

**REPORT SUMMARY**

<b>REFERENCE NO - 16/506320/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of an extension to the existing school building for educational use.			
<b>ADDRESS</b> Jubilee Free School Gatland House Gatland Lane Maidstone Kent ME16 8PF			
<b>RECOMMENDATION Approve subject to conditions</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The application is considered to comply with the relevant policies of the development plan and the approach of the National Planning Policy Framework (NPPF) and other relevant publications which represent material considerations in support of the application. The proposed extension and related impact of the additional floorspace and pupils is considered to be acceptable having regard to the relevant matters including design and layout of the school, relevant standards, access to playspace and open space, impact on amenity of neighbouring properties and highway matters.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Application has been called to committee by local councillors in order the proposals can be debated at committee for reasons of public interest			
<b>WARD</b> Fant	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Education Funding Agency <b>AGENT</b> JLL	
<b>DECISION DUE DATE</b> 31/10/16	<b>PUBLICITY EXPIRY DATE</b> 02/12/16	<b>OFFICER SITE VISIT DATE</b>	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
13/1709	Demolition of existing buildings and erection of 14 dwellings	Approved	14.4.2014
14/503957	Application for permanent change of use to a free school (Class D1)	Approved	12.11.2015
16/501502	Discharge of condition of 14/503957 relating to cycle, drop off/pick up and pedestrian access	Approved	17.6.2016
16/501507	Discharge of condition of 14/503957 Parent/Pupil drop off and School Travel Plan	Approved	16.6.2016
16/501509	Discharge of condition of 14/503957 relating to boundary	Approved	28.6.16
16/501512	Discharge of condition of 14/503957 landscaping scheme	Pending	
16/506322	Removal of Condition 2 relating to limits to pupil numbers as restricted by Condition 2 of 14/503957	Pending	

## 1.0 MAIN REPORT

1.1 The application (and its linked application 16/506322) was deferred at the committee of the 25<sup>th</sup> May 2017 to enable the following matters to be addressed and reported back to the committee for decision;

- The matter of the under provision of playspace on the school site and whether other off-site arrangements could provide acceptable provision in lieu of this shortfall
- Landscaping of the site including addressing the frontage with Gatland Lane.
- Renewable energy measures to be secured on site
- Security lighting and other lighting issues
- Ecological enhancements

1.2 Following the committee deferral, a meeting was held with councillors, officers and the applicant on the 5<sup>th</sup> June 2017 to discuss the above matters in more detail and discuss what further information should be submitted to address the issues that were identified. Thereafter, the applicant has been working on providing this additional information and this is set out in the wider report. An update was provided at the 15<sup>th</sup> June 2017 Planning Committee to explain progress with these matters and that work was still ongoing following the meeting with councillors.

## 2.0 Proposal:

2.1 The proposal relates to the construction of a two storey extension to the existing school building which will facilitate the increase in pupil numbers to allow the school to accommodate up to 420 pupils within the site. This application sits alongside application 16/506322/FUL which seeks to remove condition 2 from the original planning permission, 14/503957, which restricts pupil numbers at the school to 240 pupils before 2022 and then 210 pupils thereafter.

2.2 The full description is set out in the report at **Appendix 1**

## 3.0 CONSULTATIONS

**Parks and Leisure** No objections in principle to the hiring of the sports pitch and the strategy to be employed by the school in ensuring other users can continue to use the adjacent playing fields. Would be possible to block book pitch in advance and advise applicant contain the booking team to set this up.

**MBC Landscape** No objections subject to implementation and management condition and tree protection conditions

## 4.0 BACKGROUND PAPERS AND PLANS

4.1 In addition to the documents previously submitted to the council, an updated Design and Access Statement which includes a play strategy along with updated landscaping plans and planting specification, a Sustainable Construction document and renewable energy statement. The plans have also been updated to reflect the changes to the landscaping layout including more permanent features such as planters and trellis.

4.2 The applicant has also provided a schedule of progress with the existing conditions attached to the existing permission which was requested to be provided as

information and this will be available on request at the committee. However, this did not form part of the deferral on the 25<sup>th</sup> May and is not material to the consideration of this application.

## 5.0 APPRAISAL

### Playspace

- 5.1 The principle issue discussed at the committee on the 25<sup>th</sup> May was whether the amount of on-site playspace was acceptable to serve an increased number of pupils on the site. Most importantly there were concerns as whether it was acceptable to utilise off-site space at Gatland Playing Field and Bower Grove School in lieu of this on-site shortfall and whether there was sufficient certainty this could be provided. For ease of reference the on-site provision is as follows which can be seen against the BB103 standards below. It is recognised by the applicant that the site is not able to provide the necessary on-site open space as set out by the government guidance document, BB103, which provides advice in respect of school standards.

	<b>BB103 Guidance (420 pupils)</b>	<b>Jubilee Primary School</b>
<b>1. Hard Informal and Social Area*</b>	620sqm	856.5sqm
<b>2. Hard Outdoor PE</b>	1,030sqm	197sqm
<b>3. Soft Informal and Social Area</b>	1,440sqm	423sqm
<b>TOTAL</b>	<b>3,120sqm</b>	<b>1485.5</b>

- 5.2 It can be seen that there is a under provision in respect of two types of the playspace suggested by BB103 but that the school exceeds the standards for the type of playspace which is deemed most important by BB103 in terms of the hierarchical approach to provision of playspace on site.
- 5.3 In relation to soft informal and social areas, the site is only able to provide less than a third of the BB103 standard which is 1440sqm. In order to make up this shortfall off-site, the applicant is proposing to rent a playing pitch at the adjacent Gatland Playing Fields for two afternoons a week during term time which will provide the necessary additional space which cannot be provided on site. The pitch is located directly adjacent to the school premises and thus access to the playing fields is safe and within close proximity. The school has advised that when the Gatland playing pitches are used, the pitch would be enclosed by temporary safety barrier chains and the children would be supervised by 6 members of staff in accordance with the school safeguarding responsibilities. This arrangement would allow sports and games to be carried out on the pitch (which is approximately 5,700sqm in size) in order the school can fulfill its PE activities. This arrangement has been reviewed by the Council's Parks and Leisure department who have no objection to this arrangement and they also confirm it is likely that this could be secured on a long term booking. The school is proposing this arrangement over the winter and summer terms along with a winter and summer sports meeting. On this basis, it is considered there is sufficient certainty of the provision of soft open space and space for play and

games and on the basis of its close proximity to the site, this is considered acceptable in order to address the under provision on site.

- 5.4 In relation to Hard PE space, it was set out in the previous report that the school has a reciprocal agreement with Bower Grove school which would allow the school to utilise Bower Grove facilities and in return Bower Grove could use the facilities at Jubilee school including the indoor hall that is proposed in the new extension. This agreement was signed in 2014 and it has been advised that this agreement still stands notwithstanding the concerns of councillors that this was somewhat outdated and that it was signed by a previous headmaster. Since the previous deferral, the applicants have been working with Bower Grove school to obtain an updated and more legally robust agreement but at the time of this report, such an update to the agreement remains outstanding and thus the 2014 agreement remains the sole agreement between the two schools.
- 5.5 As set out in the previous report, it is the officer's view that such an agreement does provide sufficient evidence of access to additional sports facilities including that of Hard PE space, when it is required and such an agreement is mutually beneficial for both schools. In addition to this off-site provision, it should be noted that the school does provide an on-site hard sports pitch of 197sqm which would allow a variety of sports and games to take place on an all-weather court. There is also an indoor hall of 226sqm which could provide additional playspace along with the other play areas within the site. Furthermore, the aforementioned rental of the sports pitch at Gatland Playing fields, whilst not an all-weather surface, will provide further variety to provide pupils with a varied program of play and sports as per the curriculum especially when one considers the BB103 guidance which states *'these guidelines will not necessarily have to be met in every case and should always be applied flexibly in light of the particular circumstances.'*
- 5.6 The applicant has provided a list of other free schools that have been approved across the UK, with many on sites which do not meet the full BB103 requirements in respect of on-site open space and in the most part are on sites smaller than the current application site at Jubilee School. Indeed, there are many existing schools within the Maidstone Borough itself which either have limited on site playspace or share playspace and thus the use of adjoining/nearby land for this purpose is not usual nor has it been seen to undermine the quality of such schools. Whilst, an updated agreement with Bower Grove may be produced following finalisation of this report, it is considered on balance that there is sufficient access to on-site and off-site open space to support the expansion of the school to a 2-form entry having regard to the approach set out by BB103 which advocates a flexible approach to such provision.

## Landscaping

- 5.7 Following the meeting on the 5<sup>th</sup> June and concerns regarding the lack of structural landscaping, further landscaping detail has been provided along with a landscape specification. Whilst, the previous report recommended a landscape condition, this additional detail, which takes account of concerns regarding a lack of structural landscaping is considered to represent an improvement to the earlier scheme and will achieve an improvement in the appearance and enclosure of the Gatland Lane frontage and will retain existing good quality trees and supplement these with good quality new specimens. The scheme has been reviewed by the MBC landscape officer and they have no objections to the planting and it is considered the landscaping generally accords with MBC guidelines through the inclusion of structural planting to the boundaries and provision of planting beds which will provide

an attractive setting to the buildings and the site. It is considered the scheme achieves a good standard of landscaping in accordance with policies DM1 and DM3.

### **Renewable Energy**

- 5.8 The applicant has provided further information in respect of the renewable energy provisions and the issue of the sustainable construction. The applicant has provided two reports, one being essentially a pre-BREEAM assessment and an energy statement which confirms the use of PV panels within the roof of the new extension. In order to secure these as part of the development, it is therefore considered necessary to impose a condition requiring the development to meet the BREEAM very good standard and a condition to require final details of renewable energy to be provided. On this basis it is considered the scheme will comply with policy DM2.

### **Ecology**

- 5.9 The updated Design and Access Statement sets out the aims of providing swift boxes within the north and south elevation of the building which will be of benefit to enhancing biodiversity on the site. There is also the intention to provide additional habitat through log piles and new native planting in the form of hedgerows and trees. As the location of the swift boxes are not known shown in detail, it is considered appropriate to impose a condition requiring a biodiversity enhancement plan in order to confirm the exact details of these enhancements and that these are maintained over the lifetime of the development.

### **Lighting**

- 5.10 The final matter that was raised as part of the deferral decision was additional information requested in respect of lighting and security lighting on the site. Whilst it is noted the existing site has existing lighting in place, it is acknowledged that the expansion of the school could lead to an increase in activity. It is recommended that a suitable condition be imposed to any permission that would require the submission of details of lighting which could then be reviewed by the Council's Environmental Protection Team to ensure there are no adverse impacts on the surrounding area..

## **6.0 CONCLUSION**

- 6.1 Following the deferral of the application on the 25<sup>th</sup> May 2017, the applicant has provided further information on the matters raised by councillors and it is considered this provides the necessary additional information to confirm the school would be served or have access to adequate open space provision, both on site and off site (within close proximity) having regard to the advice set out in the government guidance. This guidance clearly states the standards should be applied flexibly and the play strategy that has been outlined will secure suitable access to open space which will be proportionate to the growth of the school.
- 6.2 As set out in the earlier report, Paragraph 72 of the NPPF states ; *“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.. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted’*. In addition to this support from policy and government guidance, there is a significant need for new school places within Maidstone and the school itself is

contained within the KCC commissioning plan for the area and the refusal of this application could have a damaging effect on the supply of school places having regard to the current and projected deficits.

- 6.3 Whilst, the school does not entirely comply with the relevant playspace standards, it is not considered the under supply on site is sufficient to justify a refusal on the application bearing in mind such guidance advises council's to apply these standards flexibly and that the applicant has put forward reasonable and achievable solutions to providing off-site alternatives, which themselves are within close proximity of the school.
- 6.4 Further information and/or suitable conditions are suggested relation to the other matters in respect of landscaping, ecology, lighting and renewable energy which will secure a good quality of development as per the relevant policies and which would meet the approach set out by the guidance. As set out in the earlier report, the site is considered acceptable to accommodate a 2-form entry school and will be acceptable in planning terms having regard to the relevant matters.

#### **7.0 RECOMMENDATION – GRANT Subject to the following conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development

3. The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

4. No development of hard surfaces shall take place until an Arboricultural Method Statement detailing hard surfaces within the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with these approved details.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

5. The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

6. The landscaping set out on plan L500 P03 received June 2017 and the specification L900 P03 received June 2017 should be implemented in the first planting season following occupation of the building ((October to February). Any seeding or turfing which fails to establish or any trees or plants which, within 10 years from the first occupation of the building, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

7. The development hereby approved shall not commence until a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: To ensure the construction of development does not result in highway safety.

8. The development hereby approved shall not commence until the parking spaces have been laid out in accordance with the Proposed Site Plan date stamped 25<sup>th</sup> August 2016 and shall be retained thereafter.

Reason: To ensure adequate on school parking and to prevent harm to the highway

9. Within 3 months from the date of this decision a School Travel Plan, including a Safer Travel Document to deal with up to 420 pupils, shall be submitted for approval to the

Local Planning Authority. The Document shall set out information for parents and pupils of all parking and highway restrictions in the area, details of all existing and proposed pedestrian and vehicle access points into the School, details of the School Crossing Patrol, Walking Buses and any other measures to encourage sustainable transport choices and also the need to be considerate to all local residents when either driving and parking or walking to School. It will also clearly set out the restriction on pupil numbers that the School must adhere to and that the drop-off and pick up point at the front of the School must only be used by School buses, taxis and emergency vehicles and not by parents. The School will supply the parents of all pupils with a copy of the Travel Plan within 3 months of it being approved and shall permanently make a copy publicly available on-line on the school website for viewing by local residents and any other interested parties. It shall also be registered and uploaded to KCC's online portal and reviewed on a yearly basis.

Reason: In the interests of highway safety, safety and amenity of the pupils, the amenity of the local residents and surrounding area.

10. The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

11. The use of the new extension shall not commence until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority
12. The development hereby approved shall not commence until, a scheme to demonstrate that the internal noise levels within the school building do not adversely affect external noise levels in back gardens and other relevant amenity areas. This will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, have been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of aural amenity

13. Prior to the first occupation of the extension hereby approved, a management plan relating to the timing of external play times and breaks for pupils should be submitted to the council and approved in writing by the Local Planning Authority. Such a plan should include the timetable and management of the use of external areas, including consideration of staggered break times for the different classes and details of school management and monitoring of measures. Once approved, the use of the site should be undertaken in accordance with these approved details.

Reason: In order to protect amenities of nearby properties

16. No building hereby permitted shall be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

17. The proposed building shall achieve at least a Very Good BREEAM rating in terms of energy and water efficiency credits. A final certificate should be issued within 6 months of first occupation to confirm the Very Good BREEAM rating has been achieved:

18. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development

19. The development hereby permitted shall be carried out in accordance with the following approved plans:

JPS DMA 22 DR 300 Rev T +T E Elevations 1  
JPS DMA 22 DR 301 Rev T +T E Elevations 2  
JPS DMA 22 DR 00114 Rev T+T E Roof plan  
JPS DMA 22 DR 0012 Rev T+T E Ground Floor plan  
JPS DMA 22 DR 00113 Rev T+T E 1st Floor plan  
JPS DMA 22 DR 00114 Rev T+T E Roof plan  
JPS DMA 22 DR 01002 Rev T+T E site plan  
Design and Access Statement June 2017  
Renewable Energy Statement  
Sustainable Construction Statement

## Planning Committee Report

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