

2.5 REFERENCE NO - 18/501863/FULL		
APPLICATION PROPOSAL Erection of a new single storey special educational needs primary school with formation of a new access onto Vellum Drive and associated car parking and drop-off area, pedestrian access, drainage, areas for formal and informal outdoor play, and landscaping works.		
ADDRESS Land East Of Vellum Drive Sittingbourne Kent ME10 5BE		
RECOMMENDATION: Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development is considered to be acceptable as a matter of principle as it would be located on vacant land within the defined built-up area boundary. The relevant material planning consideration have been carefully considered (see ‘appraisal’ section below) together with the responses received from technical consultees and the development has been found to be acceptable, and in line with the relevant parts of the NPPF and the applicable policies in the adopted Local Plan. As noted above, the recommendation to approve is subject to conditions as set out below.		
REASON FOR REFERRAL TO COMMITTEE: The application site is Council-owned land.		
WARD The Meads	PARISH/TOWN COUNCIL Bobbing	APPLICANT Education & Skills Funding Agency AGENT DHA Planning Ltd
DECISION DUE DATE 04/07/18		PUBLICITY EXPIRY DATE 18/05/18

Planning History:

SW/13/1328	Approval of reserved matters (pursuant to SW/11/0637) relating to the development by Redrow homes of 224 houses and flats at Archers Park, and consisting of layout, scale, appearance and landscaping.	Reserved matters approved.	15/8/2014
SW/11/0637	Development of up to 300 dwellings on land known as Archers Park, immediately to the south and west of the application site.	Outline planning permission granted	16/10/2013
SW/99/0073	This included details for the community woodland and “siting of school site”, though not details of the position of the primary school or any other reserved matters for it.	Reserved matters approved	17/5/1999
SW/96/0717	Mixed use development including residential, office and commercial uses, shopping and community facilities, school, community woodland, associated infrastructure and services.	Outline planning permission granted.	20/1/1998

With regard to SW/96/0717, this outline planning permission is subject to a Section 106 agreement that includes clauses relating to the land the subject of the current application; under the s106 agreement, the land has been transferred to this Council. KCC did not take up

the option to develop the site for a primary school, and subsequently was to be used as an extension to the Community Woodland. The land was not formally planted up, though until recently it was used informally for recreation.

In addition to the need for planning permission, a separate Deed of Variation will be required in order for the terms of the s106 agreement to be varied to allow the proposed school to be built out on the land.

The other recent development in the area, including the Watermark commercial development on the western side of Vellum Drive, has considerable planning history. However, none of it is of sufficient relevance to the current application as to warrant inclusion here.

1. DESCRIPTION OF SITE

- 1.1 The site, which is approximately rectangular, is located immediately to the south of Staplehurst Road (the B2006) with its western boundary adjoining Vellum Drive. To the west and north the area is characterised by a mix of housing and commercial uses that constitute The Meads and Watermark developments.
- 1.2 Further to the west, Staplehurst Road connects with the A249 trunk road, which runs approximately north-south and is located immediately to the west of the Archers Park housing development, which includes Bristol Close.
- 1.3 Part of the southern site boundary adjoins dwellings on Bristol Close: Numbers 1 and 5 to 12 inclusive adjoin the site boundary; Number 1 is side-on to the application site, while the other houses back on to it. The dwellings in question are all two-storey.
- 1.4 To the east - and to part of the southern boundary - the site adjoins public open space, which consists primarily of a Community Woodland.
- 1.5 The application site measures 1.73 hectares (or 4.27 acres).
- 1.6 A public right of way – namely ZR111 – runs to the east and south of the site, connecting The Meads development to the areas of housing on the southern side of the main railway line.
- 1.7 Members will note that the site – which is not allocated for development in the adopted Local Plan - currently provides space for informal recreation for dog walkers and others and is characterised by areas of rough grass, other vegetation and sporadic tree growth. The latter include a mature oak tree (Category B), located close to Vellum Drive. Eleven less substantial trees, including a number of oaks and a mix of other species, have recently been removed. There are no buildings on the site.
- 1.8 The site is broadly level with only slight changes in the topography, with a maximum height of approximately 21.5 metres Above Ordnance Datum (AOD).

2. PROPOSAL

- 2.1 Full planning permission is sought for the erection of three-form entry (3FE) primary school specifically for children with Autism Spectrum Disorder (ASD) and Speech, Language and Communication Needs (SCLN). Members will note that the school will have 83 staff members supporting a total enrolment of 168 pupils. The supporting Planning Statement notes that this will be the first such three FE school in Swale and East Kent
- 2.2 Members will note that the pre-application process for this development included a Design Review by Design South East (held on 24 January 2018). As set out in the Design and Access Statement, on Page 8, the Review considered the ‘building location and orientation’, ‘building form and internal layout’, ‘materials’, ‘landscaping, car parking and boundaries’, and ‘corridor layout’.
- 2.3 The development proposal is explained in detail at paragraphs 3.1.1 to 3.1.15, on pages 12 and 13 of the Planning Statement, and Members will note the following:
- 2.3.1 The school will have “*state-of-the-art facilities*” designed to ensure that “*pupils have the best learning experience possible*”
- 2.3.2 The facilities will include SEN Sports Spaces and Outdoor Teaching Spaces
- 2.3.3 The building will be laid out to “*create a flow through the site for pupils and staff, with a single-storey and separate winged design to allow for age-specific development and play.*”
- 2.3.4 Every classroom will have “*linked outside space*” and Members will note that the landscape scheme will provide “*an attractive and easy to maintain learning environment in the forest school ethos*”.
- 2.3.5 The building is orientated to “*maximise natural daylighting while avoiding over-heating and glare*”.
- 2.3.6 The positioning of the building on the site has been chosen with regard to the proximity to the housing to the south (Bristol Close), the need to retain the mature oak tree adjacent to Vellum Drive and in order to provide outdoor space on the eastern part of the site, “*...providing a visual transition towards the undeveloped community woodland to the east.*”
- 2.4 The building would have an internal floor area of 3,220 square metres. The maximum width of the school - towards the southern end of the building, where wings project from both sides of the central corridor (and adjoining rooms) – would be 90.8 metres (divided between two sections measuring 41.8 metres and 49 metres); the maximum north-south dimension would be 83.8 metres.
- 2.5 Given the buildings irregular floor plan, Members are encouraged to view the ground floor plan to fully appreciate what is proposed, and to understand how the floor area would be divided between classrooms, the main hall (180 square metres) and dining areas (129 square metres) and other spaces such as corridors, office space and kitchens.
- 2.6 The building would be single storey and feature ridged roofs, extending to a maximum height of eight metres, towards the eastern end of the north elevation, where the main hall and entrance to the building would be located. Elsewhere, the ridge height would be seven metres and the eaves height 4.4 metres. On the southern elevation, the section

of the building located closest to the adjoining dwellings would extend to a ridge height of 6.2 metres, with an eaves height of 3.6 metres.

- 2.7 The walls would be finished in a combination of facing brick (main and contrasting feature brick areas), and cladding to part of the west elevation (to Vellum Drive). The roof would be clad in profile metal sheeting and feature sun pipes and wind catchers.
- 2.8 With regard to car parking, Members will note that provision would be made for 91 cars, including five disabled spaces. In addition, five motorcycle spaces will be provided. Members will also note that the layout of the scheme allows for the stacking of up to 32 vehicles during drop-off and pick-up periods. The Planning Statement notes that *“the drop-off and collection period will operate over prolonged periods, rather than a single arrival and departure time...”*
- 2.9 With regard to cycle parking, the initial submission has been amended and the latest site layout shows the provision of cycle stands and a shelter to be located just to the east of the main building. Further details are awaited and I will update Members at the meeting.
- 2.10 Further to paragraph 1.7 above, Members will note that – as set out in Planning Statement at 5.10.2 – eleven trees – all Category C – are ultimately to be removed in order to accommodate the proposed development. In addition to those that have already been taken out, four street trees – all Himalayan Birch – will also be removed to accommodate the vehicular access and visibility splays.
- 2.11 With regard to bin storage, Members will note that the proposed layout shows a bin storage area in the north-west corner of the site. The applicant has indicated that a timber, hit-and-miss style structure would enclose the bin storage area. A condition is included below to control the details of this structure.

3. SUMMARY INFORMATION:

	Existing	Proposed	Change (+/-)
Site Area (ha)	1.73	1.73	0
Maximum Ridge Height (m)	NA	8.0	+8.0
Typical Eaves Height (m)	NA	5.0 to 3.6	Up to +5.0
No. of Storeys	NA	1	NA
Gross Internal Floor Area	NA	3,220	+3,220
Parking Spaces	NA	91 (including five disabled spaces)	+91

4. PLANNING CONSTRAINTS

- 4.1 The site is located within Flood Zone 1, meaning that the risk of flooding is considered to be low. Nevertheless, surface water drainage arrangements are an important material consideration, and are discussed in the ‘appraisal’ section below.
- 4.2 The site is not located in or adjoining a conservation area or close to a listed building(s) or other above-ground heritage assets. However, part of the site is constrained by archaeological potential. This has influenced the proposed siting of the building, and the issue is discussed below.

5. POLICY AND CONSIDERATIONS

- 5.1 National Planning Policy Framework (NPPF): Members will note that the applicant's Planning Statement includes an appraisal of the relevant NPPF paragraphs on Pages 16 to 18.
- 5.2 However, since the submission of the planning application, the original NPPF has been replaced by a new, 2018 version. In light of this, the applicant has provided an addendum to the original Planning Statement, which sets out the paragraphs in the new NPPF that are considered to be relevant.
- 5.3 I consider the following paragraphs are relevant to this proposal: 2 (NPPF is a material planning consideration), 8, 9, 11 (presumption in favour of sustainable development), 38 (LPA approach to decision making), 94 (planning for schools), 102, 111 (approach to transport / highway issues), 127 (high quality buildings and places), 128,131 (design quality), 153 (green energy), 175 (biodiversity), and 176 (ecological designations).
- 5.4 The following National Planning Practice Guidance (NPPG) is considered to be relevant: Air Quality; Noise; Design; Natural environment; Use of planning conditions; Travel plans, transport assessments and statements; Water supply, waste water and water quality;; Flood Risk and coastal change; Open Space, sports and recreational facilities, public rights of way and local green space.
- 5.5 Swale Borough Local Plan 2017: Bearing Fruits 2031 - ST1 (sustainable development), ST5 (Sittingbourne area strategy), CP2 (sustainable transport), CP1 (strong economy), CP2 (sustainable transport), CP4 (good design), CP5 (health and wellbeing), CP6 (community facilities and services to meet local needs), DM6 (managing transport demand and impact), DM7 (vehicle parking), DM14 (general development criteria), DM17 (open space, sports and recreation provision), DM19 (sustainable design and construction), DM21 (water, flooding and drainage), DM28 (biodiversity and geological conservation), DM29 (woodland trees and hedges), and DM34 (Archaeological sites).
- 5.6 As noted at Paragraph 1.7 above, the site is not allocated for development in Swale Borough Local Plan 2017.
- 5.7 None of the Council's Supplementary Planning Documents are of particular relevance in this instance.

6. LOCAL REPRESENTATIONS

- 6.1 The application has been advertised by site and press notice, and letters were sent to adjoining addresses and a number of those in the wider vicinity.
- 6.2 Eleven responses have been received, and these are summarised in the following paragraphs:
- 6.2.1 Three representations in support have been received and the issues raised are summarised as follows:
- Specialist school places are 'sorely' needed, particularly in east Kent, where children often having to travel considerable distances across the area each day to school;

- Children with extra needs should have educational opportunities, and can ‘thrive in the right environment’;
- Levels of unemployment are typically very high for autistic people, and better education could help address this;
- Noise mitigation measures for the classroom environment should be controlled through the planning process

6.2.2 Six representations raising objection - including five from local residents – have been received and are summarised as follows:

- Not consulted about application, or included in pre-application local engagement;
- Given failure to consult properly locally, not sure how application can proceed;
- Not clear whether traffic issues have been properly considered, particularly the access ‘in and out of Vellum Drive via the roundabout’;
- Traffic may back-up on to the Staplehurst Road, which is ‘a 50mph road which is busy all day’ and may need to be upgraded to accommodate the extra traffic from the school;
- Parking on Vellum Drive will need to be managed, but this may not be possible as Vellum Drive has not been adopted, and parking in the area will be inadequate;
- The development would be harmful to the ‘hundreds of species of wildlife’ (‘including rabbits and insects’) that currently use the site;
- The application would result in the loss of a valued open space (one of very few locally) for walking, exercising and similar activities, and which is considered to be much safer than the adjacent Community Woodland;
- Noise from the school would detract from residential amenity;
- This proposal is a different proposition from the primary school originally envisaged – and granted outline permission under SW/96/0717 in 1998 – and which would have served a local educational need. As such, the argument for the current proposal is weakened;
- As the primary school originally envisaged was not provided, the site should instead be planted as a community woodland as envisaged under the 1998 planning approval;
- Local residents are dismayed that by enclosing the site with temporary fencing, the outcome of the planning application seems to have been pre-empted;
- A local councillor may have pre-empted the outcome of the application by commenting favourably online;
- If the development is approved, the area will become a ‘dismal, urbanised place’
- Neighbours would experience a loss of privacy, and loss of light / over-shadowing;
- Safety standards will be compromised locally by heavy traffic;
- Development will detract from visual amenity;
- Air quality will be harmed (partly because the green space to be developed potentially absorbs pollution currently);
- What is meant by supporting staff?

6.2.3 Two representations making observations, but neither in support or opposition, have been received, and the issue raised are summarised as follows:

- The principle of the proposal is supported, but concern is raised about the proposed siting of the building;
- The position of the building would be close to houses and could adversely impact on residential amenity;
- Siting the building further from the Bristol Close houses would be preferred

- Loss of a number of trees would be regrettable and could be harmful to resident birds, including migratory ones;
- The trees also act as a 'sound and visual barrier' between houses and Staplehurst Road
- Existing car parking problems, would be exacerbated;
- The position of the access is also of concern;
- Given uncertainty about finished levels, it is difficult to assess potential harm to residential amenity; and
- Noise, smell and dust concerns are raised, in relation to the construction phase and the subsequent operation of the school.

7. CONSULTATIONS

- 7.1 **KCC Highways and Transportation** note that the submitted Transport Assessment (TA) reflects amendments to the trip generation following pre-application discussions. They also note that the roundabout junction with Staplehurst Link Road (B2006) will operate within capacity at 2028 once traffic associated with the proposed school is factored in. The supporting data showing that 67% pupils attending the school will be from outside Swale and therefore the majority of vehicles movements associated with bringing children to the school will be via the Strategic Road network (including the A249, just to the west of the application site). The view of Highways England "*will therefore be paramount*".
- 7.2 Having considered the swept path analysis, it is considered that the proposed access and visibility splays – as shown on the Access Detail Plan (H-01 revision P1) – are acceptable. Members will note that as the vision splays will be contained within the adoptable highway the provision of sightlines will be controlled by the technical approval of the S38 or S278 agreement to construct the access, and as such a planning condition is not required.
- 7.3 With regard to car parking and provision for drop-off and pick-up of pupils, the space available (in the form of a loop road within the site) is considered to be adequate, noting that 91 formal parking spaces are shown and that the loop route "*...can stack a single line of approximately 37 vehicles...*"
- 7.4 In conclusion, no objection is raised provided Highways England are satisfied that there will be no unacceptable impact "*...along the A249 corridor junctions...*" and to the imposition of conditions (eight in total) as stated. The suggested conditions are set out below.
- 7.5 In their initial response, **Highways England (HE)** stated that despite pre-application engagement, further information was required in respect of trip generation and trip distribution resulting from the proposed development in order for them to provide final comments in respect of potential implications for the Strategic Road Network, which includes the A249 and the M2. The applicant then provided additional information consisting of a Technical Note, dealing with HE's request and in particular the potential impacts on the A249 corridor and the M2, between Junctions 5 and 7.
- 7.6 Following a meeting on 17 October 2018, attended by both highways authorities, KCC Education, the Department for Education (DfE), the applicant's design team and the planning case officer, further information was provided, giving a more refined

assessment (based on site-specific information provided by KCC and the DfE) of the likely vehicle movements arising from the development.

- 7.7 Highways England's main area of concern had been potential impacts on traffic flows through Junction 5 of the M2, but in the light of the new information they concluded that *"...the impact of development traffic on the operation of Junction 5 is significantly reduced compared to the previous assessment...the residual cumulative impact on Junction 5 could not be considered 'severe'"*. Noting that the scheme would generate *"minimal additional traffic"* on the Strategic Road network in Peak Hours", they now offer no objection to the development.
- 7.8 **UK Power Networks** initially raised objection, noting the presence of an *"electricity substation located within six metres of the proposed works..."* Members will note that the site location plan has been amended to exclude the substation from the application site.
- 7.9 **KCC Flood and Water Management** raise no objection subject to further assessment being undertaken at the 'detailed design stage', and to the imposition of three planning conditions (relating to a detailed SUDS scheme, an 'operation and maintenance manual' and a verification report for the SUDS scheme). It is also recommended - as the site is located within 'Ground Source Protection Zone 1' [for ground water] - that the Environment Agency be consulted.
- 7.10 **Environment Agency** raise no objection subject to conditions in respect of piling design, potential contamination found during construction and the prevention of infiltration of surface water drainage into the ground.
- 7.11 **Kent Police** state that the application has been considered in accordance with the National Planning Policy Framework (NPPF) 2012 (Section 7 Para 58 and Section 8 Para 69) and the DCLG Planning Practice Guidance March 2014 (Design Section - Paras 10 and 11) – Crime Prevention.
- 7.12 *"Having reviewed the online plans and documentation, the applicant/agent has clearly demonstrated that they have considered crime prevention and have attempted to apply the seven attributes of CPTED. Therefore we await the decision on this application."*
- 7.13 Members will note that the development is not going to be built to Secured by Design (SBD) standard. However, the issue of designing out opportunities for crime and anti-social behaviour has been considered in the development of the design, and Kent Police raise no objection.
- 7.14 **Sport England** provided a holding response, but no substantive comments were made about the development.
- 7.15 **Bobbing Parish Council** *"...has no objections and would be supportive..."* though they make the observations, which I have summarised as follows:
- School events could be problematic given increased traffic on Staplehurst Road;
 - Entrance on to Vellum Drive should be moved further from junction with Staplehurst Road;
 - Suggest a reduced speed limit on Staplehurst Road; and

- Parking restrictions are needed on Vellum Drive in front of school site.

7.16 **Southern Water** raise no objection subject to conditions in respect of details of foul and surface water drainage. The consultation response also advises that it is the responsibility of the applicant to ensure that the site is properly surveyed to establish whether a public sewer(s) are present under the site.

7.17 **County Archaeological Officer** notes that:

“The site of the proposed school is known to contain sensitive heritage assets and has potential for further significant archaeological remains associated with prehistoric and later burial activity. Although the area has been subject to extensive brickearth extraction, recent formal investigations and a number of identified cropmarks indicate ring ditches, burials and associated features survive along a ridge of high ground extending through the site.”

7.18 The response also states:

“Although it would have been preferable for the design and layout to be guided by the results of an archaeological evaluation, there has already been some consideration of the archaeology with the predicted location of the ring ditches situated underneath a tennis court, car parking and open space. The main buildings have been sited to hopefully avoid important archaeology but this is based on deskbased assessment. It is only through fieldwork that the precise location, extent and significance of archaeological remains can be clarified. This approach is welcome although I note this application is a detailed application and as such there might be limited opportunities to safeguard archaeology through design, especially in relation to drainage and landscaping works.”

7.19 The Archaeological Officer goes on to conclude:

“In summary, the proposed site of the SEN school contains significant heritage assets and has the potential for further important, complex and sensitive archaeology. The application is supported by a reasonable desk-based assessment but it would have been preferable for this detailed application to have been informed by the results of an archaeological field evaluation. I stress the value of undertaking the evaluation prior to determination of this application. However, if it is considered necessary to determine this application at this stage, I recommend the following conditions [see conditions (12) and (13) below] are placed on any forthcoming consent...”

7.20 The applicant’s archaeologists have subsequently undertaken an evaluation through trial trenching across much of the site. In response, KCC Archaeology advise: *“Some areas were not accessible but a reasonable area was covered. The evaluation did reveal evidence of at least one of the ring ditches and some other multi-period activity. However, on the basis of the results so far, there are no indications of extensive and significant archaeology which may be severely impacted by the school scheme. There are archaeological remains which will need to be subject to appropriate archaeological mitigation but these can be agreed as part of finalising proposed groundworks for the school.*

7.21 *We have received an interim report on the evaluation works from CgMs. We do need a full evaluation report and there will be a need to agree detailed archaeological mitigation measures but, based on current information, archaeology can be addressed through the conditions recommended.”* Members will note conditions (12) and (13) below.

- 7.22 **KCC SEN [Special Educational Need] Assessment and Placement** have written in support of the application, *“welcoming the proposed three-form entry primary school”*. The letter also notes the significant number of children in Kent *“...in receipt of an Education, Health and Care Plan (EHCP)...”*, which equated in 2016 to 2.9% of the total school population, or 7043 children. Of those, 2958 had Autistic Spectrum Disorder. That number amounted to a 37% increase over the number for five years earlier. For Swale, the number of primary aged pupils (Years R to 6) with an EHCP was 317 as of January 2016, and this is expected to increase by approximately 6% in the period to 2020. The letter concludes: *“In the light of this significant evidence, I am pleased to confirm that the County Council expects to commission all the available places at Aspire...”*
- 7.23 **Climate Change Officer** raises no objection, and notes: *“Although the size of this development would normally require a BREEAM standard of “very good” [in accordance with DM19 of the Local Plan 2017] it is unlikely this will be achieved due to ecological factors. The applicant has demonstrated that most of the categories within the rating will reach a “very good” standard but the overall rating will be a “good”.*”
- 7.24 The **Environmental Protection Team Leader** raises no objection, having considered the potential for ground contamination and for adverse impacts on residential amenity during the construction period. A condition is not required in respect of the former, but with regard to the latter a ‘Code of Construction Practice’ condition is required and I have included this below.
- 7.25 **KCC Ecology** raise no objection, and Members will note that comments are given in respect of reptiles, breeding birds, bats (detailed lighting scheme), hedgehogs and badgers, the clearance of existing vegetation, site management and biodiversity enhancements.
- 7.26 In accordance with KCC’s advice, reptile mitigation has now been undertaken in the form of the translocation of a population of slow worms and common lizards to a receptor site at the Milton Creek Country Park. Accordingly, this issue is resolved and a planning condition is not required.

Bat and hedgehog / badger comments are dealt with by conditions, while I have recommended an informative to deal with breeding birds. In the light of amended details and further comments from KCC Ecology, a further condition is included below to deal with ecological management and biodiversity enhancements.

- 7.27 The **Greenspaces Officer** has responded as follows: *“Confirm we are supportive of the application and that having considered the plans feel the landscaping is appropriate mix for the school while recognising the location adjacent to the Community Woodland.”*

8. BACKGROUND PAPERS AND PLANS

- 8.1 Application Form and Certificate B, Planning Statement (August 2018), Design and Access Statement (March 2018), Ecological Assessment (February 2018), Reptile Mitigation Strategy (March 2018), Reptile Translocation Report (October 2018), Transport Assessment (April 2018), Interim Travel Plan (April 2018), Flood Risk Assessment (April 2018), Phase 1 Preliminary Risk Assessment (March 2018), Statement of Community Involvement (April 2018), Written Scheme of Investigation for an Archaeological Evaluation (December 2017), Archaeological Evaluation Summary

Report (July 2018), Below Ground Drainage (Initial Design Concept)(March 2018), Generic Risk Assessment (March 2018), Geotechnical Report on Ground Investigation (September 2018), Arboricultural Implications Report, Drainage Strategy, BREEAM Pre-Assessment, Noise Survey, Contamination Survey, Sustainability Assessment, Construction Management Plan and Lighting Assessment.

8.2 The submitted plans are as follows:

- Location plan (ASPSC BBA 00 XX DR L 1001 S3 P05);
- Proposed site plan (- 1003 S3 P10);
- Tree Removals and Protection (-1014 S3 P05);
- Site Access Plan (-1015 S3 P05);
- Elevations (-A-3001-S8-P05);
- Ground floor plan (-A-2001-S8-P08);
- GA Sections (A-4001-S8-P02);
- Proposed site sections (-L-4002-S8-P01);
- Roof GA plan (-A-2001-S2-P02);
- Soft landscape plan 1 of 2 (-L-8021-S3-P06);
- Soft landscape plan 2 of 2 (-L-8022-S3 P04);
- Landscape materials (-L-9004-S8-P03);
- Hard Landscape Plan 1 of 2 (-L-8001-S3 P08);
- Hard Landscape Plan 2 of 2 (-L-8002-S3 P07);
- Underground Drainage Layout (-D-50000-P01);
- Typical Drainage Details (Sheets 1 to 6)(drawing numbers –D-58001 P01 to –D-58006 P01);
- External Lighting Plan (-DR-E-40900-P01);
- External Lighting Luminaire Lux Plot (-E-40900-P01); and
- Various Views of the proposed development (eight in total).

9. APPRAISAL

Principle of Development

9.1 The application site is located within the built-up area boundary for Sittingbourne, and adjoins a mix of residential and commercial uses. Members will have noted above that the original planning permission for the wider Meads development (which included the application site) envisaged a primary school being developed on the site. As such, and noting that the site is not allocated for any specific type of development in the Local Plan 2017, I consider that the principle of developing the proposed school on this site is acceptable.

Visual Impact

- 9.2 The proposed layout and architectural treatment are explained in the Planning Statement and the Design and Access Statement and a summary of what is proposed is set out at paragraphs 2.1 to 2.11 above.
- 9.3 As noted at paragraph 2.2 above, before the planning application was submitted, the emerging proposals were subject to an independent Design Review by Design South East. The decision letter is appended. This exercise was followed by a meeting between officers, the design team and interested Members.
- 9.4 As explained in the Design and Access (D&A) Statement, the proposal now before Members has emerged from a comprehensive process that considered a number of different arrangements for the siting, configuration and elevational treatments of the building. The Design Review process was a key element of this work and it covered on Page 9 of the D&A Statement. While it is clear that the scheme has been improved following the Design Review, it should be acknowledged that the changes have not been fundamental and this is arguably because the site is heavily constrained by archaeology (which has limited the possibilities in terms of the siting of the building), noise and “visual distraction” from Staplehurst Road (the building has been kept away from this), the need to retain the mature oak tree, and the requirement to provide good levels of natural light and sun-light to teaching areas, while minimising the possibility of over-heating to classrooms during the Summer.
- 9.5 Aspects of the design, such as the corridors and the entrance from Vellum Drive, have been refined since the Design Review in the light of feedback from the Panel and the comments of officers.
- 9.6 The architecture of the building will be simple and reasonably low-key, with traditional facing materials and native planting used to complement the setting.
- 9.7 It is considered that the scheme now before Members will provide a good environment for the pupil cohort, their teachers and other staff, as well as being a sympathetic addition to local environment, which contains an eclectic mix of architectural styles.

Residential Amenity

- 9.8 There are a number of concerns raised by residents of Bristol Close, which is located to the south of the application site. At the south-western corner of the building, the minimum separation distance would be seventeen metres, where the school would address Numbers 6 and 7, Bristol Close. The proposed layout includes space for the provision of intermittent tree planting and other landscaping to soften this relationship.
- 9.9 As set out at paragraph 2.6 above, this part of the school – all of which would be single storey - would have a ridge height of 6.2 and an eaves height of 3.6 metres.
- 9.10 There is considered to be no scope for any significant over-looking from the school, given that it would be single storey, and the separation and orientation (the school is to the north of the houses) is such that levels of light and sunlight enjoyed by the houses would not be unacceptably affected. The school would also not be unduly over-bearing.

- 9.11 The Environmental Protection Team Leader raises no objection (see paragraph 7.24 above), and concludes that the relationship between the proposed school and the houses in Bristol Close would be acceptable.
- 9.12 No other dwellings would immediately adjoin the development site and the houses on Archers Park would be located further from the school and their amenity would not be materially affected.
- 9.13 Conditions are recommended below in order to minimise the impacts of the construction process on residential amenity.

Highways

- 9.14 Given that approximately two-thirds of pupils attending the school will be from outside Swale, there was understandable focus on potential additional traffic movements along the strategic road network and, in particular, through key junctions including Junctions 5 and 7 of the M2, but the applicant has now demonstrated that significant adverse impacts will not result. An important element of the development will be mitigation provided through a Green Travel Plan (secured by planning condition) to ensure that trips to and from the site by non-car modes are maximised.
- 9.15 As set out at paragraphs 7.1 to 7.7 above, detailed feedback on the scheme has been received from both KCC Highways and Transportation (who are responsible for the local road network) and Highways England (responsible for strategic roads, which include the A249 and the M2) and in the light of additional information, both organisations now raise no objection to the scheme.

Landscaping

- 9.16 The application is supported by detailed hard and soft landscaping drawings, which have been amended to enhance the proposals. These include the introduction of 53 individually-planted native trees and hedge planting, together with the retention of the mature oak tree and an area of scrub in the north-east corner of the site. Various areas of wildflower meadow are proposed.
- 9.17 As well as enhancing biodiversity at the site and giving general amenity benefits, the planting will break-up the areas of car parking, soften the visual appearance of the boundary security fence and provide some relief to any potential impact on the residential amenity of the dwellings just to the south of the site.
- 9.18 As well as the above-mentioned security fencing, Members will note the other fencing proposed within the site and the approach to hard surfacing (notably for the car parking and turning areas), where a mixture of tarmac and a gravel system are used. This approach will benefit visual amenity and surface water drainage.
- 9.19 The hard and soft landscaping details are considered to be acceptable, and Members will note the relevant conditions below.

Ecology

- 9.20 Members will note the comments made by KCC Ecology, which are summarised at paragraphs 7.25 and 7.26 above, and that they raise no objection given that reptiles have now been translocated to a new receptor site and the mature oak tree located

close to the Vellum Drive frontage is to be retained. This is beneficial in both ecological and visual respects, and will form part of a comprehensive scheme of native tree planting proposed as part of this development.

- 9.21 Conditions are included below to mitigate potential impacts on protected species and to ensure that all relevant opportunities to enhance biodiversity are incorporated in the proposed development.
- 9.22 A lighting condition to minimise impacts on bats is also set out below. An initial plan has been submitted in an attempt to satisfy the requirements of the condition, but it is not acceptable to KCC Ecology. I have raised this with the agent and a further plan may well be submitted before the Committee meeting. I will update Members.
- 9.23 The application site is located within the six-kilometre buffer for the Special Protection Area, and this issue is mentioned in the Ecological Assessment (Ecology Solutions, February 208) submitted alongside the application. I note that, at paragraph 7.6 of that, it is concluded that “...*given the scale of the proposals and their isolated nature (being buffered from the SSSIs [and SPAs] by developed residential land), it is not considered likely that any direct or indirect effects on the interest features of the SSSIs would occur.*” Noting also that the development wont result in new residents in the locality and that the children will generally not be leaving the site during the school day, I agree with this conclusion and consider it reasonable to conclude that there will not be material impacts on the designated sites, namely the Swale and Medway Marshes SPAs, Ramsar sites and SSSs.

Archaeology

- 9.24 The original planning submission included an Archaeological Desk Based Assessment, which identified ‘*a high potential for prehistoric remains...moderate to high potential for the remains of Anglo-Saxon burials...and low to moderate potential for Roman remains.*’ The applicant’s archaeological consultants then produced a Written Scheme of Investigation and the development (particularly the siting of the building, which has been selected to avoid the main area of archaeological interest) has then been taken forward in a way that is designed to minimise potential impact on archaeology. Since the submission of the application, archaeological work has been on-going, and a further report (entitled Archaeological Evaluation Summary Report) has subsequently been provided.
- 9.25 Members will note the summary of the comments from KCC Archaeology at paragraphs 7.17 and 7.21 and that they raise no objection subject to conditions, which are included below (see conditions 12 and 13).

Drainage

- 9.26 KCC Flood and Water Management (see paragraph 7.9 above) and the Environment Agency (see Paragraphs 7.10 above) raise no objection to the proposed development, subject to the imposition of appropriate planning conditions(conditions (5), (6) and (7) below) and as such I consider that the development is acceptable from a surface water drainage perspective.
- 9.27 With regard to foul drainage, Southern Water raise no objection (see paragraph 7.16 above) and that the condition recommended by them in respect of foul drainage is set out below – see number (11).

Sustainable Design and Construction

9.28 Page 29 of the Design and Access Statement explains the approach to sustainable design and construction. The Climate Change Officer's comments at paragraph 7.23 above should also be noted together with Policy DM19 of the Local Plan.

9.29 The development will incorporate a reasonable package of sustainable design and construction measures, and although a planning condition would typically be imposed to secure either a 'very good' or 'good' rating under the BREEAM accreditation system for measuring the sustainable design and construction standard of a new commercial building, in this case the applicant has explained why this is not appropriate. Members will note the following from the planning agent:

"As Aspire is an SEN school, we can't apply a standard BREEAM assessment but would need to get BRE to write a bespoke assessment, which was estimated at an additional £3k. This was discussed in pre-apps and agreed that this was not a good use of project funds... Attached is the pre-assessment with commentary for information. You will see that we hit the V.Good level, (55%+) but we can't get this officially as the ecology credit is mandatory for V.Good and displacing that much wildlife doesn't work in our favour. I hope this gives sufficient comfort that the design that will be approved is sustainable in line with BREEAM principles to avoid the need for a condition as discussed at pre-application stage, but we'd be happy to discuss further."

9.30 In the light of this explanation, and noting that the development has been designed with the need to mitigate impacts on the environment in mind, I recommend that Members approve the development without the imposition of a BREEAM or other sustainable design and construction condition.

10. CONCLUSION

10.1 The educational facilities that are proposed would not only be of significant benefit to children with the relevant special educational needs living in Swale, but would also provide capacity to help meet the corresponding need arising in other parts of East Kent.

10.2 The initial pre-application submission has been developed through the Design Review process and with the benefit of officer input before the submission of the planning application. Since then, some further refinement of the scheme has taken place.

10.3 Having considered the scheme in the light of the technical consultation responses set out in Section 7 above and against the sub-headings used in the 'appraisal' in Section 9, I conclude that the development is acceptable and in accordance with the relevant elements of the new NPPF and the applicable policies in the Local Plan, subject to the imposition of conditions as set out below.

10.4 I therefore consider that planning permission should be granted.

11. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby approved shall be completed strictly in accordance with proposed site levels as shown on drawing 'Proposed Site Sections (-L-4002-S8-P01).

Reason: In order to secure a satisfactory form of development having regard to the nature of the site levels and noting the relationship with adjacent dwellings.

- (3) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
Provision of off road parking for all site operatives and loading, off-loading or turning on the site for such vehicles;
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works
- Measures to ensure that the site is surveyed immediately before construction commences to ensure that neither badgers nor hedgehogs are present.

The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of minimising disturbance to residents living in the vicinity of the site and disturbance to biodiversity.

- (4) No external lighting shall be constructed at the site other than in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to minimise the potential for impacts on bats.

Reason: In order to prevent potential harm to the local bat population.

- (5) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- (6) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the Local Planning Authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components;
- A general arrangement plan with the location of drainage measures and critical features clearly marked;
- An approximate timetable for the implementation of the drainage system;
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities;
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of Paragraph 165 of the NPPF and its associated Non-Statutory Technical Standards.

- (7) The building hereby permitted shall not be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

- (8) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The Site is underlain by a secondary and principle aquifer and in a Source Protection Zone (SPZ) 1. Construction activities could cause turbidity in public supply.

- (9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

- (10) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

- (11) No development beyond the construction of foundations shall take place until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to ensure that adequate provision is made for the disposal of foul and water from the development.

- (12) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority;
- ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and
- iii) a scheme for archaeological interpretation – in the form of a display board or similar – together with a programme for its provision.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

- (13) No development shall take place until fencing has been erected - in a manner to be agreed with the Local Planning Authority, about the Bronze Age barrows identified as cropmarks - and no works shall take place within the area inside that fencing without the written approval of the Local Planning Authority.

Reason: To ensure that important archaeological remains are not adversely affected by construction works.

- (14) The scheme of tree planting and hard and soft landscaping shown on Soft Landscape Plans 1 of 2 (- L – 8021 S3 P06), 2 of 2 (- L – 8022 S3 P04), and Hard Landscape Plans 1 of 2 (- L 8001 S3 P08) and 2 of 2 (- L – 8002 S3 P07) shall be carried out within 12 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

- (15) The Category B tree (Turkey Oak) shown to be retained on the 'Tree Removals and Protection Plan' (revision P05) shall be retained throughout the lifetime of the development, and during the construction phase shall be protected in accordance with the details appended to the Arboricultural Implications Report (February 2018).

Reason: In the interests of visual amenity and protecting biodiversity.

- (16) No development beyond the construction of foundations shall take place until details of tree protection measures for the proposed trees have been submitted to and approved in writing by the Local Planning Authority. The tree planting shall then be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity and encouraging biodiversity.

- (17) No development beyond the construction of foundations shall take place until details of the proposed arrangements for the initial establishment and on-going management (for a minimum period of five years following implementation) for the Wildlife Meadow areas as shown on drawings Soft Landscape Plans 1 of 2 (- L – 8021 S3 P06), 2 of 2 (- L – 8022 S3 P04) have been submitted to and approved in writing by the Local Planning Authority. The areas shall then be maintained in accordance with the agreed details.

Reason: In the interests of visual amenity and encouraging biodiversity.

- (18) Within 6 months of construction commencing an ecological enhancement and management plan must be submitted to the Local Planning Authority for written approval. It must include the following information:

- Site plan clearly showing the management areas
- Details of what management is required
- Timings of the management
- Frequency of the management
- Details of ecological enhancements to be incorporated in to the site (to include log piles and at least two hedgehog houses and two bat boxes)
- Details of management plan reviews

The works must be implemented as detailed within the approved plan, and retained as approved in perpetuity.

Reason: In the interests of encouraging biodiversity.

- (19)The area shown on the submitted layout (namely - 1003 S3 P10) as vehicle parking and turning space shall be provided and surfaced in accordance with the submitted details before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- (20)Prior to the development being brought into use, an updated School Travel Plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall then be implemented in accordance with the approved framework and shall remain in force for the duration of the approved use. There shall be an annual review of the Travel Plan (for a minimum of 5 years) from the date of approval of the plan to monitor progress in meeting the targets for reducing car journeys.

Reason: To ensure the development accords with the measures set out in the travel plan, and in the interests of sustainable development and promoting public transport, walking and cycle visits.

- (21)The access details shown on the approved plans (namely - 1003 S3 P10 and - 1015 S3 P05) shall be completed to the satisfaction of the Local Planning Authority prior to the first occupation of the building hereby approved, and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- (22)The vehicular entrance gates erected shall be of a sliding type running parallel to the site frontage as shown on the Proposed Site Plan (namely –L-1003-S3-P10) hereby approved.

Reasons: In the interests of highway safety and convenience.

- (23)No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (24)No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

(25)The development hereby approved shall be carried out in accordance with the following approved plans:

- Location plan (ASPSC BBA 00 XX DR L 1001 S3 P05);
- Proposed site plan (- 1003 S3 P10);
- Tree Removals and Protection (-1014 S3 P05);
- Site Access Plan (-1015 S3 P05);
- Elevations (-A-3001-S8-P05);
- Ground floor plan (-A-2001-S8-P08);
- GA Sections (A-4001-S8-P02);
- Proposed site sections (-L-4002-S8-P01);
- Roof GA plan (-A-2001-S2-P02);
- Soft landscape plan 1 of 2 (-L-8021-S3-P06);
- Soft landscape plan 2 of 2 (-L-8022-S3 P04);
- Landscape materials (-L-9004-S8-P03);
- Hard Landscape Plan 1 of 2 (-L-8001-S3 P08);
- Hard Landscape Plan 2 of 2 (-L-8002-S3 P07);
- Underground Drainage Layout (-D-50000-P01); and
- Typical Drainage Details (Sheets 1 to 6)(drawing numbers –D-58001 P01 to –D-58006 P01).

Reason: In the interests of proper planning.

(26)Before the building hereby approved is first used, details of the bin storage enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved structure shall then be provided within 28 days and then retained in perpetuity.

Reason: In the interests of visual amenity.

(27)Further to the information shown on the proposed Site Plan (drawing number –L-1003 S3 P10), the school shall not be first used until the cycle stands and shelter have been provided in accordance with full details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The cycle stands and shelter shall then be retained as such in perpetuity.

Reason: In the interests of making appropriate provision for sustainable forms of transport.

(28)The use of the premises hereby permitted shall be restricted to the hours of 7 am to 9.30 pm on weekdays, 7 am to 12 noon on Saturdays, and shall not take place at any time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of the area.

(29)The development hereby approved shall be used for the purpose of a primary school and for no other purpose, including any other purposes in Class D1 (non residential institutions) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interests of the amenities of the area.

(30) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials (brick, cladding panels and roof material) to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

(31) No development beyond the construction of foundations shall take place until details in the form of British Standards or commercial specifications of the proposed colouring of the cladding panels have been approved by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

(32) No development beyond the construction of foundations shall take place until details in the form of colour brochures and technical specifications for powder-coated aluminium doors and windows, and of the rainwater goods, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the agreed details.

Reason: In the interests of visual amenity.

Appendix – Design Review letter (dated 10 February 2018)

INFORMATIVES

- (1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- (2) With regard to designing out opportunities for crime and anti-social behaviour and pursuant to Section 17 of the Crime and Disorder Act 1998, the applicant is encouraged to liaise with Kent Police if further advice on these issues is required.
- (3) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>
- (4) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly

established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called ‘highway land’. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have ‘highway rights’ over the topsoil.

- (5) Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

The Council’s approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

