

**REPORT SUMMARY**

<b>REFERENCE NO - 16/506322</b>			
<b>APPLICATION PROPOSAL</b>			
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.			
<b>ADDRESS</b> Jubilee Free School Gatland House Gatland Lane Maidstone Kent ME16 8PF			
<b>RECOMMENDATION</b> Approve - Remove condition 2 and impose new condition limiting pupil numbers to 420 pupils			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
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.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Application has been called 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 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	

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 The site is Jubilee Free School which was opened in September 2014 and currently has around 150 pupils. The school was granted planning permission under 14/503957 which granted permission for up to 240 pupils up to the year 2022 and 210 thereafter. The school forms part of the KCC Education commissioning plan 2016-20.
- 1.2 The building fronts onto Gatland Lane and is a two storey building with a rear two storey projection. To the rear are hard surfaced and a grassed areas with a parking area to the eastern part of the site. There are two vehicle access points into the site from Gatland Lane (either side of the buildings frontage) and there is a grass verge and low level wall for boundary treatment to the front of the site. Boundary treatment to the north (rear) and west largely consists of well established conifer trees; and to the east it is of close boarded fencing and some level of planting. To the east and south there are residential properties, with the rear gardens of properties in Sherbourne Drive backing onto the site: to the north a substation and then a playing field beyond; and to the west an access road and then a sports field.
- 1.3 The site covers an area of some 0.48 hectares and is within the defined urban area as identified by the Maidstone Borough-Wide Local Plan 2000 (MBWLP)

### 2.0 PROPOSAL

- 2.1 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)
- 2.2 This application sits alongside application 16/506320, which relates to the extension to the existing building which will provide the additional floorspace to accommodate this increase in pupils. Essentially, these applications, although separate, are mutually dependent upon one another as the extension is necessary to accommodate the additional pupils that would be permitted by the removal of condition 2 of 14/503957 and likewise, if the condition is not removed then there is no necessity for the extension.
- 2.3 The matter of the pupils numbers was subject of the earlier application 14/503957, but pupil numbers were restricted to those set out in condition 2 as it was considered there was insufficient certainty that the school could achieve the standards for a 2FE

and it was also unclear how these additional pupils could be accommodated on site as at that time it was only the existing building that was subject of the application.

### 3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

### 4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: Maidstone Local Plan 2000.  
Emerging Local Plan; DM1, DM3, DM23, DM27,  
Supplementary Planning Documents:

### 5.0 LOCAL REPRESENTATIONS

5.1 The site notice was placed at the site on the 4<sup>th</sup> October 2016.

5.2 There have been 19 objections from members of the public, including Save Fant Farm Community Group to the application who raise the following issues:

- Limited land
- Congestion and parking problems
- Extension is not required
- Parking and changing character of the area
- Site incapable of accommodating such an extension or providing a holistic education
- Lack of play space which is below standards
- Highway Safety
- Noise levels
- 

5.3 There have been 8 letters of support which highlight the following issues

- The plans appear well thought out
- Parents car share and on the most part park responsibly
- Maidstone needs new schools and restrictions caused issues for new intakes
- Is an asset to the local community
- Stopped Gatland Road being used as a rat run and cars do not obstruct traffic
- Need as many reception places as need

### 6.0 CONSULTATIONS

6.1 **Environmental Health** have no issue with air quality or noise from classrooms (which it considers can be dealt with by condition), they wished to have greater information on the matter of disturbance on adjoining occupiers both from pick up and drop off but also at play time and lunchtimes. Further discussions were held with the Environment Health department and further information was presented and the view was a planning condition relating to staggered break times, which will restrict

numbers of children outside at any one time, could address the matter to the point they no longer object to the application. This matter is discussed further below in more detail.

- 6.2 **KCC Highways** No objections to the application but highlights high parking occupancy in beat study area but highlights these will have only a minor impact on peak times. Subject to parking restrictions and conditions relating to travel plan and construction management plan and KCC state the effects are not severe in terms of the NPPF.
- 6.3 **MBC Landscape** No objections to layout and tree removal but concerns regarding the mulching and installation of seats under a category B tree. As such there should be a condition regarding arboricultural method statement and tree protection plan as well as the standard landscaping conditions
- 6.4 **KCC Archaeology** No comments to make

## 7.0 BACKGROUND PAPERS AND PLANS

Application forms  
Covering letter  
Site location plan

### Relevant background papers of 16/506320

Existing and proposed block plans  
Existing and Proposed Elevations  
Existing and Proposed Floorplans  
Proposed Sections  
Proposed Landscaping Plans  
Transport Statement and further information in respect of parking beats, etc  
Planning Statement  
Design and Access Statement  
Tree Survey  
Air Quality Assessment  
Noise Report

## 8.0 APPRAISAL

### Background

- 8.1 The school was originally approved as a one form entry (1FE) primary school under application 14/503957 which permitted the use of the site as a Free School subject to a condition restricting pupil numbers to 240 up until 2022 and then 210 pupils thereafter. The application in 2014 was originally submitted on the basis of a capacity of up to 420 pupils but during the application process the applicant agreed to the restrictive condition to reduce numbers as officers felt there was a lack of information regarding the ability of the site to accommodate such numbers. For example, there was no application for an extension to provide for a larger pupil number of 420 (or a 2 Form Entry equivalent) and it was unclear whether there would be sufficient outdoor playspace if an extension was built on the site. As no plans were provided for the design and layout of any extension that would enable the school to cater for 420 pupils (or 2FE equivalent), it was impossible to determine whether such an extension would also be acceptable in terms of impact on the surrounding area.

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- 8.2 The application was approved subject to a number of conditions including those relating to Parent/Pupil Safety Plan (Condition 3), improvements to the highway (Condition 5), School Travel Plan (Condition 6), Dropping off policy (Condition 8) and pedestrian access (condition 9) and these will remain in place and will need to be adhered to by the school.. These measures were imposed to reduce impacts of the school use and also to improve the safety of pedestrians at busy times. These conditions allow for a 3 pick up/drop off bays for buses, taxis but no facilities for general drop off children and the travel plan and Parent/Pupil Safety plan has been submitted and approved by the council. Most of these details or requirements of the conditions were based upon 420 pupils, but where those which are not, such as the Travel Plan, a further condition will be required and this is outlined in more detail below.
- 8.3 As such, the application establishes the principle of an educational facility on the site and members now have an application to extend the building to a standard which accords with the floorspace standards for an 2FE under 16/506320, also before the committee, and the current application to remove the condition relating to pupil numbers to allow a 2FE to be formed.
- 8.4 A pre-application was held in March 2016 with the applicant regarding the increase in the capacity of the school and advice was provided in respect of the pertinent matters such as playspace, impacts on adjoining properties and highways.

### Principle of Development

- 8.5 The application relates to an existing Free School which is located within the built up area of Maidstone whereby development is considered acceptable subject to other policies. In the case of the Maidstone Local Plan 2000, the relevant policy is CF1 which relates to new community facilities, including educational facilities. Whilst this is not directly relevant to existing facilities, it does imply new facilities should be provided to meet this future need which is generated by new development, a point which will be touched upon further below. This policy is taken forward in policy DM23 of the emerging plan which again recognises the need to provide community facilities to meet the needs of new residential development. As set out below, there is currently a deficit of school places within the Maidstone West Area which does not take account of the future growth within the emerging plan and thus there is a context where further education provision is necessary.
- 8.5 Of relevance to this point is that school is included in the KCC Commissioning Plan 2017-2021 to provide primary school places within the Maidstone West area which together with other central Maidstone areas has been subject to high level of inward migration from London Boroughs. The Commissioning report states that the restriction of places at Jubilee School to 1FE is an aggravating factor which has placed considerable pressure in central Maidstone for reception and Year 1 and 2 places. Whilst the report recognises this current planning application, it does state there will be a need a further 1FE for Maidstone West area.
- 8.6 At a national level, the policy relating to the provision of school development remains a positive one which paragraph 72 of the NPPF stating ; *“the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools*

*promoters to identify and resolve key planning issues before applications are submitted'*

8.7 Whilst, the application seeks to increase pupil numbers in an existing school (in combination with 16/506320) rather than a new school facility, it is considered the significant support offered by national and local policy also remains relevant. For example, the Communities and Local Government Policy Statement on Planning for Schools Development (Aug 2011) sets out the Government's Commitment to support the development of state-funded schools and their delivery through the planning system. The policy statement advises that *"it is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations"*. It encourages collaborative working, which *"would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes" "*. It states that *"the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and the following policies should apply with immediate effect:*

- ***There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework.***
- ***Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.*** *The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.*
- ***Local authorities should make full use of their planning powers to support state-funded schools applications. ...***
- ***A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.*** *Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence."*

8.7 The Plain English Guide to Planning for Free Schools, produced by the Department for Communities and Local Government in January 2015, reinforces and strengthens earlier advice. It sets out in paragraph 2 that *"the Government is committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education, and raising educational standards. Free schools have an important part to play in delivering this challenge."*

8.8 It is clear from the above that there is a clear policy support in favour of further education provision including that of the increase in school places that the removal of the condition would permit. That being said, the principle of the development has already been justified on the site under application 14/503957 and thus this application is largely parasitic on the application 16/506320. For example, if members decide to approve that application, then that decision would justify the approval of this application. This is on the basis the retention of condition 2, in those circumstances, would fail the tests of the NPPF in that it would be longer necessary or reasonable to restrict lower pupil numbers as it would be clear the higher numbers of pupils could be accommodated within the site. However, on the same basis, if the

other application, 16/506320, was refused, the condition would remain compliant with the tests on the basis the ability of the site to accommodate additional pupils remains uncertain and thus the condition in those circumstances would be remain acceptable in relation to the NPPF tests.

- 8.9 However, as with the application 16/506320 which is also before the committee, the need for the removal of the condition and the impacts of the increase in pupil numbers needs to be properly assessed in order to ensure there is no harm that would outweigh this strong presumption that weighs heavily in favour of additional pupil numbers.

## **Need**

- 8.10 The previous application set out the position that the Maidstone West Primary area will have a growing need for reception year places over the next three years, with a shortfall of 32 spaces in 2017/18 and 22 spaces in 2018/19. Since this decision in 2015, the position of need for primary school places requires further reflection to take account of population changes since that time and also the future growth that is occurring in the area. The application has been reviewed by the KCC Education who considers the additional pupils places to help meet the forecast pressure over the medium term and the school currently forms parts of its commissioning plan up until 2020. The response from KCC highlights deficits in the Maidstone West area of 35 places in 2016 with further deficits of 4 and 10 places from 2017-8 to 2019-20. Furthermore, the adjoining area of Maidstone North also presents a deficit of 92 places over the period to 2020. Whilst, KCC have commissioned 30 reception places at East Borough Primary School to try and address this demand, KCC have stated this is not a permanent solution.
- 8.11 KCC confirm that this overview of need does not take into account the need that would arise from the planned increase of new homes within the emerging plan and that this will quite logically drive up demand with the planning groups and potentially exacerbate the existing deficits. The extension to the school will contribute to meeting this need and avoid pupils having to attend schools further afield from their homes.
- 8.12 It is also pertinent that policy DM23 of the emerging Local Plan recognises the need for education as part of future growth but at the same time the current school provision within the commissioning plan does not take account of the future growth as set out in the emerging plan. Thus the fact planning policy places significant weight on the need to deliver further school places and that there is a significant need within the area, these factors weigh heavily in favour of the development.
- 8.13 However, the NPPF recognises that development should be sustainable and thus the impacts of the increase in pupil numbers it will facilitate in combination with the existing school will now be considered in more detail below;

### **School Standards including floorspace and playspace**

- 8.14 It is recognised that councillors need to be content that the removal of condition 2 to allow an increase in pupil numbers can be accommodated on the site. Firstly, as set out in more detail in the accompanying report for 16/506320, the school would deliver a range of facilities through its extended form proposed by 16/506320 and the completed school would exceed the standards set out in BB103 which relate to standards for new schools although this does stress the need for flexibility depending

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upon the circumstances of each case. For a 2FE School, the minimum standards are 2048sqm and the floorspace of the completed school building would be 2254sqm which exceeds the standards by 182sqm.

- 8.15 When the previous application 14/503957 was considered, one of the main concerns regarding the higher pupils numbers was the extent of outside/playing space associated with the school. There are several relevant documents that provide guidance on this issue. The most recent document entitled Advice on Standards for School Premises, produced by the Department of Education in March 2015, sets out that outdoor space is needed for PE, which includes the provision of games and also for pupils to play outside. Building Bulletin 103 sets out the standards of such space and this will be discussed further below. There are two types of outdoor space used for PE, sports pitches (such as grass and/or all weather) used for team games such as football, hockey and cricket and hard surfaced games courts (such as MUGA's) used for netball, tennis etc. Outdoor space is also needed for informal play and socialising, which is usually both hard and soft surfaced.
- 8.16 Page 14 deals with the issue of outdoor space in terms of on-site and off-site provision. It advises that *"Schools often need to maximise the use of their sites in order to provide the variety of spaces needed. Advice on the sizes of spaces can be found in the 'Area Guidelines for Mainstream Schools' in Building Bulletin 103". It also states that "some schools will be on restricted sites and will not have enough outdoor space to meet requirements. In these situations, pupils will need to be provided with access to suitable off-site provision"*.
- 8.17 Department of Education published its 'Area Guidelines for Mainstream Schools, Building Bulletin 103' in June 2014. It states on page 36 that *"some schools will be on restricted sites and will not have enough outdoor space to meet requirements on site. In these situations pupils will need to be provided with access to suitable off-site provision. On restricted sites, where space will be at a premium, a flexible approach to the site area and the management of the use of that area will be needed, and consideration should be given to providing the following, in priority order:*
- *Firstly, space for hard informal and social area including outdoor play area immediately accessible from nursery and reception classrooms;*
  - *Then hard outdoor PE space, to allow some PE or team games to be played without going off site, ideally in the form of a multi-use games area that can also be used as hard informal and social area;*
  - *Then soft informal and social area for wider range of outdoor educational opportunities and social space;*
  - *Finally some soft outdoor PE can be provided. If this is in the form of an all weather pitch, it can count twice towards the recommended minimum."*
- 8.18 The applicant has compared the extent of playspace that is being provided on site to the BB103 standards in the priority order outlined above. This is in recognition that BB103 accepts off-site provision is sometimes necessary but if space can be provided on site, it should be provided in the order as set out above.

The outdoor space is proposed to be set out as below;

**(1) Hard informal and social area-** on site provision of 856sqm against the BB103 requirement of 620sqm

**(2)Hard Outdoor PE-** on site provision of 197sqm against a requirement of BB103 of 1030sqm

(3)**Soft informal and Social Area**- on site provision of 423sqm against a requirement of 1440sqm

- 8.19 It can be seen above, that the playspace which is prioritised by BB103 (type 1 above) is provided above standard on site but the applicant recognises there is a shortfall in open space for the other categories. The layout seeks to provide a variety of play areas to provide variety and stimulation for pupils in the space available as well as the MUGA to the north of the site. In order to address the shortfall in the other types of playspace, the school would share facilities with Bower Grove School, which has both soft and hard play facilities. This is secured by a formal agreement between the schools, a copy of which is attached as **Appendix 1**, with the arrangement allowing Bower Grove to also utilise the facilities at Jubilee including the proposed new hall in the extension.
- 8.20 Further provision of soft outdoor PE will also be provided through the rental of the adjacent sports pitches (to the west) through the Maidstone Parks and Leisure department who confirm that there is availability during school hours (fields are only booked at weekends) and subject to costs and maintenance implications, the applicant would likely be able to block book field/s for use for sports and recreation like with any other user. This together with the Bower Grove facilities would provide access to facilities in accordance and potentially in excess with the BB103 standards. The new school extension will include the provision of an indoor hall and studio which will also provide additional play space within the site.
- 8.21 Bearing in mind BB103 relates to new school facilities, it does suggest some flexibility in relation to these standards by stating; *Some schools will be on restricted sites and will not have enough outdoor space to meet requirements on site. In these situations pupils will need to be provided with access to suitable off-site provision. On restricted sites, where space will be at a premium, a flexible approach to the site area and the management of the use of that area will be needed, and consideration should be given to providing the following, in priority order:* The school has met the type of space prioritised by BB103 and it is considered the proximity and likely availability of this off-site land and facilities within school hours makes this a feasible option to provide additional play space so pupils have proper access to such facilities as part of their schooling. The fact the BB103 guidance recognises that a flexible approach is sometimes needed, it is considered this approach would be acceptable in this case. This on the basis of the standards required for a 2 form entry primary school and a maximum of 420 pupils.
- 8.22. It is recognised that this outdoor space is largely dependent on off-site provision but perhaps most importantly the school delivers in excess of the requirement on site in relation to the type of space prioritised by BB103; Hard informal and social areas, which is the type most readily required by students and when formal PE space is required, this space can be provided on land that abuts the school site. This type of arrangement is common in many schools across the UK whereby the provision of PE playing space is reliant on off-site provision/utilising shared facilities across schools, but the fact the facilities are almost directly accessible from the site is considered to make this on site shortfall against the standards acceptable in officer's view.
- 8.23 Whilst, it is recognised the previous committee report raised concerns regarding the ability of the site to meet the standards for a 2FE Primary school for 420 pupils, further information is now available with regards to the hiring of the adjacent sports pitches and this together with the agreement with Bower Place and the facilities provided within the new scheme, it is now considered to meet the play space

requirements for a 420 pupil 2FE and thus should not weigh against the removal of condition 2.

### **Residential Amenity**

- 8.24 The previous application, 14/503997, explored the issues of noise impact on adjoining properties with the submitted noise assessment at that time being based upon the potential for 420 pupils at the site. This report has been resubmitted with the current application. Whilst members ultimately decided to restrict the numbers of pupils to 240 falling to 220, these studies are useful in establishing the impact and the response of the council's specialist departments if this extension was constructed and condition 2 was removed as proposed by 16/506322. The main impacts are and were in the previous application, that of the drop and pick up of children and the impact of children in the playground at break times.
- 8.25 In relation to noise impacts from pick up and drop off, the previous noise assessment concludes that the predicted use of the external playground areas and student drop off/collection will not result in any unacceptable noise impact to residents at Gatland Lane and Sherbourne Drive. The environmental officer has stated that the development is unlikely to cause significant harm to local residential amenity by way of drop off and collections and this was a position accepted in the previous application.
- 8.26 In this application, the Environment Health raised the potential disturbance on adjoining occupiers by reason of noise from children in the playground although it is noted this was not raised as an objection in the original 2014 application. The noise report assesses this issue and considers the impact would not have a significant impact on residents bearing in mind the background levels and existing use. Following further discussions with the applicant and the planning officer, the Environmental Health officer has confirmed that subject to management measures, specifically the use of staggered break times for students, that he has now no objections to the scheme. The use of staggered break times can be secured by condition with is set out in condition 11 below which would require a management plan to be submitted to the council as part any approval under 16/506320.

### **Safety and Highways**

- 8.27 The matters of road safety and safety to road users and pedestrians were a concern in the previous application, 14/503957 and have been again raised by residents and local groups. The application is supported by a Transport Statement and KCC Highways, Maidstone Borough Council and the applicants have been involved in further discussions regarding access, car parking and the general impacts on road safety. As part of these discussion further information has been provided with regards to parking beats, progress on works that were agreed under the parent permission and walking routes to the site. Before assessing the impact of the additional growth of the school it is necessary to consider the fact the conditions placed upon the original consent, 14/503957, will remain in place and the detail approved for these conditions, including those relating to Parent/Pupil Safety Plan (Condition 3), improvements to the highway (Condition 5), Dropping off policy (Condition 8) and pedestrian access (condition 9) were all based on 420 pupils. However, it is recognised there some approved details relating to conditions which were based on the lower pupil numbers such as the travel plan and thus it is recommended new conditions are applied to this application to deal with the issues

based on the higher pupil numbers. This includes a new travel plan condition to be applied to 16/506320 if approved. These conditions, both existing and proposed, will still need to be adhered to by the school in the event pupil numbers increase. These measures will obviously have some impact in reducing impacts and improving the safety of pedestrians at busy times.

#### Access and Parking

- 8.35 The development will utilise the existing access and will provide 37 parking spaces (including disabled provision) along with cycle parking to the south of the parking area. This is considered to be adequate to deal with the maximum number of full time 35 staff members (at full capacity) and bearing in mind the no drop off policy for general pupils, this parking provision is considered to be adequate. The access has also previously been considered to be safe and present no significant highway issues. On this basis and the limited increase of on-site activity, it is considered the access and parking arrangements are acceptable in relation to the increase in pupil numbers. Following receipt of further information KCC Highways have reviewed the scheme do not have any objections with regards to on-site parking or access to the site.

#### Impact of Traffic on Congestion/Road Network Capacity

- 8.36 There have been a number of concerns raised regarding the capacity of the local road network to cope with the increased traffic that could occur as a result of the intended growth of the school. Whilst recognising that the activity associated with the site would be largely restricted to AM and PM periods associated with school opening hours, it is necessary to fully consider the impact of the increased traffic. The Transport Statement states that the school as proposed by this application will generate an additional 69 vehicle trips or 138 two way vehicle movements in the morning and afternoon in comparison to the consented capacity. The report highlights the impact on junctions between Gatland Lane and Fant Lane and Gatland Lane, Farleigh Lane and Glebe Lane as being potentially affected by the new development. However, it concludes that the level of trips associated with the extension would not have a detrimental impact on the operation of the junction when compared to the consented level of growth.
- 8.37 The matter of the local highway network and its capacity for further growth was investigated in some detail in the Fant Farm appeal (ref: APP/U2235/W/16/31482) which relates to the development of up to 225 dwellings which lies within the locality of the school. The transport impacts of the development were considered in combination with the intended growth of the school and therefore the views of the Inspector on the impact on the wider highway network are very relevant to this application.
- 8.38 Firstly, the Inspector looked at the cumulative impacts of the residential development and its consented level and the category of road that Gatland Lane would best represent. He had the following comments;

*'The appellant's Transport Assessment (TA) compared recorded traffic flows in Gatland Lane against urban road capacities set out in TA 79/99 of Design Manual for Roads and Bridges comparing it initially against UAP3, variable standard road carrying mixed traffic with frontage access, side roads, bus stops and at-grade pedestrian crossings, which has an indicative one-way hourly flow of 900. Gatland*

*Lane broadly matches the characteristics of UAP3 and this is not in my view an inappropriate comparator.'*

*'Taken together with the traffic projections for the appeal scheme, the Transport Statement results indicate that with the school operating at permitted capacity the total morning peak flows in 2018 on Gatland Lane west of the site access would be some 683 and east of the site access 642. This would still be significantly below the 900 theoretical capacity of a UAP3 road, and indeed below the 750 busiest directional flow capacity of a UAP4 road described as a busy high street carrying predominantly local traffic with frontage activity including loading and unloading.'*

*The resulting effect on the Gatland Lane/Farleigh Lane/Glebe Lane junction, which has been shown to operate currently with spare capacity, and on the Gatland Lane/Fant Lane junction would be modest with the junctions continuing to operate satisfactorily.*

- 8.39 The Inspector then went onto consider the impacts should the school increase to 420 pupils (as this application was live at the time of the appeal);

*"If expansion of the school to a 430 pupil intake was granted, there is shown to be a potential for traffic flows in Gatland Lane, including trips arising from the proposed development, of 756/815 in 2018 and 797/856 in 2025. Whilst this would exceed the UAP4 theoretical capacity of Gatland Lane, it would remain below the UAP3 capacity. Further, there is no certainty that permission will be granted and the assumptions in respect of school catchment would not necessarily hold true over this time period. It is reasonable for example to assume that some children from the proposed development would attend the enlarged school. If that was the case, they could reasonably be expected to walk to school resulting in fewer than anticipated vehicle movements.'*

- 8.40 Therefore, in summary the Inspector has concluded that there is sufficient road capacity for both the residential development and that of Jubilee School even at its intended capacity of 420 pupils. As the Fant Farm scheme was dismissed on other grounds and thus this will not be coming forward, the Inspector conclusions robustly infer that the impact of the growth of Jubilee School will be acceptable in terms of the local road network and capacity. KCC Highways, in reviewing the scheme, also note the growth of the school would remain in capacity of the local highway network. This point is a significant material consideration which weighs in favour of the removal of condition 2.

#### Impact on highway as a result of parking associated with the school

- 8.41 The applicant also submitted parking beat data as part of the development which sought to establish the unrestricted parking capacity of the nearby roads and the current demand from the school at peak times, namely at school start and finish times. This included roads at Gatland Lane, Ridgeway, Cowdrey Close, Chamberlain Avenue, Burghclere Close, Sherbourne Drive and Portsdown Close, roads that are within walking distance or have sustainable links through to the school site. The scope of this survey was agreed with KCC Highways and essentially then calculates the capacity of the road network to accommodate parking from the proposed additional growth of the school. This information was provided to allow better understanding of the parking stresses that occurs at the peak times associated with the school use.

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- 8.42 This parking beat data has been reviewed by KCC Highways and the officers recognise parking stress at peak times including in the afternoon where 100% parking occupancy is expected to occur at Ridgeway, Cowdrey Close, Chamberlain Avenue (part) and Burghclere Drive with 97% occupancies predicted at Gatland Lane and Sherbourne Drive within the study area. However, KCC does not consider effects to be severe in NPPF terms and considers these effects to present only minor conflict with peak time traffic and importantly that Gatland Lane remains within capacity. It is also pertinent to consider the extent of these effects particularly as full parking occupancy will only occur when the school is at maximum capacity and the effects will only last for a limited period around picking up time in the afternoon with the rest of the day being unaffected. KCC also consider mitigation can be provided in the form of a break in traffic on Gatland Lane for larger vehicles achieved by parking restrictions and the inclusion of a link to the recreation ground which was secured via condition of the parent planning permission.
- 8.43 Thus in summary, there is no significant adverse effects caused by the development on highway grounds on account of site specific highway matters or effects on the wider highway network. KCC highways raise no objection to the scheme subject to conditions requiring a construction management plan and travel plan.

**Other Matters**

- 8.36 The application is also supported by an air quality assessment which concludes that the impact on air quality during construction is not significant and over the lifetime of the development the impacts on the wider area are negligible. This assessment has been reviewed the environmental health officer who states the site is sufficient far away from any air quality hotspot and no significant impact will be caused by this development.

**9.0 CONCLUSION**

- 9.1 The approval of this application to remove condition 2 is dependent on the committee's decision on 16/506320 as if this is not approved then the condition remains necessary as there is a lack of accommodation within the site to accommodate the additional pupil increase that is currently restricted by condition 2. However, that being said, the officer assessment of this application and that of 16/506320 consider that there are no adverse effects that would arise from the proposed growth and extension of the school into the 2FE and thus if 16/506320 is granted planning permission, condition 2 should also be removed.
- 9.2 On the basis that there are no identified significant adverse effects as a result of the proposed additional pupil numbers and on the basis the other application is permitted, it is recommended condition 2 is removed to allow the school to be become a 2FE primary school. However, in order to provide greater control over the use and to limit pupil numbers to those to which have been assessed under these applications it is recommended a replacement condition is imposed to limit pupil numbers to 420 pupils.

- 11.0 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.

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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

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