISSION BE GRANTED subject to conditions.

Local Members: Mr R Streatfeild & Mr R Gough

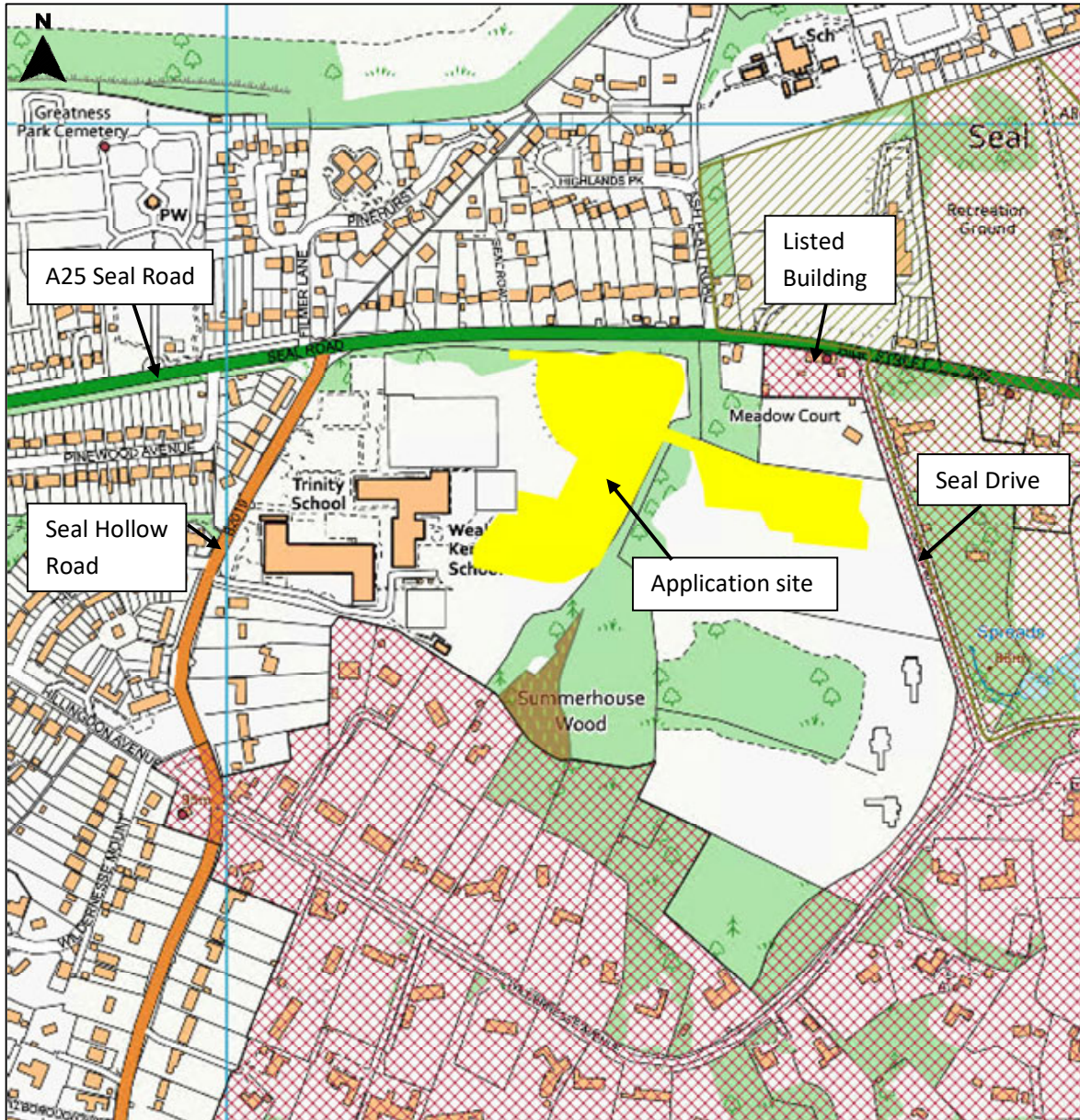
Classification: Unrestricted

Site

1. Trinity School, Weald of Kent Grammar Annexe and Tunbridge Wells Grammar School for Boys Grammar Annexe share the application site which is situated on the east side of Sevenoaks just over a mile from the town centre, on the site of the former Wildernesse School/Knole (East) Academy. The 11.8 hectare site lies on the southern side of the A25 Seal Road, which is a main arterial route into and out of Sevenoaks from the east, and on the eastern side of Seal Hollow Road (B2019). The whole of the site is located within the Metropolitan Green Belt, and outside of the settlement confines of Sevenoaks. Trees and hedgerows line the boundaries of the site, which in the most part are dense and mature. The northern site boundary abuts the A25 Seal Road, with facing residential properties located to the northern side of that road. Seal Hollow Road lies to the west of the site, again with facing residential properties located to the far side of the road. The southern boundary of the site abuts the boundary of the Wildernesse Conservation Area, with properties in Wildernesse Avenue backing onto the site.
2. To the east of the school site there is a heavily wooded area (a section of which is classified as ancient woodland), an open area of grassland, and residential properties in Wildernesse Avenue/Seal Drive (both private & gated roads). It is that open area of grassland which is included in this application, with a proposed change of use to grass school playing field (see paragraphs 7 & 17). The area to the east of the field, including Seal Drive is also within the Wildernesse Conservation Area. Three residential properties are located to the north of the field, one of which (not directly adjacent to the site) is listed and also included within the Conservation Area. Seal Drive is also the boundary of the Kent Downs Area of Outstanding Natural Beauty (AONB). For the avoidance of doubt, the application site is not within the Conservation Area or the AONB.

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

Site Location Plan



- Conservation Area
 - Listed building
- Ancient Woodland
 - Area of Outstanding Natural Beauty (AONB)

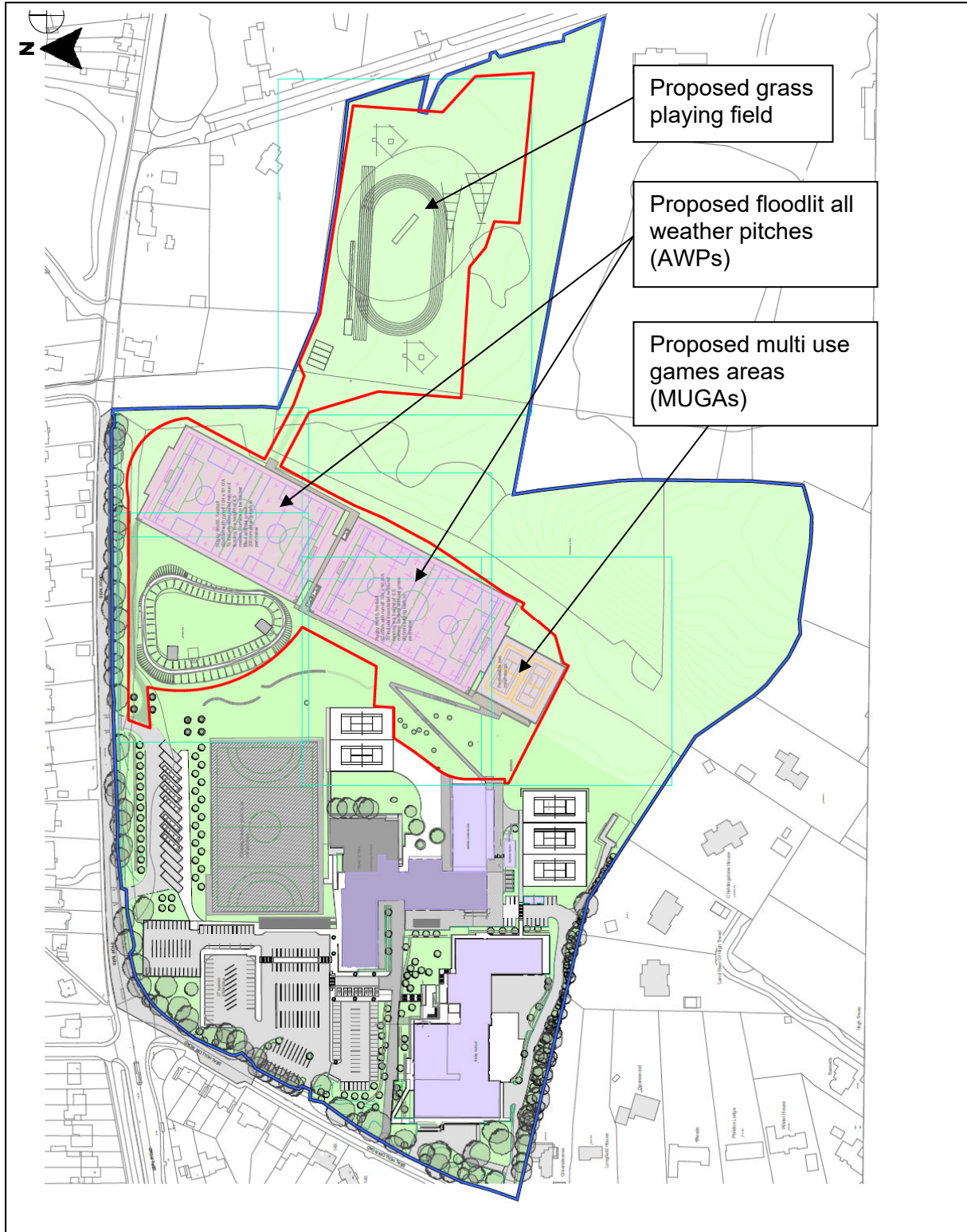
New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

Existing Site Plan



New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

Proposed Site Plan



New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

3. The existing school buildings are all located to the western half of the school site, Trinity School occupying the southernmost building, with the two Grammar Annexe Schools occupying the other. Pedestrian and vehicular access to the site is from Seal Hollow Road to the west, leading to the main car park (shared by all 3 schools). A dedicated school bus pick up/drop off loop is located to the north of the site, accessed via the A25 Seal Road. Located between the bus loop and the Grammar Annexe building is an existing floodlit pitch. The eastern half of the site accommodates grass playing fields, with a drainage balancing pond to the north. The existing floodlit pitch and playing fields, in addition to internal school facilities, are available for community use.
4. In light of the site’s Green Belt designation, this application has been advertised as a Departure from the Development Plan and would need to be referred to the Secretary of State following consideration at Planning Applications Committee if Members were minded to grant planning permission. *A site location plan is attached*

Background/Relevant Planning History/Case of Need

5. The entire site was redeveloped in 2016 following the granting of planning permission references SE/14/13 and SE/15/2417. The table below summarises the main recent and relevant planning history at the site:

Application Reference	Description	Decision
KCC/SE/0375/2013 (SE/14/13)	Proposed redevelopment of the former Wildernesse School site: proposed demolition of existing school buildings retention and refurbishment of existing Sports Centre, erection of two new secondary schools (a 6 form of entry Sevenoaks Grammar Annexe and a 4 form of entry Trinity School), introduction of new vehicular and pedestrian accesses, rearranged and extended car park to provide 242 car parking spaces and dedicated child drop off/collection and bus zones, relocation of existing tennis courts into two new Multi Use Games Areas and associated detailed landscape works	Approved 11/07/2014
KCC/SE/0249/2015 (SE/15/2417)	Section 73 application to vary six planning conditions from planning permission reference SE/14/13 (conditions 23, 27, 28, 29, 30 and 31) to enable the development to be built and completed in two phases	Approved 14/12/2015
KCC/SE/0095/2018 (SE/18/1726)	Proposed 2 form of entry expansion of the Trinity School involving reconfiguration of existing school building, two extensions to the existing building (additional floor on rear single storey wing and 3 storey block extension to the front of the building), new dedicated child drop-off/pick-up bus layby accessed off of Seal Road/A25, reconfigured parking layout including 14 additional staff parking spaces and 2	Approved 15/02/2019

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

	additional visitor spaces, new MUGA, additional hardstanding playground area and landscape works.	
KCC/SE/0142/2020 (SE/20/2151)	Planning application for proposed design amendments to permission reference SE/14/13 (as subsequently amended under S73 permission reference SE/15/2417) involving additional storey and associated design alterations to Phase 2 of the Grammar Annexe building, and associated landscape works	Approved 21/10/2020

6. Following the sites redevelopment, Trinity School and half of the Grammar Annexe building were constructed, with the Grammar Annexe occupied by Weald of Kent Grammar as a 3FE girl’s school. As set out above, the Trinity School was subsequently expanded by a further 2 Forms of Entry (FE), bringing the total site capacity to 12FE. A further application to amend the design of the remaining half of the Grammar Annexe was approved last year, enabling Tunbridge Wells Grammar School for Boys to set up a 3FE Grammar Annexe at the site. That part of the building is now nearing completion.
7. In 2020, I am advised that Kent County Council, as the Education Authority, entered into a bid process to acquire an additional 9 acres of land situated immediately to the east of the existing school site. This land is now in the freehold ownership of the County Council, and is the subject of the ‘change of use to grass playing field’ element of this application, for use by all three schools.
8. In determining application reference SE/18/1726 (2FE expansion of Trinity School) we were advised that the site had just sufficient land to provide adequate sports facilities for all three schools, but this was reliant on a very close integration of sports and physical education curricula across the three users. The purchase of the additional land referred to in paragraph 6 above would enable the applicant to completely redesign and rebuild the sports facilities on offer for all three schools, providing vastly improved sporting facilities.
9. The applicant also refers to Sevenoaks District Council’s Playing Pitch Strategy document, which sets out recommendations for outdoors pitch facilities in the District. The document identifies a need for additional full size all weather pitches within Sevenoaks (the town, as well as the wider District), supporting a wider community need for the proposed facilities. This is expanded upon in the discussion section of this report.

Additional/Amended Information Following Initial Submission

10. Following the submission of this application, the applicant has submitted additional and amended information regarding the relocation of the proposed storage containers, clarification regarding hours and level of community use, additional lighting, noise, ground stability, arboricultural and ecology surveys/reports, inclusion of acoustic fencing, and clarification regarding access matters, specifically access to the new area of playing field and the location of the construction access.

It is the amended proposal that will be discussed throughout this report unless otherwise stated.

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

Proposal

11. This application has been submitted by Kent County Council Property and Infrastructure and proposes to provide new external sports facilities for use by all three schools on the Sevenoaks Grammar Annexe/Trinity School site. These facilities are proposed to include 2 multi use games areas & 2 all-weather floodlit pitches on the existing school playing fields, and change of use of an area of land to the east of the school site to grass playing field, together with associated landscaping and access work. Details of each element of the proposal are set out below.

All weather floodlit pitches

12. Two all-weather floodlit pitches (AWP) are proposed to be located to the north east of the existing grass playing field, orientated north east to south west. The AWP's are designed to club standard for both rugby and football to enable the facilities to be let out to sports clubs (see paragraphs 19 & 20 below), measuring 104m by 61m each. The pitches would be surfaced in a long pile 3G finish, which I am advised is designed to offer similar playing characteristics to playing on natural turf. Each pitch would be laid out with football markings (91m by 55m), cross pitch practice marking for 5 and 7 a side matches, and rugby markings (86m by 55m), each with the required run off.
13. A 4.5metre high black weld mesh fence would enclose each of the AWP's. Gated pedestrian access would be located to the western side of the pitches, linking with the pedestrian access route from the school buildings. A gated emergency & maintenance vehicle access is located to the northern corner of the AWP's, with a reinforced grass access track joining with the existing bus drop off loop.
14. A 2.4metre high timber acoustic fence is proposed along the northern and part western boundary of the northern most AWP. This would be located behind the proposed weld mesh fencing to avoid balls hitting the timber fencing.
15. The AWP's are proposed to be floodlit with 14 12metre high lighting columns, with an average illuminance of 220lux. Energy efficient LED luminaires are proposed, with no upward lighting and directional optics to minimise light spill. Lighting columns are located so that the optics are facing inwards to further limit light spill and, LED technology provides 'good colour rendering' and is UV free which is foraging bat friendly. The lighting scheme has been designed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' and 'Guidance Notes for The Reduction of Light Pollution'. This ensures that once installed, light spill and back light around the sports pitches reduces rapidly to avoid any detriment to local amenity and wildlife.

Multi Use Games Area

16. To the immediate south of the proposed AWP's, two Multi Use Games Areas (MUGAs) are proposed, bringing the total to 7 MUGAs across the site. The MUGAs would be surfaced in permeable tarmac and marked out for netball, basketball and tennis, whilst also being used during school break times for informal play. 2.8metre high black weld mesh fencing would enclose the MUGAs, with gated access to the west, linked to a proposed permeable bonded gravel footpath which would enable access to the facilities from the school buildings. The MUGAs would not be floodlit, and would not be available for community use.

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

Change of use of an area of land to the east of the school site to grass playing field

17. As set out in paragraph 7 above, the County Council has purchased an area of open grassland to the immediate east of the school site, and it is proposed to use this area to provide seasonal grass pitches to support the sports facilities proposed on the main site, and also to replace those lost by the siting of the AWP and MUGA. Some minor regrading/seeding would be required, but boundary planting and fencing would remain as existing. The area is expected to be marked out for athletics and cricket in the summer months, and football and rugby in the winter (not full size pitches). Apart from the proposed siting of cricket nets to the north west of this field, there is no other built development proposed. In the north west corner of the field a pedestrian access would be created from the main school site through a natural break in the existing tree line. This would be surfaced with a reinforced grass system.

Storage containers

18. Three shipping containers are proposed to be placed on site for the storage of sports equipment. These are to be located on the main school site, on the pathway dividing the proposed two AWP.

Community Use

19. Community use of the proposed floodlit AWP and the grass playing pitches to the east is proposed to complement the existing community use of the schools' facilities. The hours of community use are proposed as follows:

ALL WEATHER PITCHES (AWPs)

Every month of the year as follows:

5pm to 9pm (Term Time Weekdays)
10am to 9pm (Non-Term Time Weekdays)
10am to 8pm (Term Time and Non-Term Time Weekends)

NEW GRASS FIELD TO THE EAST OF THE SITE

May to September as follows:

4pm to 6pm (Term Time Weekdays)
8am to 6pm (Non-Term Time Weekdays)
8am to 6pm (Term Time and Non-Term Time Weekends)

October to April as follows:

No community use during Term Time Weekdays
8am to 4pm (Non-Term Time Weekdays)
8am to 4pm (Term Time and Non-Term Time Weekends)

MULTI USE GAMES AREAS (MUGAs)

No community use.

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

20. As can be seen from the proposed hours of use above, use of the grass pitches would be restricted by lack of an all-weather surface and lack of artificial lighting, meaning it could not be used in inclement weather and in hours of darkness. The two MUGAs are not proposed to be used out of school hours. The AWP's would be available to hire out of school hours by local sports groups and teams, with full size football and rugby pitches provided. The grass playing field cannot accommodate full size pitches so would be used for more informal activities and practice/warm up.

Access, including construction access

21. As mentioned above, pedestrian access to all the proposed sports facilities would be via the school buildings/main car park, including access by community users out of school hours who would use the onsite car park. A new footpath is proposed from the school buildings to the MUGAs and AWP's, which would be surfaced in a permeable bonded gravel. This would join with a pathway around the AWP's, which would join with the reinforced grass pathway leading to the proposed playing field to the east. There would be no community use/pedestrian access to any of the facilities from the A25 Seal Road, or from Seal Drive.
22. Access by emergency and maintenance vehicles to the AWP's would be via a reinforced grass access track which would run east west along the northern site boundary between the AWP and the existing bus drop off loop. With regards to the grass playing fields to the east, access to this area by emergency and large maintenance vehicles from the main school site would not be achievable following completion of the AWP's. It is therefore proposed that an existing vehicular access to the site via Seal Drive is used for emergency and maintenance vehicles only. The applicant anticipates that such maintenance access would involve use three times a month during summer, twice a month for remaining seasons.
23. The applicant has submitted a Construction Management Strategy with the application with this application which includes details of the construction access, amongst other matters. It is proposed that construction access would be via the A25 using the existing school bus drop off loop access. Access times would be controlled to avoid peak school times, and parking for site contractors would all be on site in the existing site compound (currently being used in association with the construction of phase 2 of the Grammar Annexe).

Landscaping

24. Two trees are proposed to be removed to facilitate the proposed development, both of which are located on the boundary between the existing school site and the adjacent land proposed to be used as playing field. The access path between the two sites would be located in a natural break in this treed boundary, but the two trees are required for removal to create a safe access of sufficient width. In addition, the construction access route from the bus park to the development area, which would pass to the north of the existing drainage balancing pond and to the south of the northern site boundary, would result in the cutting back of a small section of the boundary planting. All other boundary trees are to be retained, and the development would maintain a 15m buffer zone around the area of Ancient Woodland to the south of the proposed MUGAs.

Technical Reports

25. This application is accompanied by a number of technical and specialist reports, including a Planning and Heritage Statement, Transport Statement, Statement of

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

Community Involvement, Noise Impact Assessment, Lighting Assessment, Flood Risk Assessment and Drainage Scheme, Archaeological Desk Based Assessment, Ecological Surveys, Arboricultural Reports & Tree Protection Plans, and a Construction Management Plan.

Planning Policy Context

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

- (i) **National Planning Policy Framework (NPPF) July 2021** 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:

- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Taking a positive approach to applications that make more effective use of sites that provide community services such as schools, provided this maintains or improves the quality of service provision and access to open space and making decisions that promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Ensure that planning policies and decisions provide the social, recreational and cultural facilities and services the community needs, by planning positively for the provision and use of shared spaces and community facilities such as sports venues or open spaces to enhance the sustainability of communities and residential environments;
- Ensure that planning policies are based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Through access to high quality open spaces and opportunities for sport and recreation, an important contribution to the health and well-being of communities can be achieved;
- Ensure that planning policies and decisions should aim to achieve healthy, inclusive places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs through the provision through the provision of sports facilities;

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- Ensure that existing open space, sports and recreational buildings and land, including playing fields, are not to be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;
- Planning policies and decisions should prevent unacceptable risks from pollution and land instability and should ensure that new development is appropriate for its location;
- Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from the development, whilst recognising that development will often create some noise;
- Encourage through good design and planning policies the requirement to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 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
- Meeting the challenge of climate change and flooding and incorporating SuD's;
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation;
- Development should not result in the loss or deterioration of irreplaceable habitats, such as ancient woodland;
- The great importance the Government attaches to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open;
- Conserving and enhancing the natural environment, including the conserving and enhancing of Areas of Outstanding Natural Beauty;

In addition, Paragraph 95 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.*

- (ii) **Policy Statement – Planning for Schools Development (15 August 2011)** 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.

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(iii) Development Plan Policies**Sevenoaks District Core Strategy: Adopted February 2011:**

- Policy LO1** - Requires new development to be focused within the built confines of existing settlements.
- Policy LO2** – Seeks to control development within Sevenoaks and seeks protection of the setting of the urban area and the distinctive character of the local environment. New developments in the Sevenoaks Urban Area should respect the physical and community identity of adjoining settlements and prevent further coalescence.
- Policy LO8** – Seeks to maintain the extent of Green Belt, and conserve and enhance the countryside, including the distinctive features that contribute to the special character of its landscape and its biodiversity. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.
- Policy SP1** – Requires all new development to be designed to a high standard, reflect the distinctive local character of an area, create safe, inclusive and attractive environments, incorporate sustainable development principles and maintain biodiversity. The Districts heritage assets (including Conservation Areas) and their settings will be protected and enhanced.
- Policy SP2** - Sets standards for sustainable design and construction.
- Policy SP9** - Support the development of infrastructure facilities required to resolve existing deficiencies.
- Policy SP10** - Seeks the retention of open space, sports and recreational facilities, including outdoor sports facilities of value to the local community, unless any loss can be justified by additional provision of at least equivalent value to the local community.
- Policy SP11**- Seeks to conserve biodiversity, to ensure no net loss through development and to promote opportunities to enhance biodiversity.

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- Policy SC1** - States that a positive approach should be taken in considering planning applications to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The District Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.
- Policy EN1** - Sets out the need for high quality design and for proposals to meet criteria including: responding to scale, height and materials; respecting the topography and character of the site and any sensitive features; not result in the loss of buildings or open space that would affect the

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character of an area, provided satisfactory means of access and parking provision; include opportunities for increasing biodiversity potential, including sustainable drainage and to avoid harm to existing biodiversity; create a permeable layout; safe and easy access for those with disabilities; creation of a safe and secure environment to deter crime and fear of crime; include modern communication technology and infrastructure; and make efficient use of land.

- Policy EN2 -** Proposals should provide adequate residential amenities for existing and future occupiers of development, and safeguard amenities of existing and future occupiers of nearby properties by ensuring development does not result in excessive noise, vibration, odour, activity, vehicle movements, overlooking or visual intrusion and where it would not result in a loss of privacy or light.
- Policy EN4 -** Proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- Policy EN5 -** The Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty.
- Policy EN6 -** Proposals for lighting that affect the outdoor environment should not have a harmful impact on the amenity of nearby residential properties. Any impact on the night sky should be minimised through time-limited and user activated lighting, the alignment of lamps, provision of shielding and selection of appropriate lighting type and intensity. There should be no harmful impact on privacy or amenity for nearby residential properties and the proposal should preserve or enhance the character or appearance of any Heritage Asset which may be affected. Any potential impacts on wildlife should be avoided or adequately mitigated where avoidance is not possible. Where these criteria are met, proposals incorporating the use of low energy lighting should be encouraged.
- Policy EN7 -** Proposals which meet the following criteria will be permitted: a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.
- Policy GI2 -** Change of use or redevelopment of Green Infrastructure, Open Space, Sport or Recreation sites within the urban confines of towns and villages, and redundant school playing fields will not be permitted unless the applicant demonstrates that: • the open space is surplus to requirements; and that there is no need for an appropriate alternative community, sports or recreational use, or • the loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility) or • the development is for alternative sports/recreational use. Supporting development will be permitted where it is appropriate and ancillary to the use of the site as a community playing field or sports

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pitch. There should be no significant adverse impact on the character of the local environment and any potential loss of biodiversity interests should be mitigated. Proposals for built development on redundant school playing fields in the Green Belt, other than for essential facilities for outside sport and recreation will be refused

Policy GB8 Proposals to extend an existing non-residential building within the Green Belt which would meet the following criteria would be permitted – (a) the existing building is lawful and permanent in nature and (b) the design and volume of the proposed extension, taking into consideration the cumulative impact of any previous extensions, would be proportional and subservient to the original building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.

Policy T1 - Sets out the need to mitigate against adverse travel impacts including their impact on congestion and safety, environmental impact such as noise, pollution and impact on amenity and health.

Green Belt Supplementary Planning Document (SPD) (February 2015) provides detailed guidance on the implications of applying for planning permission for development located within the Green Belt. The guidance will help to ensure consistency in decision making when determining planning applications in the Green Belt. The SPD provides additional information to assist with the interpretation and implementation of policies set out in the Core Strategy and Allocations and Development Management Plan (ADMP).

Consultations

27. **Sevenoaks District Council** raise no objection to this application subject to conditions being considered regarding:

- details of the hours of use for the pitches and floodlights,
- details of a Community Use Agreement being implemented,
- details of all landscaping and boundary treatments, including retained & additional landscaping,
- details of a travel plan being provided,
- further details of any emergency vehicle access arrangements; and
- details of the colour and any additional landscaping to screen the storage containers

Sevenoaks Town Council recommended approval subject to the following conditions being incorporated into any permissions, otherwise recommend refusal:

- the container storage are only granted temporary permission of no more than 18 months;
- control of hours of use of the facilities;
- floodlighting to be installed so as to minimise light pollution;
- construction traffic not to queue and/or access or leave the site during the morning and evening "travel to work" rush hours and also not do so during the morning and evening school rush hours;
- implementation of measures to improve safe access for walkers and cyclists to the new sports facilities; and
- implementation of a parking scheme for the area, to ensure local residents can park safely, and to avoid visitor parking in dangerous areas.

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Seal Parish Council raise objection to the application and comment as follows:

The Parish Council's comments apply to the area proposed for seasonal grass pitches on the land acquired next to Seal Drive, which are largely within Seal Parish. The land is within the Green Belt and is adjacent to the Wilderness Conservation Area which is joined to the Seal Conservation Area. The Parish Council does not object to the change of use from agricultural field to seasonal grass pitches for the schools provided this does not involve structures, fences, lighting or access that would be inappropriate in the Green Belt or would harm the setting of the Conservation Areas and listed buildings or harm the amenity of nearby dwellings.

The Parish Council objects to possible vehicle access to the grass playing fields from Seal Drive and the A25. Seal Drive is a private road that marks the boundary of the Conservation Area, and the Parish Council objects to use of the existing field gate to access the seasonal grass pitches even on an occasional basis. A metal access gate is located on the A25 which is not in use, is concealed by trees, and is located where the speed limit is 40mph. It is almost opposite Ash Platt, which is an access to the expanded Seal Primary school, and a new access to a large care home. Maintenance vehicles are likely to be slow moving and include towed equipment. The Parish Council objects to the use of the metal gate access from A25 unless visibility splays are provided and the speed limit is reduced to 30mph between Seal Hollow Road and Seal High Street.

The Parish Council also seeks planning conditions to:

- restrict the use of the grass pitches to seasonal grass pitches for the use by the schools (no community use);
- prevent the future development of fences, lighting, buildings and other structures on the grass pitches;
- limit the use of the AWP's to no later than 21:00 on weekdays and 20:00 at weekends; and
- Installation of tree protection measure during construction.

Kent County Council Highways and Transportation raises no objection to the application and comments as follows:

"The Transport Statement considers likely trip attraction for the letting use of the proposed all weather pitches and MUGA court via the industry standard TRICS database which contains usage for other similar existing school facilities. Table 4.2 (p5) indicates the proposals are likely to generate 16 vehicle movements (total arrivals and departures) during the weekday highway network peak hour of 5-6pm and 35 vehicle movements at peak use outside of the highway network peak. It is accepted that such trip levels can be accommodated in respect of highway capacity and safety.

Car parking provision on the site (258 spaces including 13 disabled) is considered sufficient to accommodate car journeys outside of school times. There are 100 cycle parking spaces.

It is understood that emergency and maintenance vehicle access for the proposed playing fields will be via an existing access point on Seal Drive which is a private access only road. As this is an established access and usage remains limited to what is currently possible this is considered acceptable.

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I note that construction traffic would use the bus park for deliveries and restrict movements to avoid the bus movement times of 0745-0900 and 1500-1615 and parking by construction vehicles would have no impact on the day to day use of the site and cause no disruption to the schools. Subject to these matters being covered by condition I have no objection on highway grounds.”

Environment Agency has assessed the application as having a low environmental risk, and therefore has no comments to make. Advice and guidance is provided to the applicant regarding sustainable development, land contamination and controlled waters.

The County Council’s Flood Risk Team (SuDs) raises no objection to the application subject to the imposition of a condition requiring the submission of a verification report, pertaining to the Surface Water Drainage Scheme details submitted with the application, prior to first use of the development.

Sport England raise no objection to this application, subject to the imposition of conditions requiring the following:

- No use of the development until certification of the Artificial Pitch surface (to FIFA and World Rugby Regulation Standard) and confirmation that the facilities have been registered on the Football Association’s Register of Football Turf Pitches has been provided to the County Planning Authority;
- Submission and approval of a Community Use Agreement prior to first use of the development;
- Control of hours of use of the floodlighting (until 9pm Monday to Friday and 8pm at weekends);
- Submission of an assessment of ground condition details, and any required mitigation, prior to the commencement of any works relating to the grass playing field to the east; and
- Submission and approval of a Management and Maintenance Scheme for the facilities prior to first use of the development.

The County Council’s Biodiversity Officer raises no objection to the application subject to the imposition of conditions and comments as follows:

“The submitted ecological surveys have detailed the following are present within the site/surrounding area:

- Grass snake and slow worm within the eastern field
- Suitable habitat for roosting, foraging and commuting bats
- Badger sett within the adjacent woodland
- Area of Ancient Woodland to the South of the site
- Area of semi improved neutral grassland (not priority habitat quality) within the eastern field
- Dormouse population found within the school grounds as part of a previous survey.
- Potential for foraging/commuting/roosting bats within the site
- Potential for Great Crested Newts to be present within the site.

We advise that we are satisfied that sufficient surveys have been carried out as part of this planning application. We advise that if planning permission is granted there is a need for a detailed mitigation and enhancement strategy to be submitted and we would expect the strategy to include the following information:

- Details of the reptile receptor site

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- Details of how the remaining grassland within the eastern field would be enhanced
- Details of ecological enhancement features within the wider site

In addition, details of a woodland management plan, setting out how the woodland on site would be managed to benefit biodiversity, should be submitted pursuant to condition.”

Natural England confirm that they have no comments to make on the application,

The County Council’s Landscape Advisor raises no objection to the application, and comment as follows:

“The review of the submitted landscape plans indicates that there would be no considerable effects on the Kent Downs AONB. The proposed Development would retain the existing boundary vegetation. This would maintain a dense visual buffer towards the AONB and would limit visual effects arising as a result of the proposed development. The proposed planting typologies would be in keeping with the existing baseline. Within the eastern extent of the Site along the north-eastern boundary, an area of whip planting is proposed which would add to the existing line of boundary vegetation

The review of the submitted landscape plans shows that there would be no anticipated effects on the greenbelt designation. The proposed development would not increase the sprawl of built-up areas and would not result in neighbouring towns merging together. The proposed development would retain the site’s existing boundary vegetation. The proposed all-weather sports pitches would be located on/near existing sports facilities. The planting typologies proposed on the landscape plans would be in keeping with the existing baseline condition.

The Planning and Heritage Statement discusses likely impacts to the Conservation Area based on landscape design, which is considered appropriate. It is considered that the proposal will not have any significant adverse impact on the neighbouring Conservation Area or Grade II listed Home Cottage in line with the Allocations and Development Management Plan 2015 Policy EN4 and associated guidance in the NPPF.

The proposed works are located outside the 15m Ancient Woodland Buffer and therefore are not considered to have a negative impact on the arboricultural features of the Ancient Woodland.

The Tree Survey Report and Tree Protection Plan provide sufficient information to confirm that the impacts on trees within and adjacent to the site would be acceptable.”

NB. The Landscape Advisor has based the Ancient Woodland assessment on current Government Standing Advice. However, on the 15th September the Environment Bill passed through the Report Stage in the House of Lords. During that Reading, Baroness Young of Old Scone, successfully put forward an Amendment which, amongst other things, would require all Ancient Woodlands to be protected by a 50m buffer if the Bill is enacted in its current form unless there are ‘wholly exceptional circumstances’. The amendment still has to go through the Third Reading in the House of Lords and then be considered by the House of Commons. Therefore, although not yet law, is it possible that this increased

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protection could be in place before planning consent is granted and the new development would be within this 50m buffer.

The County Council's Noise Advisor raise no objection to the application and comment as follows:

"The assessment methodology and criteria used by applicants Acoustic Advisors is that of Sports England (SE) 'Design Guidance Note 'Artificial Grass Pitch (AGP) Acoustics – Planning Implication 1', which is appropriate for the proposed development. No omissions have been identified and the assessment is in line with credited and recognised guidance. Mitigation measures proposed are appropriate and the risk of adverse impacts arising as a result of the development are negligible.

Based on the information provided within the Noise Impact Assessment we do not consider noise to be a constraining factor in the determination of the planning application."

The County Council's Lighting Advisor raises no objection to the application, and comments as follows:

"The designers have assumed an Environmental Zone of E1 which is quite stringent based on the location of the site and a classification of E2 would still be acceptable which is for semi-rural areas and is less stringent. However, the design generally meets the requirements for E1. Nevertheless, it should be noted that within Table 2 of *BS EN 12193:2018*, there is a requirement for E1 Zones to meet a luminaire intensity of 2500. The proposed luminaires appear to indicate that they can provide an intensity up to 3000 which is above the acceptable levels under *BS EN 12193:2018*. The requirement for E2 is 7500 and so the 3000 proposed is likely acceptable as it is within the requirements for E2.

The lighting report illustrates the spread of lighting across the different areas and the immediate surroundings. Of particular interest is the impact on the adjacent properties to the north, north of the A25. Illuminance of the edges of the front gardens of some of these properties is shown but the levels are 1lux or less. This is acceptable in accordance with the *ILP Guidance Notes for the reduction of obtrusive light* and *Table 2 of BS EN 12193:2018* where 2 lux or less is deemed acceptable. It should also be noted that the lux levels do not spread to the properties themselves and so the impact is likely to be minimal. The associated trees which line both the northern boundary of the site and the southern boundary of the adjacent gardens will also help to further minimise any impacts as these are not accounted for in the modelling.

The proposed luminaires are LED and so will not only be energy efficient but also reduce the possible impact to the surrounding area and associated wildlife. They also meet the desired correlated colour temperature and colour rendering index (CRI) values indicated in *CIBSE LG4: 2007 Sports Lighting* (between 4000K and 6500K and over 65 respectively). The luminaire heads are proposed to be fitted to ensure minimal spill to the surrounding area (angle of less than 70 degrees) and provide 0% upward light discharge, all of which will minimise sky glow. Back shields are proposed on the on the heads on the eastern side of the sports pitches which would help reduce backlighting into the adjacent trees. All

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the above measures indicate that the proposed luminaires are deemed to be acceptable.

The designers have proposed 12m high columns for the Sports Pitches which are the highest within the range permitted by *CIBSE LG4: 2007 Sports Lighting*. The taller height would reduce the amount of spill and back lighting from the column, so would reduce the impact to the surrounding area.

The Planning and Heritage Statement discusses likely impacts to the Conservation Area based on lighting design, which is considered appropriate. It is considered that the proposal would not have any significant adverse impact on the neighbouring Conservation Area or Grade II listed Home Cottage in line with the Allocations and Development Management Plan 2015 Policy EN4 and associated guidance in the NPPF.

It is understood that the proposed lighting strategy would use lighting columns which reduce light spill and back lighting and that sky glow would be limited. In addition, the proposed development would retain the existing boundary vegetation. This would maintain a dense visual buffer surrounding the site and would limit effects on the adjacent Kent Downs AONB and the Green Belt.

Overall, the design is deemed to be acceptable, and the proposed lighting is unlikely to have a significant impact on the immediate surrounding area based on the results proposed. To maintain the proposed lux levels depending on the dirt accumulation of the area it is recommended an annual cleaning of the luminaries is undertaken as part of the maintenance.”

The County Council’s Conservation Architect comments as follows:

“I concur that the proposals would not be clearly visible from the Conservation Area, mainly because of the distances combined with the extent of soft landscaping separating the proposed facilities from the heritage asset. The proposed sports pitches have been intentionally located to the far north of the site, towards the A25 and the existing light sources, to reduce the overall impact of the scheme.

In this case, therefore, the proposal is unlikely to have a significant negative impact on the setting of the Conservation Area.

Our main concern is the potential result of light pollution to the areas adjoining the southern and eastern boundaries of the application site, resulting from new floodlighting. We recommend that this issue is taken seriously and is accurately modelled in order to fully understand any harmful impacts on neighbouring areas, prior to permission being granted.”

The Kent Downs AONB Unit confirm that the application should be tested against the purpose of the AONB designation, to conserve and enhance the AONB, as set out in the NPPF. The site lies immediately adjacent to the AONB boundary and impact on the Kent Downs AONB would primarily be the visual effect of the physical works and, in particular, the impact of the proposed floodlighting on the dark night skies of the AONB.

The AONB Unit are disappointed to note that neither the Planning Statement nor the Design and Access Statement addresses this issue as required under Policy EN5 of the Sevenoaks Allocations and Development Management Plan. All light pollution, no matter

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how small, contributes to the general erosion of dark night skies in the AONB and the urbanisation of the rural landscape. As well as having an adverse visual impact, the spillage of light can be disturbing to wildlife.

In the event that planning permission should be granted for the development then the Unit requests that conditions be placed on the consent controlling the design of the lighting and its hours of use in accordance with the recently updated Guidance Note for the reduction of Obtrusive light 2021 (Institute of Lighting Professionals). It is also recommended that the colour of materials for hard surfacing and structures also be controlled by condition and chosen taking into account the Kent Downs AONB Guidance on the selection and use of colour in development.

The County Council's Archaeological Officer no comments received to date.

Wilderness Residents Association make comment on the application as follows:

“There is still some lack of clarity in the proposals around the way in which the new playing field is to be accessed by the public, emergency services and maintenance vehicles. In our view, the internal route from the all-weather pitches to the new playing field should be used for all vehicular access. Access from Seal Drive should only be in truly exceptional circumstances. This should be a condition of planning. We also do not understand how emergency services will access the field from Seal Drive when the access to the field should be fully secure i.e. locked at all times.

Community use access of the proposed artificial surface facilities will be via the existing main school vehicle access off Seal Hollow Road. Please note, all community access should be via the main school. There should be no access to pedestrians or vehicles via Seal Drive. This should be a condition of planning.

We believe that it should be a condition of planning that no permanent structure (including any form of storage) is erected on the new playing field.

We do hope that, as part of the consultation, the applicant has written to all houses which border the school grounds and new playing field so that they are all aware of the proposals.

In respect of the hours of usage, we would urge you to pay particular notice to the comments of residents who are immediate neighbours of the school and playing fields. We would expect the permitted hours of use to be formalised as a condition of planning.”

Local Member

28. The former local County Member for Sevenoaks Town, Mrs Margaret Crabtree, and the Member for Sevenoaks North and Darent Valley, Mr Roger Gough, were notified of the application on the 23 March 2021. Following County Council elections, Mr Richard Streatfeild, the newly elected County Member for Sevenoaks Town, was notified of the application on the 12 May 2021.

29. Mr R Streatfeild and Mr R Gough were further notified of the submission of additional and amended information on the 13 September 2021.

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Publicity

30. The application was publicised by an advertisement in a local newspaper and the posting of 10 site notices in the local roads bordering the site. All those that wrote in regarding the application were also notified of the submission of additional and amended information (as set out in paragraph 10).

Representations

31. In response to the initial publicity, 10 letters of representation were received from 8 local properties, including a letter on behalf of 2 local residents from a planning consultant and an online comment from the Sevenoaks Bicycle User Group.
32. In response to the notification of the submission of additional and amended information, a further 4 letters were received. A summary of the main planning issues raised/points of objection is set out below:

Amenity Matters

- The proposed development would generate light pollution and glare, adversely affecting the amenity of neighbouring residents and the local area;
- The 12metre high lighting columns would be widely visible in the local area;
- The proposed development, especially use out of school hours, would result in noise pollution and adversely affect the amenity of local residents;
- The submitted noise assessment concludes that ‘the vast majority of noise sensitive receivers would be below the ‘Lowest Observed Adverse Effect Level (LOAEL)’, an admission that some receptors may not be. The development should proceed, but the onus is on the applicant to mitigate newly created noise which may generate adverse effects on residents. An acoustic fence where the new AWP’s are closest to residential boundaries would resolve this (*N.B The application was subsequently amended to include the provision of an acoustic fence*);
- The proposal would intrude upon resident’s enjoyment of their properties and gardens;
- The proposed cricket nets should be relocated away from the site boundary, which borders a residential boundary;
- The grass playing fields should not be available for community use out of school hours;
- Hours of use of the facilities should be strictly controlled by planning condition;

Highway and Access Matters

- Parking restrictions, a lowered speed limit and improved pedestrian and cycle facilities are required in the area surrounding the school site;
- The Seal Drive access should not be used for any access to the facility, including by emergency and maintenance vehicles;
- Emergency and maintenance vehicles should access the new playing field to the east via the main school site;
- The access gate into the site from Seal Drive should be locked at all times;
- The southern most access to the school site from Seal Hollow Road should not be used to access these facilities out of school hours;
- All community access should be via the main school, accessed via Seal Hollow Road, and parking made available on site;

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Green Belt, Landscape, Heritage and Ecological Matters

- The application constitutes inappropriate development within the Green Belt;
- Fencing and floodlighting are significant urbanising features;
- The development would adversely affect the character and appearance of the adjoining Conservation Area;
- The development would adversely affect the setting of the neighbouring Area of Outstanding Natural Beauty;
- The development would have a detrimental impact (mainly due to the lighting and noise) on local wildlife;
- No permanent structures should be erected on the new area of playing field to the east (including any form of storage);

Land stability/drainage

- The field to the east proposed to be used as playing field contains drainage pipes for several houses, in addition to being an area of local flood attenuation;
- The field to the east proposed to be used as playing field contains at least 2 sink holes which have opened up in recent history.

Other

- Concern is expressed that the County Council can be the Applicant and determining Planning Authority;
- The application should be called in by the Secretary of State to ensure issues are treated impartially;
- The justification for the need for floodlighting is not for school use by commercial purposes outside of normal school hours;
- The facilities should be for school use only;
- The field to the east should be fenced and secured to prevent unauthorised access;
- The proposal constitutes gross overdevelopment of the site;
- The local area is already well served by sports facilities, including flood lit facilities available for community hire;
- The application has been poorly advertised and neighbours have not been notified;
- The area to the east of the school site proposed to be used as playing field is subject to restrictive covenants;

Discussion

33. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 26 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF) and the Planning for School Development Policy Statement, and other material planning considerations including those arising from consultation and publicity. Issues of particular relevance include impact upon the Metropolitan Green Belt, impact upon the local and wider landscape including the adjacent Area of Outstanding Natural beauty (AONB), impact upon local Heritage Assets including the adjacent Conservation Area, general amenity matters including light and noise pollution, highway implications and access, and whether the development is sustainable in light of the NPPF.

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Green Belt Considerations

34. Development Plan policies seek to require developments to be sustainable, well designed and respect their setting. This is particularly relevant to this development site which is identified within the Development Plan as being within the Metropolitan Green Belt. Policy GB8 of the Sevenoaks District Core Strategy, seeks to resist inappropriate development within the Green Belt, unless justified by exceptional circumstances.
35. The NPPF, section 13, paragraph 138 states that the Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF further states that “as with previous Green Belt Policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 149 of the NPPF states that construction of new buildings should be regarded as inappropriate within the Green Belt and goes on to list exceptions to this. Paragraph 149 b) of the NPPF lists the following as an exception:

‘the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it’

36. As set out in paragraphs 11 to 25 of this report, this application is proposing to provide new external sports facilities for use by all three schools on the Sevenoaks Grammar Annexe/Trinity School site, including 2 multi use games areas (MUGAs) & 2 all-weather floodlit pitches (AWPs) on the existing school playing fields, and change of use of an area of land to the east of the school site to grass playing field. The Green Belt implications of the development are discussed below, with the proposal split into two areas, the proposed new grass pitches to the east of the main school site, and the works proposed on the main site.

Proposed new grass pitches to the east of the main school site

37. As set out above, the provision of ‘appropriate facilities, in connection with the existing use of land or a change of use, for outdoor sport’ is considered to be appropriate development within the Green Belt. This is on the provision that the sports facilities would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it (as set out in paragraph 35 above).
38. As detailed in paragraph 17 of this report, the newly purchased area of land of the east of the existing school site is proposed to be used to provide seasonal grass pitches to support the sports facilities proposed on the main site, and also to replace those lost by the siting of the AWP and MUGA. Some minor regrading/seeding would be required, but boundary planting and fencing would remain as existing. The area is expected to be marked out for athletics and cricket in the summer months, and football and rugby in the winter (not full size pitches). Apart from the proposed siting of cricket nets to the north west of this field, there is no other built development proposed.

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39. Local residents, Seal Parish Council and Wildernesse Residents Association have requested that, should permission be granted, a condition of consent be imposed ensuring that no built development (fencing, storage buildings etc) can be erected on this area of the site. Such a condition would also ensure that the openness of the site was retained, meaning that the change of use of the site from open grassland and grass playing field would not conflict with the purpose of including land within the Green Belt. I therefore consider that a condition of consent should be imposed removing all permitted development rights for this area of the site. Should the applicant wish to erect any fencing or built development in the future this would then require the submission of a planning application which would have to be considered on its own merits at such time.
40. Subject to the above condition, I am satisfied that the change of use of this area of field to form playing field would not materially impact upon the openness of the Green Belt, nor conflict with the purposes of including land within the Green Belt. Minor levelling and seeding would need to be undertaken, and the lining out of pitches, but these works would not impact upon the openness of the site. Cricket nets are proposed to be located to the north west of this site, adjacent to the boundary (the amenity impacts of these are discussed later in this report) but I do not consider that the introduction of these nets would alter the character of the site or impact upon the openness.
41. In considering the above, I am satisfied that the change of use of the open grass field to playing field, and associated limited levelling and seeding works, would constitute appropriate development in the Green Belt. The removal of permitted development rights for this field would also ensure that any future development on this site would have to be the subject of a planning application, to be considered on its own merits at that time. This would ensure that fencing and small built development could not be erected under permitted development, thereby protecting the openness of the site. Subject to that condition, I am satisfied that this element of the proposal would preserve the openness of the Green Belt and would not conflict with the purposes on including land within the Green Belt, in accordance with the aims and objectives of the NPPF and Development Plan Policy.

Proposed MUGAs and AWP's on the main school site

42. The proposed MUGAs and AWP's are also clearly facilities for outdoor sport and recreation, so could be argued to also fall under the definition of appropriate development within the Green Belt. However, in my view, the proposed fencing, lighting and surfacing, are urbanising features which could have an impact on the openness of the Green Belt, potentially conflicting with the purposes of including land within it. Therefore, by virtue of the criteria set out in the NPPF, I consider this element of the proposed development to be inappropriate in Green Belt terms. On this basis the development has been advertised as a departure from the Development Plan and if Members were minded to grant planning permission, the application would need to be referred to the Secretary of State for his consideration.
43. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted with regard to planning policies and other material considerations. Such development should not be approved, except in very special circumstances. It is, therefore, necessary to consider the impact of the development against Green Belt Policy, to consider the impact on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against inappropriate development.

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44. A Planning Statement was submitted in support of this application, which sets out what the applicant considers to be the very special circumstances that warrant setting aside the general presumption against what would be inappropriate development in the Green Belt. The applicant considers the following 'very special circumstances' are sufficient to collectively outweigh a Green Belt policy objection:
- i) The educational and community need for the development;
 - ii) The provision of improved facilities; and
 - iv) The quality of the design and level of mitigation proposed would ensure that the impact on the openness of the Green Belt would be limited.

Each of these 'very special circumstances' as put forward by the applicant are considered and discussed in the following section of this report.

The educational and community need for the development (MUGAs and AWP's)

45. As outlined in paragraph 26 of this report, great emphasis is placed within planning policy generally and specifically in paragraph 95 of the NPPF, on the need to create, expand or alter schools. 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 Policy Statement – Planning for Schools Development (15 August 2011) also sets out the Government's commitment to support the development and expansion of state funded schools to adapt and improve their facilities. There is a presumption in favour of the development of state funded schools and their facilities expressed in both the NPPF and the Policy Statement – Planning for Schools Development.
46. The applicant considers that the educational need for adequate sports facilities to serve the secondary schools on the site is driving this proposal and should be attributed significant weight in assessing the proposals. As referred to in paragraph 8 of this report, in determining application reference SE/18/1726 (2FE expansion of Trinity School) we were advised that the site had just sufficient land to provide adequate sports facilities for all three schools, but this was reliant on a very close integration of sports and physical education curricula across the three users. The provision of the additional land to provide additional and replacement grass playing field, has enabled the applicant to completely redesign and propose a rebuild of the sports facilities on offer for all three schools, providing vastly improved sporting facilities.
47. Linked with the provision of improved facilities (discussed below), the applicant considers that there is a strong case for all three schools located on site to secure additional and appropriate provision of external sports facilities within a sustainable location. The proposal would provide additional, modern, fit for purpose artificial surface pitches to the benefit of all three schools on the site, representing an opportunity to significantly improve the quality and variety of sport and recreation facilities available to the existing schools. The additional facilities would also negate the need for careful and restrictive timetabling between the three schools as there would be sufficient sports facilities on site for use by more than one school at a time. This would be a significant improvement over the current situation.
48. The planning statement also outlines what the applicant considers to be other significant education benefits of this application. To summarise, this includes opportunities to secure habitat and forest school learning within the boundaries of the wider education site, especially in light of the acquisition of additional land to the east. In addition, I am advised that the three Schools are looking at options to make the facilities available to

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the Royal Society for Blind Children (RSBC), as part of their Health and Well-being Club programme.

49. In addition to the education need, the applicant has set out a case of local community need for the all-weather facilities. The applicant advises that the Sevenoaks Playing Pitch Strategy (a Sevenoaks District Council document although not part of the Development Plan) sets out a need to increase the provision of AWP's across the District, specifically for up to 5 full size pitches, with an identified need for two located in Sevenoaks Town. There is also an identified need to address football pitch capacity issues. Accordingly, in addition to there being an education need for the proposals, there is also a wider need for appropriate external sports facilities that would be of significant benefit to the local community and sports clubs. The proposed floodlit AWP's in this planning application would provide brand new and modern sports facilities that would be available for community use (discussed later in this report) which would meet some of the recommendations of the Playing Pitch Strategy.
50. Sevenoaks District Council, who raise no objection to this application subject to conditions, considered this issue in its Officer delegated report, which concluded that although the Sevenoaks Playing Pitch Strategy has not been reviewed for a number of years, when it was last reviewed a deficit in pitch provision was identified. The report goes on to state that the proposed community use of the AWP's would be of benefit to the local community and sports pitch provision within the District, and that this positive impact should 'hold significant weight'. This of course must be balanced against the other material considerations discussed throughout this report.
51. Based on the above, in my view, it is evident that the three schools on site and the wider community would benefit from the provision of increased all weather sports facilities. Support for the development and improvement of facilities at state funded schools is heavily embedded in the NPPF, the Planning for School Development Policy Statement, and local Planning Policy, as is the need to plan positively for community facilities and sports provision, and I consider that the need for the development should be given significant weight in this instance.

Provision of improved facilities (MUGA and AWP)

52. As detailed above, this application would enable the applicant to provide additional sports facilities on the site, which would meet the needs of the three schools and also the wider community, and is development that supports and enables healthy lifestyles, as encouraged by the NPPF and Planning Policy. The application would also provide sports facilities of an improved quality.
53. The applicant states that the existing playing fields suffer from severe water logging during the winter season, which makes it unsuitable for any kind of sport activities. The proposed AWP's and MUGA's would remedy this issue by providing an all-weather surface that can be used throughout the year. Further, as set out in paragraph 12 of this report, the AWP's are designed to club standard for both rugby and football to enable the facilities to be let out to sports clubs. Sport England require a condition of consent to be imposed, should permission be granted, requiring 'no use of the development until certification of the Artificial Pitch surface (to FIFA and World Rugby Regulation Standard) and confirmation that the facilities have been registered on the Football Association's Register of Football Turf Pitches has been provided to the County Planning Authority' (discussed later in this report). This condition would ensure that the AWP's are of a vastly improved standard and quality than the grass pitches currently available. Further, not only would the AWP's provide Rugby and Football facilities, but

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the MUGAs would be marked out for tennis, netball and basketballs, securing a greater variety of external sport facilities.

54. Having considered the above, I am of the view that the proposal would offer improved sporting facilities across the site, not only of a higher standard but also a greater variety, supporting the curricula needs of the three schools on site, in addition to the wider community. Such provision is supported by the NPPF which seeks the provision of community and sports facilities to achieve healthy, inclusive and sustainable communities.

Impact on the Openness of the Green Belt (MUGAs and AWP)

55. As set out above, the proposed MUGAs and AWP are facilities for outdoor sport and recreation, so could be argued to fall under the definition of appropriate development within the Green Belt. However, in my view, the proposed fencing, lighting and surfacing, are urbanising features which could have an impact on the openness of the Green Belt, potentially conflicting with the purposes of including land within it. The layout and detailed design of the proposals are therefore key in mitigating the impact of the development on the openness of the Green Belt
56. The applicant advises that through pre-application consultations with officers and local stakeholders, the site layout has been carefully thought out to mitigate any impact from the proposal on the openness of the Green Belt when compared to the existing use of the site. First, the proposal does not require any alterations to the wider site's existing extensive boundary landscaping. This would help maximise the screening afforded to the site and ensure that the site would continue to be restricted of clear view from surrounding areas.
57. In addition, the new 'build' elements, such as floodlighting, fencing and small storage containers, have been carefully positioned to be as inconspicuous as possible within the context of the site and wider landscape character. Overall, this would help to reduce the visual impact of these features compared to locating them more centrally within the site, which would potentially lead to a more incongruous presence. The most significant new feature proposed, in my view, would be the floodlighting columns serving the artificial pitch facilities. The new AWP are located adjacent to the north eastern boundary of the existing playing field, adjacent to the existing bus park zone, in close proximity to the existing floodlit MUGA and south of the A25 Seal Road. The bus park is lit with column lighting, and the A25 Seal Road has street lighting to each carriageway. From this perspective, the floodlighting columns would not be an abnormal feature within the site and its immediate vicinity.
58. It is also important to note that the proposed development, whilst having urbanising features such a fencing and surfacing, is an outdoor sports facility and would not be introducing any further buildings onto the site. The AWP and MUGAs would also be sited on the main school site, which is an established educational campus, and would not impact upon the boundary planting and screening which demark and screen the site from the surrounding area.
59. In considering the above, I am satisfied that the proposed development would have a limited impact on the openness of the Green Belt. Whilst there is inevitably some impact on the Green Belt, I am satisfied that AWP and MUGAs would be contained within the immediate context of the existing development on site, and that the effect on the openness of the Green Belt would be limited. In my view, the proposed layout represents the option which strikes the best balance between minimising intrusion into

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the Green Belt and providing sufficient sporting facilities to enable the three schools on site to deliver the curriculum and operate successfully.

Summary – Very Special Circumstances/Green Belt Considerations

60. It should be borne in mind that open sports facilities, and limited ancillary development, are a defined appropriate use within the Green Belt. It could be argued, therefore, that the development as proposed is appropriate, and I accept that this is the case for the proposed new grass pitches to the east of the main school site. However, in considering the provision of fencing, surfacing and floodlighting associated with the AWP's and MUGAs, I am of the opinion that those elements of the proposal represent inappropriate development within the Green Belt and have assessed the development as such.
61. Overall, I accept the applicant's assessment and application of Green Belt Policy as set out in the submitted documentation, and I have considered this in the context of the Development Plan Policy and the NPPF. The development is inappropriate development for the purposes of Green Belt consideration and is, therefore, by definition harmful. Nevertheless, in my view, the considerations summarised above are sufficient collectively to constitute 'very special circumstances' capable of outweighing harm, in this particular case. Furthermore, I accept that the particular siting of the proposals has been carefully considered to help mitigate the impact of the development on the functioning and openness of the Green Belt. Accordingly, I do not consider that an objection on Green Belt grounds would be warranted in this particular case. However, if Members were minded to grant permission, the application would need to be referred to the Secretary of State for Levelling Up, Housing & Communities for consideration before permission could be granted.

Impact upon the adjacent Area of Outstanding Natural beauty (AONB) and local Heritage Assets including the adjacent Conservation Area

62. As set out in paragraphs 27 and 32 of this report, concern is also expressed regarding the impact of the proposed development on the character and appearance of the neighbouring Conservation Area, and the setting of the North Downs Area of Outstanding Natural Beauty (AONB). The impact of the proposal on the setting of a nearby listed building must also be considered. As outlined in paragraphs 1 and 2 of this report, and shown on the plan on page 2, the Wildernesse Conservation Area boundary runs along the southern boundary of the school site, and also runs to the east of the site, following Seal Drive to the east of the proposed new grass pitches. Seal Drive also marks the boundary of the AONB. A listed building is located to the north east of the site, on Seal Road.
63. First, with regard to the field to the east of the site, proposed to be converted to playing field, I do not consider that this element of the proposal would have an adverse impact on Heritage Assets or the adjacent AONB. As discussed above, no built development is proposed on this area of the site, and the field would remain as open grassland. The boundary treatment would remain as existing, and no urbanising features, such as lighting, surfacing or fencing would be introduced here as part of the development, and nor could they be in the future due to the removal of permitted development rights (as discussed above). Although this element of the proposal would directly abut the boundaries of the AONB and Conservation Area, and be to the south of the Listed Building, as there is no built development here and the nature of the site would not be altered, I do not consider that this element of the proposal would have an adverse impact on the character and appearance of the Conservation Area or the AONB, or the setting of the Listed Building.

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64. The AWP and MUGAs would not physically abut the boundary of the AONB or the Conservation Area, but the development associated with the all weather facilities, primarily the floodlighting, could affect the setting of these designated heritage and landscape assets. With regard to the AONB and eastern Conservation Area boundary, the playing field to the east of the site separates these boundaries from the proposed AWP and MUGAs which, in my view, provides a significant degree of separation. Existing boundary and tree planting would further screen any direct views of the proposal from the AONB. The County Council's Landscape Advisor also concludes that the development would have no considerable effect on the AONB. However, it is noted that the Kent Downs AONB Unit raised concern regarding the impact of the proposed floodlighting on the dark skies of the AONB. Likewise, the County Council's Conservation Officer concluded that the proposals would be unlikely to have a negative impact on the setting of the Conservation Area due to the distances involved and extent of landscaping, but expressed concern over any potential light pollution.
65. First, it is important to note that the proposed AWP would not be located within the intrinsically dark landscape, but on the edge of Sevenoaks Town, within a residential area, on an existing school site which has an existing floodlit AWP and external security and car park lighting, and adjacent to the A25 Seal Road which is also lit. Further, as set out in paragraph 15 of this report, energy efficient luminaires are proposed, with no upward lighting and directional optics to minimise light spill. The lighting scheme has been designed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' and 'Guidance Notes for The Reduction of Light Pollution', which would ensure that once installed, light spill and back light around the sports pitches would reduce rapidly to avoid any detriment to local amenity and wildlife. The impact of the proposed lighting on the amenity of closest residential properties is discussed later in this report, but I am satisfied from the information provided by the applicant the light spill from the proposed development would have no direct impact on the AONB or the Conservation Area as lux levels drop to zero within a short distance of the pitch boundaries.
66. Further, with regard to 'dark skies' and glare from the proposal, the primary concern of the AONB unit, the County Council's Lighting Advisor considers that, due to the design of the lighting scheme, sky glow would be limited. The luminaire heads are proposed to be fitted to ensure minimal spill to the surrounding area (angle of less than 70 degrees) and provide 0% upward light discharge, all of which would minimise sky glow. Back shields are proposed on the lights on the eastern side of the sports pitches which would help reduce backlighting into the adjacent trees. The 12 metre high lighting columns would further reduce the amount of spill and back lighting by ensuring lighting was focused and directional. In considering the location of the site, surrounding development and local environs, and taking into account the technical comments received from our Lighting Advisor, I am satisfied that the proposed development would not have a significant adverse impact on the character and appearance of the adjacent Conservation Area or the setting on the AONB, in accordance with the underlying principles of the NPPF and Development Plan Policies. As requested by the AONB Unit, hours of use of the lighting, amongst other matters, would be limited and controlled by planning condition. These matters will be discussed in the following section of this report in considering impact on general amenity matters.

General amenity matters including light and noise pollution, hours of use

67. As set out in paragraph 19 of this report, community use of the proposed floodlit AWP and the grass playing pitches to the east is proposed to complement the existing

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community use of the schools' facilities. For ease of reference, the hours of community use are proposed as follows:

ALL WEATHER PITCHES (AWPs)

Every month of the year as follows:

5pm to 9pm (Term Time Weekdays)
10am to 9pm (Non-Term Time Weekdays)
10am to 8pm (Term Time and Non-Term Time Weekends)

NEW GRASS FIELD TO THE EAST OF THE SITE

May to September as follows:

4pm to 6pm (Term Time Weekdays)
8am to 6pm (Non-Term Time Weekdays)
8am to 6pm (Term Time and Non-Term Time Weekends)

October to April as follows:

No community use during Term Time Weekdays
8am to 4pm (Non-Term Time Weekdays)
8am to 4pm (Term Time and Non-Term Time Weekends)

68. As can be seen from the proposed hours of use above, use of the grass pitches would be restricted by lack of an all-weather surface and lack of artificial lighting, meaning it could not be used in inclement weather and in hours of darkness. The two MUGAs are not proposed to be used out of school hours. The AWP's would be available to hire out of school hours by local sports groups and teams, with full size football and rugby pitches provided. The grass playing field cannot accommodate full size pitches so would be used for more informal activities and practice/warm up.
69. Proposed use of the facilities out of school hours has met with objection from local residents on amenity grounds, primarily the potential noise and light pollution that could be generated by use of the AWP's in the evenings and at weekends. It is also suggested that the grass pitches to the east of the site should not be available for community use.
70. With regard to the grass pitches to the east, as set out above, community use of this area of the site would be limited to between 4pm and 6pm on weekdays during term time, and 8am and 6pm on non-term time weekdays and on weekends during the summer months. No term time weekday use is proposed in the winter months (October to April), and non-term time weekday and weekend use would be limited to between 8am and 4pm. Inclement weather would further limit any such use, as would hours of daylight. Further, as advised by the applicant, this area of playing field is not of sufficient size to accommodate full size pitches so would be primarily used for warm up space and training, in addition to athletics in the summer months. Use would be sporadic, with the community use of this area of the site being ancillary to the use of the AWP's (i.e., warm up and training). As can be seen from the application drawings, a limited number of properties border this area of the site, although the properties themselves are not directly on the boundary. All boundary planting would remain as existing, screening the proposed playing field from the local area. The County Council's Noise Advisor is satisfied with the proposals and considers any noise impact would be negligible.

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71. In my view, the limited hours of community use proposed here are acceptable and would not have a significantly detrimental impact on the amenity of neighbouring residents in terms of noise disturbance. Hours of use would be controlled by condition, and subject to that, I see no reason to refuse this part of the application on amenity grounds. The location of the cricket nets, proposed to the north west of this area of the site, has been questioned by a resident and an alternative site suggested which would move them away from a residential boundary. The applicant has considered the suggested alternative but it would impede access to the playing field from the main school site. However, the applicant has agreed to look at alternative locations on the main school site, and has requested that this matter be resolved by the imposition of a planning condition. Therefore, should members be minded to permit, I consider that a condition of consent should be imposed requiring the applicant to submit final details regarding the location of the cricket nets for approval prior to their placement on site.
72. With regard to the AWP, it is the intention that that facility be available for community use from 5pm until 9pm on term time weekdays, 10am to 9pm on non-term time weekdays, and 10am to 8pm on weekends. I am advised by the applicant that these hours would accord with existing community use on site, specifically the existing flood lit pitch. Local residents have expressed concern that the floodlighting would generate light pollution and glare, adversely affecting amenity. The impact of the proposed lighting on the wider landscape and local heritage assets has been assessed above, however, the impact of light spill on local properties must also be considered. It must be noted that the floodlighting would only be required in hours of darkness, so in summer months the lighting is unlikely to be required.
73. As set out in paragraph 15 of this report, the AWP is proposed to be floodlit with 14 12metre high lighting columns, with an average illuminance of 220lux. Energy efficient LED luminaires are proposed, with no upward lighting and directional optics to minimise light spill. Lighting columns are located so that the optics are facing inwards to further limit light spill and the lighting scheme has been designed to be in accordance with the 'Guidance Notes for The Reduction of Light Pollution'. This would ensure that once installed, light spill and back light around the sports pitches would reduce rapidly to avoid any detriment to local amenity.
74. The lighting design has also taken account of the Institute of Lighting Professionals (ILP) guidance (2021) on the reduction of obtrusive light which (in addition to other guidance) categorises the environment into five zones relative to the type of lighting environment, ranging from E0 (Dark) to E4 (High District Brightness). The applicant has assessed the school as being within Environmental Zone of E1, which the County Council's Lighting Advisor considers to be quite stringent based on the location of the site. It is considered that a classification of E2 would still be acceptable which is for semi-rural areas and is less stringent. However, as confirmed by our Lighting Advisor, the design generally meets the requirements for Environmental Zone E1.
75. The lighting report illustrates the spread of lighting across the different areas and the immediate surroundings. Of particular interest is the impact on the adjacent properties to the north, north of the A25. Illuminance of the edges of the front gardens of a small number of these properties is shown but the levels are 1lux or less. This is acceptable in accordance with the *ILP Guidance Notes for the reduction of obtrusive light* and *Table 2 of BS EN 12193:2018* where 2 lux or less is deemed acceptable. It should also be noted that the lux levels do not spread to the houses themselves and so the impact is likely to be minimal. The associated trees which line both the northern boundary of the site and the southern boundary of the adjacent gardens would also help to further minimise any

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impacts as these are not accounted for in the modelling. The closest residential property to the east of the site is some distance away from the 1lux contour line and, again, boundary planting, which is particularly dense here, is not factored into the modelling.

76. It is acknowledged that the floodlighting may be seen from local properties, but in considering the above, and the technical advice provided by our Lighting Advisor, I am satisfied that the lighting design is acceptable, and that the proposed lighting would be unlikely to have a significant impact on the amenity of local residents. In view of the above considerations, I am satisfied that in operation the scheme would be acceptable and its design accords with Local Plan Policy EN6 and the NPPF requirement to limit the impact of light pollution on local amenity. Should permission be granted, I consider that conditions should be imposed to ensure that the floodlights are installed in accordance with the submitted details (including the back shields to the eastern luminaires), that they are tested prior to use to demonstrate that to be the case and any necessary adjustments made, and that the floodlights are extinguished when the AWP's are not in use. In addition, hours of use of the floodlighting would be controlled by planning condition, to accord with those proposed in the application. Subject to these conditions, I would not raise an objection to the proposed floodlighting scheme on the grounds of adverse light pollution and residential amenity.
77. With regard to noise generation, as a result of initial comments from our Noise Advisor and a letter of objection from a neighbouring resident, the application was amended to include the provision of an acoustic fence. As set out in paragraph 14 of this report, a 2.4metre high timber acoustic fence is proposed, sited to the north of the northern most AWP, and to the east between the north east corner and the half way line. An updated Noise Impact Assessment was submitted following inclusion of the fencing, and the County Council's Noise Advisor has considered and assessed this. It is considered that the assessment methodology and criteria used by the applicant's Acoustic Advisors is that of Sports England (SE) 'Design Guidance Note 'Artificial Grass Pitch (AGP) Acoustics – Planning Implication Guide', which is appropriate for the proposed development. No omissions were identified by our Noise Advisor and I am advised that the assessment is in line with credited and recognised guidance. It is concluded that the mitigation measures proposed are appropriate and the risk of adverse impacts arising as a result of the development are negligible.
78. In considering the technical advice we have received from our Noise Advisor, I am satisfied that, subject to the installation of the noise barrier, the development as proposed would not have a detrimental impact on the amenity of local residents with regard to noise, and therefore see no reason to refuse the application on this ground. However, I recommend that a condition of consent be imposed, should permission be granted, to require the acoustic barrier to be installed prior to first use of the AWP's.
79. Lastly, in considering the above, and the specialist advice we have received from our technical advisors, I am satisfied that the proposed hours of community use proposed by the applicant are acceptable in this instance, especially as they accord with existing community use on the site. Further, the NPPF supports the provision of community and sports facilities to achieve healthy, inclusive and sustainable communities. As required by Sport England, the District Council, and other local interested parties, the hours of community use would be controlled by planning condition and limited to those set out in paragraph 67 above. Further, in accordance with the requirements of Sport England and the District Council, the submission of a formal Community Use Agreement would be required pursuant to planning condition, to be approved prior to first use of the development. Subject to the conditions set out above, I am satisfied that the proposed

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community use of the development would not have an unacceptable impact on the amenity of local residents with regard to associated lighting and noise generation.

Sport England conditions

80. In addition to the Community Use Agreement discussed above and the controlling of the hours of operation of the floodlighting, Sport England require the imposition of further conditions to ensure that the pitches are constructed to the highest possible standard and also to ensure that the facilities are thereafter managed and maintained. First, with regard to the grass pitches to the east, Sport England consider that details of an assessment of the ground conditions, and any required mitigation, should be submitted for approval prior to commencement of development on that area of the site. Further, with regard to the AWP and MUGAs, prior to first use of these facilities Sport England consider that certification of the Pitch Surface (to FIFA and World Rugby Regulation Standard), confirmation of registration on the Football Associations Register of Football Turf Pitches, and details of a Management and Maintenance Scheme for the facilities should be submitted for approval by the County Planning Authority. The applicant has agreed to these conditions. I therefore consider that, should permission be granted, conditions of consent be imposed to cover the above matters to ensure that the facilities are constructed to the highest standards, and thereafter managed and maintained.

Highway implications and access

81. As set out in paragraph 21 of this report, community users of the proposed development would access the AWP, MUGAs and grass playing pitches via the main school site access on Seal Hollow Road. Car parking provision (258 spaces) is considered sufficient to accommodate the car trips to the site out of school hours. The level of out of hours community use and the access arrangements have not met with objection from Kent County Council Highways & Transportation (H&T), who are satisfied that the local road network can accommodate the trip rate generated by community use of the facilities. I therefore see no reason to refuse this application on the grounds of traffic generation and associated access issues, subject to the imposition of a condition requiring community users of the facilities to access the site via the main site access on Seal Hollow Road, and car parking to be open and available for use at all times whilst the facilities are being used by community users.
82. A local resident has requested that the southern most vehicular access to the site from Seal Hollow Road is not used for access out of school hours. That access is used by staff of Trinity School, and limited delivery access. There is no reason that that access would be used to access the community facilities out of hours, as is currently the case with existing community use on site. However, as set out in paragraph 81 above, a condition of consent would require all community users to access the site via the main school entrance only.
83. Bearing in mind the above, and the fact that the proposal would not generate additional school traffic and use out of hours is considered to be acceptable on highway grounds, I see no reason to impose the suggested conditions (from local residents, and interested parties, including Sevenoaks Town Council) regarding the need for parking restrictions on local roads, the lowering of the speed limit around the site, or the need for access improvements. In my view, such conditions would not meet at least two of the six tests for the imposition of planning conditions - namely such conditions would not be necessary or relevant to the development being permitted.

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

84. With regard to Sevenoaks District Council's suggested condition regarding the need to submit an updated Travel Plan, this application has no implications on school traffic or how pupils travel to and from the site. The Community Use Agreement, as discussed above, would include details of access out of school hours, the School Travel Plan would not be expected to include such information. Further, from looking at the Council's online Travel Plan Database (Jambusters), Trinity School's Travel Plan was updated in June 2021. The Grammar Annexe is already required to submit a Travel Plan prior to occupation of phase 2 of the development, which is nearing completion (see paragraph 6). I therefore see no reason to require the submission of a Travel Plan in association with this application.
85. As can be seen from paragraph 31 of this report, and as supported by Seal Parish Council and the Wildernesse Residents Association, local residents express concern regarding access to the site from Seal Drive. Further, the Parish Council also raise concern regarding potential use of an existing but disused access from the A25. With regard to the latter, I am advised that there were initial thoughts regarding the use of that access for construction vehicles. This however met with concern from the Highway Authority and subsequently all construction traffic is now proposed to enter and exit the site via the existing bus pick-up/drop-off zone, also accessed from the A25. Construction activities and associated conditions are discussed later in this report, but use of the bus pick-up/drop-off zone is accepted by the Highway Authority. The disused access from the A25 would not be used for any access to the proposed facility during both construction and operation phases.
86. With regard to the Seal Drive access, as set out in paragraph 22 of this report, it is proposed that an existing vehicular access from Seal Drive is used for emergency and maintenance vehicle access to the proposed new grass playing fields to the east of the school site only. The applicant anticipates that such maintenance access would involve use three times a month during summer months and twice a month for remaining seasons. Access by emergency and maintenance vehicles to the AWP's and MUGAs would be via the main school site, and this has not met with objection.
87. The applicant has looked at alternatives to the use of the Seal Drive access, but once the AWP's are completed, access to the grass playing fields to the east of the main school site by larger maintenance vehicles would not be achievable. There is no scope to move the pitches to facilitate such access due to other site constraints such as the Ancient Woodland to the south and the existing drainage balancing pond to the west. I am therefore satisfied that use of the existing access from Seal Drive is the only safe and practicable option for emergency vehicles and larger maintenance vehicles to access this area of playing field. I note that the Highway Authority also have no objection to the use of this access. Therefore, subject to the imposition of a condition controlling the use of the Seal Drive access to use by emergency and maintenance vehicles only, I do not consider that such limited use would have an unacceptable impact on the amenity of residents of Seal Drive or to the local highway network.

Landscaping, Materials and Ecological Matters

88. In addition to the wider landscape impacts of the proposed development, as discussed above in this report (in relation to the Green Belt and AONB), it is important to consider the impact of the development upon trees on site and existing and proposed landscaping and planting. As set out in paragraph 24 of this report, two trees are proposed to be removed to facilitate the proposed development, both of which are located on the boundary between the existing school site and the adjacent land proposed to be used as playing field. In addition, the construction access route would

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

necessitate the cutting back of a small section of the northern boundary planting (internal to the school site) to achieve the necessary road track width. All other boundary trees and planting on site would be retained, and would be protected on site throughout the construction phase in accordance with the submitted tree protection details. The County Council's Landscape Advisor is satisfied that the submitted information confirms that impact on trees within and adjacent to the site would be acceptable. However, to ensure that the tree protection measures are in place prior to commencement of the development, I would recommend that a suitably worded condition be imposed upon the consent in that regard.

89. The applicant has also submitted a proposed soft landscaping scheme which includes details of wild flower meadow planting and seeding, native tree and hedge planting, and details of the seeding that would be undertaken on the area of grass playing field. I am satisfied with the details submitted and do not consider that further information is required pursuant to planning condition. However, should permission be granted, I consider that a condition should be imposed requiring the approved landscaping scheme to be implemented within the first planting season following completion of the development. Subject to the above conditions, I am satisfied that the development would be acceptable in landscaping terms.
90. As a point of note, the development has been designed to maintain a 15metre buffer zone around the area of Ancient Woodland to the south of the proposed AWP/MUGAs. As confirmed by our Landscape Advisor, the development as proposed would not therefore have a negative impact on the arboricultural features of the Ancient Woodland. As noted in paragraph 27 of this report, the Landscape Advisor has based the Ancient Woodland assessment on current Government Standing Advice.
91. However, on the 15th September the Environment Bill passed through the Report Stage in the House of Lords. During that Reading, Baroness Young of Old Scone, successfully put forward an Amendment which, amongst other things, would require all Ancient Woodlands to be protected by a 50m buffer if the Bill is enacted in its current form unless there are 'wholly exceptional circumstances'. The amendment still has to be considered by the House of Commons, and as yet is not enacted. However, I would advise that I would make the same recommendation should the bill have been enacted, and would advise that the need for the development, limited impact on openness, and lack of scope for moving the pitches due to constraints such as the drainage balancing pond and the need to retain the planting along the northern site boundary, would constitute 'wholly exceptional circumstances' in this case.
92. With regard to material finishes, the AWP would be surfaced in an artificial 3G surface, designed to imitate grass, and the MUGAs with tarmac, both secured by black weld mesh fencing. Access paths and the emergency/maintenance access road to the north of the AWP would be finished with a reinforced grass system which would appear visually as a grass surface. The AONB Unit requested these details be controlled by condition. Therefore, should permission be granted, I consider a condition of consent should be imposed requiring the development to be constructed in accordance with the submitted details. Further, although it is requested that the proposed shipping containers, to be used for storage, are screened and only given a temporary permission, I consider that given the location of the containers adjacent to the AWP fencing on the main school site, and the need for permanent storage, that a permanent permission is acceptable in this instance and that no further screening is necessary.
93. With regard to local wildlife and ecological matters, local residents have suggested that the development would have a detrimental impact on local wildlife. This application is

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

accompanied by a number of Ecological Surveys, assessing the impact of the proposed development on Badgers, Reptiles, Dormice, Amphibians, Birds and Bats, including their habitat. Natural England and the County Council's Biodiversity Officer raise no objections to this application and are satisfied that sufficient surveys have been carried out as part of this planning application. However, as required by the County Council's Biodiversity Officer, should planning permission be granted there is a need for a detailed mitigation and enhancement strategy to be submitted to include details of the reptile receptor site, details of how the remaining grassland within the eastern field would be enhanced and details of ecological enhancement features within the wider site. In addition, details of a woodland management plan, setting out how the woodland on site would be managed to benefit biodiversity, should be submitted pursuant to condition. Should permission be granted, the above matters would be covered by suitably worded planning conditions.

94. I am therefore satisfied that the development as proposed would not have a significantly detrimental impact upon protected species and/or their habitat. Further, the submitted reports contain recommendations and details relating to biodiversity enhancement measures, the completion of which would benefit the wildlife value of the site. Therefore, subject to the imposition of conditions outlined above, I am satisfied that the development would not have a detrimental impact on local wildlife.

Drainage and Land Stability

95. As set out in paragraph 32 of this report, local residents have expressed concern that the field to the east of the site, proposed to be used for playing field, contains drainage pipes for several houses, in addition to being an area of local flood attenuation. Further it is suggested that the field contains several sink holes. First, with regard to drainage and drainage pipes, very minor levelling works are proposed to this area of the site, and the presence of service pipes would be assessed by the applicant/contractor when undertaking this work. The field would remain as a grass field, and is expected to be affected by inclement weather in winter months and during periods of heavy rain. The application would therefore maintain the status quo in that regard. With regard to the AWP's and MUGAs, a Sustainable Surface Water Drainage Scheme (SUDs) has been submitted with this application and consulted upon. Both the Environment Agency and the County Council's Flood Risk Team (SuDs) raise no objection to this application. The Flood Risk Team require the submission of a verification report relating to the SUDs Scheme prior to first use of the development. Subject to the imposition of that condition, I am satisfied that drainage of the site would be both sustainable and effective.
96. With regard to the suggestion that the field also contains sink holes, the applicant has commissioned and submitted a Sinkhole Trial Pitting Investigation Report. The report states that the apparent sinkhole feature relates to a poorly backfilled previous excavation or large trial pit, as opposed to settlement as a result of natural causes. To help mitigate potential risks, the report recommends that the former pit be re-excavated and backfilled appropriately, undertaken by a suitable qualified professional. The applicant has confirmed that these works would be undertaken. I am therefore satisfied that the recommendations of the report, which will be completed by the applicant, would ensure that this issue was not an ongoing risk.

Construction Matters

97. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I recommend that works should be undertaken only

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. As required by the Highway Authority, the contractors would be required to manage construction traffic/deliveries to avoid peak school times to minimise conflict with school traffic, specifically the buses using the pick-up/drop-off zone. This would also be controlled by a suitably condition.

98. The applicant has submitted a detailed Construction Management Strategy in support of this application, which includes the location of the site compound and operative/visitors parking, details of site security and safety measures, wheel washing facilities, dust suppression measures, noise mitigation, tree protection measures, and details of the construction accesses via the school bus loop, amongst other matters. The Highway Authority are satisfied with the submitted details and do not require the submission of any additional information regarding construction activities. Therefore, should permission be granted, I consider it appropriate to impose a condition requiring the construction of the development to be undertaken in accordance with the submitted and approved Construction Management Strategy.

Other matters

99. As referred to in paragraph 32 of this report, the area to the east of the school site proposed to be used as playing fields is subject to restrictive covenants. This is not a planning matter so is not a consideration in the determination of this application.
100. Local residents have expressed concern that the County Council can be the Applicant and the determining Planning Authority. The power to determine planning applications such as this is governed by Regulation 3 of the Town and Country Planning General Regulations 1992. This requires the County Council to determine such planning applications as long as the development is to be carried out by (or on behalf of) the County Council or jointly with another named party. The development may be on land within the County Council's ownership, or any other land. Planning legislation gives the County Council no choice as to whether to determine the application or not. This is the same planning process that is followed by every local authority seeking to carry out development. Notwithstanding this, in this instance this application will be referred to the Secretary of State for Levelling Up, Housing & Communities for consideration on green belt grounds should Members agree with the recommendation in paragraph 104 of this report.
101. Lastly, the Wildernesse Residents Association and local residents question the extent of the applicant's pre-application consultation and also consider that the application has been poorly advertised. With regard to the applicant's pre-application consultation with the local community, this is not a formal planning requirement, but something the applicant takes upon themselves to undertake. However, the submitted Statement of Community Involvement sets out the pre-application consultation undertaken by the applicant and summarises responses. With regard to advertisement of the application, the County Planning Authority has advertised the application in a local newspaper and posted 10 site notices in the roads bordering the site. This is in accordance with the Planning Authorities adopted Statement of Community Involvement and also compliant with the legislative publicity requirements for planning applications.

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

Conclusion

102. This application seeks the provision of new external sports facilities for use by all three schools on the Sevenoaks Grammar Annexe/Trinity School site, including 2 multi use games areas (MUGAs) & 2 all-weather floodlit pitches (AWPs) on the existing school playing fields, and the change of use of an area of land to the east of the school site to a grass playing field. The proposal has given rise to a variety of issues, including the need to demonstrate 'very special circumstances' to justify inappropriate development in the Green Belt, the impact of the proposed development on the openness of the Green Belt, and the impact of the development on the wider landscape and well as local residential amenity. I consider that 'very special circumstances' have been demonstrated in this particular case for overriding Green Belt policy considerations. I also consider that the development has been designed and sited to minimise the impact of the development on this part of the Green Belt, and its functioning. In addition, 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 amenity of local residents or the wider landscape, and would accord with the principles of sustainable development as set out in Development Plan Policies and the NPPF. In addition, support for the improvement of school facilities is heavily embedded within the NPPF, the Planning for Schools Development Policy Statement, and local planning policy.

103. Therefore, subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF, and is sustainable development. Therefore, I recommend that the application be referred to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision, permission be granted subject to appropriate conditions.

Recommendation

104. I RECOMMEND that the application BE REFERRED to the Secretary of State for LUHC as a departure from the Development Plan on Green Belt grounds, and that SUBJECT TO his decision that PLANNING PERMISSION BE GRANTED subject to conditions, including conditions covering:

- the standard 3 year time limit for implementation;
- the development to be carried out in accordance with the permitted details;
- removal of permitted development rights to the field to the east of the main school site;
- tree protection fencing/measures to be installed on site prior to commencement of the development and thereafter retained throughout the construction period;
- approved landscaping scheme to be implemented within first planting season following completion of the development;
- the development be undertaken in accordance with the recommendations contained within the submitted protected species reports regarding protection and enhancement measures;
- submission of a detailed mitigation and enhancement strategy to include details of the reptile receptor site, details of how the remaining grassland within the eastern field would be enhanced and details of ecological enhancement features within the wider site;
- submission of a woodland management plan, setting out how the woodland on site would be managed to benefit biodiversity;

Item D1

New external sports facilities at Sevenoaks Grammar Annexe/Trinity School, Sevenoaks – SE/21/891 (KCC/SE/0045/2021)

- access for all community users of the facilities to be via the main site access on Seal Hollow Road and car parking on site to be available for use by community users at all times;
- use of the Seal Drive access to be by emergency and maintenance vehicles only;
- no use of the development until certification of the Artificial Pitch surfaces (to FIFA and World Rugby Regulation Standard) and confirmation that the facilities have been registered on the Football Association's Register of Football Turf Pitches has been provided to the County Planning Authority;
- submission and approval of a Community Use Agreement prior to first use of the development;
- hours of community use limited to those specified within the application;
- the acoustic barrier to be installed prior first use of the All Weather Pitches;
- lighting levels not to exceed those specified within the application;
- hours of use of the floodlighting to accord with those set out in the application (i.e. extinguished by 9pm on weekdays and 8pm on weekends)
- lighting to be 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 the first use and any necessary adjustments made;
- extinguishing of floodlighting when pitch is not in use;
- the submission of final details regarding the location of the cricket nets for approval prior to their placement on site;
- submission of an assessment of ground condition details, and any required mitigation, prior to the commencement of any works relating to the grass playing field to the east;
- submission and approval of a Management and Maintenance Scheme for the facilities prior to first use of the development;
- submission of a verification report relating to the SUDs Scheme prior to first use of the development;
- the construction of the development to be undertaken in accordance with the submitted and approved a Construction Management Strategy;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- construction access to be controlled to avoid arrivals and departures during the AM PM peak school times.

Case officer – Mary Green

03000 413379

Background documents - See section heading
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Item D2**Proposed first floor extension to the sports pavilion, including a two-storey side extension for access and external emergency escape staircase at Maidstone Grammar School, Barton Road, Maidstone, Kent, ME15 7BT – MA/21/502002 (KCC/MA/0078/2021)**

A report by Head of Planning Applications Group to Planning Applications Committee on 10 November 2021.

Application by Maidstone Grammar School and Kent County Council for proposed first floor extension to the sports pavilion to allow for additional teaching space, including a two-storey side extension for access and toilets, together with an external emergency escape staircase – Maidstone Grammar School, Barton Road, Maidstone, ME15 7BT (Ref: KCC/MA/0078/2021 and MA/21/502002).

Recommendation: Planning permission to be granted, subject to conditions.

Local Member: Mr T Cannon and Mr D Daley

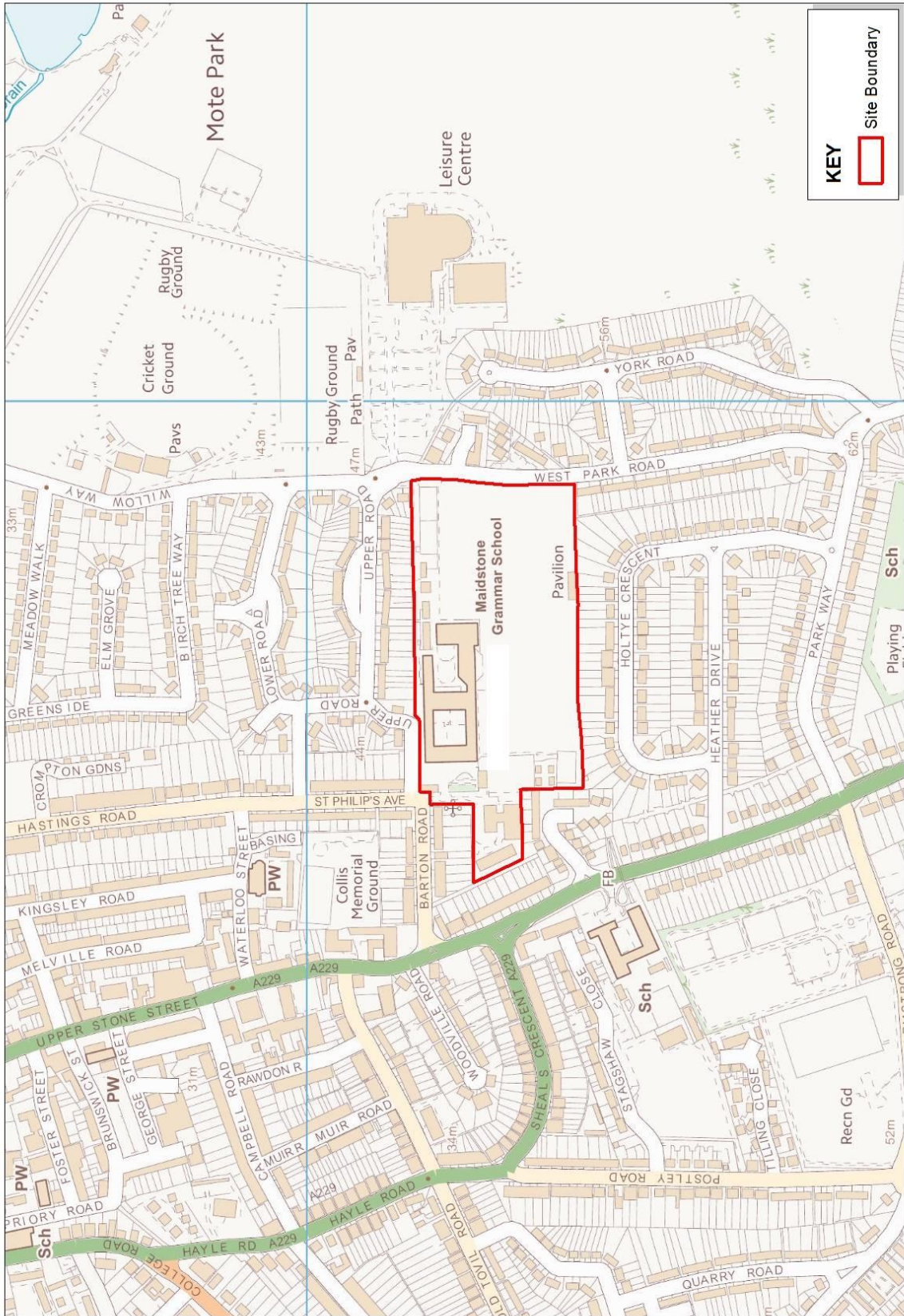
Classification: Unrestricted

Site

1. Maidstone Grammar School is located off Barton Road, which is to the south east of Maidstone, in a predominantly residential area. These residential properties which surround the site are predominantly two-storey with a mix of detached, semi-detached and terraced properties mainly originating from the twentieth century. Mote Park and Maidstone Leisure Centre are located to the east of the school site and are accessed off West Park Road which runs along the school's eastern boundary. The main vehicular and pedestrian entrances to the school are located off Barton Road/St Philips Avenue but there is also a pedestrian entrance from West Park Road. The school consists of buildings of varying size and age, the original building dating from the 1930's. The main school buildings are located on the north side of the campus adjacent to Upper Road. To the south of these buildings are the schools playing fields, consisting of grassed sports pitches, and a recently constructed floodlit 3G Artificial Turf Pitch (ATP) located within the south western corner of the site and adjacent to the rear gardens of properties in Holtye Crescent. Also located on the playing field is the old pavilion building. A new single storey sports pavilion was granted planning permission in 2017 and completed in 2018 and is located in the south-west corner of the site.
2. The School has completed a variety of new buildings within the past few years which were commissioned to provide up to date facilities for the existing and proposed additional pupils. In addition to the new floodlit 3G Artificial Turf Pitch (ATP), the School has also recently erected a single storey pavilion, a new arts block to provide new music rooms, practice rooms and performing arts studio, which is located at the end of the row of school buildings along the northern boundary. The School has also demolished an existing single storey classroom block which was located close to the northern boundary of the school site and erected a two-storey block to provide new science laboratories and IT classrooms.

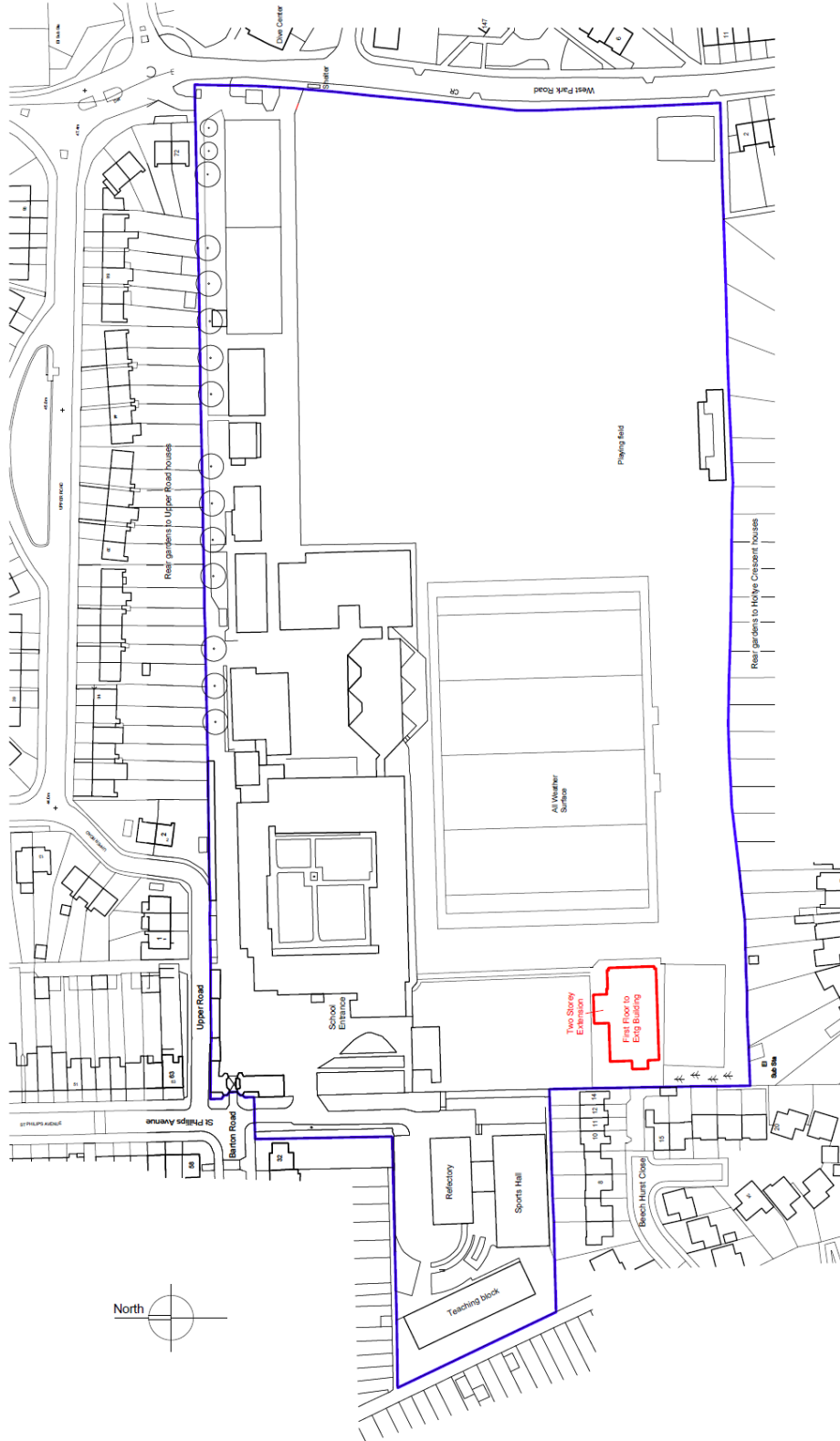
Proposed first floor extension to sports pavilion – Maidstone Grammar School, Barton Road, Maidstone – MA/21/502002

Site Location Plan



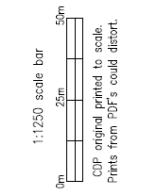
Proposed first floor extension to sports pavilion – Maidstone Grammar School, Barton Road, Maidstone – MA/21/502002

Site Location Plan



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Checked			
Drawn			
Author			
Client			
Project			
Sheet			

Drawing Title
LOCATION PLAN



Client
MAIDSTONE GRAMMAR

Job Title
PROPOSED PAVILION EXTENSION

Rev	Description	Int.	Date

794 : P01

Proposed first floor extension to sports pavilion – Maidstone Grammar School, Barton Road, Maidstone – MA/21/502002

Existing Floor Plans and Elevations

Existing South Elevation

Existing East Elevation – Front

Existing Ground Floor Plan

Existing West Elevation – Rear

Existing North Elevation

Existing Roof Plan

Material Schedule:
 Existing External Materials:
 Flat roof including PV solar panels,
 Weinsberger Ltd. Wornham Red Stock
 roof tiles, Wornham Red Stock
 exterior wall render, Woburny colour
 S3502-3,
 Powder coated aluminium joinery
 Zinc magnesium colour metal
 rainwater goods.

Scale: 1:100
 Date: 07/20
 Drawn: [Name]
 Checked: [Name]
 Approved: [Name]

794 : P03

Client: MAIDSTONE GRAMMAR SCHOOL
 Job Title: PAULDON FIRST FLOOR

CDP Architecture Ltd
 1001146272 SEE
 Tel: 01227 448181 Fax: 01227 261344
 www.cdparch.co.uk

Proposed first floor extension to sports pavilion – Maidstone Grammar School, Barton Road, Maidstone – MA/21/502002

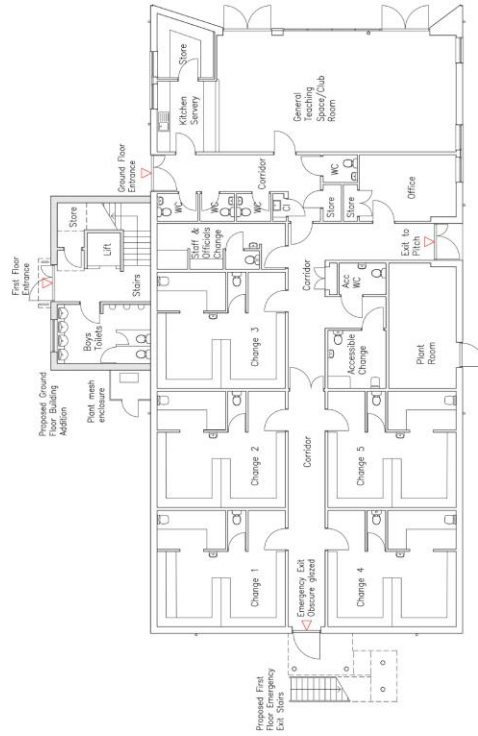
Proposed Ground Floor Plan and Elevations



Proposed East Elevation – Front



Proposed South Elevation



Proposed Ground Floor Plan

Proposed External Materials:
 Flat profile slate grey tiled pitched roof including
 Parapet
 Red stock face brickwork walls matching existing
 and pre-painted zinc wall cladding, existing
 Zinc magnesium colour metal rainwater goods.

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Date: 18.07.20	Project: []	Client: []	Location: []
Drawn: []	Checked: []	Author: []	Project: []
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Drawing Title
**PROPOSED GROUND FLOOR
 PLAN & ELEVATIONS**

794 : P05 A



CDP Architecture Ltd
 201, Barton Road, Maidstone, Kent ME14 2JH
 Tel: 01622 688888 Fax: 01622 688888
 www.cdparchitects.com

Client:	MAIDSTONE GRAMMAR SCHOOL
Job Title:	PAVILION FIRST FLOOR

Rev	Description	Int.	Date

Proposed first floor extension to sports pavilion – Maidstone Grammar School, Barton Road, Maidstone – MA/21/502002

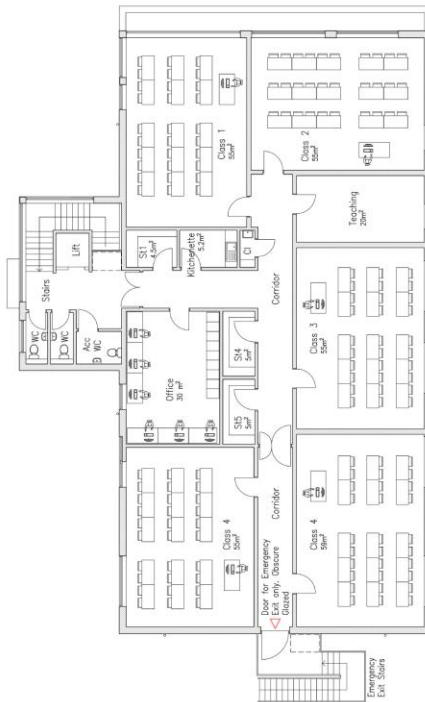
Proposed First Floor and Roof Plan and Elevations



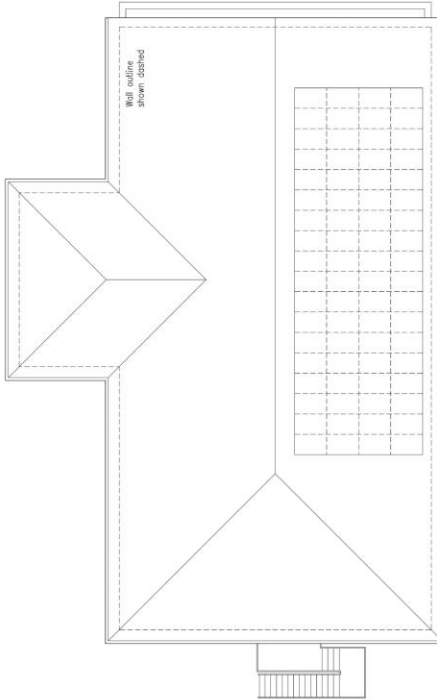
Proposed North Elevation



Proposed West Elevation – Rear



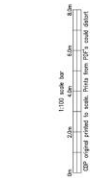
Proposed First Floor Plan



Proposed Roof Plan

Rev.	Description	Int.	Date

Client:	MAIDSTONE GRAMMAR SCHOOL
Job Title:	PAVILION FIRST FLOOR



Drawing Title
**PROPOSED FIRST FLOOR
 ROOF PLAN & ELEVATIONS**

Drawn By	Checked By	Drawn Date	Checked Date	Drawn Scale	Checked Scale	Drawn Unit	Checked Unit

Necessary/Comment	By	Date

794 : P06 A

Proposed first floor extension to sports pavilion – Maidstone Grammar School, Barton Road, Maidstone – MA/21/502002

Proposed Landscaping Planting Plan



NOTES

Tree of Year

Any species imported to the site to be economy grade topped to BS 3882 with a minimum of 6% organic matter by dry weight. Trees to be imported to the site to be economy grade topped to BS 3882 with a minimum of 6% organic matter by dry weight. Trees to be imported to the site to be economy grade topped to BS 3882 with a minimum of 6% organic matter by dry weight. Trees to be imported to the site to be economy grade topped to BS 3882 with a minimum of 6% organic matter by dry weight.

Planting

Plant beds to be installed in accordance with the recommendations of the Landscape Plan. Plant beds to be installed in accordance with the recommendations of the Landscape Plan. Plant beds to be installed in accordance with the recommendations of the Landscape Plan. Plant beds to be installed in accordance with the recommendations of the Landscape Plan.

Watering

Watering regime to comply with BS 5845:2014 recommendations (Annex C). Guidance on irrigation management and maintenance. Frequency and timing of irrigation should take into account the recent weather conditions and the moisture content of the soil. Watering should be avoided during periods of excessive rainfall. Watering should be avoided during periods of excessive rainfall. Watering should be avoided during periods of excessive rainfall.

Pruning

Pruning should be carried out in accordance with the recommendations of the Landscape Plan. Pruning should be carried out in accordance with the recommendations of the Landscape Plan. Pruning should be carried out in accordance with the recommendations of the Landscape Plan. Pruning should be carried out in accordance with the recommendations of the Landscape Plan.

Installation

Installation of trees should be carried out in accordance with the recommendations of the Landscape Plan. Installation of trees should be carried out in accordance with the recommendations of the Landscape Plan. Installation of trees should be carried out in accordance with the recommendations of the Landscape Plan. Installation of trees should be carried out in accordance with the recommendations of the Landscape Plan.

Year 1 - As Year 1 and 2

Year 2 - As Year 1 and 2

Year 3 - As Year 1 and 2

Year 4 - As Year 1 and 2

Year 5 - As Year 1 and 2

Year 6 - As Year 1 and 2

Year 7 - As Year 1 and 2

Year 8 - As Year 1 and 2

Year 9 - As Year 1 and 2

Year 10 - As Year 1 and 2

Year 11 - As Year 1 and 2

Year 12 - As Year 1 and 2

Year 13 - As Year 1 and 2

Year 14 - As Year 1 and 2

Year 15 - As Year 1 and 2

Year 16 - As Year 1 and 2

Year 17 - As Year 1 and 2

Year 18 - As Year 1 and 2

Year 19 - As Year 1 and 2

Year 20 - As Year 1 and 2

Year 21 - As Year 1 and 2

Year 22 - As Year 1 and 2

Year 23 - As Year 1 and 2

Year 24 - As Year 1 and 2

Year 25 - As Year 1 and 2

Year 26 - As Year 1 and 2

Year 27 - As Year 1 and 2

Year 28 - As Year 1 and 2

Year 29 - As Year 1 and 2

Year 30 - As Year 1 and 2

Year 31 - As Year 1 and 2

Year 32 - As Year 1 and 2

Year 33 - As Year 1 and 2

Year 34 - As Year 1 and 2

Year 35 - As Year 1 and 2

Year 36 - As Year 1 and 2

Year 37 - As Year 1 and 2

Year 38 - As Year 1 and 2

Year 39 - As Year 1 and 2

Year 40 - As Year 1 and 2

Year 41 - As Year 1 and 2

Year 42 - As Year 1 and 2

Year 43 - As Year 1 and 2

Year 44 - As Year 1 and 2

Year 45 - As Year 1 and 2

Year 46 - As Year 1 and 2

Year 47 - As Year 1 and 2

Year 48 - As Year 1 and 2

Year 49 - As Year 1 and 2

Year 50 - As Year 1 and 2

Year 51 - As Year 1 and 2

Year 52 - As Year 1 and 2

Year 53 - As Year 1 and 2

Year 54 - As Year 1 and 2

Year 55 - As Year 1 and 2

Year 56 - As Year 1 and 2

Year 57 - As Year 1 and 2

Year 58 - As Year 1 and 2

Year 59 - As Year 1 and 2

Year 60 - As Year 1 and 2

Year 61 - As Year 1 and 2

Year 62 - As Year 1 and 2

Year 63 - As Year 1 and 2

Year 64 - As Year 1 and 2

Year 65 - As Year 1 and 2

Year 66 - As Year 1 and 2

Year 67 - As Year 1 and 2

Year 68 - As Year 1 and 2

Year 69 - As Year 1 and 2

Year 70 - As Year 1 and 2

Year 71 - As Year 1 and 2

Year 72 - As Year 1 and 2

Year 73 - As Year 1 and 2

Year 74 - As Year 1 and 2

Year 75 - As Year 1 and 2

Year 76 - As Year 1 and 2

Year 77 - As Year 1 and 2

Year 78 - As Year 1 and 2

Year 79 - As Year 1 and 2

Year 80 - As Year 1 and 2

Year 81 - As Year 1 and 2

Year 82 - As Year 1 and 2

Year 83 - As Year 1 and 2

Year 84 - As Year 1 and 2

Year 85 - As Year 1 and 2

Year 86 - As Year 1 and 2

Year 87 - As Year 1 and 2

Year 88 - As Year 1 and 2

Year 89 - As Year 1 and 2

Year 90 - As Year 1 and 2

Year 91 - As Year 1 and 2

Year 92 - As Year 1 and 2

Year 93 - As Year 1 and 2

Year 94 - As Year 1 and 2

Year 95 - As Year 1 and 2

Year 96 - As Year 1 and 2

Year 97 - As Year 1 and 2

Year 98 - As Year 1 and 2

Year 99 - As Year 1 and 2

Year 100 - As Year 1 and 2

HW & CO

01622 230655
01622 230655
office@hardscapeservices.org.uk

PLANNING

MAIDSTONE GRAMMAR SCHOOL

Pavilion - Landscape Planting Plan

Rev Description Date

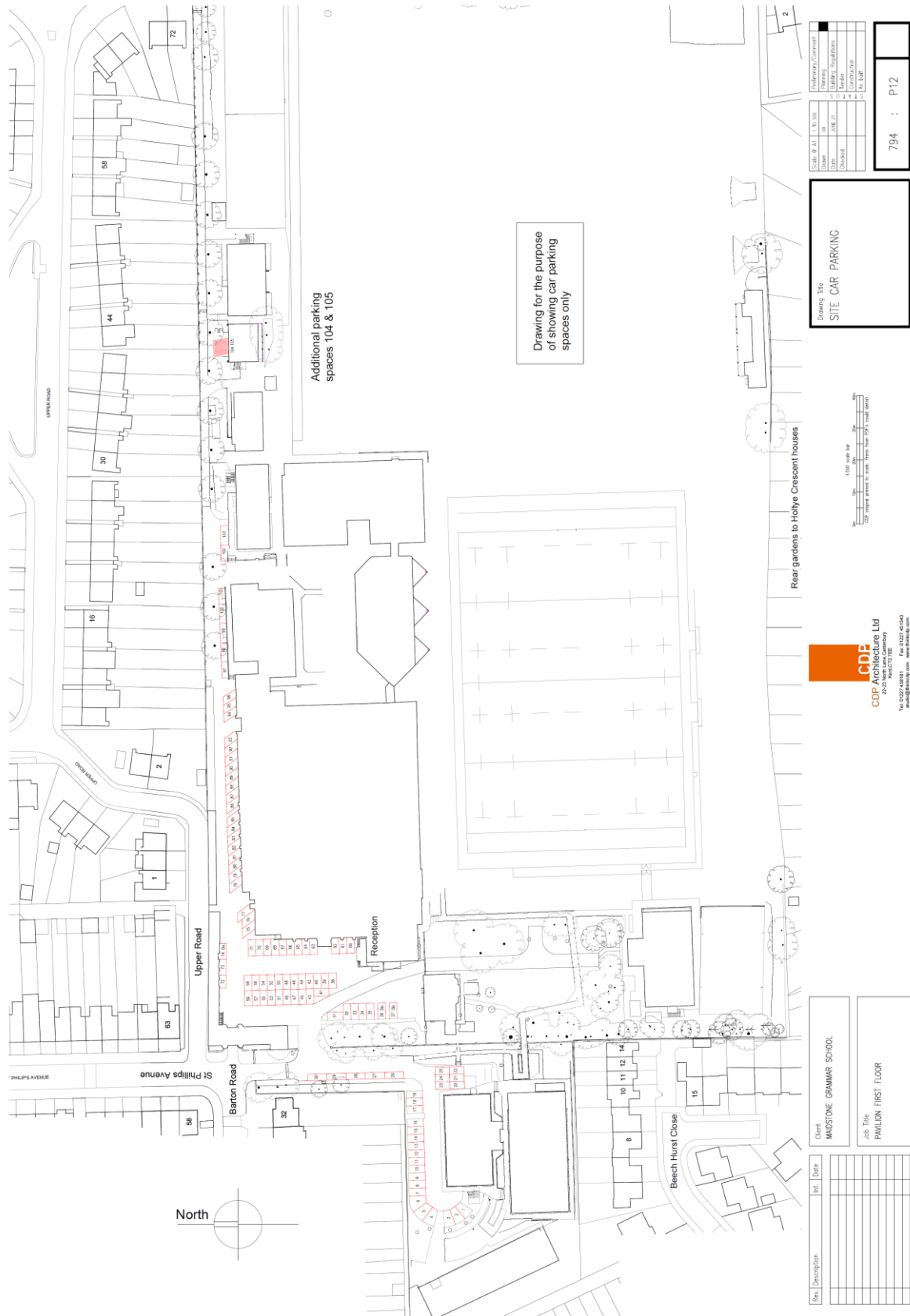
A Minor amendment 03.21

B Addition of mixed native hedge along western boundary 05.21

Scale 1:200@A2 Date 0049/20/B/1B Rev 1:400@A4 Oct 2020 Drawing number

Proposed first floor extension to sports pavilion – Maidstone Grammar School, Barton Road, Maidstone – MA/21/502002

On-site Car Parking Location Plan



Scale	1:500
Date	20/06/21
Checked	
Drawn	
Author	
Project	
Client	
Site	

Drawing Title
SITE CAR PARKING

794 : P12

CODE
CDP Architecture Ltd
 2001
 Maidstone
 Kent
 ME14 2TE
 Tel: 01227 448811 Fax: 01227 615161
 www.cdparch.co.uk

Client	MAIDSTONE GRAMMAR SCHOOL	
Job Title	PAVILION FIRST FLOOR	
Rev.	Description	Date

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3. To the west of the 3G ATP in the corner adjacent to the rear of the properties in Beech Hurst Close and Holtye Crescent is the single storey pavilion building. To the immediate south of the pavilion is a fenced multi use court and to the north stands the former School House, with further school buildings to the east, north of Beech Hurst Close. The western boundary between the pavilion and Beech Hurst Close is relatively well screened with mature trees, the boundary to the south of the school site adjacent to the rear gardens of the houses in Holtye Crescent is also marked by an established hedge and a line of trees.

Background

4. Maidstone Grammar School has a long history dating back to 1549 and earlier occupying various premises with the town and moved to its current site in 1930. In 1993 the School moved from taking pupils from age 13 to age 11 and the first of the new intake at the age 11 had to pass the 11+ exam to gain entry to the school. At that time the school had five forms of entry (5FE) with a Planned Admission Number (PAN) of 150 pupils per year group, giving a school roll of 750 pupils. However due to the demand for grammar school places, the school was required to move to a 6FE in the late 1990's and the PAN was increased to 175 pupils per year group with five additional school places available for appeals, so the school had 6 forms of 30 pupils. This was a school roll of 900 pupils. The PAN of 175 was always surpassed but not enough to have required an additional form of entry which could not be accommodated within the existing buildings and grounds provision. Some creative timetabling was already required to accommodate the existing students because of a lack of specialist accommodation and inadequate playing field provision, which was inadequate for the existing numbers.
5. The Education Committee endorsed the Commissioning Plan for Education Provision 2016-2020, which identified the need for additional secondary school places in the Maidstone district. In September 2017 the number of students requiring grammar school places significantly surpassed the number of grammar school spaces available. As a consequence, Maidstone Grammar School was asked to expand by one more form of entry a year earlier than expected. 205 places were offered and after appeal's a further 4 places were allocated. Since 2017 the school has surpassed its PAN of 205 students after statutory appeals, peaking at 220 students in a year group. There is also no reason to believe that similar numbers of appeals will not successfully make it through the appeal process in forthcoming years.
6. The School's net capacity of 1326 students is calculated according to the existing accommodation. The school was built on its present site in 1930 and since then a mixture of buildings have been added over the years to cater for the growing needs for grammar school places. However, many of the classrooms are small and not able to accommodate classes of up to 32 or 33 children which the school has needed since becoming a 7FE school in 2017. Therefore, the School's net capacity does not rationalise nor support the problems the School is encountering in accommodating large numbers in classes throughout all year groups (7-13).
7. The School has suited departments, so that all students (years 7-13) move around the school to be taught in specialist areas. Pressure on accommodation has started to impact the School from this September when the current year 11 cohort of students have access to the sixth form. Students who enter the school in year 7 are able to access the sixth form if they make the necessary entry requirements so these students are already in the school. Some may not make the entry requirements whilst others opt to move to other sixth forms. However, the School does accept a number of transferees each year in line with parental choice. Sixth form classes use many of the same classrooms as the

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students in years 7-11 because set sizes for sixth form classes are often as large as the set sizes in years 7-11.

8. The sixth form will increase in size again in 2022 when the first of the large cohorts' complete year 11 (September 2017 entry). This will put unsustainable pressure on the School's accommodation. Specialist accommodation will be overused creating possible health and safety issues and there will be pressure on the School to be able to offer all the students the courses of their choosing. From September 2023, the sixth form numbers will continue to increase.
9. The tables below demonstrates the projected student numbers in the School in September 2020 and an updated table received from the School with actual pupil numbers for September 2021. Thereafter, a prudent figure of 216 students has been included in year 7 to allow for appeals. The School has no control over the numbers of students allowed via the appeals process, but these additional students have an impact on the current building provision and the ability to be able to continue to fit these large classes into the existing accommodation.

Year Group	September 2020	September 2021	September 2022	September 2023
7	218	216	216	216
8	220	218	216	216
9	214	220	218	216
10	209	214	220	218
11	183	209	214	220
Total Years 7-11	1044	1077	1084	1086
12	189	183	209	214
13	149	189	183	209
Total Sixth Form	338	372	392	423
Total Numbers	1382	1449	1476	1509

(data from the Planning Statement showing the proposed pupil numbers– dated June 2021)

Year Group	September 2020	September 2021	September 2022	September 2023
7	218	199	216	216
8	220	217	199	216
9	214	218	217	199
10	209	213	218	217
11	183	208	213	218
Total Years 7-11	1044	1055	1063	1066
12	189	200	208	213
13	149	187	200	208
Total Sixth Form	338	387	408	421
Total Numbers	1382	1442	1471	1487

(updated actual school pupil numbers for September 2021 received from the School)

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10. From the two tables above, it is possible to see the predicted pupil numbers (from June 2021) and proposed pupil numbers, as taken in September 2021. The school has confirmed that the reason that in September 2021 they took in under their planned admission number was due to the number of students that did not pass the Kent Test, and that some pupils in Years 8, 10 and 11 have subsequently moved away from the area and no longer attend this school. The School has also confirmed that this will not be the norm in the future, now that face to face teaching has resumed and this is why the total numbers are slightly adrift from the figures that the School previously predicted (table from June 2021). The School's normal PAN is 205 but as is evident from the table above, the School is continuously oversubscribed and are substantially over their net capacity (of 1326 pupils). Accommodating the pupil numbers for September 2021 has been extremely difficult, due to having insufficient space to teach the pupils and that some of the current classrooms are bulging at the seams. The applicant has confirmed that this situation will only be eased by having the additional, large classroom capacity, which is needed to support the curriculum needs of the school.
11. In September 2020, the number of teaching staff was confirmed as 122 members of staff. Approximately 75% of staff are full time and the remainder are part time. As a result of this planning application, it is proposed to employ 2 new members of staff, thus bringing the total number of staff to 124. Furthermore, the school has confirmed that the school has 105 car parking spaces, including 3 disabled parking spaces and 2 visitor parking spaces, 6 motorcycle spaces and space for 189 bicycles. Current school hours are between 8.40am and 3.30pm Monday to Friday.
12. The existing single storey sports pavilion incorporates 5 changing rooms, a PE office, 1 clubroom, general teaching space and associated support facilities and is located in the south west corner of the site. The site was previously the location of four mobile classrooms which were removed as they were well beyond their design life and in a poor state of repair.

Supporting Statement from the County Council's Area Education Officer

13. "The County Council commissioned additional school places in Years 7 to 11 at Maidstone Grammar School in 2017 in order to meet the County Council's statutory duty in response to a Basic Need in the area. The first of the larger cohort will enter Year 11 in September 2021 after having progressed through the school and therefore the maximum number of students across Years 7 to 11 will be on roll. The configuration of the school's existing accommodation, with some classrooms being unable to accommodate 30 students, and the school's intention to increase the size of the Sixth Form in proportion to the increase in Years 7 to 11 to enable students to progress to Year 12 (subject to the school's admission criteria) means that the school requires additional classroom space to accommodate all students that will be on the roll of the school in future years.
14. The School has submitted this planning application which proposes to build an additional floor onto a single storey building to accommodate five additional classrooms. The application is fully supported by the Local Education Authority. In particular, we recognise the challenges related to the size of some of the school's existing classrooms and the pressure that places on both the total capacity of the school and the need for the school to configure classroom space to enable full access to specialist teaching settings. The Local Education Authority fully supports the application as the school's remedy to this".

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Recent Planning History

15. The most relevant recent site planning history is listed below;

MA/18/502822	Creation of 3G Artificial Turf Pitch (ATP) with fencing, floodlighting and associated features. Granted with conditions.
MA/18/504116	Retrospective application for a new grasscrete fire appliance path for access to new pavilion. Removal of existing poor quality trees and creation of additional car parking spaces along boundary of current car park. Granted retrospective planning permission.
MA/17/502397	Proposed new single storey pavilion changing facility with supporting club room/teaching space and office accommodation. Granted with conditions.
MA/16/507442	Proposed new 2-storey performing arts block to provide new music classrooms, practice rooms and performing arts studio space with associated stores and offices. Granted with conditions.
MA/16/507463	Demolition of existing single storey classroom block and erection of new 2-storey block to provide 3 additional science labs and 2 IT classrooms with additional storage and associated prep space. Granted with conditions.
MA/14/504889	Proposed extension and refurbishment of the existing sports pavilion. Granted with conditions.
MA/13/796	Proposed recladding of existing walls and roof to existing sports hall. Granted with conditions.

Proposal

16. This planning application proposes to construct a first-floor extension onto the existing flat roof single storey pavilion, with a two-storey side extension for access and an external emergency staircase. The first-floor extension proposes 5 large teaching rooms (minimum 55m²), 1 smaller teaching room, 1 staff office together with associated support facilities, including stores, kitchenette, accessible toilet, female toilets, male toilets, staircase and platform lift. The provision of an additional 2 car parking spaces and associated landscaping is also proposed.
17. In order to meet the pressing demand for additional teaching space as outlined above, the applicant has given consideration to the limited alternatives available to the school and has identified the potential to extend the recently constructed single storey pavilion building upward as being the most appropriate solution to the school. The proposed design has been formulated to provide a suitable facility to address current and future growth of the school and to enhance the appearance of the existing single storey pavilion building.

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18. The existing flat roof single storey pavilion building is approximately 31 metres long by 15.5 metres wide and with a height of 3.7 metres. It is constructed in brickwork with a glazed elevation facing the sports pitches. The proposed first floor would have the same footprint as the existing pavilion but with a slight set back to the east facing the playing field. It is therefore proposed that the first-floor footprint would be 29.6 metres long by 15.5 metres wide. A small two storey extension some 8.5 metres across and 5 metres deep on the northern elevation is proposed to provide a ground floor entrance, toilets and stairs/lift to the first floor.
19. The proposed first floor with a low-pitched roof above would measure approximately 5.7 metres to the underside of the eaves, an increase of approximately 2.15 metres above the existing wall parapet and with a ridge height of approximately 8.6 metres. The eaves of the proposed two storey extension to the north of the existing pavilion building, which would house the first-floor access stairs, would align with the rest of the proposal, with its ridge 1.0 metres below that of the main ridge.
20. The proposed building would include a gable end roof to the eastern elevation facing the school playing field. The rest of the proposed building is designed with fully hipped roofs to the two-storey extension to the north and to the western end of the building facing Beech Hurst Close. This has been designed so that the roof hips would help to reduce the impact of the proposed building to the adjacent boundaries and properties beyond.
21. Externally it is proposed that the new first floor would be finished in a red stock brick to match the existing ground floor building and also to include zinc wall cladding and powder coated aluminium window and door joinery. The low-pitched roof is proposed to be finished with a flat profile, slate grey tiled roof and would include a PV solar panel array. At the western end of the building is proposed an external fire escape. It is proposed that the first-floor external door onto the stairs would have obscured glazing so that there would be no overlooking of adjacent properties. This proposed secondary means of escape from the building is a formal requirement and would only ever be used in an emergency. No other west elevations fenestration is proposed so that there would be no overlooking of this boundary or properties beyond. A large array of windows on the east elevation would provide views across the playing field, whilst the other room windows to the north (towards the existing school building) and to the south (towards Holtye Crescent) side elevations would give daylight and ventilation into the proposed classrooms.
22. The existing single storey pavilion is located approximately 10 metres from the school site boundary to the west with Beech Hurst Close, which is a development of two storey dwellings and associated garages. The area between the existing pavilion and boundary includes a series of mature trees and low-level soft landscaping. The site boundary between the school and Beech Hurst Close is a 2.2 metre to 2.4 metre high brick wall (measured on the Beech Hurst Close wall side). As part of this planning application, it is proposed to reinforce the existing tree belt on the western (Beech Hurst Close) boundary by further tree planting.

Planning Policy Context

23. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:
 - (i) **National Planning Policy Framework (NPPF) July 2021** 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

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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;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Taking a positive approach to applications that make more effective use of sites that provide community services such as schools, provided this maintains or improves the quality of service provision and access to open space and making decisions that promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Ensure that planning policies and decisions provide the social, recreational and cultural facilities and services the community needs, by planning positively for the provision and use of shared spaces and community facilities such as sports venues or open spaces to enhance the sustainability of communities and residential environments;
- Conserving and enhancing the natural environment;
- Planning policies and decisions should prevent unacceptable risks from pollution and land instability and should ensure that new development is appropriate for its location;

In addition, Paragraph 95 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.*

- (ii) **Policy Statement – Planning for Schools Development (15 August 2011)** 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

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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-Local Plan 2017 – Adopted October 2017- Policies:

Policy SP1 **Maidstone Urban Area.** Defines the extent and form of development Maidstone urban area will be expected to accommodate over the plan period and the key infrastructure improvements this will require.

Criteria V (b) of this policy specifically identifies the need for additional secondary school capacity including a one form entry (1FE) expansion of Maidstone Grammar School.

Policy DM1 **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.

Proposals need to respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

Policy DM2 **Sustainable Design.** Proposals need to ensure that buildings are constructed with sustainable design features incorporated into the build.

Policy DM3 **Natural Environment.** Proposals need to ensure that new development protects and enhances the natural environment by incorporating measures that retain a high quality of living and to be able to respond to the effects of climate change.

Policy DM8 **External Lighting.** Proposals must demonstrate that the minimum amount of lighting necessary to achieve its purpose is proposed, the design and specification of the lighting would minimise glare and light spillage, and the lighting scheme would not be visually detrimental to its immediate or wider setting particularly intrinsically dark landscapes.

Policy DM21 **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

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policy for air quality.

Policy DM23 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.

Consultations

24. **Maidstone Borough Council:** Raises no objection and has the following comments:

“Following consideration, no objection is raised subject to any condition(s) or Informative(s) relating to loss of privacy, impact from noise and outdoor lighting, alleged anti-social behaviour and issues regarding parking in the area and highways impact”.

Kent Highways: Initially raised a holding objection to the planning application pending the submission of a parking beat survey of the surrounding streets near the school site.

Following receipt of additional information, Kent Highways raise no objection, subject to a condition. The following comments have been made:

“Staff Parking

A new drawing has been provided demonstrating the location of the additional car parking spaces that have been created to support the proposed development. 2 additional parking spaces are required as a consequence of the development. This plan confirms the deliverability and usability of the spaces in question.

Parking Surveys

Parking surveys of the streets surrounding the school site have now been undertaken by the applicant in a traffic neutral month (September) following the commencement of the new school term and relaxing of Covid 19 restrictions. Consequently, KCC Highways consider them to be suitable for assessment purposes.

The surveys have been undertaken over three days to avoid the risks and limitations associated with a single days’ worth of surveys, thereby adding a further element of robustness to the applicant’s assessment.

As described within the TTN, the extent of the on-street surveys covers a walking distance of 400 metres from the main school entrance. KCC Highways consider this to be acceptable in how it reflects the maximum distance that parents are likely to park for the purpose of drop off and pick up.

An itinerary of the existing parking capacity within the survey area has been undertaken by the applicant. This confirms that there is parking capacity for up to 154 vehicles on the streets that surround the school.

The results of the applicant’s parking surveys indicate that the streets surrounding the school typically accommodate up to 139 parked vehicles before and after the school day. This excludes motorists parked on restricted sections of road.

To forecast the future parking demand that is likely to be generated by the school’s expansion the applicant has used data from the school’s recently updated travel plan

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(TP). This is reasonable given how the schools expansion is likely to continue to attract pupils from its existing catchment area. The proposals are anticipated to generate demand for an additional 15 cars, which could park on the existing streets that surround the school site.

These additional vehicles are projected to increase the overall parking demand to up to 152 vehicles within the survey area, with the peak in demand occurring at around 15:00hrs as parents congregate to pick-up students. Whilst this increases the likelihood of limited or no spare on-street parking capacity at the beginning or end of the school day, the evidence provided by the surveys does not indicate that the surrounding will become oversubscribed.

KCC Highways is also mindful of the ongoing availability of Maidstone Leisure Centre as an area for pick-up and drop-off, which will help to suppress the demand for on-street parking associated with the proposed school expansion.

This, coupled with the Controlled Parking Zone restrictions present on many of the streets, reduces the likelihood of errant parking that could be hazardous to the safe or free flow of traffic on the public highway.

Accordingly, KCC Highways is now satisfied that the proposed development will not result in an impact on the highway network that could be deemed severe in the context of paragraph 111 of the National Planning Policy Framework.

School Travel Plan (STP)

A revised STP has also been submitted in support of the proposals. Amended measures to encourage the use of sustainable modes of transport have been proposed. These measures include the continued monitoring of cycle storage facilities, investigation of KCC cycle training and continued encouragement of park and stride facilities using Maidstone Leisure Centre car park.

KCC Highways regard it to be essential that the STP is effectively implemented in view of the additional travel demand associated with the proposed school expansion. It should therefore be secured as part of any planning permission.

Summary and Recommendation

Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority, subject to the following conditions:

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (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".

School Travel Planner: Raises no objection and has no further comments to make as regards to the 3rd draft of the School Travel Plan.

Archaeology: Raises no objection subject to a condition and has the following comments:

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“In view of the new groundworks being limited to the extension, I suggest a watching brief condition would be sufficient”.

KCC’s Biodiversity Officer: Raises no objection subject to a condition and has the following comments:

“As a result of reviewing the data we have available (including aerial photos and biological records) and the information submitted with this planning application and other submissions for this site we advise that the proposed development has limited potential to result in ecological impacts and as such we are satisfied that there is no requirement for an ecological survey to be carried out.

We have taken this view because no trees are proposed for removal and the original building was only constructed during or after 2018 - photos provided by the planning officer highlight that the structure of the building has limited /no features that could be used by roosting bats.

From previous applications we are aware that bats are foraging / roosting within the wider site and therefore we advise that any lighting proposed is designed to be sensitive towards bats. If any lighting is required, we recommend that the site wide lighting condition requires the lighting plan to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals”.

Local Member

25. The local County Members Mr Bird and Mr Daley and adjoining local Member, Mr Cooper were notified of the application on 12 April 2021. After the County Council elections in May, Mr Tom Cannon replaced Mr Bird, and he was notified of the planning application on 12 May 2021.

Publicity

26. This application was advertised by the posting of a total of 9 site notices in the roads that surrounded the school site (St Philips Avenue/Barton Road, Beech Hurst Close, Holtye Crescent and West Park Road).

Representations on the planning application

27. A total of 8 representations have been received from local residents objecting to the application. The main points of objection are summarised below:

- By adding such a significant amount of height on the original building, this will be very intrusive to the local residents and also create a substantial amount of increase in noise.
- Residents should expect rights to privacy and looking at the height of this building, the classrooms will be looking directly into the local residents’ rooms.
- From the plans it appears windows of the first-floor rooms facing south will allow the properties and gardens on the north side of Holtye Crescent to be overlooked.
- Somewhat disturbs me that the school is proposing to inflict the local residents with more building projects what will impact on their privacy and wellbeing.
- We are aware of the school’s requirements to use the pavilion for external social events.

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- Object due to the fact that the height and width of the extension will be intrusive for the immediate neighbours of the school.
- The school has a tendency to leave both the main school building and pavilion lights on until late (or all night at times, so another floor to the pavilion will exacerbate the level of light pollution.
- Believe its due to additional demand of pupils that this is being asked for, however there have been additional schools built in Maidstone area that should be able to take up the increase in population.
- Additional classrooms will have a detrimental impact on the environment, by further pollution and traffic.
- Additional pupils could lead to a further surge in unwanted anti-social behaviour.
- Understand the need for additional classrooms but there will inevitably be additional noise.
- I already suffer from increased noise from 8am when school commences.
- Why could additional classroom space not be erected on the hard tennis courts?
- Perhaps the school should just accept they have grown their capacity to the maximum and be content in that knowledge.
- If they are so desperate to provide additional teaching facilities, they should look to embracing this in the fabric of the existing structures, such as extending into the area adjacent to where cars are presently parked. I am sure there is adequate scope to provide parking elsewhere on the existing site.

Discussion

28. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (23) 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, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity.
29. This application is being reported for determination by the Planning Applications Committee due to letters of representation received from local residents objecting to the planning application. In this case the key determining factors, in my view, are need and the principle of the development, design and location, amenity impacts (including loss of privacy and overlooking, visual impacts, lighting and noise), and traffic. In the Government's view, the 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 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 56 of the NPPF.

Need and principle of development

30. As outlined in paragraph 23 of this report, the National Planning Policy Network (NPPF) supports the provision and retention of community facilities as a means of place making and promoting healthy and sustainable communities. Decisions should be made which

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guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. It should also ensure that established facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

31. Additionally, Paragraph 95 of the NPPF 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 would widen choice in education. They should give great weight to the need to create, expand or alter schools, and work with school's promoters to identify and resolve key planning issues before applications are submitted. There is similar strong policy support in the Government's Planning Policy Statement for Schools (2011).
32. Within the Maidstone Borough Local Plan (2017) there is policy support for additional secondary school places within the Maidstone Urban area, and Policy SP1, Criteria V (b), which specifically references the requirement for a 1FE expansion at Maidstone Grammar School.
33. As referred in the background section of the report, the proposal arises due to expansion of the school which is already taking place to meet the demand for selective secondary school places in the Maidstone area and which will continue until the September 2023 intake in Year 7. This 1FE expansion of the School has also resulted in an increase in the number of pupils accepted into the sixth form. Additional accommodation to meet curriculum requirements has previously been constructed on the site but there is still a need to address a shortfall in available classroom space that is large enough to accommodate class sizes of between 32 or 33 pupils.
34. As mentioned previously, the School's net capacity of 1326 students is calculated according to the existing accommodation. The school was built on its present site in 1930 and since then a mixture of buildings have been added over the years to cater for the growing needs for grammar school places. However, many of the classrooms are small and not able to accommodate large class sizes which the school has needed to have since becoming a 7FE school in 2017.
35. The School has suited departments, so that all students (years 7-13) move around the school to be taught in specialist areas. Pressure on accommodation has started to impact the School from this September when the current year 11 cohort of students have access to the sixth form. Furthermore, students who enter the school in year 7 are able to access the sixth form if they make the necessary entry requirements so these students are already in the school. Some may not make the entry requirements whilst others opt to move to other sixth forms. However, the School does accept a number of transferees each year in line with parental choice. Sixth form classes use many of the same classrooms as the students in year 7-11 because set sizes for sixth form classes are often as large as the set sizes in years 7-11. The School has confirmed that they intend to relocate the language department into the five classrooms that are being proposed as part of this planning application, should it be granted planning permission.
36. The Area Education Officer has also confirmed that the County Council commissioned additional school places in Years 7 to 11 at Maidstone Grammar School in 2017 in order to meet the County Council's statutory duty in response to a Basic Need in the area. However, it was noted at that time that the current configuration of the school's existing accommodation, with some classrooms being unable to accommodate 30 students, and the school's intention to increase the size of the sixth form in proportion to the increase

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in Years 7 to 11 to enable students to progress to Year 12 (subject to the school's admission criteria) meant that the school required additional classroom space. It should be noted that the Local Education Authority is fully supportive of this application and the school's proposed remedy to the lack of suitable and available classrooms.

37. Furthermore, within the Maidstone Borough Local Plan (2017) there is policy support for additional secondary school places within the Maidstone Urban area, and Policy SP1, Criteria V (b), which specifically references the requirement for a 1FE expansion at Maidstone Grammar School. Support for the provision of school places is also heavily embedded in the NPPF, and I consider that the education need for the proposed development should be given significant weight in this instance. There is considerable demand for selective secondary school places in Maidstone, as outlined in paragraph 5 above, and to ensure the future provision of secondary education in Maidstone. In considering the above, I accept the need for the proposed development.

Design and Siting

38. Objection has been received from local residents to the proposed addition of another floor onto the existing single storey sports pavilion. It is suggested that by adding to the height of the original building, this would be very intrusive to the local residents.
39. Due to the constrained nature of the existing school site, the applicant has confirmed that careful consideration has been given to the form, massing and location of the proposed additional storey to the existing pavilion. The school has limited areas it can develop and is also required to safeguard the playing field provision. Previous planning applications for new buildings have already used and built upon any available land and the majority of open land within the school grounds upon which new development could take place is either grassed, or hard surfaces/sports facilities. The existing single storey pavilion building has been identified as a building within the school grounds that could be extended upwards with limited impact on site coverage, without the loss of the playing field land, and with minimal impact on neighbouring land uses. It would also make efficient use of the available site.
40. The area of land where the original single storey pavilion had been built was unoccupied as the site was previously the location of four mobile classrooms which were removed as they were well beyond their design life and in a poor state of repair. This land was also not part of the school's open playing field being a part of an enclosed strip of land lying between the existing fenced multi-use court and the former Headmaster's House. This proposal to locate another storey on top of the existing single storey sports pavilion is therefore not considered to result in the unacceptable loss of any school playing field land.
41. The applicant has considered the immediate neighbouring residential properties by ensuring that the height of the proposed two-storey building was kept to the minimum required. A low pitched roof is proposed, with hipped ends to the north and to the western end of the building facing Beech Hurst Close. This has been designed so that the roof hips would help to reduce the impact of the proposed building to the adjacent boundaries and properties beyond.
42. The proposed first floor of the pavilion has been designed to be in keeping with the character and appearance of the existing single storey pavilion building. The applicant confirmed that the design of the pavilion was in turn informed by the character and form of the main school buildings. The use of brickwork walls matching those on the existing ground floor together with pre-patinated zinc wall cladding panels with standing seams,

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powder coated aluminium glazed windows and doors all under a low-pitched smooth slate grey tiled roof and with metal rainwater goods would provide a cohesive and subtle design for the propose enlarged building.

43. The symmetry provided by the existing changing room window locations are also echoed in the first-floor fenestration proposals aligning with the pre-patinated zinc cladding panel layout. A large array of windows to the east elevation would provide generous views across the playing field and 3G Artificial Turf Pitch (ATP), whilst the other room windows would use the north (Holtye Crescent) and south (school facing) side elevations for daylight and ventilation.
44. The proposed two storey side extension, which would provide stair and lift access to the first floor, would be located on the north side of the building and thus away from the boundary. This would also utilise the existing access path with the external ground and extension ground floor at a slighter lower level to account for small changes in ground levels. The applicant has confirmed that facing the south, the building would be located a sufficient distance from the boundary and would be located at a lower level than the Holtye Crescent properties. The pavilion perimeter path is approximately 1.3 metres lower than the ground at the site perimeter (with Holtye Crescent) and the solid boundary fencing is approximately 2.2 metres high. This would mean that the first floor windowsills of the proposed development would approximately align with the top of the boundary fencing. Furthermore, hedging also been installed to the southern boundary as part of the increased landscaping scheme for the 3G ATP planning application.
45. For the west elevation facing Beech Hurst Close, the existing building includes a single obscure glazed exit door at ground floor level. It is proposed that the first floor would also have the same design arrangement with a single obscure glazed external door that is proposed to be used for emergency escape purposes only, within a face brickwork panel and with pre-patinated zinc cladding that would wrap around the building corners. The exit door would lead out onto an emergency escape staircase. It is proposed that there would be no other west elevation fenestration so that there would not be any overlooking of this boundary and the properties beyond.
46. The proposed design, choice of materials, and the location of the fenestration has been chosen to recreate the symmetry and design on the ground floor of the exiting pavilion. The proposed location of the single storey extension has been determined by the lack of any other suitable land within the school site and the need to safeguard playing field. In order to meet the pressing demand for additional teaching space, as outlined above, consideration of the limited alternative options available to the school, has identified the potential to extend the recently constructed pavilion building upward. I consider this to be the most appropriate solution available to the school.
47. In light of the above, I consider the overall appearance of the proposed first floor extension to the sports pavilion building to be suitable and compatible with the form and scale of the school site. I also consider the proposed location, creating a first-floor extension onto an existing single storey building on this constrained site as suitable and a sustainable form of development. I consider that the proposed development has considered and satisfies the requirements of the Local Plan Policies DM1, DM2 and DM3. I would not therefore raise a planning objection on this matter.

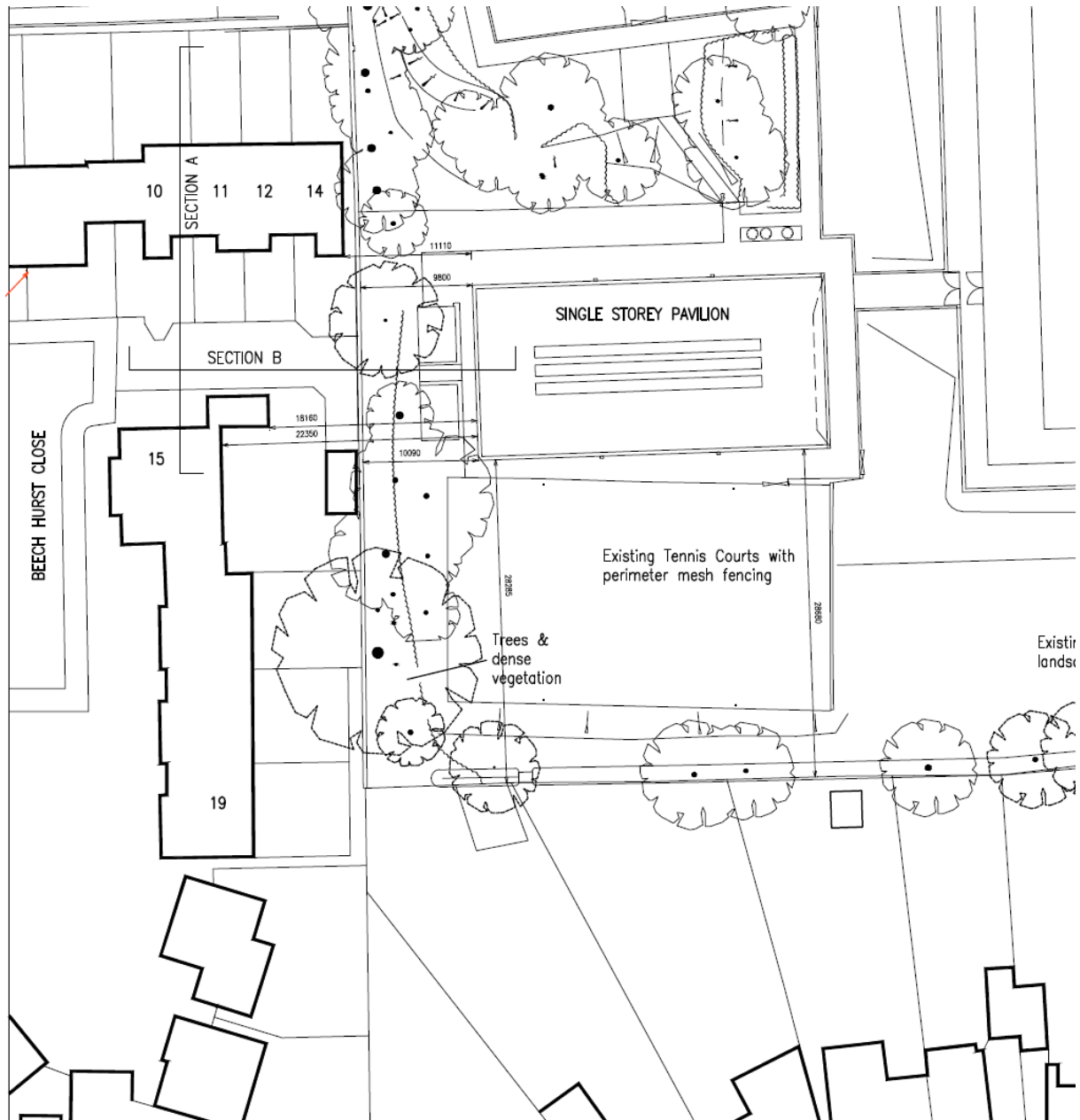
Amenity Impacts – loss of privacy and overlooking

48. Objection has been received from local residents to the proposed planning application concerning overlooking into residential gardens and windows from the proposed first

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- floor extension. It is claimed this would constitute a loss or an invasion of privacy for these residents.
49. The existing single storey pavilion building is located approximately 28 metres from the school boundary with the rear gardens in Holtye Crescent, and these properties have, on average, gardens that are approximately 23 metres in length. Therefore, the pavilion building is in excess of 50 metres away from the nearest property to the south. A series of mature trees are positioned along this southern boundary between the school and the properties in Holtye Crescent, which has recently been enhanced with continuous hedging as a part of the landscaping works for the recently constructed 3G ATP works. Furthermore, the ground rises from the building up to the boundary and the dwellings in Holtye Crescent beyond. It should be borne in mind that 21 metres is generally used as a guideline for positioning of adjacent dwellings with facing windows to avoid the loss of privacy or overshadowing.
50. The applicant has confirmed that the first-floor extension has been particularly carefully designed to provide an attractive addition to the existing single storey structure whilst also addressing potential neighbour issues. The windows are modestly sized and not excessive, and the main bulk of windows face east over the school field and away from the residential school boundaries. Where windows do face Holtye Crescent, the building is almost 30 metres to the school boundary and more than 50 metres to the dwellings. The internal operations of the classrooms have been configured so that the pupils would sit with their backs to the windows and with the teacher and the associated white board and equipment, being located towards the internal corridor. Pupils would only need to walk towards the windows to either sit down or to leave their desks.
51. I am satisfied that the distance between the first-floor extension and the rear of neighbouring properties in Holtye Crescent is in excess of 50 metres and with the boundary screening, I do not consider that the extension would have an unacceptable impact on the amenity, privacy, outlook or daylighting of the occupiers of any of residents of the dwellings in Holtye Crescent.
52. To the west of the school site, is the boundary with Beech Hurst Close, a development of two storey dwellings with associated garages. The distance from the rear of the existing sports pavilion to this site boundary is approximately 10 metres. The area between the existing pavilion and boundary includes a series of mature trees and low-level soft landscaping. The site boundary between the school and Beech Hurst Close is a 2.2 metre to 2.4 metre high brick wall (measured on the Beech Hurst Close wall side). As part of this planning application, it is proposed to reinforce the existing tree belt on the western (Beech Hurst Close) boundary by further tree planting. This would mitigate the visual impact of the resultant pavilion building when viewed from the west, ensuring that the form and mass of the building is extensively screened from view and would further assist in effectively assimilating the proposed building into its surroundings.
53. The relationship of the proposed extension to the properties in Beech Hurst Close needs to be particularly carefully considered as these are closer to the proposed development. In terms of the form and design of the extension, it should be noted that other than the emergency exit door there are no openings in the elevation of the pavilion facing westward. There should therefore be no unacceptable loss of privacy caused by overlooking. Also, the trees on the boundary between the proposed development and the neighbouring houses would provide further screening and reduce the visual impact of the proposed extension. In addition, the design of the roof of the pavilion building incorporates a hip on the western gable which would result in a reduction in the bulk of the building.

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Extract of plan showing the location of the existing single storey pavilion in relation to Beech Hurst Close (to the west) and Holtye Crescent (to the south).

54. The applicant has confirmed that although the upper part of the resultant extension would be apparent from Beech Hurst Close, it would be set sufficiently far off the common boundary as not to appear as an overbearing feature when viewed from this area. The impact of the building would be further mitigated by the existing and proposed trees that screen views into the site. An adjoining property in Beech Hurst Close is part of a terrace that is orientated north-south, with the principle daylight and outlook to the front and rear. The properties in this terrace do not look directly out toward the pavilion and it is considered that the proposed extension, due to its distance from these properties and their orientation would not be unacceptably affected by loss of outlook or by overbearing impact. It is not considered that the resulting building would cause any unacceptable overshadowing of these properties either. An assessment of the potential for any overshadowing to be caused to nearby houses has been undertaken as part of

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the design process by the architect and it is considered that the building would not cause any unacceptable worsening of the levels of sunlight currently received by the properties in Beech Hurst Close.

55. A further neighbouring property in Beech Hurst Close is part of a terrace and aligned to outlook east-west. The pavilion building is set in excess of 10 metres off the shared boundary and with the rear garden of the property included, the distance of separation is in excess of 21 metres. It is considered that there would be no unacceptable overlooking caused by the extension to the rear of the property. Due to the orientation of the pavilion and the property, I am also satisfied that the proposed development would not result in any unacceptable loss of daylight or general overshadowing of the house or its garden.
56. Overall, the impact of the proposed extension on the residential properties in Beech Hurst Close has been very carefully considered and measures have been taken to ensure that there would be no overlooking from inside the extended pavilion with no openings other than the emergency exit door in the elevation facing westward, that would overlook the properties in Beech Hurst Close. The nearest property in Beech Hurst Close to the school's western boundary is part of a terrace that is orientated in a north-south direction and with its principal daylight and outlook to the front and rear. It is also proposed to increase the tree planting and hedging along this boundary line to further reduce the neighbours perceived impact of the proposal. Subject to the imposition of a condition requiring the proposed landscaping scheme to be implemented as submitted within the first planting season, I am satisfied that the proposal would not have a significant impact on the amenity of the neighbouring residents with regard to overlooking.
57. Additionally, I am satisfied that the orientation of the pavilion building and distances of the first-floor extension to the rear of neighbouring properties in Holtye Crescent and Beech Hurst Close are acceptable, and the imposition of the proposed landscaping scheme, I do not consider that the extension would have an unacceptable impact on the amenity, privacy, outlook or daylighting of the occupiers of these dwellings. Overall, I consider that the proposed development to be acceptable and that it has considered and satisfies the requirements of the Local Plan Policies DM1, DM3 and DM8. I would not therefore raise a planning objection on this matter.

Amenity Impacts - Noise

58. Concern has been raised by local residents regarding the possible increased levels of noise as a result of the additional storey to the existing pavilion.
59. It should be noted that the school site already generates a level of noise during its day to day running of the school site. However, the applicant has considered the potential for any increase in noise levels as part of the planning application. To ensure adequate room ventilation, maintain a comfortable room environment and reduce external noise, a mechanical ventilation system is proposed. This would provide both supply and extract air, and not rely solely on the opening of windows. The nearest windows that would face any residential boundary, are the windows along the southern elevation, which would face towards the Holtye Crescent boundary, which is a distance of approximately 28 metres from the school grounds boundary with the rear gardens in Holtye Crescent. Access to the proposed first floor of the pavilion would be located on the opposite (northern) side of the pavilion, which is the side facing the existing school buildings, therefore there should not be any unacceptable increase in noise when pupils arrive or leave the classrooms in the proposed first floor extension.

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60. The applicant has considered the possible noise increase and has designed the first floor so that ventilation of these proposed classrooms is not solely reliable on opening windows. Furthermore, it should be noted that school sites tend to generate a level of noise associated with school children during school hours. I therefore consider that the proposed works would not provide unacceptable levels of external noise over and above existing background noise levels.

Amenity Impact - lighting

61. Concern has been raised by local residents about the possibility of any first-floor lighting exacerbating the level of light pollution. It has been stated that the school apparently has a tendency to leave both the main school and pavilion light on until late or all night long.
62. The applicant has confirmed that the external lighting to the existing ground floor is to be retained. First floor lighting would be limited to the west elevation escape door and staircase, which would be activated by suitably positioned PIRs to ensure that any increase in external lighting would be kept to a minimum, for a specific emergency escape need, and to also have a minimum impact on bats and birds, and on neighbouring properties. It is proposed that any external lighting would be directional and designed with a light spread facing downward. Subject to the imposition of a condition requiring the submission of any external lighting proposals which must adhere to the recommendations within lighting guidance produced by the Bat Conservation Trust and Institution of Lighting Professionals, I am satisfied that the proposal would not have a significantly adverse impact on residential amenities with regard to light pollution.
63. The County Council's Biodiversity Officer was consulted on the planning application and raised no objection. The Officer commented that they were aware that bats were foraging/roosting within the wider site and advised that any lighting proposal was to be designed to be sensitive towards bats and recommended that any lighting proposals followed the recommendations within the Bats and Artificial Lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. The requirement for any external lighting to be designed according to these guidelines will be secured by condition, if planning permission is granted.
64. Whilst there will be internal lighting provided to light the proposed first floor of the pavilion, it should be recognised that this internal lighting would be no more intrusive than the lighting coming from the rest of the school site or from neighbouring residential properties. The school boundary is also well shielded with a combination of fencing and vegetation, both in the form of hedging and trees. These will provide an element of screening of both the building and the lighting from within the building. Subject to the imposition of a condition requiring the submission of any external lighting details, I am satisfied that the proposal would not have a significantly adverse impact on the amenity of neighbouring residents with regard to light pollution.

Highway Matters –Parking

65. The planning application proposes an additional 5 classrooms to be provided in order to meet the pressing demand for additional teaching space as a result of a required 1FE expansion of this school. This expansion started in 2017, when the school became become a 7FE school. As the school is 4 years into this expansion, a significant number of the additional school pupils and associated vehicular trips are already on the highway network.

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66. A Transport Statement accompanies this planning application which assessed the overall impact of the proposal on highway matters. This includes an assessment of the required additional parking. It is expected that two additional members of staff will be needed and so two additional parking spaces are being proposed as part of this application. Kent Highways are satisfied with this requirement.
67. An updated School Travel Plan has also been provided, which addresses the additional impact of the proposed development. It should also be noted that the School has an arrangement with Maidstone Leisure Centre for over 20 years, for sixth form students to park their cars in the Leisure Centre car park for a reasonable termly charge. The School has indicated that 35 sixth formers currently use this arrangement. Students are informed of this and asked not to park on the main streets.
68. Kent Highways initially raised a holding objection and requested further parking surveys to be undertaken in the vicinity of the school, to be able to assess the impact of the proposed increase in school pupils. Parking surveys of the surrounding streets were undertaken in September 2021, following the commencement of the new school term and relaxing of Covid 19 restrictions. The surveys have been undertaken over three days to avoid the risks and limitations associated with a single days' worth of surveys, thereby adding a further element of robustness to the applicant's assessment.
69. Kent Highways confirmed that to forecast the future parking demand that is likely to be generated by the school's expansion the applicant had used data from the school's recently updated travel plan (TP). This was considered reasonable given how the schools expansion was likely to continue to attract pupils from its existing catchment area. The proposals were anticipated to generate demand for an additional 15 cars, which could park on the existing streets that surround the school site. These additional vehicles were projected to increase the overall parking demand to up to 152 vehicles within the survey area, with the peak in demand occurring at around 15:00hrs as parents congregate to pick-up students. Whilst this increases the likelihood of limited or no spare on-street parking capacity at the beginning or end of the school day, the evidence provided by the surveys did not indicate that the surrounding roads would become oversubscribed.
70. Kent Highways were also mindful of the ongoing availability of Maidstone Leisure Centre as an area for pick-up and drop-off, which would also help to suppress the demand for on-street parking associated with the proposed school expansion. This, coupled with the Controlled Parking Zone restrictions present on many of the local streets, would reduce the likelihood of errant parking that could be hazardous to the safe or free flow of traffic on the public highway.
71. Accordingly, Kent Highways are now satisfied that the proposed development would not result in an unacceptable impact on the highway network that could be deemed severe in the context of paragraph 111 of the National Planning Policy Framework. No objection has been raised to this proposal, subject to the imposition of a Construction Management Plan (discussed further in paragraph no's 73 and 74 below) condition, if planning permission is to be granted.
72. Subject to the imposition of the condition outlined in the final Kent Highways comments as outlined in paragraph 24 above, I am satisfied that the development would not have a significantly detrimental impact on the local highway network. I also consider that the proposed development has considered and satisfies the requirements of the Local Plan Policies DM21 and DM23. I would not therefore raise a planning objection on this matter.

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Construction

73. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I recommend that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.
74. I also consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of the development. That should include details of the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid peak school times, and details of any construction accesses. Such a strategy would also address the condition required by Kent Highways with regard to the construction of the development. 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.

Archaeology

75. An archaeological watching brief condition was requested by the County Archaeologist for the previous planning application for the single storey pavilion building. However, as part of this planning application the only additional ground floor building works proposed are for the western elevation two storey extension for the external staircase, associated drainage and ground works for the two storey extension. These works would not extend beyond the boundary of the existing single storey building or extend beyond the previously disturbed ground. The County Council's Archaeologist is satisfied that the proposed groundworks are minimal but there might be still some impact upon earlier archaeology, this could be addressed through fieldwork covered by a condition, should planning permission be granted. I therefore recommend that, should permission be granted, an archaeological watching brief is to be submitted. Subject to that condition, I am satisfied that the development would not have a detrimental impact upon archaeological interests.

Sustainability

76. The existing single storey pavilion already includes solar panels located on the flat roof. An array of solar panels is proposed on the south elevation of the new first floor pitched roof, to provide maximum solar energy benefit.

Conclusion

77. This proposal seeks to provide a first-floor extension onto the existing flat roof single storey pavilion, with a two-storey side extension for access and an external emergency staircase. The first-floor extension proposes 5 large teaching rooms (minimum 55m²), 1 smaller teaching room, 1 staff office together with associated support facilities, including stores, kitchenette, toilets, male toilets, staircase and platform lift. The provision of an additional 2 car parking spaces and associated landscaping is also proposed. The planning application would support the proposed 1FE expansion of the existing school

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which is already ongoing and providing selective secondary school places in the Maidstone urban area.

78. 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 and the guidance contained in the NPPF. Subject to the conditions below, 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. The development is in accordance with the principles of the National Planning Policy Framework and has strong planning policy support in the Planning Policy Statement for Schools (2011) as well as strong policy support in the Maidstone Borough Local Plan Policy SP1 Criteria V (b), which identifies the need for a 1FE expansion of the Grammar School. Subject to the imposition of the conditions as outlined throughout this report, I consider that the proposed development is acceptable. I therefore conclude that the development is sustainable and recommend that planning permission to be granted and subject to planning conditions.

Recommendation

79. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- The standard 3 year time limit;
- The development carried out in accordance with the permitted details;
- No development shall take place until the applicant has secured an archaeological watching brief in accordance with a written programme and specification to be approved in writing by the County Planning Authority;
- Details of external lighting;
- Any lighting proposals must follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals;
- No development shall take place until a construction management plan, including lorry routing, access, parking, construction vehicle loading/unloading and circulation within the site for contractors and other vehicles related to construction operations, measures to prevent mud and debris being taken onto the public highway, has been submitted for approval and thereafter shall be implemented as approved;
- Measures to protect the existing trees during construction;
- Hours of working during construction to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- The provision and permanent retention of the 2 no vehicle parking spaces as shown on the submitted plans prior to the occupation of the building and their retention thereafter;
- Tree planting scheme to be implemented as submitted within first planting season and maintained for a period of not less than 5 years;
- No tree removal during the bird breeding season;

Case officer – Lidia Cook

Tel No.03000 413353

Background documents - See section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

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

Background Documents - The deposited documents.

- | | |
|----------------|---|
| SE/21/947 | Cessation of Existing Waste Transfer Station and Development of a New Waste Transfer Station (Comprising Amendments to Planning Permission SE/19/2180).
Land at Dunbrik Depot, Main Road, Sundridge, Sevenoaks, Kent TN14 6EP
Decision: Permitted |
| SE/21/2796 | Section 73 application for the temporary relaxation of condition 13 of planning permission SE/90/1302 to permit operation of the Waste Transfer Station over the Christmas/New Year Bank Holidays (Monday 27 December 2021, Tuesday 28 December 2021 and Monday 3 January 2022) to support the local kerbside waste collection service over this period.
Dunbrik Waste Transfer Station, Main Road, Sundridge, Sevenoaks, Kent TN14 6EP
Decision: Permitted |
| SW/20/500291/R | Non-material amendment to planning permission SW/20/500291 for a revised design to the proposed processing plant, plant buildings and associated infrastructure at the Incinerator Bottom Ash (IBA) recycling facility.
Plot 6B, Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8FQ
Decision: Approved |

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

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

Background Documents – The deposited documents.

- AS/21/1596 Proposed replacement of existing temporary type 1 pathway with a permanent tarmac pathway.
The North School, Essella Road, Ashford, Kent, TN24 8AL
Decision: Permitted
- CA/21/1093/R6 Details of a Road Condition Survey of Langton Lane pursuant to Condition 6 of Planning Permission CA/21/1093.
Simon Langton Grammar School for Boys, Langton Lane, Nackington, Canterbury, Kent, CT4 7AS
Decision: Approved
- CA/21/2292 Replacement of single glazed crittal type windows and doors with new Powder-coated aluminium double glazed windows and doors.
Wickhambreaux C of E Primary School, The Street, Wickhambreaux, Kent CT3 1RN
Decision: Permitted
- DO/19/1120/R Non-material amendment to planning permission DO/19/1120 to amend the levels on the access road; changes to the binstore location and proposed cycle parking areas; use of the emergency escape lane for additional parking; removal of the proposed turning head for emergency vehicles; re-alignment of the proposed elevated bridge to the main entrance/reception and re-alignment of the proposed new pedestrian access steps to the existing entrance gate to car park and building entrance.
Dover Grammar School For Boys, Astor Avenue, Dover, Kent CT17 0DQ
Decision: Approved
- DO/20/677/RVAR Details of surface water drainage scheme (Conditions 7 & 10), Verification Report pertaining to the surface water drainage scheme (Condition 8), Lighting Design Strategy for Biodiversity (Condition 12) and Biodiversity enhancement (Condition 13) pursuant to planning permission DO/20/677.
Former Walmer Science College, Salisbury Road, Walmer, Kent, CT14 7QJ
Decision: Approved
- DO/21/956 Demolition of existing school hall and replacement with new school hall linked to existing building, formation of new vehicular access and staff car park.
Lydden Primary School, Stonehall, Lydden, Kent CT15 7LA
Decision: Permitted

- FH/19/1446/R9 Details of a scheme of ecological enhancement pursuant to Condition 9 of planning permission FH/19/1446.
Sellindge Primary School, Main Road, Sellindge, Ashford, Kent TN25 6JY
Decision: Approved
- GR/21/0823 Proposed expansion from 6FE to 7FE, to include the construction of a new two storey teaching building, and external works to provide a new drop-off circuit and set-down area, relocated parking to the north of the site and removal of the existing mobile classrooms.
Gravesend Grammar School for Boys, Church Walk, Gravesend, Kent DA12 2PR
Decision: Permitted
- MA/21/504192 Proposed relocation and widening of existing vehicle access and access gate from Vicarage Road to facilitate fire appliance access, demolition of existing air raid shelter, resurfacing, and installation of an additional gate and boundary fencing of varying heights.
Yalding St Peter & St Paul C of E Primary School, Vicarage Road, Yalding, Maidstone, Kent, ME18 6DP
Decision: Permitted
- TH/19/1696/R Non-material amendment to planning application TH/19/1696 for the relocation of the bin store.
Land to the north and south of the A299 (Hengist Way) and to the east of the A256 (Richborough Way), including an existing railway line and part of the existing A299, Cliffsend, Kent (Thanet Parkway Station)
Decision: Approved

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS 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/Screening Schedule 2 Projects*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

KCC/MA/0177/2021 - Variation of condition 2 of planning permission MA/20/504360 to amend the date for completion of importation and stabilisation works and restoration by a further period of 18 months (i.e. until 25 March 2023).
Chilston Sand Pit, Sandway Road, Sandway, Maidstone, Kent ME17 2LU

KCC/SE/0045/2021 - New external sports facilities - comprising 2 multi use games areas & 2 all weather floodlit pitches on the existing school playing fields, and change of use of an area of land to the east of the school site to grass playing field, together with associated landscaping and access works.
Sevenoaks Grammar Annexe/Trinity School site, Seal Hollow Road, Sevenoaks, Kent TN13 3SN

TH/21/1209 - Proposed redevelopment of the former 'The Royal School for Deaf Children' site: Erection of new 6 Form of Entry Secondary School including a new part 2 and part 3-storey school building, a new Sports Hall, new outdoor playing pitches including new Multi-Use Games Areas, re-configuration of pedestrian and vehicle access arrangements, new car parking arrangement and associated landscape works.
Park Crescent Academy (formerly The Royal School for Deaf Children), Victoria Road, Margate, Kent CT9 1NB

KCC/SCR/TM/0188/2021- Request for a Screening Opinion as to whether the proposed quarry extension to the west of the existing workings would require an Environmental Impact Assessment (EIA) and for a Scoping Opinion to determine the information to be provided in the EIA should one be required.
Nepicar Sand Quarry, Maidstone Road, Wrotham Heath, Kent, TN15 7SR

KCC/SCR/TW/0186/2021 - Request for an updated Screening Opinion as to whether the proposed upgrade works which now includes the temporary dosing proposals requires an Environmental Impact Assessment.
Hawkhurst South Wastewater Treatment Works, Stream Lane, Hawkhurst, Kent TN18 4RJ

KCC/TW/0204/2021 - Proposed extension to form new reception, waiting area, meeting room and toilets.
Broomhill Bank School, Broomhill Road, Tunbridge Wells, Kent TN3 0TB

- (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

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

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

None

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SECTION F KCC RESPONSE TO CONSULTATION

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

KCC Response to Consultations

Reports to Planning Applications Committee on 10 November 2021.

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 Birchington Neighbourhood Plan (Regulation 14 Consultation)

County Council's response to Birchington Parish Council on the above

F2 Dartford Local Plan Regulation 19 Consultation

County Council's response to Dartford Local Plan Regulation 1

Background documents: As set out in the reports.

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Cllr Neville Hudson
Chairman
Birchington Parish Council
2 Albion Road
Birchington
CT7 9DN

Growth and Communities

Invicta House
County Hall
Maidstone
Kent
ME14 1XX

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

BY EMAIL ONLY

21 October 2021

Dear Councillor Hudson,

Re: Birchington Neighbourhood Plan (2021-2031) Consultation Draft - Regulation 14 Consultation

Thank you for consulting Kent County Council (KCC) on the Birchington 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 document.

Foreword

County Council Community Services and Infrastructure: KCC welcomes the recognition that sustainable housing growth should be developed alongside adequate infrastructure, as well as the Parish Council's acknowledgement of the importance of developer contributions in new developments.

There will be a need to ensure sufficient flexibility for the delivery of community services as they evolve to meet client needs. Post-pandemic, many service providers are adapting their delivery methods to best meet community and individual needs and this may not always be through direct delivery of new physical infrastructure such as buildings or facilities. Some community needs may be better met by directing resources via third party specialist providers.

3. Brief history of the Parish of Birchington

Birchington Today

Highways and Transportation: The County Council, as Local Highway Authority, recommends that reference is made to the existing bus services and the footway/cycleway network within the village (or areas where this is perceived to be lacking) to provide a balanced picture of existing transport connectivity.

Public Rights of Way (PRoW): The County Council would welcome the reference to the PRoW network. The Parish has over 14km of PRoW, including the newly designated England Coast Path (which is a National Trail and promoted nationally) and the Viking Coast Trail, which is part of the National Cycle Network.

The Future

Highways and Transportation: This section refers to Thanet Local Plan Policy SP16, however, it is relatively silent on the proposed road connectivity requirements which form part of this policy and which may have a bearing on road/cycle and public transport connectivity within the village in the future.

The County Council would recommend annotating the proposed highway infrastructure on the diagram at the bottom of page 19.

4. Community Provision and Priorities

Context

Highways and Transportation: Paragraph 2 references air and noise pollution from continuing growth in traffic and congestion, however, the Neighbourhood Plan does not really set out how this issue could be addressed.

Our Vision

Highways and Transportation: The key components of the Vision appear to be sound, however there is limited reference to transport measures which could help to address relevant matters highlighted within the context section.

PRoW: KCC recommends that text should include an aim to provide high quality routes for pedestrians and cyclists to encourage more people to use sustainable modes of travel. This would bring health benefits to the local community and help to address vehicle congestion on the road network by providing realistic alternatives to short distance car journeys. This can be achieved by working in partnership with KCC to improve the existing network and identify opportunities for further evolution.

Our Aspirations

PRoW: The County Council recommends the following amendment “1. New development including sufficient *and sustainable* infrastructure”.

6. The Policies

6.1 Sustainable Development

Highways and Transportation: It is important to acknowledge the key role that transport can play in achieving sustainable development by reducing the need to travel using private motorised vehicles through the provision of safe and direct walking and cycling links, and the ongoing provision of public transport services/infrastructure.

PRoW: Reference should be made to the contribution that the PRoW network makes to delivering sustainable development. The document should include reference to the provision of sustainable transport choices, with walking and cycling routes available that provide realistic alternatives to short distance car journeys. Community facilities should be easily accessible so that residents and visitors are not dependant on private vehicle use for travelling across the parish.

6.1.1 Conserving Village Character

a) Design

Design can play a key part in creating a sustainable community. With the advent of increased levels of home working and new communication technologies, new development should cater for the potential need for increased home working space to meet this need and thus reduce the need to travel. The County Council welcomes the reference for development to make provision for digital infrastructure.

b) Peripheral Development

Policy B2

Highways and Transportation: The purpose behind this policy is supported, however, as and when highway infrastructure is delivered, there is sometimes an inevitable impact on vistas and views, which will need to be weighed up. The policy wording “protect as far as possible” should be sufficient to make the policy effective without conflicting with Local Plan policy, however, reference to the context should be included within the supporting text.

6.1.2 Conserving our heritage

Heritage Conservation: Birchington is rich in heritage assets dating from the earliest times. There are extensive archaeological landscapes dating from prehistoric, Roman, Saxon and medieval times visible as cropmarks on aerial photographs covering most of the undeveloped land in the parish. Several of these sites have been designated as Scheduled

Monuments recognising their national interest. Others are not designated but may be of comparable interest individually and cumulatively. The intertidal areas, especially at Minnis Bay are also rich in well preserved remains including prehistoric structures. Archaeology can also be seen throughout the built area of the parish and is often encountered in plans for development. The village core and other key locations will include archaeology and built heritage associated with the post medieval development of the parish. The parish also includes the historic Quex House and Park.

KCC welcomes that the richness of the heritage is recognised in the Neighbourhood Plan and the inclusion of this section and “Objective 2 – To conserve and enhance heritage assets, the Conservation Area(s), listed buildings and ancient monuments”. KCC notes the recognition in clause 14 that there are local heritage assets and that an indicative list has been developed by the Birchington Heritage Trust. This is also included in section 15 (page 60). The County Council would welcome joint working with the Trust to assist with the list and ensure that the archaeology of the area is incorporated. KCC has several present projects in place or underway which could help, including development of Archaeological Notification Areas and a potential mapping project for Thanet. The present Historic Environment Record is also a rich source of information and is regularly being updated with the latest discoveries.

Policies B3 – B6 are proposed to support the conservation of the parish’s heritage. Policy B4 could also include reference to impacts on archaeological assets including the setting of the Scheduled Monuments. The County Council is supportive of Policy B6 that promotes the need for onsite and other interpretation of the archaeological sites which are incorporated in, or affected by, new development. The County Council has sought to address this in advice concerning the strategic allocation and also is seeking community archaeology and outreach so that the local community can be involved and informed of what are likely to be significant archaeological discoveries during the expansion of the built areas. The heritage and engagement with it can also support the wellbeing aspirations of Objective 14 in the Neighbourhood Plan.

6.1.4 Sustainable Utilities

Waste Management: The County Council, as Waste Disposal Authority for this area, welcomes the inclusion of Policy B8, which looks to ensure “waste management is sustainable and not detrimental to existing users”. Whilst the wording is more focussed towards wastewater management, KCC would like it recognised that waste management is also critical and the impact of new developments on existing infrastructure needs to be included in the assessments too. The Margate Household Waste Recycling Centre (HWRC) that serves this area, is currently at capacity and as such, a project to increase the capacity is required to ensure the service remains sustainable. Recognition of this, and support for developer contributions towards the expansion, is important.

6.1.5 Developer contributions

Policy B9

The County Council welcomes a collaborative approach to ensuring that development within Birchington is delivered viably and sustainably, supported by the relevant community infrastructure.

7. Natural Environment

PROW: With reference to paragraph 7.1, the County Council recommends that the Neighbourhood Plan should encourage and ensure connectivity is achieved without short car journeys and that views and tranquillity from the PRow network are protected. The parish is home to a large area of Coastal Access and to the significant assets of the England Coast Path and Viking Trail promoted routes. The Plan should ensure reference to the England Coast Path, a newly created long distance walking route with National Trail status, delivered in partnership with KCC and Natural England.

Policy B10

Highways and Transportation: The primary purpose of this policy is understood and supported; however, it must be acknowledged that strategic road infrastructure improvements, such as the upgrades of the Manston Road, Shottendane Road corridor and Columbus Avenue extension, may (once fully developed) require a level of incursion into the areas identified at Green Space. Therefore, policy wording should be revised to reflect this and should provide a level of policy flexibility over incursion (for the purpose of delivering future road infrastructure improvements).

Policies B10-B13

PROW: The County Council would recommend specific reference is made to the PRow network within these policies and any impact that development may have on the landscape character to ensure the continuation of user enjoyment of the network.

Biodiversity: The recognition given within the Neighbourhood Plan to the landscape character and biodiversity of the parish is most welcomed. The parish contains several nationally and internationally important sites for nature conservation, as well as some Priority Habitats.

Statutory Nature Conservation Sites

There are several sites that are of national and international nature conservation importance that are protected by law. These are summarised in Table 1 below and shown within Appendix 1 (Figure 1).

Table 1

Site Name	Designation	Statutory Basis for Protection	Planning etc. Requirements
Thanet Coast	Special Area of Conservation (SAC)	The Conservation of Habitats and Species Regulations 2017 are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives). Changes were made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and came into effect on the 1 st January 2021 when the UK left the EU.	Regulation 63 requires that any planning and development proposals that may affect the conservation objectives of the protected sites must be subject to a Habitats Regulations Assessment.
Thanet Coast and Sandwich Bay	Special Protection Area (SPA)	See above	See above
Thanet Coast and Sandwich Bay	Ramsar	See above	See above
Thanet Coast	Site of Special Scientific Interest (SSSI) (overlaps with and includes the above sites)	The Wildlife and Countryside Act, 1981 (as amended).	Section 28 of the Wildlife and Countryside Act, 1981 (as amended) requires that SSSI's should be protected against any activities that will harm their interest features for which they are designated. Local planning authorities must consult Natural England on any proposals that may affect an SSSI.

Thanet and Canterbury Strategic Access Management and Monitoring Strategy (SAMM)

It should be noted that all planning applications for new residential development within the parish will need to be subject to Appropriate Assessment under Regulation 55 of the Conservation of Habitats and Species Regulations, 2017 (as amended). Further detail on this matter is available in Appendix 1.

Local Nature Reserves and Local Wildlife Sites

There are currently no statutory Local Nature Reserves or Local Wildlife Sites in the Parish.

Priority Habitats

The Neighbourhood Plan identifies woodland, trees and hedgerows as being important components of the landscape and biodiversity of the Parish. KCC would also advise adding the following habitats, which are also Priority Habitats:

- Wood Pasture and Parkland at Quex Park;
- Lowland Deciduous Woodland e.g. at Crispe Park and Neame Woods; and
- Arable Field Margins – the Parish has a significant area of arable land.

Under Section 40 of the Natural Environment and Rural Resources (NERC) Act, 2006, every public body (including Parish Councils) has a duty to conserve biodiversity as part of the exercise of its functions, which in this case means in preparing the Neighbourhood Plan. Section 41 of the NERC Act¹ sets out the habitats which the Government has identified as being of principal importance for nature conservation, i.e. priority habitats such as those set out in Appendix 1 (Figure 2).

Priority Species

Section 41 of the NERC Act also sets out the list of species which the Government has identified as being of principal importance for nature conservation, i.e. priority species². Many of these species also receive legal protection under the Wildlife and Countryside Act, 1981 (as amended) and the Conservation of Habitats and Species Regulations, 2017 (as amended). The Parish of Birchington is known to support some of these species.

Whilst Kent is a national stronghold for great crested newt (GCN), only one record exists in the parish and there is a scarcity of potential breeding ponds. The parish falls within the Green Zone for GCN populations in Kent.³

- *Red zones* – These zones contain key populations of GCN, which are important on a regional, national or even international scale. District Level Licensing is not available as a licensing option in these areas.
- *Amber zones* – These contain main population centres, habitats and dispersal routes for GCN. Development with a significant land take in these zones would be expected to have a high impact on GCN.
- *Green zones* – GCNs are sparsely distributed in this zone and development would be expected to have a low impact in this zone, though may still pose a risk to GCN.

Bats (all species), dormouse, otter, water vole, badger, common reptile species such as the slow worm and common lizard are further examples of Priority Species which also receive varying degrees of protection in law and which may occur within the parish. Many species of invertebrates including insects are also Priority Species and some have legal protection. All breeding birds are protected by law and additionally several species of breeding birds (Schedule 1 under the Wildlife and Countryside Act, 1981) such as red kite, barn owl and kingfisher receive full legal protection for their nesting sites.

KCC would advise that under Objective 6, the Neighbourhood Plan should make specific references to the need to conserve and enhance statutory sites, priority habitats and populations of legally protected and priority species. This could be achieved through a re-wording of Policies B14 and B15.

As currently drafted, the Policies B10 to B13 which are aimed at achieving Objective 6 (conserving and enhancing the natural environment), read more as policies protecting green

¹ <https://jncc.gov.uk/our-work/uk-bap-priority-habitats/#list-of-uk-bap-priority-habitats>

² <https://jncc.gov.uk/our-work/uk-bap-priority-species/>

³ <https://naturalengland-defra.opendata.arcgis.com/datasets/gcn-risk-zones-kent/explore?location=51.375750%2C1.304800%2C14.25>

spaces and open spaces and as such, would be more appropriate to delivering Objective 14 (to provide, maintain and enhance high quality indoor and outdoor leisure and recreation facilities that meet the needs of the whole community and support our visitor economy). Whilst there is a close link between the distribution of green spaces within the parish and biodiversity, not all green spaces are of biodiversity value. Therefore, the Plan may wish to consider identifying projects and targets for improving the biodiversity of these green spaces perhaps in partnership with other organisation such as Kent's Plan Bee⁴ to conserve our pollinating insects.

Biodiversity Net Gain and Biodiversity Enhancement

New development, including that proposed under policy SP16 of the Thanet District Council Local Plan, provides significant opportunities for biodiversity enhancement within the Parish. The National Planning Policy Framework (NPPF) requires that new development should result in no net loss of biodiversity and contribute to delivering net gains. The Environment Bill, which is currently passing through its Parliamentary stages⁵, will make it a mandatory requirement that all new development delivers a minimum of 10% biodiversity net gain. This can be delivered on site or off site depending on the circumstances. Defra has recently published the latest Version 3 of the Biodiversity Metric⁶ for measuring net losses and gains from new development. In anticipation of this new legal requirement, the Plan may wish to consider including reference to it and to identify the type of new habitat features which would be appropriate and beneficial e.g. ponds, since there are currently so few in the parish. This could be achieved through re-wording of Policies B15 and B16. The County Council would also draw attention the work being carried out by the Kent Nature Partnership in respect of biodiversity net gain.

It is also worth noting that Parish Councils, along with District and County Councils, have the powers to lease or purchase land and to designate statutory Local Nature Reserves (under Section 19 of the National Parks and Access to the Countryside Act, 1949).

8. Movement and Getting Around

PRoW: The County Council would recommend that this section includes reference to the PRoW network, and the opportunities and benefits that PRoW improvements can bring to the Parish. The PRoW network provides valuable opportunities for active travel and outdoor recreation. In discussion with KCC, the development of the Neighbourhood Plan should consider the scope for upgrading the status and condition of existing PRoW to improve access opportunities e.g. converting Public Footpaths into cycle tracks, upgrading footpaths to bridleways. Further, there may be potential to create new PRoW, which can address existing network fragmentation and improve connectivity across the Parish. The aims of the Rights of Way Improvement Plan⁷ should be referenced in relation to movement and sustainable travel.

⁴ <https://www.facebook.com/Kents-Plan-Bee-100965242154004/>

⁵ The Environment Bill is heading back to the House of Commons, following amendments by the House of Lords.

⁶ <http://publications.naturalengland.org.uk/publication/6049804846366720>

⁷ <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/countryside-policies-and-reports/public-rights-of-way-improvement-plan>

The County Council would also recommend that “improve walking routes and cycle paths” is amended to “*improve and enhance the PRow network and cycle routes*”.

Policy B17

Highways and Transportation: Given that the allocated site covered under Thanet District Council Local Plan Policy SP16 has several PRowS running through it, a level of flexibility over the retention of these routes on existing alignments may be required. Therefore, it is suggested that this policy is modified to allow for diversions of existing PRowS where this is necessary to achieve an effective masterplan or maintain/ensure highway safety. The inclusion of the creation of new routes is generally supported, however, it will need to be considered on a case-by-case basis.

Paragraph 4 – The County Council agrees with this paragraph. It is important that road infrastructure is designed with the needs of pedestrians, cyclists, and public transport in mind, and not simply catering for increased vehicle-based traffic capacity. A balanced provision of infrastructure is needed within the village, and this is reflected within the Thanet Transport Strategy.

Paragraph 6 – This section is relatively unclear on what the area of concern relates to i.e. is there not enough parking at the station or does this lead to inappropriate parking on surrounding highway streets? Whilst improved parking provision at the station could be an option, this would need to be considered carefully as excess parking could encourage additional car trips into the village. It is noted that Policy B36 seeks to encourage sustainable travel to the local rail station.

Paragraph 7 – It is agreed that proposals should encourage reductions in the need to travel by private vehicles and this reflects some of the key themes of the Thanet Transport Strategy (Reduce the Requirement to Travel and Encourage Sustainable Travel Habits). Whilst in some situations, on-street parking may need to be discouraged, a level of on-street parking can sometimes enhance design and increase the scope of convenient communal visitor parking provision.

The County Council, as Local Highway Authority, recommends that additional policy detail could be added relating to specific parts of the village where movement and getting around could be enhanced or maintained through the provision of development. KCC would be happy to engage with the Parish Council and the Neighbourhood Planning Group to seek joint identification of specific themes which may seek to enhance policy or complement supporting text.

PRow: The County Council would recommend an amendment to “incorporates protects *and* (not or) enhances existing *Public Rights of Way*, including Public Footpaths, Bridleways, Restricted Byways and Byways Open to all Traffic as well as cycle routes”.

Policy B18

PRoW: The Policy encourages sustainable transport modes, including cycling and walking and therefore, KCC would recommend reference to the Rights of Way Improvement Plan (ROWIP). One of the ROWIP's key themes is evolution of the network to achieve the objective of a modal shift to cycling and walking to reduce road air pollution. The policy should also seek provision of cycle routes and safe walk to school routes, and safe travel initiatives, along with a better network for leisure and daily use.

Public Health: KCC is supportive of the reference to health and wellbeing within the Neighbourhood Plan and is pleased that this is a consideration throughout the document including the support for 'Building for a Healthy Life' and reference to the Kent Joint Strategic Needs Assessment (JSNA) and the Kent Health and Wellbeing Strategy.

The County Council would recommend consideration of additional sources of Public Health data to further support the Neighbourhood Plan. Additional data is available from the [Public Health Outcomes Framework](#) (PHOF), including ward level data ([Local Health - PHE](#)). On the whole, residents who live in Birchington generally live in good health in comparison to the rest of Thanet, however, there are still areas of concern which can be supported through the Neighbourhood Plan.

Birchington has the highest percentage of people who self-reported as having a limiting long-term illness or disability in Kent (although it must be noted this is from the 2011 census data) and this is significantly higher than the England average. Birchington also has the highest percentage of over 65s in the County. Objective 7 and Policy B18 could have greater emphasis on improving the public realm for individuals with limiting long-term illness or disability and older populations, such as through the provision of benches, tree planting toilets and lighting where appropriate.

It is also worth noting that although both Birchington South and Birchington North, on the whole, enjoy generally good health for residents in Thanet, there are differences between the wards. Birchington South often performs worse on a number of indicators within the PHOF, including (but not limited to) income deprivation, the percentage of older people living alone and unemployment. These indicators are often worse than England averages. This should be taken into account when progressing the Plan so that health inequalities can be understood, tackled and not inadvertently widened.

Policy B19

Highways and Transportation: The primary purpose of this policy is understood and supported by the County Council as Local Highway Authority; however, it must be acknowledged that strategic road infrastructure improvements identified within the Local Plan such as upgrade of the Manston Road, Shottendane Road corridor and Columbus Avenue improvements, may (once fully developed) require a level of incursion into the areas identified at Green Space/Agricultural land. Therefore, it is requested that the policy is revised to reflect this potential need and provide a level of policy flexibility over incursion for the purpose of delivering future road infrastructure improvements.

Policy B20

PRoW: it should be recognised that the PRoW network provides substantial opportunities for active travel and outdoor recreation, which can help to address issues associated with health, wellbeing and air quality. The ROWIP key theme of Active Lifestyles seeks to increase health and wellbeing benefits and address health inequalities through active travel and recreational activity. Walking for Health walks can lead to improvements in health and active travel can aid reduction in air pollution levels, through changes in transport modes.

10. Housing

10.1 Housing Quantity, Allocation, Tenure and Affordability

Policy B21

In relation to the second paragraph of this policy, KCC supports the approach taken by Thanet District Council in its Local Plan policy and is concerned that Policy B21 of the Neighbourhood could contradict that approach – delivery of 30% affordable housing must be balanced against required development contributions to support local infrastructure to ensure sustainable and viable growth.

10.2 Housing Quality

Policy B23

PRoW: “Building for Healthy Life” development proposals should show commitment to encouraging modal shift from short car journeys to Active Travel. Reference to the ROWIP should be included here.

A growing population arising from the new developments will increase the importance and use of the PRoW network, so it is critical that wording is included to recognise the need for improvements to preserve highly regarded PRoW links and ensure they are not degraded.

11. Economic Development

Policy B24-35

PRoW: Tourism is an important industry for Thanet parishes and the landscape is a key attractor; sustainable tourism is a way of supporting rural areas, providing jobs, and supporting community services. The PRoW network and the ROWIP has a critical role in this, and as such there should be specific mention of KCC supporting improvements to walking and cycling routes where they can assist the Council’s tourism objectives.

12. Health, Social Care & Education

12.1 Health and Social Care

Objective 12 / Policy B28

County Council Community Infrastructure and Services: The County Council welcomes the aims of this objective, that seeks to support development of facilities that help to sustain, improve and enhance residents' access to health, social and long-term care facilities. However, KCC would wish to emphasise the changing nature of post-pandemic adult social care needs which may not be met by the provision of physical buildings/facilities alone. Services continue to evolve to meet changing client demand and expectations and will require resourcing as appropriate.

Objective 13 / Policy B30

County Council Community Infrastructure and Services: KCC is supportive of the provision of community-wide education establishments and facilities.

It should be noted that it will be difficult for the Local Education Authority (LEA) to dictate that schools or other educational premises are available for use by the wider community outside of normal operating hours, due to the independence of Academy Trusts. However, this policy is encouraged from an LEA perspective and can provide an additional income stream for schools.

Policy B31

County Council Community Infrastructure and Services: This policy acknowledges redundant facilities might be disposed of, which is welcomed.

13. Leisure and Recreation

Objective 14

County Council Community Infrastructure and Services: This section recognises the gap in leisure and recreational facilities for young people. However, there is no mention of other ways of supporting the wellbeing of young people other than through the provision (or enhancement) of indoor and outdoor leisure facilities such as through youth outreach work, for example.

Policy B32 and B33

PRoW: The County Council recommends that this policy should aim to increase the provision of accessible leisure and recreation spaces. It should also improve opportunities to access this resource with good public transport and active travel links so that the public is not dependent on private vehicle use for visiting community facilities.

14. Strategic Sites Allocated for Development

Biodiversity: It should be noted that all planning applications for new development or the conversion and re-use of existing buildings should be accompanied by a Preliminary Ecological Appraisal (PEA) prepared by a competent professional ecological consultant. Further surveys for legally protected species may be required along with an Ecological Impact Assessment (EclA) in cases where the PEA identifies potential for them to be present within an application site. In such cases, ecological mitigation measures may be required to minimise impacts on legally protected species. The KCC Ecological Advisory Service, which advises Thanet District Council on all planning applications that may affect biodiversity, routinely requires such surveys in order that KCC can make a thorough assessment of ecological impacts and identify the appropriate type and scale of mitigation.

Policy B36

Highways and Transportation: The requirement for development to provide safe and attractive pedestrian/cycle routes is fully supported. It is also important that the site contributes positively to off-site infrastructure within the village such as providing improved cycle facilities linking to existing infrastructure on the coast. The Plan could be further enhanced by identifying specific routes that the development should focus on and specific interventions that it should fund (at a more local level than the overarching policy included within the adopted Thanet Local Plan).

PROW: KCC would recommend reference is made to the PRow network and therefore the existing opportunities and routes for off-road connectivity, ensuring Active Travel links are enhanced. Particular emphasis should be given to safety at the PRow crossings of the mainline railway (Public Footpaths TM37 and TM35), as due consideration must be given to increased use and the impact on crossing safety. Further emphasis should be given to the low percentage of Bridleways in the area, which can be improved with planning and upgrades to provide high quality links for walkers, cyclists, and equestrians.

Policy B37

County Council Community Infrastructure and Services: KCC welcomes this policy, that supports KCC's aspiration for a new 2FE Primary School at Birchington to mitigate the impact of proposed housing growth. Reference should also be provided in respect of the impact of the proposed development on other county services.

17. Action Plan – Implementation, Monitoring and Review of the Plan

PRow: It is requested that KCC is directly involved in future discussions regarding projects which 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 Parish Council to consider local aspirations for access improvements and potential funding sources for the delivery of these schemes.

Appendix

Part A: Summary of Support Evidence

PROW: The ROWIP⁸ must be included as KCC policy.

Part B: Key Maps and Plans

PRoW: Key Maps and Plans (TP02 and TP03) should include a Public Rights of Way Map. The Parish Council should hold a copy of the Definitive Map to reference. If not, KCC is able to provide this⁹.

Part D: Glossary of Terms and Definitions

PRoW: Right of Way – the text is incorrect and requires amendment to *Public Rights of Way Network, definition* “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.

Additional Comments

Sustainable Urban Drainage Systems

The Neighbourhood Plan does not appear to acknowledge the water environment, other than a brief reference in relation to increased highway areas.

Birchington does not have a significant extent of flood risk. Areas of surface water flood risk are associated with low areas that cross from Quex Park. The parish itself is traversed by a significant overland flow route. Much of the parish area is underlain by Upper Chalk bedrock. It is therefore very important that drainage provision within any new development is appropriately considered and ground conditions fully investigated so that potential impacts of new development are appropriately mitigated. It must be emphasised that discharge of the sewer system is not a preferred discharge destination given infrastructure issues.

It would be beneficial if the Neighbourhood Plan fully considers surface water and local flood risk. Housing delivery sites should include priority for integrating sustainable drainage systems within green infrastructure. This is supported by the latest revision to the NPPF paragraph 167 (2021), which requires that “major development should incorporate sustainable drainage systems (and) should where possible, provide multifunctional benefits.” The Parish should require all development drainage systems to include drainage systems which are at surface and provide water quality benefits, promote amenity and increase biodiversity. Pre-application advice has been sought in relation to recent development proposals at Birchington but other future developments need to be encouraged to integrate surface water management within open space.

⁸ https://www.kent.gov.uk/__data/assets/pdf_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf

⁹ The Parish Council should contact KCC at prow@kent.gov.uk

Neighbourhood planning resources are available¹⁰, including some specific advice in relation to inclusion of the environment and surface water, accessible via “Neighbourhood Planning for the Environment¹¹”.

KCC would recommend that the Parish Council also refers to KCC’s Drainage and Planning Policy (November 2019) and specifically the Drainage Policies defined in Chapter 5 (Appendix 2).

Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, confirms that the Neighbourhood Plan area has no safeguarded minerals or waste management facilities. Therefore, it does not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP).

With regard to land-won minerals safeguarding matters, the Neighbourhood Plan area of the plan is not coincident with a safeguarded mineral deposit.

The County Council would recommend that the Neighbourhood Plan makes reference to the KMWLP to ensure the Plan is fully robust if any waste management and/or mineral related development is ever proposed in the area.

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,



Stephanie Holt-Castle
Director for Growth and Communities

Enc.

Appendix 1: Additional Biodiversity information
Appendix 2: KCC’s Drainage and Planning Policy

¹⁰ <https://neighbourhoodplanning.org>,

¹¹ [Environment-Toolkit-20181220.pdf](https://neighbourhoodplanning.org/Environment-Toolkit-20181220.pdf) (neighbourhoodplanning.org)

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Additional Information provided by KCC Biodiversity

Figure 1



Thanet and Canterbury Strategic Access Management and Monitoring Strategy (SAMM)

It should be noted that all planning applications for new residential development within the parish will need to be subject to Appropriate Assessment under Regulation 55 of the Conservation of Habitats and Species Regulations, 2017 (as amended). Development which includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site) will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive.

Figure 2



Kent County Council

Drainage and Planning Policy

- a Local Flood Risk Management
Strategy Document

December 2019

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Date	Revisions details
October 2016	Clarification on technical matters; submission summary form.; pre-application advice; post-construction verification reports; standard advice.
June 2017	Further clarification of technical matters and amendments to general wording including revised M5-60, 50% reduction for brownfield sites, runoff control per soil type, discharge to highway systems, off-site drainage improvements and developer contributions.
November 2019	Clarification of drainage submission requirements and revised drainage policies to reflect latest changes in NPPF and include the requirements for a verification report and any changes as a result of consultation.

The overall policy will be assessed biennially and reviewed when National policy or other relevant policy changes occur.

1 Role of this Policy

This policy sets out how Kent County Council (KCC), as Lead Local Flood Authority (LLFA) and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development. It is consistent with the Non-Statutory Technical Standards for Sustainable Drainage (as published by Defra in March 2015) and sets out the policy requirements KCC has for sustainable drainage. It should be read in conjunction with any other policies that promote sustainable drainage, specifically:

- the National Planning Policy Framework and,
- any specific policy set out by the relevant Local Planning Authority

This policy is also supported by KCC guidance and policy provided in:

- Kent Design Guide Technical appendices ('Making It Happen') 2019;
- Water. People. Places - a guide for Masterplanning sustainable drainage in developments;
- KCC Land Drainage Policy

The aim of this policy document is to clarify and reinforce these requirements. It also includes references to other design considerations which impact sustainable drainage design and delivery.

This policy should be used by:

- developers when considering their approach to the development of new sites or redevelopment of brownfield sites;
- developers or their consultants when preparing submissions to support a planning application for major development;
- professionals involved in developing drainage schemes including engineering and urban and landscape professionals;
- development management officers when considering development applications,
- Local Authorities when developing local planning and land-use policy.

With this current update, we seek to ensure that multifunctionality of open space is now emphasised within development master planning. This provides an opportunity for Kent to look to wider benefits of sustainable drainage and strengthen policies for the delivery of drainage systems which are fully sustainable, thus providing quantity control, quality improvement, biodiversity enhancement and amenity. Changes to the National Planning Policy Framework (NPPF) in 2019 and Defra's 25-Year Environmental Plan¹ promote a robust approach to sustainable development.

¹25-year Environment Plan, published January 2018 on www.gov.uk/government/publications/25-year-environment-plan

2 Introduction

2.1 Background

KCC was made a LLFA for Kent by the Flood and Water Management Act 2010 (the Act). As LLFA, KCC has a strategic overview of 'local flooding'. Local flooding is defined by the Act as flooding which is caused by:

- Surface water,
- Groundwater,
- Ordinary Watercourses

The management of surface water within new development is a key factor in managing local flooding.

Since commencement of the Act in 2010, the Government has assessed various means of promoting sustainable drainage systems. In April 2015, LLFAs were made statutory consultees in planning for surface water. Our understanding of local drainage and local flood risk presents a strong platform from which to provide advice and guidance to Local Planning Authorities on the management of surface water.

In undertaking this role KCC coordinates with the 12 local authorities as well as Kent's own planning department and the Ebbsfleet Development Corporation. Where appropriate we will also liaise with other relevant flood risk management authorities, such as the Environment Agency, sewerage undertakers and the county's Internal Drainage Boards (IDB).

2.2 Legislative Framework

As a LLFA within Kent, KCC is required under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('the Development Management Procedure Order') to provide consultation response on the surface water drainage provisions associated with major development.

Major development is defined within the Development Management Procedure Order as development that involves any one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwelling houses where:
 - (i) the number of dwelling houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

As a statutory consultee, KCC must provide a substantive response within 21 days of consultation (Article 22 of the Development Management Procedure Order). A substantive response is one which:

- (a) states that the consultee has no comment to make;
- (b) states that, on the basis of the information available, the consultee is content with the development proposed;
- (c) refers the consultor to current standing advice by the consultee on the subject of the consultation; or
- (d) provides advice to the consultor.

The Planning and Compulsory Purchase Act 2004 describes the duty to respond as a consultee, including the duty to report to the Secretary of State on compliance with the provision of substantive responses.

The Town and Country Planning (General Development Procedure Amendment No. 2, England) Order 2006 introduces the concept of Critical Drainage Areas as *"an area within Flood Zone 1 which has critical drainage problems and which has been notified [to] the local planning authority by the Environment Agency"*. However, no Critical Drainage Areas have yet been defined within Kent and will not require further consultation.

2.3 Sustainable Drainage in Planning

Sustainable drainage systems are designed to control surface water as close to its source as possible. Wherever possible they should also aim to closely mimic the natural, pre-development drainage across a site. A well-designed sustainable drainage approach also provides opportunities to:

- reduce the causes and impacts of flooding;
- remove pollutants from urban run-off at source;
- combine water management with green space with benefits for amenity, recreation and wildlife.

The purpose of the planning system is to contribute to the achievement of sustainable development and deliver the requirements of the National Planning Policy Framework (NPPF). The use of sustainable drainage systems helps to achieve the sustainability objectives of the NPPF.

2.4 Design Strategies

Development has the potential to change surface water and ground water flows, depending upon how the surface water is managed within the development proposed. Planning applications for major development should therefore be accompanied by a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with KCC's sustainable drainage policies, as outlined within this document.

The drainage strategy must also demonstrate that the proposed surface water management proposal is consistent and integrated with any other appropriate planning policy and flood risk management measures that are required.

2.5 Strategic Consultation

As a LLFA, KCC has a consultation role in relation to the preparation of local plans, neighbourhood plans, strategic flood risk assessments and other planning instruments produced by Local Planning Authorities².

KCC will provide advice and guidance on local flood risks and appropriate policy for any area upon request.

KCC will also provide information to individuals and other organisations with respect to drainage and local flood risk for use in the preparation of other relevant planning documents upon request.

² National Planning Policy Guidance, Flood Risk and Coastal Change, paragraph 2.

3 Planning policy and guidance for drainage

This section sets out the sources of planning policy relevant to the management of surface water. These policies will form the basis of KCCs assessment of any submitted drainage strategy. The drainage strategy will need to demonstrate how the development meets these requirements.

3.1 NPPF

The National Planning Policy Framework (NPPF) was published on 27 March 2012 with further revisions in 2019; it sets out the Government's planning policies for England and outlines how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the relevant Local Planning Authority's development plan, following public consultation and with due regard for other material considerations.

The NPPF is a material consideration in the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development, excepting where adverse impacts significantly outweigh the benefits (or where specific policies indicate that development should be restricted). Flooding and drainage may also be considered material considerations in the determination of planning applications as their management contributes to sustainable development.

Paragraphs 155, 157, 163, 165 and 170 of the NPPF (Appendix A) have particular relevance to flooding and drainage. These paragraphs include consideration for area of flood risk, incorporation of sustainable drainage systems, taking account of advice from LLFA, operational standards, maintenance requirements and multifunctionality.

The NPPF is supported by the **Planning Practice Guidance**³ which provides further advice on how planning can take account of the risks associated with flooding in plan-making and the application process.

3.2 Water Environment Regulations 2003

The Water Environment Regulations 2003 make provision for the purpose of implementing in river basin districts the Water Framework Directive (Directive 2000/60/EC of the European Parliament) which established a framework for Community action in the field of water policy. These regulations will remain in place until such time that UK law is revised to reflect changes in EU membership. These Regulations require a new strategic planning process to be established for the purposes of managing, protecting and improving the quality of water resources⁴.

Therefore, this provides an opportunity to plan and deliver a better water environment, focusing on ecology. The WFD aimed for the water environment to reach 'good' chemical and ecological status in inland and coastal waters by 2015. Planning and programmes are continuing in six year cycles until 2027.

The WFD drives water quality improvement planning along total river catchment areas, with the production of River Basin Management Plans. The directive puts a duty on public bodies to have regard to river basin management plans (and associated supplementary plans) when exercising their functions where it may affect a river basin district.

Controlling water is inherent in the WFD's objectives, as uncontrolled surface flow or flooding can cause unmanageable water quality problems. Sustainable drainage principles are key to meeting the objectives of the WFD in its continuing cycles.

3.3 Habitats Regulation 2017

The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive⁵), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales.

The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

The sites where habitats and species are legally protected due to their exceptional importance are known as Natura 2000 sites; this network protects rare, endangered or vulnerable habitats and species. The Natura 2000 network includes Special Areas of Conservation (SACs, identified under the Habitats Directive), Special Protection Areas (SPAs, identified under the Birds Directive) and Ramsar sites (wetlands of international importance designated under the Ramsar Convention). All Natura 2000, or 'European', sites are also classified as Sites of Special Scientific Interest (SSSIs) but not all SSSIs are Natura 2000 sites.

³ The Planning Practice Guidance is a web-based resources which can be accessed from the Planning Portal at: http://planningguidance.planningportal.gov.uk/?s=Drainage&post_type=guidance

⁴ This framework became UK law in December 2003

⁵ More information on the Habitats Directive can be found at: http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

3.4 Defra's 25-Year Environment Plan

The 25 Year Environment Plan was published in January 2018; it sets out government action to tackle the growing problems we face in the environment and aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species, reduce risk of environmental hazards and promote sustainable development.

The plan is supported by the concept of natural capital, meaning it places value on natural assets, which includes geology, soils, water and all living organisms. Specific components of the Environment Plan are introduced in current updates of the NPPF.

The Environment Plan will need to be underpinned by law and enforced by a new legal framework for the environment to replace the system the EU currently provides. It is beneficial to be aware of the changes in legislation and policy indicated in this plan as it provides government direction to sustainable development.

3.5 Non-statutory technical standards for sustainable drainage

To support the LLFAs statutory consultee role, Defra published the 'Non-Statutory Technical Standards for Sustainable Drainage Systems' on 23 March 2015. These standards provide advice and guidance for the design, maintenance and operation of sustainable drainage systems⁶.

Further guidance on the application of the Non-Statutory Technical Standards will be provided by Defra and associated stakeholders.

A summary of the requirements of these non-statutory standards is provided in Appendix B. The policies in this policy are consistent with the Non-Statutory Technical Standards.

3.6 Local Authority Guidance

Local Planning Authorities are ultimately responsible for determining planning applications and have numerous planning and policy documents to support the delivery of sustainable development within their districts.

3.6.1 Local Plans and Neighbourhood Plans

National planning policy places Local Plans at the heart of the planning system. Local Plans set out a vision and a framework for future development of the area. Local Plans should be based upon and reflect the presumption in favour of sustainable development. They should also address housing provision, the economy, community infrastructure and environmental issues such as adapting to climate change and ensuring high quality design.

The management of flood risk and surface water can be dealt with through policies for sustainable construction, flood risk, open space, landscape character and green infrastructure. These policies may be supported by further Supplementary Planning Documents or guidance notes.

Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Parish Councils and Neighbourhood Forums (where there is no Parish Council) and their communities can shape development in their areas through the production of Neighbourhood Development Plans. These plans become part of the Local Plan and the policies contained within them are then used in the determination of planning applications.

Any drainage strategy should make reference to relevant Local Plan and Neighbourhood Plan policies. It may also have to provide evidence which supports delivery of biodiversity, amenity and other benefits.

3.6.2 Supplementary planning documents

Some local authorities in Kent have specific drainage guidance, policies and standards for development within their district areas, which may include specific surface water discharge rates. Other local authorities may introduce similar guidance. These documents provide substantive guidance on how drainage should be delivered.

3.6.3 Strategic Flood Risk Assessments (SFRA)

Strategic Flood Risk Assessments are required to inform the development of Local Plans, as stated within the NPPF. A SFRA assesses the risk to an area from flooding from all sources, taking into account the effects of predicted climate change. They should also assess the impact that land use changes and development will have on flood risk within the district in question. Each Local Planning Authority in Kent has prepared and referenced a SFRA within their planning documents. These documents provide key information on the potential sources and magnitude of flooding and may provide information for specific site allocations.

⁶ The Non-statutory Technical Standards are published at: <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

3.7 Kent County Council Guidance

The Local Flood Risk Management Strategy (the Local Strategy) for Kent sets out a countywide strategy for managing the risks from local flooding. One of the five objectives set out in the Local Strategy specifically states the importance of ‘ensuring that development in Kent takes account of flood risk issues and plans to effectively manage any impacts’.

To support delivery of this objective, KCC has developed guidance to define the approach to planning and design of drainage. When considering surface water drainage within new developments in Kent, it is therefore recommended that reference is made to specific guidance and wider information available:

3.7.1 Water. People. Places - a guide for masterplanning sustainable drainage into developments

This guidance outlines the process for integrating sustainable drainage systems into the masterplanning of large and small developments⁷. This guidance should be used as part of the initial planning and design process for all types of development, with specific reference made to the relevant development typologies.

3.7.2 Kent Design Guide Technical Appendices: Making It Happen

The Kent Design Guide was produced to ensure that all new development results in vibrant, safe, attractive, liveable places. ‘Making It Happen’ comprises technical appendices that provide advice and guidance on the design and construction of drainage systems which KCC may be adopting.

The sustainability chapter (drainage systems) has been revised in May 2019 and contains specific technical guidance for drainage design.

3.7.3 Land Drainage Policy

KCC has powers under Section 23 of the Land Drainage Act 1991 to consent works in an ordinary watercourse and to enforce the removal of unconsented works.

Land Drainage regulations are generally concerned with the physical condition of watercourses, including whether they are blocked or how they are modified, including the introduction of new structures to them. This policy sets out how Kent County Council exercises these land drainage functions.

3.7.4 Surface Water Management Plans

Surface Water Management Plans (SWMPs) have been prepared by KCC (in partnership with other relevant stakeholders) to identify specific local actions to manage local flood risk. They have been undertaken in areas which were identified as a potential risk from local flooding in the Preliminary Flood Risk Assessment. These studies may provide a greater understanding of the current flood risk. Any proposed development should include consideration of any findings and recommendations of the relevant SWMP for the area. The areas covered by SWMPs are regularly being updated and can be found on the KCC website⁸.

3.7.5 Kent Environment Strategy

As part of a county wide partnership, KCC has produced a Kent Environment Strategy– A strategy for environment, health and economy (KES) setting out how Kent and their partners propose to address significant opportunities and challenges from environmental change and development pressures (such as a need for improved air and water quality, decline in biodiversity and the impacts of climate change)⁹. It is accompanied by an implementation plan and includes partnership actions that will deliver against the priorities set out in the strategy. KCC adopted the strategy in January 2016 and has invited the District Councils to also adopt it to provide a basis for co-ordinated action.

The KES recognises that the environment is a key part of the infrastructure supporting the Kent economy. The strategy aims to make the most of environmental opportunities whilst addressing challenges arising from development pressures, need for improved air and water quality, decline in biodiversity and the effects of climate change.

3.8 Other Guidance & Tools

In approaching or reviewing design, technical aspects may need clarification and specification in order to satisfy KCC that it meets the required standard. KCC will make reference to good practice presented within the following documents, and would recommend that any designer also refers to:

3.8.1 CIRIA SuDS Manual (C753), 2015

This guidance document provides comprehensive information on the all aspects of the life cycle of sustainable drainage from initial planning, design through to construction and management including landscaping, waste management and costs.

3.8.2 Building Regulations

Building Regulations exist to ensure the health, safety, welfare and convenience of people in an around buildings. Part H of the Building Regulations specifically covers drainage. The consultation with the LLFA addresses flood risk to and from developments and does not replace any requirement for Building Regulation approval.

3.8.3 BS 8582:2013 Code of practice for surface water management for development sites

The British Standard gives recommendation on the planning, design, construction and maintenance of surface water management systems for new development and redevelopment sites in minimizing and/or mitigating flooding and maximizing the social and environmental benefits.

⁷ The document can be found at: www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems

⁸ SWMPs can be found at: www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/surface-water-management-plans

⁹ The Strategy can be found at: <http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/environmental-policies/kent-environment-strategy>

3.8.4 UK Sustainable Drainage Guidance

The UK SuDS Tools website which provides estimation tools for the design and evaluation of surface water management systems. The website has been developed and is supported by HR Wallingford. The web site can be accessed at: <https://www.uksuds.com/>. The website provides estimations for greenfield runoff, storage analysis and other tools.

3.8.5 Long Term Flood Risk Information

In 2013 the Environment Agency, working with LLFAs, produced the Long Term Flood Risk map, which depicts the risk associated with surface water flooding. The Risk of Flooding from Surface Water maps show flooding scenarios as a result of rainfall with the following chance of occurring in any given year (annual probability of flooding is shown in brackets): 1 in 30 (3.3%), 1 in 100 (1%), and 1 in 1000 (0.1%).

The Risk of Flooding from Surface Water map is published on the Gov.UK website on the "Long Term Flood Risk Information". This mapping is key to assessing overland flow routes and to identifying any locations at high risk of surface water flooding.

4 Drainage Consultation

4.1 Introduction

A drainage strategy should be submitted to the relevant Local Planning Authority along with any planning application for major development. It may either form part of a wider Flood Risk Assessment, or it can be submitted as a separate and dedicated standalone document.

Whilst consultation is not undertaken with KCC for minor development, applicants should be aware that the NPPF priorities for sustainable drainage do apply to all development, irrespective of scale (NPPF, Paragraph 163). Developers of sites for minor development are encouraged to consider the policies outlined in this document, as well as any local specific policy with respect to site drainage design. Applicants for these smaller developments are directed to guidance and standing advice on best practice to help minimise flood risk.

It is important that any consultation request we receive reflects the level of risk to a site (or the risk that may result from its development). Consequently, consultation may also occur for development, other than major development in areas of higher local flood risk, as described in Section 4.3.

Consultation on flood risk will also occur with other risk management authorities. For example, the management of tidal and fluvial flood risk and the prevention of inappropriate development in the associated flood-plain remains the responsibility of the Environment Agency. The Environment Agency is also responsible for the management of permitting regulations which may affect discharge to water bodies or the ground. Similarly, if any drainage scheme requires connection to a public sewer, additional approval will be required from the appropriate sewerage undertaker.

Within Flood Zones 2 or 3 (areas of medium/high tidal or fluvial flood risk), a Drainage Strategy should be a component of a wider Flood Risk Assessment and should outline how the management of runoff will not exacerbate the existing flood risk to/from the development proposed.

A Flood Risk Assessment should also be submitted with any application for planning permission on sites in excess of 1 ha in Flood Zone 1 (low flood risk); in these instances the Flood Risk Assessment/Drainage Strategy should be primarily concerned with the management of surface water within the proposed development site.

Other third parties, including but not limited to the Environment Agency, IDB, The Highways Authority, the Sewerage Undertaker and adjacent landowners, could have an effect on the design of a drainage system. Consultation with relevant third parties is essential early in the design process. This information should be provided as part of the consultation process.

4.2 Consultation Process

4.2.1 Overview

Consultation with KCC will occur through the planning process. KCC will be notified of the submission of a major planning application by the Local Planning Authorities within Kent (as defined in Section 2.5).

A substantive response to the LPA is legally required from KCC within 21 days of consultation.

4.2.2 Pre-application Advice

Incorporating appropriate drainage is easier and more sustainable if it is planned and designed in from the start of a development. KCC encourages pre-planning consultation to ensure that the issues are appropriately addressed at an early stage.

Pre-planning advice from KCC can provide the following benefits:

- background information to identify constraints and matters in relation to flood risk and drainage pertinent to the application;
- an indication of whether a proposal would be acceptable in principle, saving time and cost within the planning process;
- reduced time to prepare the proposal;
- provides clarification of the guidance and policies that will be applied to the development proposal;
- identifies whether specialist input is required; and,
- identification and engagement of other key stakeholders.

KCC's pre-application planning advice in relation to new development is discretionary and is provided as a chargeable service. Details and forms for pre-application advice is found on kent.gov.uk. Standing advice for specific development scenarios and types is also available on Kent's website¹⁰.

We provide free advice to:

- individual homeowners who have specific drainage or flood related issues which may impact their own house for development; and,
- Parish councils, Local community groups, or Flood Forums on works proposed to improve local communities.

4.2.3 Planning application submission

The Local Planning Authority will confirm that a Drainage Strategy has been submitted with the planning application and pass it to KCC for consultation. KCC will review the submitted material for adequacy and, depending upon the submission, may request further information. This will be communicated to the applicant via the Local Planning Authority.

The drainage strategy submitted to support a planning application must reflect the development proposal (including site area, type of development, general arrangement and layout).

All elements of the proposed drainage strategy should be within the defined planning and development application boundary as defined by the development's "red-line" boundary. This ensures that planning approval and any subsequent conditions will apply to the entirety of the drainage measures. It would not be acceptable to have any drainage measures, most notably attenuation basins or soakaways outside of the planning application site boundary unless secured by other planning conditions, approvals or agreements.

In reviewing a drainage application, KCC will, in the first instance, confirm compliance with this policy, national planning policy (as defined in the NPPF), and compliance with the Non-Statutory Technical Standards. Local planning requirements (as set out in Local Plans or other local planning documents) and other site-specific land-use factors that affect surface water management will also be referenced, where appropriate. Additionally, KCC will consider adherence to wider environmental principles of the NPPF that may have a bearing on drainage design (for example, water quality, biodiversity and amenity).

A consultation response will be prepared and returned to the Local Planning Authority within the required 21 days following receipt of a suitably detailed submission. The consultation response may result in a request for further information or for planning conditions for subsequent determination.

4.3 Consultation Submission Requirements

4.3.1 Introduction

Detailed information will be required to demonstrate that a drainage design is appropriate and will operate effectively. This information may be required for all drainage measures, including (but not limited to) pipe networks, attenuation features, ponds, soakaways and control structures.

Key design information must be evidenced and assessed. Key information which may be needed to demonstrate the feasibility or applicability of a design philosophy includes:

- existing discharge rates and post development discharge rates;
- ground investigation information, groundwater levels and infiltration rates;
- condition and connectivity surveys of receiving watercourses and sewers;
- ground level and topographical survey;
- deliverability of discharge destination and right to connect.

Detail of this technical information is provided in Chapter 6 of Making it Happen C2: Sustainable Drainage Systems. The lack of detailed technical information may increase the level of uncertainty we may have about the effectiveness of a drainage strategy. If the degree of uncertainty is great, this is that the proposal cannot clearly demonstrate a functioning system in line with requirements, then KCC will have grounds to object to the drainage proposal or may delay return of a substantive comment to the planning authority.

We therefore encourage pre-application discussion to identify any areas which may need further investigation or clarification to reduce any uncertainty with respect to the functioning of the system.

The detail provided in the submission will reflect the type of planning application submitted, whether 'outline' (Surface Water Management Strategy) or 'full' (Detailed Drainage Strategy) or discharge of condition (detailed design). The submission requirements are provided in Table 1 and are read as minimum requirements. It is expected that later stages of planning submissions will provide greater detail (such as estimates of storage vs modelled network calculations).

KCC recommends the inclusion of a summary sheet which contains pertinent information to assist in ensuring sufficient detail is submitted and to simplify the review process. A Drainage Strategy Summary Form is included in Appendix C.

We recommend that applicants confirm the submission requirements through pre-application discussion with KCC, particularly to identify any needs for ground investigation.

Table 1- Submission Requirements for stages of planning

Information required	Outline	Full	Reserved Matters	Discharge of Condition	Verification condition ¹¹
Identification of discharge destination					
Development information including location plan, site layout, and drainage schematic					
Surface water drainage strategy report or statement					
Calculation assumptions and results including impermeable areas, infiltration rates, network calculations and models					
Existing and proposed drainage arrangements			12		
Existing and proposed discharge rates					
Ground investigation reports/survey and soakage testing results					
Maintenance programs and access arrangements					13
As built drawings or tender construction drawings				14	
Exceedance plan ¹⁵					
Catchment plans					
Water quality index					
Watercourse condition and connectivity					
Proposed detailed drainage network plans and cross-sections including cover and invert levels, locations of flow controls (Critical Drainage Assets)					
Attenuation device details including cross-sections					
Landscape Plan					
Discharge agreements, consents and/or evidence of third-party agreement for discharge to their system					
Phasing plan					
Identification or designation of maintaining authority/ organisation					

¹¹ specific requirement for confirmation of drainage. Please see section 4.3.5

¹² as required, where not already demonstrated in the original application

■ require greater design detail than previous planning stage ■ Greatest amount of detail required

¹³ Specific for each critical drainage asset

¹⁴ Drawings of proposed construction

¹⁵ includes conveyance, volume and depths

4.3.2 Large scale development

Surface water management strategies for large developments (with multiple phases) will require the submission of an overall drainage strategy at outline planning stage that provides the overall site drainage strategy and a framework for the delivery of the drainage in each phase of the site.

The Surface Water Management Strategy should set out the following for the whole site, and each phase:

- discharge destination(s);
- discharge rate and volume;
- catchment areas;
- estimated impermeable areas per phase and per catchment; and,
- phasing plan with timing of construction.

This Surface Water Management Strategy should act as an overall **drainage masterplan** for all phases of the development.

A Surface Water Management Strategy will be tied to a planning condition at the outline stage. Pre-application discussions are encouraged in the case of phased development to agree the level and detail of any strategic Surface Water Management Strategy and subsequent Detailed Drainage Strategies that will be required for each phase.

Depending upon the level of detail submitted at outline planning, it may be necessary to submit additional drainage information to accompany reserve matters associated with the layout to demonstrate that the Surface Water Management Strategy can be accommodated within the proposed layout.

Further details regarding the surface water management proposals for each phase of development should then be provided within a Detailed Drainage Strategy. Each phase must remain consistent with the overall site strategy and drainage masterplan.

Supporting information must be submitted to demonstrate that any variations can be accommodated within the site without exacerbating flood risk. The overall site Surface Water Management Strategy may be reviewed as different phases are delivered.

Large sites in close proximity or in one catchment are encouraged to cooperate or consult concurrently as there may be opportunities for combined solutions with mutual and greater benefit.

Any strategic drainage features that are required for the wider site's drainage strategy to function properly must be identified and delivered prior to the connection of the drainage from any phase or sub-phase. If a single site within a wider development (e.g. school or commercial site) is reliant upon the strategic drainage system, this must be clearly indicated within the phasing plan.

4.3.3 Consultation for minor and low risk development

Minor development will not normally be reviewed by KCC, unless specifically requested by the LPA due to local drainage concerns, existing or mapped surface water flood risk, or other matters identified by the LPA in relation to delivery of sustainable drainage.

In some instances, due to the size of the development or proposal, construction for drainage provision is not needed or substantial and therefore considered low risk. Low risk development for the purposes of consultation may be regarded, but not limited to:

- change of use¹⁶;
- limited external building envelope alterations;
- or which results in less than 100 m² of additional impermeable area and which is not located in an area of existing flood risk or drainage problems.

4.3.4 Easements and way leaves

If any surface water flows off site and is required to cross third party land, then information must be submitted which demonstrates that the applicant has the ability to deliver the outfall from the site. This may require confirmation of agreement from a third-party landowner or confirmation of an agreed easement way leave.

4.3.5 Maintenance and verification

The design of any drainage system must take into consideration the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work.

The continued operation of any drainage system is dependent upon ongoing maintenance, which may be undertaken by an adopting authority or management agent. Any drainage strategy must include details of the intended adopting authority or agent and specific details of appropriate and sufficient maintenance, and then be confirmed in the verification report.

Developers will be required to demonstrate that the drainage was constructed according to the approved plans through post-construction verification reports. These reports will also include maintenance and requirements specific to the drainage system constructed. Detailed drainage layouts will be required which also identify “critical drainage assets¹⁷”.

¹⁶ change of use where vulnerability is not increased

¹⁷ KCC’s definition of critical drainage assets would be those items of interest in relation to Section 21 (1A) of the Flood and Water Management Act (2010), namely any assets that are “likely to have a significant effect on a flood risk in its area” and could include items such as inlets, outlets, controls, attenuation structures etc. Further clarification can be provided by contacting KCC’s Flood and Water Management team.

4.4 Adoptable highways and drainage

Most major development would normally include some aspect of highway construction or improvement, which may be adopted or require approval by KCC as the Highway Authority. The provision of drainage to adopted highways is normally subject to Section 38 or 278 Agreement, with approval and inspection by KCC as the Highway Authority.

Highway matters may be reviewed within the consultation by KCC as LLFA. KCC will endeavour to seek internal consultation on such matters; however, the detail provided within a planning submission may not be sufficient. The response from KCC as LLFA does not commit KCC as Highways Authority to any particular highways arrangement. The nature and extent of adoption should be confirmed with the Highways team at an appropriate time within the planning and design process.

Any review provided by KCC as LLFA within the planning process does not constitute a technical approval; however the LLFA's approval may be required prior to any further adoption by KCC as the Highways Authority.

5 Policies for Sustainable Drainage

5.1 Introduction

A range of sustainable drainage techniques may be utilised across a site to manage the surface water runoff from the planned development; the use of more than one technique will often be appropriate to achieve the objectives of sustainable development on any given site (notwithstanding situations which may still arise where a conventional solution may be the most appropriate).

Given the range of design options to provide a drainage solution, KCC has defined:

- Drainage Policies (SuDS Policy 1 through 6) that set out the requirements for a drainage strategy to be compliant with the NPPF and guidance within the Non-Statutory Technical Standards for Sustainable Drainage.
- Environment Policies (SuDS Policy 7 through 9) that set out expectations to be considered within a drainage strategy in response to environmental legislation and guidance that KCC and the Local Planning Authorities have a duty to comply with.

These policies, summarised in Table 2, reflect the requirements of the Local Flood Risk Management Strategy, Surface Water Management Plans and Local Planning Authority Local Plans. Sufficient information must be submitted to demonstrate that the drainage proposals comply with these policies.

Table 2: Kent County Council SuDS Policies

Policy	Summary
SuDS Policy 1	Follow the drainage hierarchy
SuDS Policy 2	Deliver effective drainage design
SuDS Policy 3	Maintain Existing Drainage Flow Paths & Watercourses
SuDS Policy 4	Seek to Reduce and Avoid Existing Flood Risk
SuDS Policy 5	Drainage sustainability and resilience
SuDS Policy 6	Sustainable Maintenance
SuDS Policy 7	Safeguard Water Quality
SuDS Policy 8	Design for Amenity and Multi-Functionality
SuDS Policy 9	Enhance Biodiversity

5.2 Drainage policies

These policies are specified from the NPPF and the guidance within the Non-Statutory Technical Standards for Sustainable Drainage, as published by Defra.

5.2.1 SuDS Policy 1: Follow the drainage hierarchy

Surface runoff not collected for use must be discharged according to the following discharge hierarchy:

- to ground,
- to a surface water body,
- a surface water sewer, highway drain, or another drainage system, or
- to a combined sewer where there are absolutely no other options, and only where agreed in advance with the relevant sewage undertaker.

The selection of a discharge point should be clearly demonstrated and evidenced.

When development occurs, the urbanisation process within a catchment affects the natural hydrology; if the destination of the water is altered this may result in:

- a reduced supply of rainfall to groundwater;
- an accelerated passage of flow to the receiving watercourses; and
- water directed away from existing receiving catchments.

In order to maintain the natural balance of the water cycle, the above discharge hierarchy must be adhered to. Where development results in changes in runoff destinations, the design must account for how the surface flows are managed and demonstrate it does not exacerbate off-site flood risk.

Any development application must follow the hierarchy and be accompanied by evidence as to why infiltration is not utilised. Technical information on the uses of infiltration is provided in Kent Design Making It Happen, including testing methodology and design criteria. Infiltration testing must assess infiltration rates appropriate to underlying ground conditions and may require consideration of both shallow and deep infiltration.

If infiltration is not feasible further information is required from appropriate authorities indicating the acceptability of a discharge location, discharge rate and consent to connect. This agreement may be with the relevant owner or responsible body including IDBs, highway authorities, sewerage undertakers, riparian owners, port authority, Environment Agency, Canals and River Trust and others.

Any connection or discharge must be compliant with regulations or guidance governing the operation of the existing drainage system (e.g. IDB by-laws or standard specifications for public sewers). Correspondence with the relevant owner or responsible body should be submitted to demonstrate agreement in principle to the discharge and connection point as early in the development planning process as possible.

If we are aware of a capacity issue or a sewer flooding issue that a sewer connection is likely to exacerbate, we will inform the Local Planning Authority and the sewerage undertaker. We may oppose any such proposal until it can be adequately demonstrated that the receiving authority has confirmed the acceptability of the intended rate of discharge.

Discharge to Ground

The drainage strategy may be constrained if the drainage discharges to the ground via infiltration in a source protection zone (specifically SPZ 1), area of low permeability or area with high groundwater. Consultation with the Environment Agency early in the planning process is recommended to identify any constraints or specific requirements in these areas, specifically in relation to groundwater contamination. We recommend reference to the EA's latest policy guidance on groundwater protection¹⁸.

Discharge to Sewer

An existing connection to a sewer does not automatically set a precedent and it must be demonstrated why infiltration and/or a connection to a watercourse cannot be utilised. There is a presumption against any discharge of surface water to a foul sewer.

Combined sewer systems, which carry both foul and surface water, have limited capacity and are more likely to lead to foul flooding. In our commitment to ensuring development is sustainable, we will therefore seek to reduce surface water discharges to combined sewer systems.

We will encourage developers to look for available surface water systems within a radius of the proposed development before discharges to a combined sewer is agreed acceptable. For small developments surface water sewer connections should be assessed within 90m of the development site boundary. For larger development (over 100 units), a suitable distance for connection to a surface water sewer will be assessed at the time of planning, dependent upon the size and location of the development.

Where a surface water connection to an existing combined sewer is unavoidable, it must be undertaken in such a manner and at such a location to facilitate future separation of the surface water from that combined system.

¹⁸ The Environment Agency's approach to groundwater protection, February 2018 or latest version as published. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf

Discharge to Highway Drains

KCC may consider surface water discharges into highway drainage sewers in the following circumstances:

- a) the developer/property owner is prepared to upgrade the system where required to accommodate any increased flows; and,
- b) there is a proven existing connection to the highway drainage systems.

Highway drainage connections should be raised in pre-application discussion with KCC to ensure there will be appropriate arrangements in place for highways and drainage adoption, where appropriate. Highways advice for planning applications is provided on the County's website. Please refer to Kent Design Guide - *'Making it Happen'*.

Other Consents

Other consents by regulation may be required in relation to the discharge location (e.g. Flood Risk Activity Permit and Ordinary Watercourse consent). KCC may recommend consultation with other authorities in these instances.

5.2.2 SuDS 2: Deliver effective drainage design

Any proposed new drainage scheme must manage all sources of surface water and should be designed to match greenfield discharge rates, and volumes as far as possible.

Development in previously developed land should also seek to reduce discharge rates and volumes off-site and utilise existing connections where feasible.

Drainage schemes should provide for exceedance flows and surface flows from offsite, ensure emergency ingress and egress and protect any existing drainage connectivity, so that flood risk is not increased on-site or off site.

Design Criteria

The drainage system must be designed to be consistent with pre-development flow rates and designed to operate without any flooding occurring during any rainfall event up to (and including) the critical 1 in 30 year storm (3.33% AEP). The system must also be able to accommodate the rainfall generated by events of varying durations and intensities up to (and including) the critical, climate change adjusted 1 in 100 year storm (1% AEP) without any on-site property flooding and without exacerbating the off-site flood-risk. The choice of where these volumes are accommodated may be within the drainage system itself or within other areas designated within the site for conveyance and storage.

Flooding of the highway **may** be permitted in exceptional circumstances for rainfall events between 1 in 30 year and 1 in 100 year events provided that:

- depths do not exceed the kerb height;
- no excessive or prolonged ponding (beyond 10 minutes) so that the highway primarily operates as a conveyance route to another attenuation feature;
- flood extents are within the site boundary.

Rainfall Simulation

KCC will generally require the use of the more detailed and up-to date FEH13 dataset within detailed drainage design submissions. Where FSR data is used to determine the extreme rainfall intensity values for a site, we would expect the FSR/FEH ratios depicted in Appendix 1 of the 'Rainfall runoff management for developments' report¹⁹ (Environment Agency, 2013) to be used to adjust the calculated attenuation requirements.

If FEH13 is unavailable (and unless otherwise calculated), we will accept a rainfall depth M5-60 of 26.25 mm to be utilised in appropriate modelling software to account for this variation.

¹⁹ http://evidence.environmentagency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/Rainfall_Runoff_Management_for_Developments_-_Revision_E.sflb.ashx

Runoff Rates

Greenfield runoff rates must be supplied. Preferred methods are loH124, FEH, ReFH2 or others as agreed with KCC. The rates must reflect soil conditions specific to the site and applied to an appropriate drainage area consistently through the drainage strategy.

- **Local District or Parish Greenfield Runoff Rates**

Local planning policy may identify preferred discharge rates to be utilised in place of greenfield rates based upon a strategic flood risk assessment. In these areas, the preferred discharge rates should be utilised in the design.

KCC may also set strategic discharge rates to contribute to flood risk management within a district or parish council area; or to provide a more efficient approach to surface water management within a local area. If a strategic assessment of greenfield runoff rates has been undertaken by KCC, these rates must be utilised in design.

- **Minimum discharge rates**

Small sites are associated with low greenfield runoff rates. Given advances in technology and design of flow controls, it is now possible to achieve controlled flow rates of 2 l/s. This should be considered the minimum rate to be set for small sites, unless agreed with KCC.

- **Capacity constraints**

If the proposed development contributes to an area or network with known local flood risk issues or capacity constraints, then discharge rates and volume control specific to the local conditions will be specified. Developers may be required to provide flood risk modelling/assessment to identify potential constraints.

- **Previously developed land**

Redevelopment on previously developed land or “brownfield land” has the potential to rectify or reduce flood risk. For developments which were previously developed, the peak runoff rate from the development must be as close to the greenfield runoff rate from the development as reasonably practicable for the same rainfall event, but must not exceed the rate of discharge from the development prior to redevelopment for that event. As a minimum we would expect to see evidence that a 50% reduction in the peak runoff rate from the existing site has been sought.

An assessment of the peak flow rate of an existing drainage system must consider: (a) the connectivity and condition of the drainage system; (b) the existing total impermeable area contributing to the drainage system; and (c) the pipe full capacity of the final 5m of the outfall pipe. Within all accompanying calculations, the post-redevelopment discharge rate must take account of the predicted effects of climate change.

Runoff characteristics for a previously developed site can be estimated by other methods as described within the CIRIA SuDS Manual (Chapter 24.5). It should be noted that if a simulation model for any existing network is utilised, the operation of the network must be confirmed by a network survey to establish the network arrangements, contributing areas and network condition.

Runoff Volumes

Runoff volumes from the developed site will usually increase in comparison to the site in its natural condition; this may increase flood risk in natural receiving systems. Controlling the volume of runoff from the site is therefore vital to prevent flood risk in natural systems. Within Kent, the need and type of volume control will vary according to the soil type present, which can be broadly broken down into the following categories:

- Highly permeable soils – in areas underlain by chalk, we will expect that use of infiltration will be maximised. With no off-site discharge, additional volume control will not be required
- Intermediate permeability soils - in these areas infiltration should still be maximised; offsite discharge should be limited to QBAR, (the mean annual flood flow rate, equivalent to an approximate return interval of 2.3 years). Where sites are small and flows are calculated to be less than 2 l/s, the minimum flow rate will apply of 2 l/s.
- Low permeability soils - areas underlain by largely impermeable soils (e.g. Weald clay and London clay) will require “staged” discharge.

This requires that rates mimic existing greenfield runoff rates of the 1:1 year, 1:30 year and 1:100 year storm events as long as long term storage is utilised for flow volumes in excess of the greenfield volume for the 1:100 year 6 hour event.

The long term storage volume must discharge at a rate no greater than 2 l/s/ha and the total flow rate must not exceed the 1:100 year greenfield flow rate.

If long term storage is not designed for, QBAR should be applied to all events from the 1:30 year rainfall event.

Exceedance

Exceedance flows that cannot be contained within the drainage system shall be managed in flood conveyance routes. The primary consideration shall be risks to people and property on and off site.

Exceedance should be considered in two parts; very high intensity storms to ensure bypass flows from overloaded pipework (including potentially blocked gullies due to debris), and overflowing of storage systems. Consideration of exceedance routes will ensure that any residual risk arising from either or these are safely managed.

Emergency access arrangements

Access should be maintained into and through the site for emergency vehicles during all storms up to (and including) the critical, climate-change adjusted 1 in 100 year event. The drainage application must give consideration to flood risk vulnerability classifications (as defined through Planning Practice Guidance to the National Planning Policy Framework), as specific measures or protections may be assessed and need to be agreed with the appropriate authority.

Unrestricted discharge rates

If the proposed system discharges to a watercourse or main river, consideration must also be given to any requirements due to high water levels in the receiving watercourse due either to tide (i.e. tide-locking) or flood flows. Attenuation volumes required onsite to manage flows must take into account the effects of high receiving water levels. This also applies to connection made to sewers.

If the proposed site is immediately adjacent to a watercourse or main river, there may be instances where direct discharge to the waterway is promoted without attenuation. This is only likely to be a recommendation on or immediately upstream from tidal areas. Direct discharge without attenuation or limited attenuation based on high (non-standard) discharge rates to a main river must be agreed in consultation with KCC and the Environment Agency.

Phased Delivery

If a proposed development is to be delivered in phases, a commitment should be made for a surface water management strategy to be delivered with the first phase of development, designed to be capable of accommodating the runoff from each of the subsequent phases. If this is not possible, the runoff from each separate phase must be controlled independently.

Whichever approach is taken, the control of surface water runoff during construction should be considered. Temporary works may be required to accommodate phased construction. Any temporary drainage measure must be identified and clearly shown on a drainage layout drawing.

5.2.3 SuDS Policy 3: Maintain Existing Drainage Flow Paths & Watercourses

Drainage schemes should be designed to follow existing drainage flow paths and catchments and retain where possible existing watercourses and features.

By mimicking the natural drainage flow paths and working within the landscape, more effective and cost-efficient design can be developed. Working with existing natural gradients also avoids any reliance on pumped drainage, with its associated energy use and failure risk. The natural environment including woods, trees and hedgerows can play a part in water management.

KCC encourages maintenance of the existing flow paths and drainage connectivity. Where this is the case the following conditions apply:

- a) If the proposed development is reliant on an existing discharge point, then it is recommended that the condition and conveyance capacity is confirmed through CCTV or other survey with the discharge capacity confirmed.
- b) Outfalls to ordinary watercourses should not occur to “blind-ended” ditches and should be part of a wider and contiguous drainage network.

Some sites may lie in or near more than one hydrological catchment. Surface water flows should be continued through the pre-development catchments and not diverted to adjacent catchments, in order to preserve the hydrology of catchments and prevent an increase in flood risk.

Ordinary Watercourses

An ‘ordinary watercourse’ is defined as any channel capable of conveying water that is not part of a ‘main river’; Small rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) can all be classified as ‘ordinary watercourses’.

When considering the development/redevelopment of any site, existing ordinary watercourses should be identified and accommodated within any drainage strategy and site masterplan. They should be preferably retained as an open feature within a designated corridor, and ideally retained within public open space. Any outfall to an ordinary watercourse should be designed to ensure there is adequate erosion protection for the receiving channel and its banks.

It is not sufficient to undertake earthworks to the top of the bank of a boundary ditch. Any site improvements should include the channel itself. The landowner has riparian responsibilities for these ditches and new development provides an opportunity to address any existing ditch issues such as excessive vegetation, channel clogging, culvert improvements or bank stability.

It is recommended that any discharge to an ordinary watercourse or any modification to an ordinary watercourse be identified and agreed in principle with KCC (or other consenting

authority if required) prior to the submission of any planning application. The ability of a watercourse to convey water (and to function as an effective exceedance flow route, where appropriate) will always need to be maintained.

Flood risk

For ordinary watercourses, developers may need to consider the potential flood risk arising from them, particularly where there are structures which might influence water levels. Where a risk from flooding has been identified, appropriate flood risk mitigation should be identified and agreed with the Local Planning Authority/ KCC; development should be avoided in any area likely to be affected by exceedance of the channel's capacity, reflecting requirements of SuDS Policy 4.

Culverts

Culverting of open watercourses will not normally be permitted (except where demonstrably essential to allow highways and/or other infrastructure to cross). In such cases culverts should be designed in accordance with CIRIA C689: Culvert Design and Operation Guide, (2010) and KCC's Land Drainage Policy. Culverts will not be approved below/ beneath any proposed structure.

If a culverted watercourse crosses a previously developed site, it should be reverted back to open channel, wherever practicable. In any such case, the natural conditions deemed to have existed prior to the culverting taking place should be re-instated.

Measures should be in place to ensure that any future owner of a property through which a watercourse passes is aware of their maintenance responsibilities as a riparian owner.

Under the terms of the Land Drainage Act 1991, any works within an ordinary watercourse will require consent under Section 23 of the Act. This will be either from KCC or from an IDB (in the areas where they operate). Consents are unable to be amended once granted so any changes to design will need to apply for Land Drainage consenting again. Consents cannot be granted retrospectively if works are undertaken prior to approval.

If land drainage consent is required in relation to the proposed development, we recommend that the submission of any application for consent is delayed until planning permission is granted, (excepting instances when consents are required to construct or upgrade site access) as the proposed site layout may be subject to further change. Please refer to KCC web pages for guidance on ordinary watercourse consents²⁰.

Overland flow paths

Account should be taken for any overland flow routes which cross the site from adjacent areas. Flow routes may be indicated by reference to the EA's surface water flow mapping however the magnitude of the contribution from upstream catchments should be assessed to determine flows and the extents of flooding. It is usually preferred that these flow routes would be accommodated within the development layout; however, flood assessment or more detailed modelling may be undertaken if these routes are to be modified or channelised. It is not acceptable to culvert overland flow routes. **Page 136**

5.2.4 SuDS Policy 4: Seek to Reduce and Avoid Existing Flood Risk

New development should be designed to take full account of any existing flood risk, irrespective of the source of flooding.

Where a site or its immediate surroundings have been identified to be at flood risk, all opportunities to reduce the identified risk should be investigated at the masterplanning stage of design and subsequently incorporated at the detailed design stage.

Remedial works and surface water infrastructure improvements may be identified in the immediate vicinity of the development to facilitate surface water discharge from the proposed development site.

Paragraph 165 of the National Planning Policy Framework outlines how flood risk management bodies should seek to manage flood risk through using opportunities offered by new development to reduce the causes and impacts of flooding, taking the predicted effects of climate change into account.

As LLFA, KCC will endeavour to ensure that this principle is applied across the County. Where a developer's Drainage Strategy has identified that there are existing flood risks affecting a site or its surroundings, there would be an expectation that the developer manages the identified risk appropriately to ensure that there are no on or off site impacts as a result of any development. Similarly, where there are opportunities to reduce the off-site flood risk through carefully considered on-site surface water management, we will encourage developers to explore these fully.

Avoiding areas of flood risk

All development should be preferentially located in the areas of lowest flood risk, irrespective of the source of flooding. At the earliest stages of masterplanning, an appropriate flood risk or drainage impact assessment should be undertaken to ensure that any vulnerable forms of development are located outside Flood Zones 2 or 3 and/or those areas identified as being at medium to high risk of surface water flooding. The Environment Agency's Flood Map for Planning and Long-Term Flood Risk pages should be referred to for this information.

Residential buildings should in the first instance not be located within any area indicated to be at high risk²¹ from surface water flooding, according to the Long Term Flood Risk²² maps or any local flood maps.

If development is unavoidable within a surface water flood risk or flow route, then the land use should be water compatible; designed and constructed to be flood resilient; having consideration of the estimated flow depths and be designed accordingly.

²⁰ www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/owning-and-maintaining-a-watercourse

²¹ High risk means that each year an area has a chance of flooding of greater than 3.3% (i.e equates to 1 in 30-year risk of flooding), with flood depths over 900mm and velocities over 0.25 m/s.

²² <https://flood-warning-information.service.gov.uk/long-term-flood-risk>

Remedial works and infrastructure improvements

Local flood risk “hot spots” may be known to KCC or the local council in the vicinity of the proposed development. If the receiving system is in a poor condition and unable to convey flow effectively, remedial works may be required prior to connection or discharge to the system.

A condition survey of the outfall location and of the receiving system may be required to confirm connectivity and capacity along with any potential works required to ensure discharge can occur without impedance.

Dependent upon ownership and responsibilities, these works may be recognised as part of the development description for the proposed development as would occur for any infrastructure improvement to accommodate strategic growth, new connections and new local development.

5.2.5 SuDS Policy 5: Drainage Sustainability and Resilience

The design of the drainage system must account for the likely impacts of climate change and changes in impermeable area over the design life of the development. Appropriate allowances should be applied in each case.

A sustainable drainage approach which considers control of surface runoff at the surface and at source is preferred and should be considered prior to other design solutions.

Drainage infrastructure normally has a defined design life. This varies depending upon the nature of the system's components. The drainage must be designed to function properly to protect the development and downstream from flooding over this timeframe. This includes accommodating predictable changes, including climate change and urbanisation.

Climate Change

In 2016, the Environment Agency published new guidance on how to use climate change allowances in flood risk assessments. The guidance can be found at: www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

KCC require that the drainage design accommodates the 1 in 100 year storm with a 20% allowance for climate change, with an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%.

This analysis must determine if the impacts of the 40% allowance are significant and lead to any unacceptable flood risks (it is not normally expected that the site would not flood in this scenario, only that if this storm were to occur the impacts would be minimal i.e no flooding of property or sensitive infrastructure and no flooding leaves the site). The design may need to be modified to avoid any unacceptable risks, but may also need additional mitigation allowances, for example a higher freeboard on attenuation features or provision of exceedance routes. This will tie into designing for exceedance principles.

Sustainability

Design of drainage systems utilising a sustainable drainage design approach and reducing reliance on below ground systems in pipes and tanks, provides greater visibility for maintenance as well as many other benefits. Sustainable measures which control flow rates near to the source and which maximise natural losses through infiltration and evaporation are preferred. Operation of surface systems is also more easily observed.

Urban Creep

To take account of possible future conversion of permeable surfaces to impermeable over time (e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas). Consideration of urban creep should be assessed for residential developments.

An allowance for the increase of impermeable area from urban creep must be included in the design of the drainage system. The allowances set out in Table 3 must be applied to the impermeable area within the property curtilage according to the proposed dwelling density.

Table 3: impermeable area allowances for urban creep

Residential development density(Dwellings per hectare) (% of impermeable area)	Change allowance
≤ 25	10
30	8
35	6
45	4
≥ 50	2
Flats & Apartments	0

5.2.6 SuDS Policy 6: Sustainable Maintenance

Any proposed drainage schemes must be designed to be maintainable to ensure that the drainage system continues to operate as designed and must be accompanied with a defined maintenance plan.

The drainage system must be designed to take account of the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work. Without maintenance, the function of drainage systems may alter. Increased leaf litter, sediments and colonisation of vegetation may clog drainage measures or impact the characteristics of operational controls.

Design to be maintainable

The drainage strategy must demonstrate that adequate access is available and practicable for personnel and equipment either through an appropriate layout or legal agreement to provide agreed access arrangements in perpetuity. Consideration should also be given to the Construction Design and Management regulations for health and safety purposes.

Wherever possible, it is preferable that drainage schemes should be designed at the surface to allow easy inspection and maintenance. Drainage maintenance can usually be incorporated as part of a typical landscape maintenance specification.

KCC recommends that shared drainage measures or drainage measures serving the wider development are located within common land or public open space to facilitate easy access and maintenance. Drainage measures which serve more than one property should not be located within back gardens or other private areas.

If the proposed development incorporates existing field ditches or ordinary watercourses, we would normally require a minimum setback of 5 m to 8 m (depending upon the location, and whether the ditch/watercourse falls within an IDB regulated area). This will allow the safe access and operation of any tracked machinery that may be required to undertake any maintenance works to the banks or channels, and provides a reasonable buffer for any flora and fauna within the watercourse.

We would generally recommend that new development is designed to facilitate the maintenance of existing watercourses, with roads or walkways being provided alongside at least one bank for access. Closed fence-lines to the rear of properties bordering a watercourse should be avoided owing to the maintenance difficulties and the potential for the inappropriate depositing of material beyond property boundaries.

With surface water drainage systems, a careful balance must be struck over the creation of habitats. The encouragement of certain protected species or creation of protected habitats may conflict with the regular maintenance works essential to ensuring long term functionality of the drainage measures. An awareness of any biodiversity objectives or site wide strategic ecological management plan should be considered as part of a maintenance plan for the drainage measures, specifically timing of vegetation cuts and silt removal to ensure no conflict with nesting birds or specific life stages of biota.

Where, in particular circumstances, underground techniques are used, more extensive inspection processes will be necessary, for example where longer pipe runs are used, CCTV surveys may be required. All inlet, outlet and control structures must be indicated and known to the appropriate adopting authority to be protected from blockage and located near the surface, to allow for easy management during routine maintenance visits.

Maintenance Plan

An operation and/or maintenance plan should be provided which indicates a schedule and time of activities, as well as critical controls or components of the drainage scheme. This plan should include an indication of the roles and responsibilities for each authority or organisation which may have a responsibility for maintenance activities. Any inter-connectivity with or reliance upon other drainage systems should be indicated.

KCC may work with LPAs to ensure that the drainage schemes associated with large, strategic, potentially problematic or sensitive sites have been established and are able to function in accordance with the approved plans and specifications.

Information on maintenance requirements will be required in early stages of planning submissions to demonstrate that adequate access is provided.

Verification report

KCC may also require the submission of a Verification Report after development completion (Appendix D). This report will demonstrate that the constructed drainage system operates as approved; will include the identification of "critical drainage assets"; and, will outline specific maintenance requirements and obligations for each drainage measure.

As LLFA, KCC has a duty to maintain a register of structures or features which are likely to have a significant effect on flood risk. Drainage schemes within new developments may include structures or features that will be required to be included within the register. Critical drainage assets which are not adopted by others will be recorded.

5.2.7 SuDS Policy 7: Safeguard Water Quality

When designing a surface water management scheme, full consideration must be given to the system's capacity to remove pollutants and to the cleanliness of the water being discharged from the site, irrespective of the receiving system.

Interception of small rainfall events should be incorporated into the design of the drainage system.

Paragraph 170 (e) of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to (or being put at unacceptable risk from) unacceptable levels of water pollution or land instability. Development should whenever possible help improve local environmental conditions.

Additionally, the Water Framework Directive has been established to improve and integrate the way water bodies are managed throughout Europe. It provides a legal framework to protect and restore clean water throughout Europe to ensure its long-term sustainable use. In particular it will help deal with diffuse pollution which remains a big issue following improvements to most point source discharges.

The design of any drainage proposal should therefore ensure that surface water discharges do not adversely impact the water quality of receiving water bodies, both during construction and when operational. Sustainable drainage design principles have the potential to reduce the risk of pollution, particularly through managing the surface water runoff close to the source and on the surface. Below grade pipes and tanks which are efficient for drainage purposes may not provide appropriate water quality treatment.

The CIRIA SuDS Manual describes a methodology for determining the hazard posed by land use activities (refer to Chapter 26 of the CIRIA SuDs Manual). A simple index approach enables an assessment of the pollution hazard and value of mitigation provided by the sustainable drainage measure. This assessment will be required for all applications.

Runoff from small rainfall events can pose a particular problem for water quality. The 'first flush' of runoff contains the initial high concentration load of pollutants that has built-up on surfaces during the preceding dry period. It is possible to get a high initial pollution concentration for relatively small rainfall events.

Rainfall events that are less than or equal to 5mm in depth also comprise more than half of the rainfall events that took place. The volume of runoff from these small events therefore can cumulatively contribute significantly to total pollutant loadings from the site over a specified period of time. Interception of an initial rainfall depth of 5mm for all rainfall events would mimic greenfield response characteristics in that runoff from small rainfall events do not generally produce any run-off.

KCC would expect that developers demonstrate that the first 5mm of any rainfall event can be accommodated and disposed of on-site, rather than being discharged to any receiving watercourse or surface water sewer. This can easily be achieved through the inclusion of sustainable drainage measures such as infiltration systems, rain gardens, bioretention systems, swales, and permeable pavement.

Where it proves exceptionally difficult to achieve this principle, it must be demonstrated that any water leaving the site has been appropriately treated to remove any potential pollutants.

When discharging to the ground, ground conditions and protection of any source protection zones should be confirmed.

Discharge to ground shall only occur within clean, competent, natural and uncontaminated ground and information should be provided to demonstrate that a sufficient unsaturated zone has been provided above the highest occurring groundwater level. Advice may need to be sought from the EA Groundwater team in relation to these matters, particularly in SPZ 1 and may require specific mitigation. Infiltration into Made Ground will not be accepted.

Construction Management Plan

The management and control of erosion and sediment should be considered throughout design and construction, operation and maintenance to ensure that no impact to offsite watercourses occurs.

Sedimentation can cause the loss of aquatic habitat, decreased fishery resources and can lead to increased flooding due to reduction in hydraulic capacity of the watercourse.

A Construction Management Plan will be required to demonstrate that erosion and sediment controls are adequately planned to protect water quality in receiving water environments. Any sites within a sensitive receiving catchment may require additional information. Situations in which this is a consideration will be confirmed through coordination with KCC's Biodiversity team and the Environment Agency.

5.2.8 SuDS Policy 8: Design for Amenity and Multi-Functionality

Drainage design must consider opportunities for inclusion of amenity and multi-functionality objectives and thus provide multi-functional use of open space with appropriate design for drainage measures within the public realm.

Local environmental objectives may identify other benefits which can be agreed to be delivered through appropriate design of the drainage system.

Amenity and Open Space

Where land performs a range of functions it affords a far greater range of social, environmental and economic benefits than might otherwise be delivered (Landscape Institute Position Statement, Green Infrastructure). Open spaces are often multifunctional, fulfilling several different valuable roles; for example, in the main they may be for recreational use, but they may also provide valuable wildlife habitat, an attractive landscape, paths for walking and cycling and space for community events.

Well-designed, open, sustainable drainage measures may also provide this degree of opportunity, optimising all of these functions in a way which fits with the surrounding landscape. For example, park areas which can be used as temporary flood storage during heavy rainfall events, and wetlands being used to deliver amenity value and habitat as well as water treatment. The aim should be to create networks of high quality open space which adapt for attenuation of surface water, sports and play and enhancement of biodiversity.

The integration of sustainable drainage measures into open spaces can introduce open water and variable ground surfaces into the public realm with associated risks of: drowning; slips, trips and falls; waterborne disease; and bird strike if near airports. The majority of potential risks can be assessed and removed through good site design. Reference should be made to best practice for appropriate design is provided in CIRIA's 'SuDS Manual'.

Multi-functional Design Benefits

Multi-functional design may also deliver other benefits as summarised in Table 4 (BS 8582 Code of Practice for Surface Water Management for Development Sites). New evaluation tools (B&EST Benefits Estimation Tool, CIRIA) may enable a full accounting of benefits to demonstrate economies and efficiencies to including specific design elements within the drainage provision. Simple elements such as inclusion of trees, or rain gardens within kerb build-outs may deliver other priorities being sought by the local authority.

Table 4: Multi functional surface water management design (Source: BS 8582:2013)

Infrastructure objective	Multi-functional surface water management system design and associated environmental value
1. Recreational opportunities	<ul style="list-style-type: none"> • Subsurface attenuation storage systems can be sited below permeable surfaces used for recreation • Infrequently flooded detention zones can also serve as recreational/amenity areas • Vegetated conveyance and/or storage systems can be designed to promote education, play and amenity value • Intensive green roofs can provide amenity landscape in dense urban settings • Surface water management components can be integrated with sustainable transport corridors (e.g. cycle routes) to maximize benefits
2. Water resources conservation	<ul style="list-style-type: none"> • Surface water run-off from roofs and uncontaminated paved surfaces, can be captured and stored for use • Rainwater harvesting systems can be designed to deliver surface water management benefits in addition to water supply (see BS 8515)
3. Habitats/ biodiversity enhancement	<ul style="list-style-type: none"> • Vegetated surface water management components, which store or convey water either temporarily or permanently, can often deliver locally important habitat • Such areas can contribute to urban “corridors” and “networks” of green (vegetated) and blue (water) spaces that support the movement of species
4. Traffic management	<ul style="list-style-type: none"> • Appropriately designed roads can provide, during times of extreme rainfall, short-term effective management of flood waters, either for conveyance or storage • Local road surfaces and pavements can often be designed to be pervious and allow run-off to infiltrate into the sub-base • Bioretention/biofilter zones can be integrated within pavement design to provide both traffic calming and stormwater management units • Vegetated swales running alongside roads can be designed to treat and control road run-off • Tree pits can be included to intercept run-off (with additional subsurface storage included within or adjacent to the pit)

5. Car parking	<ul style="list-style-type: none"> • Where the car parking surface is designed to be pervious, surface water can be stored and treated within the sub-base, prior to either controlled discharge, infiltration to the ground, or use. • Car parks can store additional volumes of floodwater above the surface during extreme events. • Vegetated strips, swales, bioretention systems and basins can be designed adjacent to the car park to treat and control run-off
6. Public education/ awareness	<ul style="list-style-type: none"> • Local community engagement strategies can deliver: • an understanding of the functionality and environmental importance of the surface water management system in mitigating human impacts • a commitment towards contributing to the management of the drainage components • an understanding of the health and safety risk management strategy for the site in relation to surface water • ideas as to how the system could be used to promote children's education strategies and increased local amenity benefits
7. Air temperature / urban heat island mitigation	<ul style="list-style-type: none"> • Urban cooling can be promoted via the return of moisture to the air through evaporation and evapotranspiration from vegetated surface water management features • Direct cooling can be provided by trees integrated within the surface water management system providing shade • Green roofs and vegetative surfaces reflect more sunlight and absorb less heat
8. Reduced energy use	<ul style="list-style-type: none"> • Green roofs provide good building insulation
9. Air quality improvement	<ul style="list-style-type: none"> • Trees, larger shrubs and vegetated surfaces used as part of the surface water management strategy can filter out airborne pollutants
10. Landscape character	<ul style="list-style-type: none"> • Well designed and integrated SuDS features can enhance aesthetic appeal and local landscape and townscape character and distinctiveness
11. Health benefits	<ul style="list-style-type: none"> • Green and blue space within developments promotes health benefits linked to increased outdoor recreation and a feeling of well-being

5.2.9 SuDS Policy 9: Enhance Biodiversity

Drainage design must consider opportunities for biodiversity enhancement, through provision of appropriately designed surface systems, consideration of connectivity to adjacent water bodies or natural habitats, and appropriate planting specification.

Biodiversity is defined as the variety of life on Earth; designing to protect and enhance biodiversity is therefore essential. As a direct result of human activity, the rate of species extinction over the last 200 years is far higher than in any period of the preceding 65 million years²³. In the UK, freshwater ecosystems are at the most risk and populations of key species have declined significantly.

The NPPF requires that Local Planning Authorities set out a strategic approach to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (NPPF para 171). Maximising the ecological value of drainage systems is consistent with national and local policies which aim to conserve and enhance biodiversity. This is underpinned by a variety of legislation including the biodiversity 'duty' for public bodies which is enshrined in the Natural Environment and Rural Communities (NERC) Act 2006.

Working with the landscape to provide drainage may promote other opportunities with greater benefits for biodiversity but also provide greater attractiveness. The linear nature of many SuDS features can help create green corridors through developments; these are important for wildlife and ensure that the associated development is connected with its surrounding environment.

KCCs 'SuDS and Biodiversity' project (2014) has demonstrated that drainage schemes within residential areas contribute to the biodiversity of the local area and provide important habitats for animals and plants that would otherwise be absent. In some cases invertebrate species of significant nature conservation value have been found.

A number of key factors were identified to strongly influence the biodiversity value of the sustainable drainage features. These included:

- connectivity with other waterbodies and habitats,
- planting assemblage and cover,
- waterbody design,
- retained water,
- fish/wild fowl presence, and
- water quality.

When assessing drainage design, particularly surface systems, it is important to consider the drainage scheme in the context of the surrounding landscape character area. Effective integration will also require carefully researched and selected plants, which work to improve the local green infrastructure.

The design of any drainage scheme can provide an opportunity for increasing biodiversity value by including surface vegetated systems with some retained water and through ensuring appropriate edge treatments and gradients. Review of engineering design by an ecologist may identify simple improvements in pond design and planting specification that would maximise the biodiversity potential.

Glossary

Aquifer	A source of groundwater comprising water-bearing rock, sand or gravel capable of yielding significant quantities of water.
Adopting authority	General term utilized in this guidance and relates to the authority that will ultimately manage the proposed drainage system
Attenuation	Attenuation is the process of water retention on site and slowly releasing it in a controlled discharge to a surface water or combined drain or watercourse. The amount of discharge will vary depending whether it is a brown or greenfield site. For brownfield sites the developer must determine the likely run off and agree an acceptable discharge with the LLFA, environment agency or water authority.
Brownfield site	Any land or site that has been previously developed.
Catchment	The area contributing surface water flow to a point on a drainage or river system.
CIRIA	Construction Industry Research and Information Association. www.ciria.org
Climate change	Long-term variations in global temperature and weather patterns both natural and as a result of human activity (anthropogenic) such as greenhouse gas emissions
Culvert	A structure which fully contains a watercourse as it passes through an embankment or below ground.
Development	The undertaking of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land.
EA	Environment Agency. Government Agency responsible for flooding issues from main river, and strategic overview of flooding.
Flood event	A flooding incident usually in response to severe weather or a combination of flood generating characteristics.
Flood risk	The combination of the flood probability and the magnitude of the potential consequences of the flood event.
Flood Risk Assessment	An appraisal of the flood risks that may affect development or increase flood risk elsewhere
Flood Zones	Flood Zones provide a general indication of flood risk, mainly used for spatial planning.

Floodplain	An area of land that would naturally flood from a watercourse, an estuary or the sea.
Freeboard	A vertical distance that allows for a margin of safety to account for uncertainties.
Flood and Water Management Act	The Flood and Water Management Act clarifies the legislative framework for managing surface water flood risk in England.
Flow control device	A device used to manage the movement of surface water into and out of an attenuation facility.
Geocellular storage systems	Modular plastic systems with a high void ratio, typically placed below ground which allow for storage of storm water to infiltrate or discharge to another system.
Gravity drainage	Drainage which runs through pipework installed to a fall, and not therefore under pressure.
Greenfield	Undeveloped land.
Greenfield runoff rate	The rate of runoff which would occur from a site that was undeveloped and undisturbed.
Groundwater	Water that exists beneath the ground in underground aquifers and streams.
Groundwater flooding	Flooding caused by groundwater rising and escaping due to sustained periods of higher than average rainfall (years) or a reduction in abstraction for water supply.
Highway Authority	Body responsible for the management and maintenance of public roads
Impermeable	Will not allow water to pass through it.
Impermeable surface	An artificial non-porous surface that generates a surface water runoff after rainfall.
Infiltration	Infiltration or soakaway is the temporary storage of water to allow it to naturally soak away into the ground. Because water soaks into the ground gradually, reduces the risk of flooding downstream. Infiltration may be used where there is no surface water sewer or where existing systems are at full capacity. Infiltration helps to recharge natural ground water levels.

Internal Drainage Board (IDB)	<p>An internal drainage board (IDB) is a public body that manages water levels in an area, known as an internal drainage district, where there is a special need for drainage. IDBs undertake works to reduce flood risk to people and property, and manage water levels for agricultural and environmental needs within their district. There are six IDBs in Kent:</p> <p>The River Stour Upper Medway Lower Medway Romney Marshes Area North Kent Marshes</p>
Lead Local Flood Authority	<p>Under the terms of the Flood and Water Management Act 2010, LLFAs are responsible for developing, maintaining and applying a strategy for local flood risk management in their areas and for maintaining a register of flood risk assets. They also have lead responsibility for managing the risk of flooding from surface water, groundwater and ordinary watercourses. Kent County Council are the LLFA within Kent.</p>
Local Flood Risk Management Strategy	<p>Strategy outlining the Lead Local Flood Authority's approach to local flood risk management as well as recording how this approach has been developed and agreed.</p>
Main River	<p>A watercourse designated on a statutory map of Main rivers, maintained by Department for Environment, Food and Rural Affairs (Defra).</p>
Mitigation measure	<p>A generic term used in this guide to refer to an element of development design which may be used to manage flood risk to the development, or to avoid an increase in flood risk elsewhere.</p>
National Planning Policy Framework	<p>Framework setting out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.</p>
Overland Flow	<p>Flooding caused by surface water runoff when rainfall intensity exceeds the infiltration capacity of the ground, or when the soil is so saturated that it cannot accept any more water.</p>
Permeability	<p>A measure of the ease with which a fluid can flow through a porous medium. It depends on the physical properties of the medium.</p>

Pitt Review	An independent review of the 2007 summer floods by Sir Michael Pitt, which provided recommendations to improve flood risk management in England.
Rainwater harvesting	Collection and Re-use or recycling of rainwater for the purpose of garden irrigation, car washing, toilet flushing etc.
Runoff	Water flow over the ground surface to the drainage system. This occurs if the ground is impermeable, is saturated or if rainfall is particularly intense.
Source Protection Zone	Defined areas showing the risk of contamination to selected groundwater sources used for public drinking water supply.
Strategic Flood Risk Assessment	A study to examine flood risk issues on a sub-regional scale, typically for a river catchment or local authority area during the preparation of a development plan.
Surface water flooding	Flooding caused by the combination of pluvial flooding, sewer flooding, flooding from open channels and culverted urban watercourses and overland flows from groundwater springs
Surface Water Management Plan	A study undertaken in consultation with key local partners to understand the causes and effects of surface water flooding and agree the most cost effective way of managing surface water flood risk for the long term.
SUDS	Sustainable (urban) drainage systems. A sequence of management practices and control structures that are designed to drain surface water in a more sustainable manner.
Watercourse	A term including all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices and passages through which water flows.

Appendix A. National Planning Policy Framework (Extract)

155	Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
157	<p>All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:</p> <ul style="list-style-type: none"> a) applying the sequential test and then, if necessary, the exception test as set out below; b) safeguarding land from development that is required, or likely to be required, for current or future flood management; c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
163	<p>When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁰. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</p> <ul style="list-style-type: none"> a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
165	<p>Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:</p> <ul style="list-style-type: none"> a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

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Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Appendix B. Non-Statutory Technical Standards for Sustainable Drainage

Flood risk outside the development

S1 Where the drainage system discharges to a surface water body that can accommodate uncontrolled surface water discharges without any impact on flood risk from that surface water body (e.g. the sea or a large estuary) the peak flow control standards (S2 and S3 below) and volume control technical standards (S4 and S6 below) need not apply.

Peak flow control

S2 For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

S3 For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.

Volume control

S4 Where reasonably practicable, for greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.

S5 Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.

S6 Where it is not reasonably practicable to constrain the volume of runoff to any drain, sewer or surface water body in accordance with S4 or S5 above, the runoff volume must be discharged at a rate that does not adversely affect flood risk.

Flood risk within the development

S7 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event.

S8 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

S9 The design of the site must ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

Structural Integrity

S10 Components must be designed to ensure structural integrity of the drainage system and any adjacent structures or infrastructure under anticipated loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance.

S11 The materials, including products, components, fittings or naturally occurring materials, which are specified by the designer must be of a suitable nature and quality for their intended use.

Designing for maintenance considerations

S12 Pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity.

Construction

S13 The mode of construction of any communication with an existing sewer or drainage system just be such that the making of the communication would not be prejudicial to the structural integrity and functionality of the sewerage or drainage system.

S14 Damage to the drainage system resulting from associated construction activities must be minimised and must be rectified before the drainage system is considered to be completed.

Appendix C. Drainage Strategy Summary



1. Site details	
Site/development name	
Address including post code	
Grid reference	E N
LPA reference	
Type of application	Outline <input type="checkbox"/> Full <input type="checkbox"/> Discharge of Conditions <input type="checkbox"/> Other <input type="checkbox"/>
Site condition	Greenfield <input type="checkbox"/> Brownfield <input type="checkbox"/>

2. Existing drainage		Document/Plan where information is stated:
Total site area (ha)		
Impermeable area (ha)		
Final discharge location	Infiltration <input type="checkbox"/>	
	Watercourse <input type="checkbox"/>	
	Sewer <input type="checkbox"/>	
	Tidal reach/sea <input type="checkbox"/>	
Greenfield discharge rate (l/s) for existing site area	QBAR (l/s)	
	1 in 1 year (l/s)	
	1 in 30 year (l/s)	
	1 in 100 year (l/s)	
3. Proposed drainage areas		Document/Plan where information is stated:
Impermeable area (ha)	Roof	
	Highway/road	
	Other paved areas	
	Total	
Permeable area (ha)	Open space	
	Other permeable areas	
	Total	
Final discharge location	Infiltration <input type="checkbox"/>	
	Infiltration rate _____ m/s	
	Watercourse <input type="checkbox"/>	
	Sewer <input type="checkbox"/>	
	Tidal reach/sea <input type="checkbox"/>	
Climate change allowance included in design	20% <input type="checkbox"/> 30% <input type="checkbox"/> 40% <input type="checkbox"/>	

4. Post-Development Discharge rates, without mitigation		Document/Plan where information is stated:	
Developed discharge rates (l/s)	1 in 1 year		
	1 in 30 year		
	1 in 100 year		
	1 in 100 year + CC		
5. Post-Development Discharge rates, with mitigation		Document/Plan where information is stated:	
Describe development drainage strategy in general terms:			
(a) No control required, all flows infiltrating <input type="checkbox"/>			
(b) Controlled developed discharge rates (l/s)	1 in 1 year		
	1 in 30 year		
	1 in 100 year		
	1 in 100 year + CC		
6. Discharge Volumes		Document/Plan where information is stated:	
	Existing volume (m ³)	Proposed volume (m ³)	
1 in 1 year			
1 in 30 year			
1 in 100 year			
1 in 100 year + CC			

All information presented above should be contained within the attached Flood Risk Assessment, Drainage Strategy or Statement and be substantiated through plans and appropriate calculations.

Form completed by	
Qualifications	
Company	
Telephone	
Email	
On behalf of (client's details)	
Date	

Appendix D. Drainage Asset Record Sheet for Verification Report

IDENTIFICATION	Type of Structure or Feature	
	Location Name	
	Drawing Identifier	
MANAGEMENT/ OWNERSHIP	Owners Name / Company	
	Address of owner	
	Owners Contact Number	
	Maintained By	
	Adoption proposed	<input type="checkbox"/> YES <input type="checkbox"/> NO
	Name of Adopting Authority	
	Estimated Date of Adoption	
ASSET DETAILS	National Grid Reference (NGR)	
	Cover Level	
	Invert Level	
	Max volume	
	Height	
	Diameter/Width	
	Length	
	Depth	
	Designed Flow Rate	
	Any Additional Uses	

Policy / Paragraph	Commentary
2. BOROUGH STRATEGY & OBJECTIVES	
Strategic Objectives	<p>The County Council continues to be supportive of the Local Plan’s growth strategy, which looks to deliver a sustainable future for Dartford by focusing growth through the delivery of large-scale, strategic mixed-use developments at Ebbsfleet Garden City and in central Dartford. The County Council welcomes the incorporation of strategic policies to set out the role of infrastructure in the delivery of sustainable new communities. This will help ensure that planned residential and commercial growth will be of high quality and delivered in a way that will help to create the places people want to live now and in the future. Taking an “Infrastructure First” approach is advocated by the County Council and is also embedded in the Kent and Medway Infrastructure Proposition, a proposed deal with Government for new infrastructure investment that will enable accelerated housing delivery, which is focussed on building the right homes in the right places and providing the public services, transport infrastructure, jobs and homes that residents will need, now and in the future.</p> <p>The County Council welcomes the amendments made to policies throughout the document, in response to its comments submitted under the previous Regulation 19 consultation and will continue to work closely with Dartford Borough Council as the Local Plan is progressed and as high levels of growth continue to be delivered in the Borough. Commitment to close collaboration between key partners will be essential to ensure that growth is planned, funded and delivered in a timely manner and will help to ensure that full infrastructure funding is available to enable the delivery of the necessary infrastructure to support new development at the right time.</p> <p>Highways and Transportation: KCC supports the Local Plan objectives to create cohesive, safe, walkable and attractive neighbourhoods, reducing the need to travel, upgrading the transport network to provide a choice of travel options including reliable and rapid public transport to key destinations and enhancing green grid networks.</p> <p>Public Rights of Way (PRoW): The Plan’s emphasis on enhancing walking and cycling opportunities within the Borough, particularly for access to services and commuting, is welcomed. It identifies residents presently commute on foot or bicycle less than the average for the South East (paragraph 1.18). Predicated on a growing Borough population (paragraph 1.34) and also recognising the legal requirement for net zero greenhouse gas emissions (e.g. paragraph 2.40), it is understandable the Plan seeks to encourage more active travel within the Borough. The Plan should make reference to the current Rights of Way Improvement Plan (ROWIP), a statutory policy document for PRoW, as the Local Plan and ROWIP are complementary in seeking active travel improvements for the benefit of residents and visitors.</p> <p>Waste Management: Under ‘objectives for infrastructure and economic investment’, the County Council has previously set out its comments in respect of waste in previous Local Plan consultations. Under ‘objectives for infrastructure and economic investment’, the County Council again recommends the following objective is included:</p> <p><i>15: Provision of a sustainable waste management service by ensuring facilities are re-developed to meet the obvious increased demands of the additional residents at the Household Waste and Recycling Centres (HWRCs). A new dedicated Waste Transfer Station facility for the Borough to meet the demands from housing growth and to also support the statutory increases in recycling through collection from the Borough’s kerbside collection service.</i></p>
Borough Spatial Strategy (S1)	<p>Highways and Transportation: KCC supports the proposal for mixed use development to reduce the need to travel, and to direct development towards sites with existing/improved/new access by public transport, walking and cycling. Development on brownfield sites should also have access to sustainable travel.</p> <p>The Bus Strategy 'Bus Back Better' (2021) states that bus rapid transit (BRT) can be a 'game-changer for bus networks' and is able to 'deliver a large proportion of the benefits of rail-based schemes at much lower cost.' (P66). In line with the Government’s bus strategy, buses need to have greater priority on urban roads and this should be set out in the Local Plan. Bus gates should be provided where possible to reduce travel times and services should run during the day, evening and night, to offer a real choice of mode. Local junctions should be upgraded to give bus priority measures. High quality bus stops will be required on new routes and consideration must be given to cycle parking, to enable a seamless transition between modes. The success that the free bus tickets given to residents at The Bridge development has had on passenger levels should be recognised and built upon and further financial incentives for new residents / employees are likely to be requested in section 106 agreements. It is requested this approach is supported by the Borough Council.</p> <p>Public Rights of Way (PRoW): It is encouraging to note the Local Plan places considerable emphasis throughout on walking and cycling access, particularly within its Vision (paragraph 1.35) and Strategic Objectives (paragraph 2.2). The Vision and Strategic Objectives do not recognise other users of PRoW, notably horse riders. This is a popular activity for many and a considerable contributor to a local economy; re-wording to specifically reference PRoW would ensure regard to all.</p> <p>The Local Plan omits mention of the England Coast Path, which is a new National Trail, promoted at national level, aligned along the Borough's coastline. The Path will be heavily promoted and is expected to be a popular future destination for residents and visitors. The Borough Council is requested to support the new National Trail, to ensure it is incorporated positively within future developments and to deliver accessible and convenient 'feeder' paths. This will enable residents and visitors to enjoy the Borough's interesting landscapes and green spaces.</p> <p>Provision and delivery of County Council Community Services: The approach continues to be supported, provided that there is adequate provision for the improvement of KCC social and community services to meet the needs generated by the planned development through the expansion of existing services and facilities or delivery of increased capacity.</p> <p>Waste Management: The County Council would highlight that adequate waste infrastructure is an essential part of sustainable growth. The Pepperhill Waste Transfer Station (WTS) that serves Dartford and Gravesham is now at capacity, with alternative arrangements for dry recycle collected within Dartford having to be made to enable waste to be disposed of in a timely manner. Waste management needs must be catered for in the delivery of sustainable development. Under 'Urban Area Principles', the County Council requests the following amendment:</p> <p><i>“b) Provision of infrastructure, including for education, dedicated waste disposal and health facilities, and improvements to walking and cycling links, railway stations and the bus/ Fastrack networks”.</i></p>

Policy / Paragraph	Commentary
	<p>Biodiversity: Policy S1 that “5. Designated sites of biodiversity value will be protected, and improvement of ecological sites and networks maximised.” There is currently a consultation on Local Nature Recovery Strategies (LNRS) https://consult.defra.gov.uk/land-use/local-nature-recovery-strategies/ and so any ecological networks should be linking in to the LNRS. Ideally, the policy should be referencing that as well.</p> <p>Public Health: KCC is strongly supportive of the theme throughout the Dartford Local Plan around improving health and wellbeing and reducing health inequalities. There are a number of areas which need to be considered further to ensure these priorities become reality through local plan making in Dartford. One area which needs to be further considered and therefore reflected in the Local Plan is how health inequalities can be reduced through local plan making. To do this, an understanding of the definition of what health inequalities are is important, so that this can be tackled and practically reflected in policy. Health inequalities are avoidable and unfair differences between groups of people or communities. Factors commonly understood to contribute towards health inequalities in relation to place shaping include socio-economic status, deprivation, unemployment, poor housing, educational attainment, population composition, the built and natural environment, levels of social connectedness and features of specific geographies such as urban, rural and coastal.</p> <p>Whilst the Dartford Local Plan repeatedly has a theme of improving health and wellbeing through various interventions (such as reducing the need to travel by private vehicles, retaining and providing community facilities and open space), there does not appear to be consideration of how to understand the avoidable and unfair differences between groups of people or communities within Dartford and how new development could practically reduce these differences and therefore reduce health inequalities. Reducing inequalities will support improving the health of all residents and is of particular importance due to an over eleven-year difference in life expectancy at birth for both males and females between the most deprived and least deprived wards in Dartford (which is a bigger difference than reported in Appendix B of the Sustainability Appraisal).</p> <p>In relation to new developments for example, it is important to consider whether the affordable and social housing has equitable access to community facilities, green spaces and amenities as the rest of housing, which is likely to mean there will need to be a greater focus on improving access from these properties to promote reduction in health inequalities. Furthermore, it is important to understand the impact of new development on surrounding existing communities. For example, Ebbsfleet is likely to be a less deprived area than many of those existing communities which surround it (such as Swanscombe) and that even though the new development will have new amenities and facilities close to existing communities, they still may not benefit from these even if access is perceived to be improved. Therefore inequalities will likely widen. Whilst policy E1 references the differences between the two communities, this could be more explicit in what that means in terms of tackling these differences.</p> <p>In addition to the important public health issues raised, paragraph 1.23 provides a further opportunity to raise the profile of the health inequalities in the borough and in particular the differences between communities in Dartford. Improving health and wellbeing is a strong theme within paragraph 1.23. However, reducing health inequalities could also be included within the Objectives, as it has been highlighted as a key issue within the Sustainability Appraisal.</p>
<p>Infrastructure Planning Strategy (S2)</p>	<p>The County Council advocates an “Infrastructure First” approach to development, ensuring that well designed infrastructure is funded and delivered in a timely manner to support sustainable growth. The County Council therefore welcomes the inclusion of text that states that that infrastructure must be “front loaded and provided early on in regenerating areas” (paragraph 2.19) and that “infrastructure needs and growth will be regularly reviewed to ensure a flow of sufficient facilities are secured in appropriate locations” Policy S2: Part 2).</p> <p>The County Council welcomes continued involvement in the Infrastructure Delivery Plan (IDP) and the allocation of CIL funding. This approach allows any new necessary infrastructure identified to be included within the IDP. Where new infrastructure is required specifically to meet the need generated by development, the County Council prefers to secure any land necessary and contributions towards the cost of construction through the imposition of a Section 106 Agreement or planning obligation and would strongly request that this mechanism is used, particularly for larger sites.</p> <p>The County Council would welcome continued engagement with the Borough Council to ensure the balanced delivery of infrastructure to meet growth needs within the Borough and to ensure that sites provide and fund the appropriate infrastructure.</p> <p>Highways and Transportation: It is understood that due to current uncertainties associated with the pandemic, the financial viability of development sites is coming into question and there is concern as to whether appropriate highway infrastructure can be secured. KCC requests continued engagement with the Borough Council to ensure that any highway related impact can be appropriately mitigated via CIL contributions and other mechanisms.</p> <p>Paragraph 2.34 - KCC supports the proposal to seek measures to secure major modal shift to sustainable modes, as this will reduce the impact on the local highway network.</p> <p>Paragraph 2.37 - the need for major improvements to the railway stations in the Borough is supported and KCC agrees with paragraph 5.141 that sites “located near to railway stations will be expected to support/ contribute to station upgrades including measures to improve interchange arrangements and passenger facilities”.</p> <p>Paragraph 2.38 - KCC supports the requirement for major improvements to the wider Fastrack route, expansion of the Fastrack services and priority measures at strategic junctions. KCC also welcomes the statement at paragraph 5.156 that “Particular attention should be paid to ensuring that major new residential and employment developments are directly served by Fastrack, preferably by a dedicated route, or, where this is not possible, that improved provision is made to conventional bus service”. Dedicated Fastrack corridors are required in order to reduce journey times, delays and increase the attractiveness of the services which should in turn increase passenger numbers and contribute positively to Dartford’s sustainable aims.</p>

Policy / Paragraph	Commentary
	<p>Policy S2 - in respect of transport, KCC supports the policy to locate developments in areas which are “<i>well-served by public transport, and within easy walking distance of local facilities and jobs...All major development will feature significant measures to provide improved safe and secure active travel routes integrated with the surrounding area</i>”. With regard to point 4, KCC supports this approach and will work with Dartford Borough Council to realise these ideas. It is disappointing that 4b “<i>New and improved Fastrack and bus services/ routes, including addressing non-dedicated sections of Fastrack routes which are vulnerable to general traffic congestion</i>” does not directly require new sections to be dedicated for buses/Fastrack, although KCC welcomes the additional sentence “<i>and bus priority at junctions where possible</i>” and notes that dedicated routes are stated in M16/M17.</p> <p>Education: KCC notes within the glossary the two descriptions for “Community Infrastructure Levy (CIL)” and “Section 106 legal agreements” (page 212, Appendix B). KCC would highlight that new primary schools can cost as much as £9m, in addition to the cost of land. It is well established that new schools should have a nil net cost to the commissioning authority and so it would be helpful for the Local Plan to set out that CIL does not cover the full cost, nor can it be used for land costs. KCC requests that there is acknowledgement within the Local Plan that where a new school is needed to mitigate the impact of new development, the charge on developers is via section 106, not CIL.</p> <p>It should also be noted that the land required for a new school is laid down in building Bulletin 103. There is a range, but broadly, land requirements are as follows:</p> <p>New 1FE primary school requires 1.07 hectares New 2FE primary school requires 1.7 – 2.0 hectares New 6FE secondary school requires 6 – 7 hectares New 8FE secondary school requires 7 - 8 hectares.</p> <p>KCC cannot provide a new school without the full funding being made available and the land transferred without charge.</p> <p>Provision and Delivery of KCC Community Services: KCC recommends encourages the use of equalisation agreements for major development in the Borough. An equalisation agreement set early on in the negotiation process with more than one developer can ensure that development benefitting from a school to be located on development sites in more than one ownership will allow those developers to equally contribute their due proportion of land costs. This ensures that each developer is equably treated for land take which will meet the needs of other development.</p> <p>Government guidance (2019) “Housing for older and disabled people” sets out the need to provide housing for older and disabled people. Accessible and adaptable housing enables people to live more independently and safely and provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. KCC requests these dwellings are built to Building Reg Part M4(2) standard to ensure they remain accessible throughout the lifetime of the occupants to meet any changes in the occupant’s requirements.</p> <p>Youth services should be viewed as an essential element of the sustainable mix of community services. In general terms, there is a need for additional resources for youth services. KCC focuses on outreach and direct community support rather than the provision of buildings, which was the emphasis in the past.</p> <p>KCC would encourage the promotion and commitment to funding of multi-functional community hubs, which provide an excellent mix of services including social care, libraries and adult education facilities.</p> <p>Public Rights of Way: The local PRoW network can play a significant role to deliver the desired behavioural modal shift (paragraph 2.34). KCC supports the recognition of PRoW as part of the Borough’s Green Grid network (Glossary, p.214), thereby giving it due regard within Policy S2(6) (p.36). PRoW will play an important part in realising the Strategic Green Grid as shown in Diagram 3 (p.38), so PRoW should be specifically included on the list in paragraph 5.125 to highlight its value within and linking to green spaces.</p> <p>The present PRoW network needs to be enhanced and extended to support the Plan’s active travel ambitions. Dartford Borough Council should actively encourage this within the Plan, recognising where PRoW are to be affected by development that paths can be enhanced - e.g. widened, year-round surfacing - to provide attractive facilities for future residents. The Plan should also note the PRoW network is fragmented, as identified in the latest ROWIP, whether severed by roads or having no continuity of public rights to walk and/ or cycle. It should be noted the PRoW network in the Borough is predominantly comprised of Public Footpaths, where lawful public use is limited to pedestrian and mobility vehicle access, so it would be inappropriate in their current form to promote them for cycling. The Borough Council should ensure these issues are recognised in the Plan and identified at an early stage of any site’s design process so improvements can be successfully incorporated into future development and maximising the value of local PRoW.</p> <p>Additionally, the value of the PRoW network can be maximised by delivering improvements outside of ‘red line’ boundaries and on third party land. Many improvements will be identified within the Infrastructure Delivery Plan (IDP) and KCC would request that consultation is undertaken on all future IDP reviews, ensuring this remains relevant to changing needs. Table 8: Key Implementation Documents (p.203) should, therefore, reference the IDP in addition to paragraphs 6.15 and 6.16. It is welcomed the Plan recognises using the Community Infrastructure Levy (paragraph 2.24) and Section 106 legal agreements (paragraph 2.25) to fund improvements and use of Dartford Borough Council’s compulsory powers (paragraph 6.6) to fund, secure, and deliver these routes.</p> <p>Waste Management: The County Council, as Waste Management Authority, recommends reference to waste at paragraph 2.16 – to include “<i>Provision of sufficient waste infrastructure is also essential to ensure that a sustainable service is available that allows residents to maximise recycling of their collected household waste and hence minimise their environmental footprint.</i>”</p>

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Policy / Paragraph	Commentary
	<p>In its previous submission, the County Council welcomed the inclusion of a Bean Triangle Materials Recycling Facility project within Dartford’s Infrastructure Delivery Plan. This project has now changed, to become provision for a Waste Transfer Station/ Household Waste Recycling Centre. The County Council would like to work with the Borough Council to progress the much-needed project to deliver essential waste services to support growth in the Borough.</p> <p>Public Health: In respect of “Managing travel demand and infrastructure” (page 32), it is positive that there is an emphasis on modal shift and active travel. However, there could be more detail on the current state of play with regards to active travel within the Borough as there is for other modes of transport. For example, the Public Health Outcomes Framework Public Health England Fingertips tool indicates that the percentage of adults cycling for travel at least three days per week is lower in Dartford than both Kent and England averages.</p>
Climate Change Strategy (S3)	<p>KCC supports this policy, which seeks to embed sustainable travel into developments. KCC previously supported the Plan’s inclusion of the need to be resilient and adaptive to climate change and drew attention to areas where some of the policies could be stronger. KCC notes the changes made in this policy, and throughout the document, to address this.</p> <p>Waste Management: The County Council notes the reference to efficiently manage and re-use natural resources and waste and for early design for waste storage within individual units and also within serviced areas of flatted developments. It states that waste storage for flatted developments must provide sufficient and easy access for collection vehicles. However, this primarily relates to the function of the Borough as the Waste Collection Authority (WCA), with no consideration of the impact of additional waste on KCC’s function as the Waste Disposal Authority (WDA). The two are intrinsically linked and KCC requests that this is considered within the Local Plan to ensure a fully sustainable waste management solution for the Borough is promoted.</p> <p>This principle is supported by the National Planning Policy for Waste (NPPW), which states that ‘waste planning authorities should work collaboratively in groups with other waste planning authorities, and in two-tier areas, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management’. KCC has developed its own Kent Minerals and Waste Local Plan (KMWLP) which aims to work alongside Local Plans to make provision for essential waste disposal infrastructure. Local waste disposal transfer facilities were identified to be at capacity in the Disposal Authority’ Waste Disposal Infrastructure Plan.</p> <p>Sustainable Urban Drainage Systems: The County Council notes that the Local Plan promotes the consideration of flood risk in siting development and the inclusion of sustainable drainage systems where appropriate. It is agreed that infiltrating drainage systems may be constrained by underlying ground conditions for large areas of Dartford. The County Council supports the inclusion of green and blue infrastructure within this policy.</p> <p>It is noted that the Local Plan is supported by a Strategic Flood Risk Assessment, which includes a Level 2 Assessment of a number of sites which are at risk from flooding. The information presented in this assessment should be incorporated into the policy statements of the Local Plan where appropriate. For specific sites where flood risk is present, this must be assessed within any development proposal and accommodated within the layout. This is of particular importance for the Priory Shopping Centre and Dartford Town Centre areas.</p>
Borough Development Levels (S4)	<p>Education: KCC uses several moderating factors to produce the provision planning forecasts in the Kent Commissioning Plan. One of these moderating factors is the number of new homes that have planning approval. Table 1 at 2.63 does not allow KCC to identify how many new homes have already been factored into its forecasts. The methodology used by Dartford Borough Council is different from that which KCC uses. The number of new homes that are not accounted for in KCC’s forecasts will not feature in the Kent Commissioning Plan. This means that the number of such new homes will require additional schools and school places. For example:</p> <p><i>For primary</i> 750 new homes will require a new 1FE primary school 1500 new homes will require a new 2FE primary school 3000 new homes will require two new 2FE primary schools 6000 new homes will require four new 2FE primary schools</p> <p><i>For secondary</i> 750 new homes will require 1FE of secondary provision (expansion) 1500 new homes will require a 2FE of secondary provision 3000 new homes will require 4FE secondary provision 4500 new homes will require a new 6FE secondary school (6FE is usually the smallest size secondary school that the DfE will allow to be created. Occasionally, 5FE, if no other solution is possible) 6000 new homes will require a new 8FE secondary school.</p> <p><i>Special Needs Provision</i> KCC notes that there is no mention of creating additional provision for special schools. Demand created by new housing increases the need for places at primary, secondary and special schools. It is essential that the Local Plan specifically refers to the need to provide land and section 106 funds to build new special school provision. There has been no provision for places for special needs children in previous Local Plans and there is a current high need for additional special school capacity. Thousands of new homes would increase the demand for special school places far beyond the current capacity. Forecasting the demand for special schools is challenging, but KCC uses a trend-based forecast system. KCC would welcome a dialogue with Dartford Borough Council to explore how much additional special provision is needed following the planned housing development. In common with mainstream provision, new special schools require land and funding through section 106 contributions.</p> <p><i>0-5 Early Years Provision</i> KCC would also highlight the need for the Local Plan to set out requirements to enhance 0-5 early years provision. KCC would again welcome a dialogue with Dartford Borough Council on this provision.</p>

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Policy / Paragraph	Commentary
	<p><i>Table 2</i> Some of the school establishment entries set out in Table 2 of the Local Plan (page 49) are out of date or unclear:</p> <ul style="list-style-type: none"> - Under Dartford - It is not clear whether the “1FE Primary school expansion” is for Northern or Central Dartford. If for Northern Dartford, it is correct. - Under Stone/Greenhithe - Stone Lodge school is already built. Only 2FE is yet to come on line, which is due in 2023-24. - “New Primary School” should be amended to “2FE of primary provision”, because it is not yet decided whether it will be a new school or an expansion. - Under Ebbsfleet Garden City - the Alkerden school should be referred to as an all-through, 3 - 18 school. It will not be a separate primary and secondary school. - The Alkerden all - through school is not scheduled to open until 2024-25 and will open as 2FE primary and 4FE secondary. - The 1FE expansion to the school on Ebbsfleet Green is due in 2024-25, not 2025-30 <p>Waste Management: The County Council, as Waste Disposal Authority, notes the level of housing identified within table 1 and requests engagement with the Borough Council regarding development contributions towards waste disposal infrastructure. Adequate developer contributions will be crucial in ensuring that capacity for waste disposal services can be developed to support growth and obvious demands in the Borough. The County Council welcomes the new reference made to waste within table 2. The County Council is facing waste capacity issues as a result of increased demand from housing growth in the Borough. As a new site for additional waste infrastructure is yet to be identified, the County is reliant upon the Borough’s support in this development.</p>
3. CENTRAL DARTFORD	
Central Dartford Strategy (D1) and site allocations (D4-D7)	<p>The County Council continues to support the aim to retain a strong sense of vitality within the town centre of Dartford. Ensuring town centres have the flexibility to meet changing demands and shopping patterns will boost the resilience of these centres in the long-term. The County Council supports the recognition of the need for town centres to evolve to meet the changing needs of the community and this may include long term changes resulting from a movement towards online retail and short-term shopping and behavioural changes resulting from the COVID-19 pandemic.</p> <p>Highways and Transportation: KCC supports policy D1, as development focussed in mixed-use town centres will help to reduce the need to travel and encourage the use of sustainable modes. KCC further supports the improvement of walking and cycling links to enhance permeability. KCC supports the three sites identified as specific mixed use development allocations (D4, D5 and D6). Their location in the heart of the town centre means the uses will have access to a range of key facilities and will be located within walking distance of the bus stops and train station, making sustainable travel a viable option. KCC also supports policy D7.</p>
4. EBBSFLEET AND SWANSCOMBE	
Ebbsfleet & Swanscombe Strategy / Ebbsfleet Development Principles (E1 & E2)	<p>Highways and Transportation: KCC supports these two policies, as the location in the Garden City and associated designs aim to reduce the number of car-based trips to/from the area by providing a range of high-quality walking, cycling and public transport facilities for genuine modal choice. Design should be in accordance with the Kent Design Guide. It is disappointing that that the policies do not specifically mention dedicated bus / Fastrack lane or segregated cycle lanes, as these go hand in hand with the ethos of the Garden village and are achievable (and necessary) at new sites where there isn’t a need for retrofitting. The Garden City should lead by example. It is noted, however, that dedicated lanes are mentioned in M16/M17.</p>
Swanscombe (E3)	<p>Highways and Transportation: KCC supports this policy, as any new development coming forward will need to enhance connections to public transport facilities, walking and cycling connections and potentially upgrade Swanscombe Station. KCC views this as a potential mode switch for both new and existing residents.</p>
Ebbsfleet Central Allocation (E4)	<p>Transport Strategy: As worded, the current policy states: “Provide a new public transport hub with ease of interchange between rail services at Ebbsfleet International and other local rail stations, Fastrack and local buses”. It is requested that the policy is made a little more explicit and less open to interpretation. Specifically, one can reasonably interpret that as stipulating that interchange between rail services should be improved at Ebbsfleet International station, and separately between rail services at other local stations – i.e. that could be step free access improvements between platforms. Furthermore, what qualifies as “ease” is also open to interpretation – improving wayfinding signage between two stations could be classed as having eased interchange. If the policy is seeking, as KCC considers it should, to ensure that a direct interchange link is provided between Ebbsfleet International station and Northfleet Station, then the policy should include at least the wording to that effect - <i>Provide a new public transport hub consisting of a new direct interchange link between Ebbsfleet International Station and Northfleet station and ease of interchange between rail services at Ebbsfleet International and other local rail stations, Fastrack and local buses.</i></p> <p>Highways and Transportation: KCC supports Policy E4 Ebbsfleet Central Allocation for mixed use development, creating a new public transport hub, interchange with Northfleet Station, direct Fastrack route linking with Southfleet Road and major new walking and cycling connections to existing and new communities. These proposals will help to retain trips on site, reduce car-based trips on the local highway network from new development and may also assist in creating modal switch from existing residents in surrounding areas. It is, however, disappointing that the policy does not go further and directly state that Fastrack should have a dedicated route through this area, and segregated cycle lanes, further enhancing its appeal. It is noted however that dedicated Fastrack routes are stated in policies M16 and M17.</p> <p>Education: KCC welcomes the policy statement that a new 2FE primary school will be required for this development (page 96, paragraph 4.36)</p>
Alkerden and Ashmere Allocation (E5)	<p>Highways and Transportation: KCC supports Policy 5E Alkerden and Ashmere Allocation and will continue to work with Ebbsfleet Development Corporation and developers to help achieve the vision for this garden village. Paragraph 4.47 refers to the London Resort and states “<i>In the event that it gets consent and applicable development commences, a review of the Local Plan will consider the need to revise plan policies in response to projected impacts</i>”. Given that an application has been submitted, it is surprising that Local Plan policy has not been provided, as a sensitivity test was originally proposed. However, it is noted that the trip generation and distribution information isn’t readily available to obtain the level of detail needed, and also that the Local Plan can be updated if this site obtains permission.</p> <p>Education: The Alkerden school should be referred to as an all-through, 3-18 school. It will not be a separate primary and secondary school (page 100, paragraph 4.43).</p>

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Policy / Paragraph	Commentary
North of London Road Area Allocation (E6)	<p>The County Council notes that Policy E6 includes the area across Swanscombe Peninsula that has been put forward by developers as the potential site for an entertainment resort, and notes that a decision on the project will not be made until after the Local Plan has been submitted. KCC continues to work closely with Dartford Borough Council, Gravesham Borough Council and the Ebbsfleet Development Corporation in respect of its input into the London Resort Development Consent Order (DCO) application and supports the requirement within this policy to provide a policy framework for appropriate development, in the event that the London Resort does not secure consent or any consent is not implemented. It also supports the policy commitment to carry out a Local Plan Review to consider the need to revise policy in response to projected impacts if the London Resort is constructed.</p> <p>Highways and Transportation: KCC supports policy E6, particularly point 2f, to provide “a high quality network of links to the wider area including improved pedestrian and cycle access to Swanscombe, the River Thames and Ingress Park (Greenhithe)”. It is noted that reference to a Fastrack route has been removed from the updated version. Any application that is submitted in this location will need to investigate whether Fastrack is required and if so, provide this service. KCC requests that any Fastrack routes to be provided / diverted, are on dedicated routes. Any impact on the local highway network including local junctions should be assessed and mitigated where appropriate.</p> <p>Minerals and Waste: KCC’s previous comments noted that the Borough has safeguarded waste management facilities and land-won minerals – the County Council would recommend reference to the adopted (and recently reviewed) Kent Minerals and Waste Local Plan 2013-30 (KMWLP) that has relevant safeguarding policies. The details provided in this further consultation do not materially change KCC’s previous comments. The policy (E6) identifies mineral safeguarding matters in part 2 criterion (e). However, there is no elaboration on the potential exemption from the presumption to safeguard the land-won minerals from sterilisation (via a detailed assessment and then an invocation of an exemption criterion as detailed in Policy DM 7). The policy’s supporting text does not address matters relating to the need to assess the possibility for mineral safeguarding exemption, as set out by Policy DM 7. The matter, therefore, is being left to the planning application stage.</p> <p>Waste Management: No provision or demand analysis has been made by the Ebbsfleet Development Corporation on the burdens upon existing waste disposal infrastructure, and as such the local waste disposal infrastructure is at capacity. Strategic allocation policies will need to take account of the lack of capacity of waste disposal infrastructure to meet the demands of Government’s Resources and Waste Strategy through the provision of appropriate land and relevant developer contributions to sustainably support the additional demands of existing and new waste growth.</p>
5. DEVELOPMENT MANAGEMENT POLICIES	
	<p>Waste Management: The County Council would welcome consideration of a policy for Sustainable Waste Management. The policy should cover all aspects from good design in new housing to ensure recycling opportunities are available for all, to access to sustainable HWRC facilities and adequate provision of capacity through the development of a dedicated WTS to enable the Waste Collection Authority (WCA) and Waste Disposal Authority (WDA) to efficiently manage waste arising from the development.</p>
Good Design for Dartford (M1) Page 168	<p>The County Council welcomes reference to the Kent Design Guide and the other guidance now referenced, such as Secured by Design and Building for a Healthy Life. The County Council would recommend that high quality design should take account of varying needs of the evolving community – and this includes consideration of dementia friendly design and supporting healthy lifestyles. Small design changes to housing and infrastructure can help someone living with dementia to be more independent by providing a home and environment that is clearly defined, easy to navigate, and feels safe.</p> <p>Public Health: As well as how the built environment can support increases in physical activity given the relatively high levels of overweight and obesity in both adults and children in Dartford, further consideration within this policy should be around the food environment such as access to healthy food, allotments, garden space for growing food etc. (in line with NPPF)</p>
Environmental & Amenity Protection (M2)	<p>Public Health: At paragraph 5.20, further consideration should be given on mitigation around groups which are more susceptible to harm from poor air quality including older people, children, individuals with existing cardiovascular disease and or respiratory disease, pregnant women and low-income communities.</p>
Sustainable Technology, Construction and Performance (M3)	<p>Sustainable Business and Communities: Policy M3 states that all residential development should achieve a minimum on-site reduction in regulated carbon emissions of at least 19 per cent beyond Part L of the Building Regulations for major development until such time that amendments are made to national legislation/ policy which have the effect of surpassing this. The County Council therefore recommends that a higher uplift is explored (subject to viability) and the application of the policy requirement should be extended to apply to all development, not just major development.</p>
Designated Heritage Assets (M5) Historic Environment Strategy (M6)	<p>Heritage: On balance, although it is considered that from a heritage perspective, the draft Local Plan is technically sound, it has significant weaknesses that will limit its effectiveness at fulfilling its responsibilities to the historic environment (as required by the NPPF) in respect of plans setting out “a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats...” (NPPF, paragraph 190). The only policies in the draft Local Plan that concern the historic environment at all are policy M5 (Designated Heritage Assets) and policy M6 (Historic Environment Strategy). Policy M5 essentially summarises paragraphs 199 to 202 of the NPPF. The new clause: “Geoarchaeological Sites - Sites designated for their geoarchaeological interests, including the Swanscombe Skull SSSI and Swanscombe Peninsula SSSI, are irreplaceable and therefore will be protected and conserved” is, however, welcomed.</p> <p>Policy M6 has been given a heading of Historic Environment Strategy, but really just summarises the relevant paragraphs of the NPPF that apply to non-designated heritage assets (203 to 208). The only text that seems intended to comprise a Historic Environment Strategy is set out within clauses 1 to 3 of policy M6. These just state that the Borough Council will try to find opportunities for the enhancement of heritage on a site-by-site basis, expecting developers to bring forward proposals. Such a piecemeal approach is unlikely to provide an effective strategy which needs to take a district-wide view of the historic environment, have defined objectives in mind and to have identified opportunities to advance those objectives.</p> <p>Dartford’s heritage has great potential to contribute more effectively to the quality of life in the area than it does at present. 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, KCC has developed a Heritage Strategy for Dover District Council and is currently developing another for Folkestone & Hythe District Council. The goals of these strategies are:</p> <ul style="list-style-type: none"> • 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 regeneration, tourism and life in the Borough • To identify both their vulnerabilities and the opportunities they provide

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	<ul style="list-style-type: none"> To inform site allocations within the district To support policy development <p>It is recommended that Dartford Borough Council develops a similar strategy which would also be compliant with paragraph 185 of the NPPF, which requires local authorities to have a “positive strategy for the conservation and enjoyment of the historic environment.” Dartford Borough Council is now a relative rarity among Kent Local Planning Authorities in not having a Heritage Strategy, which is a particular omission given the heavily built-up, but still historic, nature of the northern part of the Borough and the more visibly ancient, rural, southern part of the Borough. Thematically, Dartford has great potential in its palaeolithic, Roman, Anglo-Saxon and industrial heritage assets, among others, but this potential needs clear thinking and a clear strategy to realise. There is a clear need to conserve and enhance the heritage of such diverse areas and themes to help it play a part in shaping the future and in remaining accessible and enjoyable to all Dartford’s residents. Dartford Borough Council is therefore encouraged to revise Policy M6 and instead commit to the development of a Heritage Strategy alongside partners and stakeholders to maximise the benefits of the historic environment. A draft text for this clause could be:</p> <p><i>Dartford Borough Council will work with partners and stakeholders to develop a Heritage Strategy for the Borough. This will have the following objectives:</i></p> <ul style="list-style-type: none"> <i>To identify and describe the key themes of relevance of the heritage of the district and the heritage assets that represent them</i> <i>To assess the role that these can play in regeneration, tourism and life in the Borough</i> <i>To identify both their vulnerabilities and the opportunities they provide</i> <i>To inform site allocations within the district</i> <i>To support policy development</i>
Sustainable Housing Locations (M9)	<p>Highways and Transportation: KCC supports this policy, where unplanned windfall sites will only be acceptable if they are in a sustainable location, “<i>within easy walking distance of a range of community facilities and is well located with respect to walking / cycling or good public transport to a choice of employment opportunities</i>”.</p> <p>Education: KCC welcomes the policy statement that acknowledges that the aggregation of smaller sites needs to factor in the need for new schools (page 141, paragraphs 5.81 and 5.82).</p>
Green Belt (M13)	<p>Public Rights of Way: There are comparatively few Public Bridleways in the Borough, and they tend to be isolated, not making a coherent off-road network and so require cyclists and equestrians to use the road network, exposing them and motorists to the potential for conflict. This lack of bridleways will make it difficult for future stables to be sited 'in reasonable proximity to bridleways' (paragraph 5.120) and so KCC requests reconsideration of this point. The deficiency could be overcome by supporting the creation of more bridleways, primarily by uplifting existing Public Footpaths to Public Bridleways where practical, which, working with KCC, will enable the borough’s objectives for Active Travel to be realised.</p>
Green and Blue Infrastructure and Open Space Provision (M14)	<p>KCC would reiterate the benefit of considering Sport England planning guidance, along with Active Design principles - these strategies for sport are focussed on tackling inactivity and supporting/encouraging under-represented groups to be active and it is therefore important to ensure that these strategies and any subsequent developments take account of the Sport England Guidance that is available. Both give a unique and comprehensive view of how people are getting active and can be focused down to local authority level. The latest Adult report can be read here. It is also possible to explore and filter the data using the Active Lives Online tool. A summary of our Children and Young People report can be found here.</p>
Biodiversity and Landscape (M15)	<p>Heritage: Policy M15, which is the main policy to concern SSSIs, is very generic at present and does not make reference to any special character of the Swanscombe SSSI, let alone to any archaeological significance. This is because it concerns landscape and biodiversity generally. Given the scale and importance of the notified SSI at Swanscombe, it would be preferable to include a specific policy on the SSSI so that it is clear how it will be managed and how the needs of the different issues (biodiversity, archaeology, growth and development) will be balanced.</p> <p>Biodiversity: Policy S3: “Climate Change Strategy” refers to the mitigation hierarchy. However, policy M15 does not refer to the mitigation hierarchy and instead is quite vague and includes phrases such as: <i>Developments will be expected to protect and enhance biodiversity. In the event that development adversely affects any existing habitats, this must be replaced by compensatory habitat of a similar type, size and condition in close proximity to that which is being lost. The new national biodiversity net gain requirements will apply to all applicable developments.</i> As this is the biodiversity policy, KCC would expect it to reference the mitigation hierarchy (particularly as BNG Good Practice Principles references this (https://cieem.net/wp-content/uploads/2019/02/Biodiversity-Net-Gain-Principles.pdf)). KCC advises that it needs to be clear in this policy that the mitigation hierarchy must be followed within planning applications.</p> <p><i>The ‘mitigation hierarchy’ described in British Standard BS 42020:2013, which involves the following step-wise process:</i></p> <ul style="list-style-type: none"> <i>Avoidance – avoiding adverse effects through good design;</i> <i>Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;</i> <i>Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;</i> <i>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.</i> <p>As such, the policy needs to be reviewed and be more specific about what is required when considering biodiversity.</p>
Travel Management (M16) Active Travel, Access and Parking (M17)	<p>Highways and Transportation: In general, in addition to Manual for Streets, developments must be designed in accordance with the Kent Design Guide and national guidance (e.g. LTN L/20). Paragraph 5.159 relates to new accesses. Applications which include designs for new access on to the highway should be subject to a Road Safety Audit and the report and designer’s response submitted for review. Paragraph 5.160 relates to how the design of new access points should consider vulnerable road users such as pedestrians. Given the Borough’s proposal to increase cycling, considerable thought should be given to how the access includes safe access for cyclists, rather than just assuming they will all use the carriageway.</p> <p>KCC particularly welcomes the requirement that “<i>New major development sites should include layouts that allow for routes into and dedicated routes within the site for Fastrack, buses and taxis</i>”. Whilst it does not say explicitly, it is assumed that policies M16 and M17 include bus priority measures at junctions. KCC welcomes the reference to ‘segregated cycle routes’, although it is disappointing that this is “if possible” rather than taking a proactive approach and expecting these to be included. The inclusion of the use of the river is welcome as this will assist in removing trips from the network. The</p>

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	<p>requirement for electric vehicle parking provision is welcomed, however, communal parking should have a proportion of both active and passive provision.</p> <p>Public Rights of Way: When future site specific schemes are being designed, KCC advises consultation and contribution at an early stage - this includes all sites identified in the Plan. PRoW should be used by all in convenience and without fear of personal safety. The Plan makes various references to creating safe environments for residents and visitors to enjoy access. This is welcomed and will support KCC's ambitions. The needs of those with disabilities, including mobility impairment, must be given high regard in provision of future access. The Plan gives limited recognition of these users and the difficulties they face in accessing around the Borough - there is need for greater regard than access onto the highway network (paragraph 5.159) and across kerbs (paragraphs 5.160-161). The Plan should be reworded to make clear the need to provide for all users onto and along all future new routes and to improve existing routes for the convenience of all users.</p>
Sustainable Economic Locations / Provision for Local Businesses & Skills (M19 & M20)	<p>Broadband - The County Council would continue to recommend that a specific policy relating to connectivity is included within the Local Plan. There needs to be a clear policy in place highlighting the need for gigabit capable broadband to new developments. Policy EMP6 within the Ashford Borough Council adopted Local Plan is a reference for the type of policy recommended.</p>
Identified Employment Areas (M21)	<p>Highways and Transportation: KCC recognises the limitations of achieving high levels of operational sustainable trips from employment such as industrial uses and appropriate highway mitigation / contributions will be required where impacts on the network are severe.</p>
Bluewater (M22)	<p>Highways and Transportation: Bluewater is supported as a number of the trips to the new facilities are anticipated to be linked trips. Assessments of the local highway network may still be required (depending on the size and type of expansion) and mitigation may be required. KCC supports the requirement for improved access to public transport and active travel and segregated and safe walking and cycling facilities.</p>
<p>District and Local Centres (M23)</p> <p>Food and Drink Establishments (M24)</p> <p>Page 170</p>	<p>Public Health: At paragraph 5.213, given that obesity is recognised as being a significant issue for both adults and children in Dartford (also identified in the Sustainability Appraisal) alongside low levels of consumption of '5 a day fruit and veg', it would be helpful for this to be reflected within this section. There are an increasing number of academic studies that identify the role of physical access to takeaway food outlets in promoting unhealthy diets and obesity. While not all fast food is unhealthy, it is typically higher in salt, calories and saturated fat, all of which can cause serious health problems when consumed too often and in large quantities. Children with excess weight are consuming up to 500 extra calories per day, so creating healthier environments could play an important role in tackling obesity and health inequalities. Furthermore, Dartford has significantly higher density levels of fast-food outlets than Kent and is also higher than the England average.</p> <p>NICE Public Health Guideline on Cardiovascular disease prevention recommends action to encourage local planning authorities to restrict planning permission for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools) and Planning Practice Guidance supports actions, such as the use of exclusion zones, to limit the proliferation of certain unhealthy uses within specified areas such as proximity to schools and in areas of deprivation and high obesity prevalence. Given the high levels of childhood obesity and density of fast-food takeaways in Dartford, this should be a consideration and reflected within Policy M24 that any requirements should reflect robust public health data and intelligence.</p> <p>As a more general point, providing evidence of the health needs of the population is in line with the NPPF and will justify planning policies regarding health and wellbeing in addition to providing a better understanding of residents' health needs and any impact new development may incur on residents health and wellbeing. Greater use of the evidence base is recommended using data from the <u>Kent Joint Strategic Needs Assessment</u> (JSNA) and/ or other sources of public health data from the <u>Public Health Outcomes Framework</u> (PHOF), including ward level data in addition to referencing how these policies support the <u>Kent Health and Wellbeing Strategy</u>.</p> <p><i>Paragraph 5.214</i> – Dartford has a significantly higher number of premises licensed to sell alcohol per square kilometre than both England and Kent in addition to having significantly higher hospital admission episodes for alcohol related conditions than the Kent average. This similarly should be a consideration within the Local Plan and reflected in Policy M24.</p>
IMPLEMENTATION AND MONITORING	
	<p>Paragraph 6.14 – A number of indicators from the PHOF could be used here particularly further consideration is needed to reflect on how health inequalities will be monitored particularly the differences in PHOF indicators between communities and population groups.</p> <p>Page 208, Table 10 - The Alkerden school should be referred to as an all-through, 3 -18 school. It will not be a separate primary and secondary school.</p>
GLOSSARY	
	<p>Public Rights of Way: PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The PRoW network is often considered a recreational network of paths; however, it is also a vital means for people to access services and workplaces, and a safer alternative to local roads, thereby increasing value to communities and individuals. All PRoW must, therefore, be considered within the Plan's definition of Active Travel (Glossary, p. 212)</p>
SUPPORTING DOCUMENTS	
Transport Background Paper	<p>In respect of highways and transportation, at the time of writing this report, the mitigation work for the Local Plan has not been completed. KCC cannot therefore comment on the outcome of the modelling. This should be provided to KCC when available and KCC comments taken into consideration during the further examination of the Local Plan.</p> <p>KCC is happy with Dartford's approach of monitoring and managing and encouraging sustainable travel.</p> <p>Stage 2b Reference Case Methodology - KCC notes the change in reference case to take on board National Highways' comments. As the modelling work is still to be completed, KCC will need to discuss this separately with Dartford Borough Council.</p> <p>Stage 3a and 3b Methodology Reports - KCC has comments to make on the Stage 3a and 3b methodology reports. As the modelling work is still being undertaken, these will be raised separately.</p>
Sustainable Transport Strategy for Dartford	<p>The addition of the Sustainable Strategy is welcomed. KCC previously provided comments on a draft version of the report and a number of the comments have been included in the final version. KCC particularly welcomes the following sentence at paragraph 6.4 "<i>The direct delivery of transport infrastructure improvements by developers would be sought and for major sites the provision of segregated routes for walking, cycling and public transport would be pursued</i>". The lack of reference to segregated cycle routes and bus priority measures is disappointing.</p>