

**Creation of a one Form Entry Primary School, Land at St Mary's Playing Field, Warren Way, Folkestone – Reference SH/14/694**

A report by Head of Planning Applications Group to Planning Applications Committee on 19<sup>th</sup> November 2014.

Application by KCC Property and Infrastructure for a new one-form entry Primary School to consist of a two storey school building, hard and soft playing pitches, vehicular and pedestrian access ways, on-site drop off area, parking and cycle parking provision, landscaping and the retention of existing the MUGA at St Mary's Playing Field, Warren Way, Folkestone.

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

Local Member: Mr. B Neaves

Classification: Unrestricted

**Site**

1. The proposed application site is an undeveloped space within a residential area north-east of Folkestone Town Centre, near the eastern edge of the Folkestone urban area. The application site forms a square shaped area of approximately 1.72 hectares (ha) (approx. 4.3 acres) set at an elevated position with a gently sloping elevation rising from south-west to north-east. It is bordered by the rear gardens of residential properties, the curtilage of the Martello Tower Grade II Listed Building to the south-east (converted to residential use), and a wooded embankment and railway line to the north-east. The site is lined by trees and hedges with denser planting along the western and southern perimeters. To the east, beyond the row of residential properties on the west side of Wear Bay Road, is an area of open green space running parallel between the application site and coastline; that land is designated as part of the Kent Downs Area of Outstanding Natural Beauty (AONB) and includes the East Cliff and Warren Way Country Park Local Nature Reserve (LNR) and Site of Scientific Interest (SSSI).
2. The application site is owned by Kent County Council, and has been retained as a detached school playing field, but has remained accessible to the public for recreational use; it includes a Multi-Use Games Area (MUGA) near the southern perimeter of the site. The site is accessible from the south-west via a gated access and path leading from the turning head of Warren Way, a residential cul-de-sac, and from Public Right of Way (PROW) HF4 that runs along the western and northern perimeter of the site, connecting Warren Way to Wear Bay Road (via a private road) to the north-east of the site. The proposal is not within a Conservation Area and there are no Tree Protections Orders (TPOs) within the application area or the immediate vicinity of the site.

# Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694

General Site Location Plan

Application site

Railway Line

-  Grade II Listed Building
-  Scheduled Monument



AONB and Warren Way Country Park

Site Location Plan

Existing primary school

Proposed main vehicle and pedestrian access



Proposed Secondary pedestrian access via PROW.

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## Proposed Site Location Plan (Amended)



# Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694

## Proposed Elevations (Amended)

**Autodesk Revit**

Project Name: Proposed New School, Merleto Grove a Little Sky Academy, Folkestone, Kent

Project No: 21607A\_020

Scale: 1:100

Date: Feb 2014

Author: MP

Client: CLAGUE

Project: Proposed Elevations

Revision: 1

Drawn: 21607A\_020

Page: PB

**West Elevation**  
1:100

**North Elevation**  
1:100

**South Elevation**  
1:100

**East Elevation**  
1:100

**PLANNING ISSUE**

Proposed New School, Merleto Grove a Little Sky Academy, Folkestone, Kent

Received 22 September 2014

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

**Landscape Proposals**



**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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**Site Background and Planning History**

3. The application site was previously granted planning permission subject to conditions for the erection of school buildings and associated playing fields on 27<sup>th</sup> July 1978. The consented development was not proceeded with. The application site has since been used as a playing field for the nearby school, St Mary's CofE Primary School on Warren Road; whilst the field has not been regularly used because of its distance from the main site and security aspects, it has reportedly been marked out for football pitches in the past.

**Proposal**

4. The application has been submitted by Kent County Council Property and Infrastructure Support and seeks planning permission for a new One Form Entry (1FE) Primary School. The planning application as originally submitted proposed the construction two storey school building, retention of existing MUGA, provision of hard and soft playing pitches, vehicular and pedestrian access ways and on-site drop off area, 40 car parking spaces, 10 cycle spaces, and hard and soft landscaping. The planning application has been revised as a result of the comments received during the planning consultation process. The revised planning application now proposes 43 parking spaces and a minor change to the palette of colours on the single storey elevation.
5. The proposal is part of the Kent County Council Education's Basic Needs programme to serve an identified need for extra school places arising in East Folkestone in 2015. The need for extra places is due to the increased demand caused by higher birth rates in recent years, together with extra in-migration of young families into the locality from elsewhere in the county/country. The proposal is intended to open in 2015 to provide places for a maximum of 210 pupils aged 4 -11 years old, including specialist resources for up to 15 children with Autistic Spectrum Disorders (ASD), and provision for 25 full-time staff. It is anticipated that the full school roll of 210 pupils would be reached by 2019/20. The expected core hours of use would be 8.00am to 5.00pm, with extended open hours likely between 7.45am and 6pm for breakfast and after-school clubs.
6. The proposed school building would be located towards the centre of the western half of the application site. The rectangular shaped building would be part single, part two storey building on a north to south orientation, with the two storey aspect at the northern end following the topography of the site. The proposed building would provide 1,385 square metres (14,908 square feet) of gross internal accommodation (1,515m<sup>2</sup> (16,307 ft<sup>2</sup>) of floor space), which the applicant advises is in line with recommendations for a 1FE primary school in *Building Bulletin 99: Briefing Framework for Primary School Projects* (Department of Education, March 2014).
7. The applicant advises that the layout of the school is based on the Government's baseline design for 1FE primary schools, adapted to a two storey building. The lower single storey block to the south would accommodate the administrative staff areas, the finance office, school kitchen, service area and the combined dining and assembly hall. The two storey element to the north of the site would consist of the teaching space and teaching staff accommodation; early years to be situated on the ground floor for direct access to the play areas, and the junior classrooms and staff provision would be located on the first floor.

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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8. The main entrance to the school would be in the centre of the western elevation of the building, located at the point where the building steps up from single to two storeys. The lower year classrooms, external hard play area and games court on the eastern elevation would also be accessible via the proposed pedestrian routes from the south-west and north-east access points.
9. A rainscreen cladding panel system is proposed for the external materials of the school building, in a mostly neutral palette interspersed with distinct areas of colour for the separate elements of the school building. The building would have a flat single ply membrane flat roof and powder colour coated aluminium windows and doors.
10. In terms of sustainable design, the applicant advises that the building has been designed to achieve a BREEAM rating of 'very good', and aims to exceed the national Building Regulation standards for the conservation of fuel and power in new dwellings (HM Government, Approved Document L1A (2010)). The development includes a number of sustainable design features, including:
  - Passive design to utilise the maximum potential of natural daylighting and ventilation;
  - 100% low energy lighting and LED lighting in communal spaces with intelligent daylight and occupancy regulated control;
  - Low-carbon gas-fired airsource heat pumps to lead the heating system;
  - High efficiency thermal insulation fabric.
11. The main vehicle and pedestrian access would be located in the south-west corner of the site, using the existing gated entrance, albeit widened, and path leading off Warren Way. The proposed parent drop off and parking areas would be situated on the western side of the school building. Within the site there would be separate routes proposed for vehicles off the main access road; a one-way system for parent drop off located outside the main school entrance containing six spaces (enlargement from three spaces submitted in the original planning application); and another route continuing northward to separate parent/visitor and staff parking areas, containing 37 spaces, including two designated disabled spaces and three larger bays. 10 cycle parking spaces would be located just north of the main entrance. A separate path with fencing is proposed to allow public access to the refurbished MUGA, which would lead off and away from the main pedestrian access route. There would be a secondary pedestrian access linking to the school building from the existing PROW to the north-east of the site, which connects to Wear Bay Road (via a private road). There would also be a dedicated route off the main vehicle access connecting to a screened area for service vehicle loading, which would adjoin the southern face of the school building.
12. The school grounds to the east and north of the proposed school building location would include:
  - Hard play area: 740 sq m (7965 sq ft)
  - Surfaced games court: 36.6m by 22m (120ft x 72ft)
  - Marked out sports pitches: 53m x 30m (174ft x 98ft) and 30m x 15.9m (98ft x 52ft)
  - Hard/soft play area: 1,330 sq m (14,316 sq ft)
  - Habitat area: 450 sq m (4844 sq ft)
13. In addition to the proposed refurbishment of the existing MUGA, which would be

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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separated from the school grounds by fencing, the school's sports pitch, multi-use hall and classrooms would be made available for public use where possible. The site and sport facilities would be available for community use/hire between 5.30pm and 10.30pm weekdays and between 8.00am and 10.30pm at weekends. Facilities may also be used from 8am to 5pm weekdays, provided that the use does not conflict with the school's operational requirements. A Community Use Plan has been submitted with the application.

14. External lighting is proposed for circulation routes, amenity areas and vehicle areas to include walkways, roads and entrances as well as other building features to meet security requirements. It is proposed to secure the school perimeter with a 2 metre (6.6 ft) high weld mesh fence and a section of a 2 metre (6.6 ft) high closed boarded fence along the extent of the first property to the south-east. The existing PROW would remain unaltered, other than needing to be fenced to secure the school site.
15. The landscape strategy submitted with the application seeks to reinforce the existing planted boundaries to the east, west and south of the site. The majority of the existing perimeter trees would be retained, with select removals in the south-western corner to allow for widening of the existing access point and proposed new access routes into the site.
16. The application is supported by a *Planning Statement, Design and Access Statement, Education Statement, Landscape Statement, Drainage Survey Report & Strategy, Potential Environmental Munitions Contamination Desk Study, Geo Environmental Assessment, Flood Risk Assessment, Transport Statement, Travel Plan, Tree Survey Assessment, Ecological Assessment* and a *Community Use Plan*.

**Planning Policy**

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

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

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



**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- minimising impacts on biodiversity, and protecting and enhancing valued landscapes, contributing to the Government's commitment to halt the overall decline in biodiversity;
- 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;
- access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Paragraph 74 is also relevant to the consideration of this application, it states: that: *Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

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

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

(iii) **Shepway Borough Local Plan Core Strategy (2013):**

**Policy DPD**      **Sustainable Development:** a positive approach to the determination of development proposals that reflects the presumption in favour of sustainable development. In order to secure development that improves the economic, social and environmental conditions in the area

**Policy SS3**      **Place-Shaping and Sustainable Settlements Strategy:** Development should be directed towards existing sustainable settlements to protect the open countryside and the coastline.

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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Changes will be managed to occur in a form that contributes to their role within the Settlement Hierarchy.

**Policy CSD4 Green Infrastructure of Natural Networks, Open Spaces and Recreation:** Green infrastructure will be protected and enhanced and the loss of GI uses will not be allowed, other than where demonstrated to be in full accordance with national policy. Development must avoid a net loss of biodiversity.

(iv) **Shepway Local Plan Review saved policies (2006)**

**Policy SD1 Sustainable Development:** All development proposals should take account of the broad aim of sustainable development - ensuring that development contributes towards ensuring a better quality of life for everyone, now and for generations to come.

**Policy BE1 Building, design, layout & special needs access:** A high standard of layout, design and choice of materials will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture.

**Policy SC2 Provision & Protection of New facilities:** The District Planning Authority will grant planning permission for new or improved social and community facilities where the proposal meets set criteria relating to compatibility with surrounding land uses, accessibility by a range of transport alternatives to the car, access for disabled people and acceptability in highway, infrastructure and environmental terms.

**Policy TR12 Car Parking:** Proposals for new development will only be permitted if provision is made for off street parking in accordance with the current maximum vehicle parking standards.

**Policy TR13 Travel Plans:** Applications for new or expanded school facilities should be accompanied by a School Travel Plan.

**Policy LR12 Playing Fields:** Proposals for new development will only be permitted in the case of school playing fields, where there would be sufficient alternative open space provision.

**Consultations**

18. **Shepway District Council** objects to proposal as originally submitted. They made no comment on the revised proposal. Their principal concerns were in relation to highways and the loss of playing fields, as follows:

A. The application site is accessed by a no-through road and should insufficient on-site parking be provided, as currently proposed, this would lead to hazardous conditions on the highway and the proposal would be contrary to saved policies SD1 and TR12 of the Shepway Local Plan Review, policy DSD of the Shepway Core Strategy and the Core Principles of the NPPF. The Council strongly objects to the application unless these issues are resolved to the satisfaction of Kent

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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Highway Services.

- B. The Council also remains concerned that no management of parking in the surrounding streets has been proposed and as such objects to the application until these issues are resolved to the satisfaction of Kent Highway Services.
- C. The Council is unable to fully assess the proposal in relation to the loss of the School Playing Field under saved policy LR12 of the Shepway Local Plan Review and Paragraph 75 of the NPPF as insufficient information has been supplied. In the light of this, and the Sport England objections to the proposal, the proposal is currently considered to be contrary to saved policy LR12 and SD1 of the Shepway Local Plan, policies DSD and SS3 of the Shepway Core Strategy and paragraph 75 of the NPPF. The Council strongly objects to this application unless the objection from Sport England is resolved.

If the above matters are resolved, the District Council would comment as follows:

*Community use:* The MUGA currently located on the site was not provided by KCC but as a donation to the community and for their use. As such this equipment should remain in free and open access for use by the community outside of school hours, together with the area of informal use grass area surrounding it which is outside of the formal school building and sports fields:

- Within the site changing facilities for community/private groups to use the formal sports facilities on the site must be provided;
- In relation to ensuring the community benefit fully from the provision of a new school in the area the use of a planning condition is requested for the submission of a 'programme for community use' which, as a minimum, identifies ways in which the various facilities may be used outside of school hours/terms and a 'community use marketing program' to ensure the potential opportunities for the community use are known publicly.

*Biodiversity:* The site forms part of the Shepway Green Infrastructure [GI] Network under policy CSD4 of the Shepway Core Strategy which requires that new development must avoid a net loss of biodiversity and should seek to expand and enhance the GI function of the site. Therefore it is required that the enhancement of the biodiversity and ecological of the site should be achieved as part of the development and planning conditions are requested to ensure this outcome.

*Design:* Disappointment that a more dynamic design of school building and a revised layout to the site has not been proposed. The Council asks to be advised if further revisions to the development to improve the building design and site layout are submitted.

*Residential amenity:* Conditions are requested to ensure neighbours' amenity protection in relation to: the control of mechanical noise, such as air conditioning units, times of service deliveries, waste collections and the layout, design and operation of external lighting.

*Construction Management Strategy:* A condition is requiring a Construction Method Statement is requested to be imposed in order to safeguard residents' amenity during construction.

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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**Folkestone Town Council** has no objection.

**Environment Agency** has no objections to the proposal, subject to the imposition of conditions requiring the submission of a Surface Water Drainage Strategy, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and the procedure to follow in the event of unexpected land contamination. They also make a number of recommendations for changes to the drainage strategy and include an informative on Sustainable Urban Drainage Systems (SUDS).

**Sport England** objects to the proposal as it not considered to accord with any of the exceptions in Sport England's playing fields policy, or with paragraph 74 of the NPPF, because no new playing field land is proposed to replace that which will be lost. In order to meet the policy requirements properly, the replacement has to be equivalent or better in terms of both quantity and quality. As no new area of playing field is proposed to be created, the quantity would therefore be reduced.

**Kent County Council Highways and Transportation** (the Highway Authority) initially raised concerns on issues relating to highway matters which they considered could be overcome with minor amendments to the proposal. These included:

- Amendments to the Transport Statement's method of generated trip data: increasing the 69 pupil vehicle trips in the peak periods to 69 pupil rather than 56 trips;
- Increasing the capacity of the drop off /pick up area from 3 to 6 spaces;
- Increasing the width of the internal access road on the bend section to 5.5 metres (18 feet) for two vehicles to pass in opposite directions;
- Reducing the steep gradient of the internal footpath to a gradient no greater than 5% (1 in 20) to meet Disability Discrimination Act (DDA) requirements;
- Surveying peak time parking on Warren Way;
- Discouraging inappropriate parking at the pedestrian connections from Wear Bay Road.

Following the completion and incorporation of the above minor amendments into the revised site plans, the local highway authority raises no highway objections to the proposal.

**Kent County Council's Landscape Officer** has no specific concerns with the landscape information submitted. The on-going management of the proposed wildflowers landscaping would be important to ensure that they thrive and continue to offer learning opportunities for the students. Preventing scrub encroachment along the eastern boundary would also be important. All arboricultural works are to be carried out in accordance with the British Standard, including the provision of a tree protection plan.

**Kent County Council Biodiversity Officer** is satisfied with the survey information submitted with the application. They advise as follows:

- no works can be carried out within the areas where the suitable reptile habitat would be impacted by the proposed development until the active reptile period in 2015;
- vegetation should be removed outside of the breeding bird season (March to August inclusive) and if that is not possible experienced ecologists must examine the site prior to works starting. If any breeding birds are recorded all works in that area must

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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- cease until all the young have fledged;
- specific amendments are requested to the proposed reptile mitigation strategy and these are requested to be addressed by planning condition;
  - a detailed lighting strategy be submitted as a condition of planning permission, to include the need to address how the proposed development will have impact on foraging and commuting bats, particularly the wooded area along the western boundary;
  - a management plan for the areas of ecological enhancement proposed should be produced to ensure that they are managed appropriately throughout the life of the development.

**Kent County Council Conservation Officer** has no objections to the proposal. Both the Martello Towers have been converted to residential use. The more distant tower to the north-east overlooks modern housing and its siting is therefore already compromised. The adjacent tower to the south-east of the site has few windows or apertures on the side overlooking the application site. The Officer requests that any perimeter fencing is painted black.

**The County Archaeological Officer** supports the conclusions of the Archaeological Desk Based Assessment, submitted with the planning application, in that a programme of archaeological investigation, initially involving archaeological trial trenching (field evaluation) is needed and recommends that a condition be placed on any grant of planning permission requiring the securing of the implementation of a programme of archaeological work, to be undertaken in accordance with a written specification and timetable which should be submitted for prior approval.

**Public Rights of Way (East Kent PROW Team)** has no objections as the proposal does not affect Public Footpath HF4 but requests that the applicant's attention is drawn to the following points:

- no furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;
- there must be no disturbance to the surface of the right of way, or obstruction of its use, either during or following any approved development; and
- the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the highway Authority.

**Kent County Council's School Travel Plan Advisor** commented that the School would need to register with Kent County Council online travel planning system to complete the Plan online, and would need to contact the Officer for access. As it would be a new school, it is considered to be more appropriate submit a Travel Plan after six months of occupation, once school staff are appointed and in place to produce their Travel Plan.

**The County Council's Sustainable Drainage Team** is satisfied with the outline design for surface water discharge to soakaways, which should function as proposed given the permeability of the underlying porous chalk. They advise that the detailed design of the soakaways should be based on observed and site-specific infiltration rates, with adequate attenuation provided to accommodate runoff generated by extreme rainfall events.

**The County Fire Officer** has no objection to the application.

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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**Force Crime Prevention Design Advisor** has no objection to the principle of the proposal, however as no consultation between Kent Police and the applicant has taken place on the application to date, they request that a condition is attached to any grant of planning permission to incorporate measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED).

**UK Power Networks** has no objection to the proposed works.

**Affinity Water**, in separate correspondence with the applicant, confirm that the submitted assessment showed no evidence of any significant levels of contaminants that may have a detrimental effect to the quality of water, and that the proposal's connection via a standard polyethylene pipe has been designed.

**Southern Gas Networks** comments that there is a Low/Medium/Intermediate Pressure gas main in the proximity the site and set out advice on the distance within which no mechanical excavations should take place. A colour copy of the plans and the gas safety advice booklet should be passed to the senior person on site in order to prevent damage to the plant.

**Local Member**

19. The local County Member, Mr Bob Neaves, was notified of the application on 16th May 2014.

**Publicity**

20. The application was publicised by the posting of site notices at the entrance to application site on Warren Way and at the two PROW entrances to the south-west and north-east of the site. 33 neighbouring properties were notified individually. Newspaper notices were placed on 23.08.14 and 11.07.14 (Kent Messenger) and on 30.07.14 (Folkestone & Hythe Express). *Note that both site notices and press notices were repeated following the reporting of errors involving the application area's post code.*

**Representations**

21. In response to the publicity, 23 letters of individual representation (from 20 residents) and 138 petition letters have been received objecting to the proposal, plus one letter requesting further information. A copy of the petition letter received is attached in Appendix A. Objections were received from residents living in Warren Way, Warren Close (inc. Nelson Court), Channel Close, Wear Bay Road, White Cliff Way and Foreland Avenue and Penfold Road, Burrow Road, Hollands Avenue, Bellevue Street. The material planning issues raised from the individual letters and the petition can be summarised as follows:

- The proximity of the proposal to residential properties and adverse impacts on residential amenity, including noise disturbance.
- Loss of privacy and/or overlooking from the proposed two-storey school building and tree removal near the southern and western boundary.
- Poor aesthetic design of the school building, not considered to be in-keeping with a

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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residential setting.

- The unsuitability of the Warren Way cul-de-sac as the proposed main access point.
- Traffic congestion and safety issues on Warren Way and the connecting streets, including concerns about disruption to emergency vehicle access, bus services and other service vehicles, especially in view of the needs of older and disabled residents.
- Fears about the possibility of inconsiderate parent parking which may affect resident access to and from their driveways.
- Proximity of other schools in the local area and cumulative traffic impacts at peak times.
- Use of the private road off Wear Bay Road that connects to the north-east PROW entrance and leads to the school site.
- Disruptions to residential amenity from construction vehicles should the development be permitted.
- Loss of freely accessible community green space, recreational area and MUGA located in what is perceived to be a safe location.
- The introduction of charging for use of the proposed community facilities and refurbished MUGA.
- The principle of proposing development on a greenfield site rather than utilising a brownfield site, and the view that there are alternative suitable sites within the district.
- The proposal is believed to be contrary to NPPF guidance, particularly on access to open space and green space designations.
- Proposing a new school in proximity to an existing manufacturing facility located on Wear Bay Road.
- The likelihood of increased risk of flooding from urbanisation.
- The perceived risk of erosion due to the site's coastal geology.
- The likelihood of increased sewerage discharge to the local drainage infrastructure.
- The field lies within an area of archaeological protection and should be retained as undeveloped.
- Noise prevention measures would be needed to protect residential properties should the proposal be granted planning permission.

22. Representations also commented on some existing noise disturbance arising from the site due to motorbikes accessing the field and from use of the MUGA.

**Discussion**

23. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (17.) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key determining issues for the planning application is the need for additional school places in East Folkestone, the loss of a freely accessible playing field, design and layout aspects, traffic and access considerations and residential amenity impacts. All of the material planning considerations that I consider to be key in this particular case can be summarised by the following headings:

**Creation of a one Form Entry Primary School at - Land at St Mary’s Playing Field, Warren Way, Folkestone – SH/14/694**

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Educational Need

24. In the Government's view, the creation and development of schools is strongly in the national interest and planning authorities should support this objective in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in Circular 11/95.
25. In this instance, the proposal has been submitted in response to an identified shortage of school places in East Kent. The Commissioning Plan for Education Provision in Kent 2014-19 forecasts a significant increase in the demand for primary school places in the Shepway District; each year for the foreseeable future the demand for Reception places will be exceeding supply in East Folkestone by up to 40 class places each year. Although Reception class children have been travelling to schools in West Folkestone for the last three years due to existing shortages, West Folkestone’s own forecasted demands indicate that the schools will no longer be able to accept these children in future.
26. Table 1 below shows the forecast data for primary schools within a two miles radius of the application site. Without the proposed new school, there will be a shortage of 68 places by 2015/16, increasing to 278 by 2018/19. Even with the capacity of the proposed new school there will be a predicted deficit of 33 places in 2017/18, rising to 68 places in 2018/19.

**Table 1: Forecast for Local School Places - With and Without the Proposal**

<b>27.</b>	<b>Current places</b>	<b>Forecast 2014/15</b>	<b>Forecast 2015/16</b>	<b>Forecast 2016/17</b>	<b>Forecast 2017/18</b>	<b>Forecast 2018/19</b>
Schools within 2 miles	3220	3148	3288	3405	3463	3498
Surplus/Deficit places <b>without</b> the proposed new school	3220	+72	-68	-185	-243	-278
Surplus/Deficit places <b>with</b> the proposed new school	3430	+282	+142	+25	-33	-68

27. Under the circumstances, I have no cause to doubt the need for the extra places, nor the need for a site in this part of Folkestone. In particular, the school places are needed to serve homes in East Folkestone itself.

Site Selection and Suitability

28. Some comments received from local residents were of the view that there are alternative, more suitable sites for the siting of a new primary school, and that any brownfield sites should be preferable for development in principle. The Educational Statement accompanying the application sets out the approach to site selection process for the required new primary school. The Statement explains that prior to the submission of the application, the Education Authority (Kent County Council



**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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*Education and Young People's Services*), firstly looked at the possibility of expanding existing primary school sites in Folkestone and secondly commissioned a study of all potential Folkestone development sites that could be suitable for a new 1FE primary school.

29. Of the nine Folkestone primary schools identified, most were deemed to have insufficient space and/or site constraints restricting expansion, with the exception of Sandgate Primary School, whose grounds include an additional playing field, and St Mary's Primary School's detached playing field land. The commissioned study identified 11 potential development sites, most of which were ruled out on material planning constraints apart from two sites: the site of the former Park Farm Primary School, Park Farm Road, Folkestone and land to the north of Southern Way, Folkestone. A further feasibility study was undertaken on these four shortlisted sites; the study concluded that three of the sites were unsuitable for the proposed development, for the reasons outlined below, leaving St Mary's Primary School's detached playing field as the remaining site option.
- a. *Sandgate Primary School*: existing transport issues would need to be addressed as part of any redevelopment, including the likely requirement for significant enhancements to the local road network. The school is also located in West Folkestone meaning that the additional trips generated through pupil travel from East to West Folkestone would exacerbate existing highway issues.
  - b. *Former Park Farm Primary School Site*: The site is owned by The Folkestone Academy Trust and has outline planning permission for 130 residential units, making a valuable contribution to the local housing supply. In addition, the site has residential land value and the cost of purchase would be prohibitively expensive, to the likely order of £4 million.
  - c. *Land to the North of Southern Way*: The site was previously used as a coal yard for British Rail and presents potential contamination risks. The land available for sale is only 0.2ha (out of 2.1ha) due to existing planning permissions for alternative development and Shepway District Council's land use allocations for site.

30. In my view, I am satisfied that the supporting information suggests that alternative, brownfield sites in Folkestone were properly considered in addition to St Mary's Playing Field, and that the conclusions drawn on the alternative sites presented insurmountable feasibility constraints for the development of a new primary school. It also needs to be borne in mind that many of the alternative sites that have been suggested are already required to accommodate other development needs, including other school developments. Members will also be aware that they are required to assess the proposed developed on the site that is proposed in the planning application, and cannot determine it on the basis of any alternative site being available, even if there was one.

Highway and Traffic Implications

31. The application is accompanied by a Transport Statement and a draft School Travel Plan. The highway and access implications of the application have been considered and addressed in detail by the Highway Authority, who raise no objection to the development subject to the inclusion of the agreed minor amendments (as listed in

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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paragraph 18.) and the imposition of conditions. Shepway District Council's strong objections on highway grounds have since been investigated and addressed by the resolution of all outstanding issues with the Highway Authority. However, the objections raised by the local community must be considered and discussed. The primary concerns were on the issues associated with potential for local traffic congestion, including the site access point in cul-de-sac turning head, and inconsiderate parking. Consideration of these issues has included an analysis of vehicle trip figures, the results of an additional parking survey, the proposed capacity of the school car park and measures to be included in a School Travel Plan.

32. The supporting Transport Statement contains vehicle trip attraction figures based on data from 6 local primary schools. However, the Highway Authority considered that it was more appropriate to apply trip data for St Mary's Primary School only, given the close proximity of the existing school to the application site. This increased the estimated pupil vehicle trips from 56 trips to 69 trips in peak periods, representing a differential of 13 vehicle trips, or less than 1 additional vehicle trip every 2 minutes over a half hour peak period, and less so when the trips are distributed across the local highway network. Although the applicant's view is that applying only one dataset would be statistically inaccurate, with the potential for the data to be skewed by any abnormal aspects associated with that one school, amendments to the application were agreed on the basis of the increased number of expected trips. The Proposed Site Plan has been revised to show an increase in the capacity of the drop off/pick up area from 3 to 6 spaces, increasing the total provision to 43 parking spaces. The Highway Authority is now satisfied that the layout would adequately cater for vehicle trips and parking demand, without any significant overflow onto the public highway.
33. In view of the proposed position of the school access in the turning head at the northern section of Warren Way, a parking audit was requested to be undertaken on the entire length of the road on a weekday between 8:00 and 09:30 and again between 14:30 and 16:00 to establish local parking demand during these periods. The parking audit undertaken on behalf on the applicant found that an average of 14 cars parked on Warren Way at any one time (approximately 7 each side of the road). Given that Warren Way is approximately 230m (754 feet) long, this represents a parked car approximately every 33m (108 feet) on each side of the road. Although the existing St Mary's Primary School is located to the south, the survey concluded that traffic associated with the school did not seem to park on any part of Warren Way to any material extent. Moreover, the existing vehicle parking on Warren Way is notably less than on many other residential streets in urban areas, and in the vicinity of schools, and it is not possible to sustain an argument that the road is of inadequate standard or capacity to serve a primary school.
34. Whilst the Highway Authority now accepts that there is not a material parking issue on Warren Way such as to warrant a highway objection, it requires the applicant to commit to implementing parking restrictions on Warren Way, as part of the proposals to prevent parking within the turning head area during the school peak periods. Given the current parking restrictions in place at the northern extent of Warren Way and into Warren Close, the Highway Authority advises that the most appropriate form of restriction would be to extend the double yellow line markings, and I see no reason why that could not be done if the development were to proceed, subject to any necessary Road Traffic Order being pursued.

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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35. It needs to be recognised that parent parking on local roads is a common issue associated with all schools, since all schools generate traffic movements and often involve some parking on the public highway, but unless that constitutes a severe risk to road safety then that is not a reason to withhold planning consent. In particular, the public highway is there to be used as such, and that use is not reserved for any one type of user, be they residents, visitors or employees. However, to address the issue and to take account of the amenity of local residents, the proposed School Travel Plan is to include a measure to 'name and shame' any parents who persistently park inappropriately, within school newsletters. The implementation of this measure would also be intended to discourage any inappropriate parking at the secondary site access on the private road off Wear Bay Road. The Highway Authority has confirmed that this measure should be taken forward as part of the proposed Travel Plan.
36. In considering the above, and in light of the views of the Highway Authority, I consider that subject to the imposition of conditions regarding the paving, draining and permanent retention of the area proposed for car parking and turning space, the permanent retention cycle parking area, plus the submission and implementation of an School Travel Plan, parking restrictions, maintenance of accesses and the provision and maintenance of visibility splays, that the development would not have a significantly detrimental impact overall on the local highway network. I therefore see no overriding justification to refuse the application on these grounds.

**Community and Recreational Use**

37. Along with potential highway matters, the primary objections from local residents and key consultees to the application is to the loss of recreational green space and playing field land for the local area and the potentially restricted access to existing MUGA facilities.
38. The objections received suggest that the site is highly valued locally as green space; it is requested that the site is retained as existing due to the lack of green space and/or alternative recreational space within the ward. In planning terms, the site is not formally protected by any specific environmental, landscape or Local Plan designations and no objections have been received from key consultees on adverse impacts to landscape or biodiversity. It could also reasonably be argued that the site is within proximity of a large expanse of public open green space to the east of Wear Bay Road, including part of the Kent Downs AONB and the East Cliff and Warren Way Country Park, which runs parallel to the coastline and caters for a wide range of recreational activity. Under the circumstances I cannot agree that there is an overriding argument to retain the field on the basis of shortage of open space in the locality. Moreover, the site is school playing field and is not strictly part of the public open space provision for Folkestone, although there are Development Plan policies that seek to retain playing field land, and the policy stance of Sport England which presumes against any loss of playing field in principle.
39. Since the local School rarely use the site because of its remoteness and concerns for security, St Mary's Playing Field is currently only used informally for recreation by the local community, including use of the MUGA, and as a pedestrian cut through between Warren Way and the private road leading to Wear Bay Road. The site has not been used formally as playing fields for a number of years, although it is believed to have been marked out for football pitches in the past. There are no changing room

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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facilities on site at present, or in the past, that would encourage a more formal recreational use of the field.

40. In response to consultations and further supporting information, Sport England has maintained their objection to the proposal as no new playing field land is proposed to replace that which would be lost; they do not consider the proposal to accord with any of the exceptions in Sport England's playing fields policy, or with paragraph 74 of the NPPF. In order to meet Sport England's exceptions policy, the replacement provision would have to be equivalent, or better, in terms of both quantity and quality. As no new area of playing field is proposed to be created, the quantity would therefore be reduced. Due to the lack of resolution with Sport England, Shepway District Council also strongly objects to the proposal on the same grounds. Clearly it is not possible to develop any part of the site for new buildings without there being some net loss of playing field, although the applicants have striven to minimise the loss by concentrating non-sports space to the western side of the site, and thereby allowing provision for a sports pitch on the eastern side of the site. As no new area of playing field of equivalent size, to that being lost in net terms, is proposed to be created elsewhere, the quantity of space would therefore be reduced. However, the current nature of the site involves a sloping field which does not readily lend itself to formal sports pitches; previously only one pitch (and the MUGA) has been accommodated within the available space. Whilst the proposed development involves a net loss of sports space, the proposed layout still enables a games pitch to be provided, as well as the existing MUGA, plus a new games court. Additionally, unlike the current arrangements, the new pitch would properly levelled, drained and maintained, the existing MUGA would be properly maintained and secured from improper and nuisance use, and better sports use of the whole site would be possible with the provision of ancillary facilities such as on-site parking and changing facilities not currently available.
41. However, Sport England argues that, despite the limitations of the current site conditions, the field could be capable of accommodating a new pitch/pitches in accordance with their guidance; they also state that the proposed sports pitch dimensions put forward do not accord with the Football Association's requirements, and in addition that the application does not identify any alternative site that would be capable of addressing the identified need for playing pitches in East Folkestone. However, it needs to be borne in mind that there is no realistic likelihood of the sports potential of this site being enhanced, as envisaged by Sport England, without there being some enabling proposals that could incorporate and manage such sports facilities. To my mind the development of a school on the site is the most likely way of achieving some improvement in the sports on offer at the site, since other development (such as housing development) would at best only secure a small play area on the site, i.e. substantially less than Sport England's aspirations. Under the circumstances, the choice is a stark one, in that the site either remains as it is, as an underused facility with maintenance, security and nuisance connotations, or is reduced in size to accommodate a new school for the local community but with the benefit of properly maintained sports facilities for the local community as well.
42. Whilst the applicant acknowledges that the new sports facilities proposed would not be sufficient to facilitate sports at all levels, in their view it would provide the required adequate provision for primary level education. The overall construction of the school building, hard standing and access would result in the loss of 0.5ha of playing field land, leaving 1.2ha of green space to be retained across the site. Whilst a proportion

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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of the existing, informal playfield would be lost, the application proposes to provide fully maintained and managed facilities, addressing Sport England's and paragraph 74 of the NPPF's requirements for a higher quality of provision, if not the quantity. The proposed facilities would create provision for the following:

*New Games Court:*

- Netball
- Basketball
- Mini Tennis
- Mini Soccer.

*Sports Pitches:*

- 60m (197 feet) running track
- Junior Football
- Mini Soccer
- Junior Athletics
- Fitness Training
- General sports training
- Mini Hockey
- Junior Rounders
- Stool Ball
- Six a side Cricket
- Community Events (e.g. Fates, charity events)
- Plus, a grassed area (27m (89ft) x 45m (148 ft)) to the side of the main pitch would allow for practice athletics.

*Indoor Multi Use Hall:*

- Fitness Activities (e.g. Yoga, Step, Zumba, Aerobics)
- Mini Soccer
- Junior Gymnastics
- Martial Arts (e.g. Judo, Karate)
- Dance
- Children's play
- Fencing
- Community events.

43. According to the Community Use Plan submitted with the application, the above facilities and the campus would be made available for hire by the community between the hours of 5pm and 10.30pm on weekdays and 8.00am and 10.30pm on weekends, subject to availability. As part of the proposal, the existing MUGA would also be refurbished, brought within the secure boundary of the proposed development and made available for community use. However, it is not proposed to floodlight the outdoor spaces, such as the sports field and MUGA, thus these would only be available during daylight hours. The Community Use Plan also states that the Academy Trust (Lilac Sky) and the Local Governing Body would agree and implement a charging policy to be published upon opening of school. The charging policy would be reviewed on an annual basis thereafter.

44. The removal of free, unrestricted access and other contractual limitations upon of the use of the MUGA has attracted objection from local residents and Shepway District Council. The MUGA is considered to be a gift to the local community following a

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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grant from a development organisation, and thereby not County Council property. However, KCC holds the freehold to the site which includes the MUGA area. Since the grant for the MUGA appears to have been a one off payment, rather than part of a contract for a wider programme of investment, the facility has been on site for in excess of ten years without any maintenance regimes in place. Whilst the MUGA may have been provided other than by KCC, if it came within the school development there would be provision for its proper ongoing maintenance, which is currently lacking and already a potential liability since it is not currently within anyone's responsibility.

45. The MUGA would be upgraded as part of the proposed development, with the benefit of a management regime that it currently lacks. The Academy Trust argues that chargeable use would be necessary to cover direct costs such as caretaking, insurance and maintenance, as funds must be primarily focused on the provision of education. Uncontrolled access to the MUGA could pose potential risks to pupils, if broken glass or other such harmful debris be left on the MUGA for instance. The School would be liable for the maintenance of the facility, supervision of the area, the safety of the users, the management of any residents' complaints, and be responsible for deterring anti-social or any unlawful activities that could take place on the site. As such, they would need to be in full control of the area to carry out their duties as the lease holder of the site.
46. In my view, whilst the proposed development would result in the loss of green space and informal recreational playing field, it could be argued that the current space and facilities on offer does not presently offer a high quality recreational space, with other green space available nearby. Although the field is currently capable of accommodating a pitch, there is no certainty or indication that the field would be developed or optimised for such use in the future if the school development did not proceed. The proposed development would provide the opportunity for a wider range and higher quality of formal sporting provision and community facilities, to be fully maintained and managed as part of the proposal, albeit at a maintenance charge. Whilst I would agree that free, unrestricted access to the refurbished MUGA facilities would have be preferable in terms of the continuation of the current community usage, I recognise the cost implications and liability issues that could arise, and the wider benefits to the community and pupils of controlled access in preventing abuse of the facilities or antisocial behaviour.
47. On balance, and despite the strong objections received, I do not consider the loss of green space and 0.5ha of informal playing field sufficient to warrant a planning objection on these grounds, given the potential benefits that could be provided by the proposed, improved facilities. However, if Members are minded to permit the proposals, the application would need to be referred to the Secretary of State in the light of Sport England's sustained objection in principle to the net loss of playing field.

**Design and Visual Impact**

48. The layout of the school is based on the Government's baseline design for 1FE primary schools, adapted to a partly two storey building. Objections from residents were received on the 'utilitarian' design of the school building and the potential for overlooking into the adjoining residential properties from the two storey element. It was noted that a single storey development would be more acceptable. Shepway

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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District Council also expressed disappointment that proposal has not put forward a more 'dynamic' external appearance and layout.

49. In response, the applicant has reiterated that the design of this school was based on the prescriptive template and guidelines provided by the Department for Education and the Education Funding Agency (EFA), which the scheme needs to follow to secure the necessary funding. The 'baseline' design model for a 2 Form Entry (FE) Primary School essentially limits proposals to a two storey, flat roof design which allows the thermal properties of the concrete to be used to cool the building in the summer. Given the spread of post-War suburban housing in this part of the town, there is no distinctive dominant character or style to development in the local area that could set a specific design context for the proposed development. It is also contended that the design of the school building reflects its civic function, and under the circumstances, I would argue that the overall design of the building is an honest interpretation of a conventional school building, appropriately reflecting its function rather than incongruously seeking to emulate neighbouring domestic properties. Any extensive additions or changes to the layout, scale or appearance of the building would incur additional costs over and above the level of secured funding, and whilst that is not a planning matter in itself, the implications are that there is a limit as to how far alternative designs can be explored without rendering the proposed development incapable of being funded and delivered.
50. However, following the comments received, an amendment to external materials of the school buildings has been submitted in line with the informal suggestion from Shepway District Council for a more vibrant, block colour palette. The revised elevations drawing now proposes neutral shades of blue on the first floor aspect of the school building, which would be visible from the main access to the south, instead of one grey coloured panel and palette of beige coloured panels.
51. Overall, given the lack of a distinctive local design context, I consider that the design of the school is acceptable and in keeping with its intended function, in line with Government policy and would not be incompatible in scale or proportions amongst the surrounding residential development, in accordance with SS3 of the Shepway District Council Core Strategy and Policy BE1 of the of the Shepway Local Plan Review saved policies.
52. The proposed layout is restricted by the need to avoid any adverse visual impacts on the two storey residential properties that surround the site, with the building positioned on the site where it would be the least intrusive in the townscape and least obstructive to public views across the site. Re-designing the provision required for a 2 FE primary school into a single storey development would increase the footprint of built development, thereby decreasing the amount of open space available to separate and screen the development from the surrounding properties. The provision available for outdoor/ sports facilities would also be affected, and conflict with the aim of minimising the loss of green space on the site.
53. The most prominent view of the site and school building would be from the three properties to the north-east of the site, along the private drive off Wear Bay Road. These two storey properties are situated on higher ground than the site and would look down on the school building to an extent. However, the proposed rectangular school building would be oriented to run north to south, ensuring that the narrowest elevation faces northward in order to limit the expanse of built development visible.

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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54. Since, to the east of the proposed site, significant separation would exist between the rear elevation of properties along Wear Bay Road and the eastern elevation of the school building due to the proposed siting on the western half of the field, it is unlikely that the school building would have a dominant or overbearing appearance from this distance. It is proposed to retain the existing dense Hawthorn dominant thicket screen (up to 4m (13ft) in height) with occasional trees along the eastern boundary, which would only allow some partial visibility in winter months. Boundary fencing is also proposed along the bottom of the eastern embankment.
55. Along the southern boundary, screening from existing boundary vegetation would be reinforced by new native thicket and tree planting, plus a border fence. To take account of the fact that the properties to the south are set at a lower elevation, the two storey aspect of the building is proposed to be located at the other end of the site. The properties to the west on Channel Close would be separated by the Public Right of Way and the significant existing tree and hedge screening, as much of it is intended to be retained as possible.
56. From the local area, it would be possible to view a small part of the site through the proposed main access on Warren Way. Otherwise, external views of the site would be largely screened by existing vegetation and proposed landscaping, together with the surrounding housing. The development is therefore unlikely to be prominently visible within the cliff top skyline or adversely impact upon, or affect the setting of, the nearby Kent Downs AONB.
57. Overall, I would consider, given the combination of the approach to the form, siting and orientation of the proposed school building, and the existing and proposed levels of screening, that the development is unlikely to lead to a significant visual impact on the local area, or upon residential amenity, sufficient to refuse the application on these grounds.

Other Residential Amenity Issues

58. Objections from local residents also include concerns about noise disturbance arising from the development and from the construction phase if permitted.
59. Noise emanating from use of the site is likely to be concentrated around the limited periods of arrival and departure and break times. Otherwise activity would be focused within the school building, which would be constructed with sound insulating materials. Apart from the short break periods, outdoor activities would be part of supervised structured activities, so noise levels would not be disruptive and typically at lesser noise levels than the noise from existing passing traffic. Moreover, as no floodlighting has been proposed as part of the development, use of any of the external facilities would be limited to daylight hours, as detailed in paragraph 43 above. The proposed secure boundaries and controlled access to the proposed facilities would address existing issues that have been raised regarding noise disturbance from the existing unsupervised uses of the field and use of the MUGA, including some unauthorised access by motorised bicycles.
60. To take account of potential noise and disturbance during the construction phase, and given the location of the proposal within a residential area, if planning permission is granted it would, in my view, be appropriate to impose a condition



**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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restricting hours of construction and demolition in order to protect residential amenity, if planning consent was to be given. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.

61. I also consider that it would be appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development, if planning consent was to be given. That should include details of the methods and hours of working, location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid peak times, and details of any construction accesses. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.
62. In addition to the above, should permission be granted, conditions of consent could also ensure that dust, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Flooding and Drainage

63. Other physical aspects of St Mary's Playing Field that would make the site unsuitable for development were also mentioned by local residents, namely in terms of potentially increasing flood risk, ground erosion and the discharge to the local sewerage network beyond its capacity. Although the Environment Agency has made no objection to the proposal, this stance is subject to the submission of a Surface Water Drainage Strategy in order to prevent the increased risk of flood, both on and off site. The Strategy would need to demonstrate that the surface water run-off generated up to, and including, a 100 year plus climate change critical storm would not exceed the run-off from the undeveloped site following such a rainfall event. Kent County Council's Sustainable Drainage Team was however satisfied that the submitted, outline design for surface water drainage via soakaways would function as intended, given the porosity of the underlying chalk geology of the site. The Environment Agency's response also included a number of recommendations for amendments to the current drainage strategy, including encouraging the applicant to consider raising the proposed ground finished floor levels of the school building to counter the risk of ground water surface flooding on site.
64. No concerns were received on ground stability or sewerage infrastructure from the bodies responsible for these matters, and I have no reason to believe that either of these matters poses a development constraint in this particular case. For instance, it is illogical to contend that the existing ground conditions pose a risk for accommodating a new school building, but that they do not for accommodating the large number of existing houses in this neighbourhood.
65. Given the lack of objection from key consultees on flood risk, drainage and land stability grounds, I am satisfied that such potential impacts arising from the proposal could be adequately addressed by planning condition, if planning consent was to be given. To prevent flood risk, I would consider it appropriate to attach a planning

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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condition requiring a Surface Water Drainage Strategy for the approval of the County Planning Authority, prior to the commencement of the development. In addition, I am of the opinion that it would be appropriate to attach the Environment Agency's comments on flood risk and Sustainable Urban Drainage Systems (SUDS) as an informative to any grant of planning permission.

Biodiversity

66. The application was submitted with an accompanying *Ecological Assessment Report*, plus a Reptile Survey undertaken at the request of the Kent County Council Biodiversity Officer to assess the potential for reptiles within the western boundary vegetation. The Biodiversity Officer is now satisfied with all survey work undertaken and has no objection to the proposal. However, they request that the following aspects are addressed by planning condition.
67. In terms of the proposed reptile mitigation strategy, they request that the report is updated for clarification to include the boundaries of the survey and mitigation strategy, further detail of the destructive grass survey and a detailed methodology for the approach to the impact from tree works. To consider the impact that the proposal would have on foraging and commuting bats, they advise that a detailed assessment on the impact of lighting from the proposed development is submitted as part of a detailed lighting strategy. And finally, they request that a management plan for the areas of ecological enhancement is produced to ensure the proposed measures are managed appropriately throughout the life of the development.
68. In view of the lack of objection to the scheme from the Biodiversity Officer, and the fact that the information required on the mitigation strategy can be obtained through amendments to an existing report, rather than a need for further survey work for example, I would consider that this aspect of the proposal could be reasonably agreed at a later stage, as secured by pre-commencement condition attached to a grant of planning permission, if permitted. I am also satisfied that other biodiversity aspects could be fully considered by attaching appropriately worded planning conditions to any grant of planning permission, as recommended.

**Conclusion**

69. In my view, the key determining factors for this proposal are the loss of recreational space, the suitability of the access road to accommodate a new school, the appropriateness of the proposed building design and site layout and the likelihood of adverse impacts on neighbouring residential amenity, together with the need for school places in East Folkestone.
70. There is strong Government policy support in the National Planning Policy Framework for the development of new schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards; subject to being satisfied on local amenity and all other material considerations, such as highway matters, design, noise, flooding and surface drainage. In my view, the proposed development would not give rise to any significant and demonstrable material harm in any of these respects, as far as planning, environmental and amenity aspects are concerned. It is argued that the loss of playing field land is not of overriding significance or harm in this instance, in terms of the overall aims of sustainable development. Furthermore, the development

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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proposal is clearly in accordance with the general aims and objectives of the relevant Development Plan Policies, relating to new development and the provision of community facilities in particular

71. I also consider that, subject to the imposition of appropriate planning conditions, the proposal would not have a significantly detrimental effect on the local highway network, local amenity or the environment. In my view the development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permissions, including those outlined below.

**Recommendation**

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

- the standard five year time limit;
- the development to be carried out in accordance with the permitted details;
- a management plan for the areas of ecological enhancement;
- a scheme of landscaping, including hard surfacing, its implementation and maintenance;
- details of fencing;
- measures to minimise the risk of crime;
- details of a surface water drainage scheme;
- works to be carried out in accordance with agreed reptile mitigation strategy;
- management plan for the areas of ecological enhancement
- detailed lighting strategy for prior approval, to include the prohibition of floodlighting;
- programme of archaeological works;
- arboricultural works to be carried out in accordance with the British Standard;
- tree protection measures;
- a School Travel Plan to be submitted after six months of occupation;
- a Road Traffic Order to be sought to extend parking restrictions on Warren Way;
- provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;
- provision of measures to prevent the discharge of surface water from the accesses onto the highway;
- provision and permanent retention of the vehicle parking spaces, vehicle loading/unloading and turning facilities and cycle parking facilities;
- provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays;
- completion and maintenance of the accesses;
- 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 management strategy, including access, lorry routing, parking and circulation within the site for contractor's and other vehicles related to construction and demolition operations;
- measures to prevent mud and debris being taken onto the public highway.

**Creation of a one Form Entry Primary School at - Land at St Mary's Playing Field, Warren Way, Folkestone – SH/14/694**

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

1. Highways: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.
2. Public Rights of Way Information:
  - no furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;
  - there must be no disturbance to the surface of the right of way, or obstruction of its use, either during or following any approved development; and
  - The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the highway Authority.
3. School Travel Plan: it is advised the Plan is register with Kent County Council's Travel Plan Management system 'Jambusters' at: <http://www.jambusterstpms.co.uk>.
4. Southern Gas Networks: There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system. The applicant should, where required, confirm the position of mains using hand dug trial hole. A colour copy of the plans and the gas safety advice booklet should be passed to the senior person on site in order to prevent damage to the plant.

<b>Case Officer:</b> Rachel Cutler
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<b>Tel. no:</b> 03000 413359
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Background Documents: see section heading
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### **Petition Letter**

The following letter was received from 138 local residents.

<p><b>Objection/s to KCC\SH\0151\2014 St Mary's Playing field.</b></p>	<p><b>Name &amp; Address</b></p>
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### **Proposed building/School**

- **Highly populated residential area.**
- There does not seem to be sufficient car parking for teachers and staff.
- This area already has two modern schools within the area.
- Immediate neighbours will lose their privacy.
- Two storey over looking houses.
- Serious noise pollution from traffic
- Serious noise pollution from school/children PE outside.
- Three private houses to north of field hard/soft standing /play area extra noise levels to these homes.
- Southern and western sides to this field will have trees removed leading to being over looked.
- External lighting will cause problems to immediate neighbours.
- Pollution from extra traffic in area.
- **Building site large lorries, weight restriction on roads within this area. These took years to be put in place because of European trucks/lorries travelling and turning within there area.**
- Location is set in a heavily residential area. Building is not in keeping with immediate locality.
- Over bearing to immediate neighbours.
- Building / material not in keeping with immediate area.
- Road from entrance to school can only take single traffic. Car management impossible.
- Extra car fumes from traffic within the field.
- Drainage within the immediate area is poor, smelly and not maintained. Extra sewage will cause even more problems for area.
- Glass in building/windows covers 360 degrees of field. The glare from the sun will cause shine/extra light/heat to neighbouring properties.
- School building is being built so that extensions can be added at later dates.
- **No traffic survey has been carried out in the area.**
- This field should be saved as an archaeological site and should be protected.

### **Health & Safety**

- Coast line in this area is eroding quite fast. No more building should be built in this area.
- Danger to all roads especially Warren Close, Channel Close & Warren Way.
- **Already bottle neck at corners of Warren Road & Neason Way, Warren Road & Wear Bay Crescent, Warren Road and Foreland Avenue.**
- High level of noise pollution
- The area roads are already a dangerous place for residents, especially children & the elderly.
- Extra Danger to pedestrians, children, blind, disabled & the elderly
- Emergency services need constant access to Philippa house. Extra traffic will reduce access greatly.
- **Emergency vehicles will be blocked from access/egress to Warren Close, Channel Close & Warren Way.**
- There are many elderly and disabled residents living in Warren Close.
- Emergency access/egress required in Warren Close. This will be hampered by parents parking.
- No other safe environment for children and families or clubs in the immediate area.
- Even more traffic pollution in the area.
- Emergency services access egress hampered to all roads.
- Dangerous environment on all roads in immediate area due to large European lorries.
- **Danger from Church & Dwight factory/buildings. Numerous large gas (LPG) containers approx 100/200m from proposed school. Two explosions have occurred in recent years.**
- Quality of life will be eroded in all streets. Disputes, disturbance intrusions.
- Highway safety will be heightened/compromised in all roads.
- Lot of traffic fumes/pollution in our homes.
- Warren Road will be the main entry point to new school. Traffic already heavy and causes problems. Damage to vehicles. Near miss accidents with children.
- When we bought our home we checked out area. We bought our home because of the quiet, pleasant & safe environment. (Retired resident).
- Large amount of heavy traffic/ lorries, noise pollution, traffic pollution fumes from lorries for many months/year.
- **We do not want the same nightmare Park Farm residents endure with traffic from Folkestone Academy.**

### **Traffic / Highways**

- Access via Warren Way. One way in & out.
- Heavy traffic in Warren Way which is a cul de sac.
- Heavy traffic Channel Close & Warren Close cul de sac's.
- Possible heavy foot/traffic access via private road.
- This school will house 210 children initially. This will potentially mean an extra 210 cars. Teachers cars, school staff, delivery trucks, buses for out side school activities, extra refuse trucks, visitors to the school through out the school day. Traffic related to out of hours / evening activities.
- Majority of access to the area / new school will be via Warren Road.
- Warren Road will not be able to cope with extra traffic. Traffic to High field industrial estate, Traffic to St Mary's School. Traffic to St Peter's school & traffic to Martello Centre, Adults with learning difficulties. Cross key coaches, 72 buses, delivery trucks, workmen / vans. List could go on.
- Staff from St Mary's C of E school parking in Warren Road & Foreland Avenue (all day) . Residents have to park long distances away from homes.
- Drive ways already get blocked in Foreland Avenue & Warren Way.
- Drive ways will be blocked in Warren Close Channel close & top of Warren Way outside of future school entrance.
- Parking already very heavy in Warren Road & Foreland Avenue.
- Parking will be heavy in Warren Close, Channel Close & Warren Way.
- Road conditions in Warren Way inaccessible in ice / bad weather. Bad weather conditions also affect Warren close.
- Afternoon pick ups cannot be managed.
- Parents start parking at 14.20hrs in Foreland Avenue and Wear Bay Crescent to await to pick up their children from St Mary's at present. Same will happen if proposed school goes ahead.
- Parents / Grand parents will park where they can, nearest to new school in Warren Way, Warren Close and Channel Close from similar times as above.
- Afternoon run is even worse than morning run in all schools in the area.
- Between all three schools planned and existing there are approximately 800 cars coming into the area via Warren Rd. There will be all other vehicles as describe in various statements above. This will total approx 1000 vehicles to the area on a daily basis.
- Martello Centre, Neason way is an adult learning centre has only one way / out. It has a lot of vehicles coming and going from 08.00hrs until 18.00hrs. Later times of 19.00 / 20.00 some days. Mon - Fri.

Appendix A *continued***General /Community**

Lilac Sky have advised us that the community will no longer be able to use the MUGA. They will no longer have any access to the playing field. They will lease this land from the government for 125 years. This company is a Private Academy Trust. They will not be answerable to the local Council. They will only be answerable to the Secretary of State for Education.

- KCC nor LiLac Sky can give any guarantees that the school would be not extended in the future. St Mary's school houses 480 children.
- House prices going down.
- Unable to sell property. People cancel once they find out about school.
- Not being able to use the field for dog walking
- Children will not be able to play football ( five aside) in court/MUGA.
- Too many schools in one area (2 at present)
- **Once this field is gone there is no way back.**
- No more community access to field.
- Figures quoted in planning application are unrealistic. There are few children in the immediate roads who will attend this new school, suggesting the majority of pupils will be coming from further a field and would require transport. Council quoting most pupils will walk. No way.
- No more community use of MUGA
- No more free use of field for local groups. Lilac sky will look at letting local groups some use of school / grounds for a price.
- Under handedness by Kent County Council. No democracy. The norm is, we are being told what will happen.
- Privacy of local residents / neighbours near school compromised.
- Maintenance to field has been allowed to run down by KCC in order to make the field look unused.
- What will happen to public foot path. We have used that for 32 years (local resident).
- This is a quiet residential area, we do not see why another school is being built here. There are two schools already here.

Print name;

Date; 03/06/14

Signature;--