

REPORT SUMMARY

REFERENCE NO - 16/506322			
APPLICATION PROPOSAL			
Removal of condition 2 of 14/503957 (Application for permanent change of use to a free school (Class D1)) - The condition restricts the number of pupils to 240 until July 2022 and then 210 from September 2022 onwards. The condition is therefore required to be removed, to accommodate an increase in capacity. In the event the extension of floorspace application is approved at the subject site.			
ADDRESS Jubilee Free School Gatland House Gatland Lane Maidstone Kent ME16 8PF			
RECOMMENDATION Approve - Remove condition 2 and impose new condition limiting pupil numbers to 420 pupils			
SUMMARY OF REASONS FOR RECOMMENDATION			
The removal of condition 2 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 removal of the condition relating to pupil numbers is intrinsically linked with application 16/506320 which will deliver the additional floorspace required for the additional pupils that would be permitted by removal of condition 2. It is considered the related increase in pupils and the impact of the additional floorspace is considered to be acceptable having regard to the relevant matters including relevant standards, access to playspace and open space, impact on amenity of neighbouring properties and highway matters.			
REASON FOR REFERRAL TO COMMITTEE			
Application has been called by local councillors in order the proposals can be debated at committee for reasons of public interest			
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Education Funding Agency AGENT JLL	
DECISION DUE DATE 31/10/16	PUBLICITY EXPIRY DATE 02/12/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
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 treatment	Approved	28.6.2016
16/501512	Discharge of condition of 14/503957 landscaping scheme	pending	
16/506320	Erection of an extension to the existing school building for educational use	Pending	

1.0 MAIN REPORT

1.1 The application 16/506320 was deferred at the committee of the 25th May 2017 to enable the following matters to be addressed and reported back to the committee for decision and due to the relationship with this application, 16/506322 was also deferred. The matters for deferral are set out below ;

- 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 5th June 2017 to discuss the above matters in more detail and discuss what further information should be submitted to address councillors concerns. 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 15th June 2017 Planning Committee to explain progress with these matters and that work was still ongoing following the meeting with councillors.

1.3 The committee report for the 25th May 2017 is attached to this report as **Appendix 1** and should be read in conjunction with this.

2.0 Proposal:

2.2 This report relates to the removal of condition 2 of 14/503957 (Application for permanent change of use to a free school (Class D1)) - The condition restricts the number of pupils to 240 until July 2022 and then 210 pupils from September 2022 onwards. The condition is proposed for removal to allow up to 420 pupils and create a two form entry school (2FE)

2.3 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 25th May and is not material to the consideration of this application.

5.0 APPRAISAL

- 5.1 Whilst this application relates to the removal of the restriction of the condition relating to pupil numbers, this is intrinsically linked with the application 16/506320 which relates to the extension of the school to provide sufficient accommodation to increase the school from a 1-form entry to a 2-form entry. However, the majority of the matters relating to the deferral, with the exception of playspace, have greater relevance to the linked application which proposes the operational development and it is not considered necessary to repeat the commentary of this detailed matters. However, this report will cover the matters which would be relevant to the increase in pupil numbers, which in this is principally the access to playspace.

Playspace

- 5.1 The principle issue discussed at the committee on the 25th 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.

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

- 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.

CONCLUSION

- 6.1 Following the deferral of the application on the 25th 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.

Planning Committee Report

6.4 As set out in the earlier report, it is considered it has been demonstrated that the site could accommodate a 2-form entry school, subject to the approval of 16/506320, and thus it is recommended that the condition is removed and replaced with a condition limiting pupil numbers to no more than 420 pupils.

7.0 RECOMMENDATION – GRANT and removal condition 2 of 14/503957 and impose the following condition as follows;

1. The maximum number of students enrolled in the school shall not exceed 420 pupils.

Reason: To enable the LPA to regulate and control the site/building in the interests of the amenity of the area

INFORMATIVES

The remaining conditions on 14/503957 will continue to apply in full force.

Case Officer: Diane Chaplin