

Ref: 17/501471

Additional comments received:

Cllr Harwood has raised a number of points (summarised below) regarding the planning committee report and omission of conditions.

No standard renewable energy condition.

No impartial evidence on highways or highway safety.

No standard integral wildlife features condition (bat and swift bricks etc).

No standard buffer for woodland condition (lit track hard on biodiverse woodland edge).

No standard cordwood condition despite national and even international significance of deadwood fauna at Vinters Park and importance of big old trees for wildlife.

No attempt to address fragmentation of boundary woodland (at pre-meeting a "C" shaped link was proposed to link the severed section).

No woodland replacement proposed (landscaping around a massive lit car park does not count).

No attempt to mend serious damage to Area of Local Landscape Importance – there is no wider landscape strategy rather a meagre minimalist planting scheme within the site

Landscaping scheme comprises non-native trees and shrubs (including locally invasive Quercus ilex).

No mention of significance of the woodland belt to be destroyed forming a part of the original Medieval park boundary and these largest trees in the park as focal points within Humphrey Repton's late Eighteenth Century vision when they were already old).

Major road scheme piggy-backing on school application is clearly not CIL compliant.

Danger from roundabout arms for pedestrians not addressed.

Enclosure of popular local greenspace with palisade fencing ahead of application being received not addressed.

No bird survey, no mammal survey, no invertebrate survey.

Dismissive of significance of huge oak trees within designated area of Local Landscape Importance.

Does not address NPPF implications of deliberate and avoidable destruction of 'irreplaceable' veteran holly.

Fixation with protecting sterile close mown green desert playing fields.

Materials palette and surface treatments are either unacceptable in terms of quality or there is no detail.

Means to address inevitable bird-strike when woodland is reflected in the extensive fenestration are omitted despite the well catalogued significance of Vinters Park for rare birds.

The lack of attention to unsustainable trip generation is indefensible.

Officer Response:

The application site is located within the Vinters Park Area of Local Landscape Importance which is described as a broad swathe of historic parkland that stretches from Mote Park in the south to the built-up edge of the town in the north where it separates the housing areas of Grove Green and Vinters Park. The application site, wider school playing field and tree

lined boundary would have formed part of the original historic parkland setting incorporating Vinters nature reserve to the north of the site. The change of use to a school playing field has significantly eroded the original historic parkland features within the application site, however, the tree belt around the site largely remains and is considered an important landscape feature. The Vinters Park Landscape Character Assessment objectives are to 'conserve and reinforce' areas of mature vegetation and the open parkland character and the loss of trees from the boundary of the site would be contrary to this guidance.

The application is accompanied by a comprehensive LVIA which defines the landscape features of the site and wider area and assesses the impact of the proposed development. The LVIA states that the sensitivity of tree belts found on the school playing fields and application site with potential to be affected by the development is judged to be high. The tree belt around the school playing and along New Cut Road has historic landscape importance and is considered to make a positive contribution to the landscape character of the immediate and wider area and this has been reflected by the recent serving of a TPO Order and to the trees extending north of the application site towards Vinters nature reserve.

As set out in the committee report the proposal would result in a significant loss of trees which are subject to the TPO Order in order to accommodate the proposed access into the site and the council tree officer recognises this and does not support the loss of trees along the boundary. This is acknowledged as clearly weighing against the proposed development and has been considered in the access options assessment and in the balancing exercise at the end of the committee report.

Woodland fragmentation / loss of trees along New Cut Road is a negative factor of the proposed development and would be a consequence of any proposed new access along New Cut Road, as set out in the committee report. The loss of trees along the New Cut Road cannot be avoided with a new access route along New Cut Road. The Access Options Assessment and committee report go into further detail regarding the proposed roundabout access and location.

As indicated in the committee report significant trees would need to be removed to accommodate the site access including one potential veteran tree identified by the tree officer. The loss of a significant number of trees, including a veteran holly and mature oak trees weighs against the proposal as set out in the report. Natural England advises that veteran trees are irreplaceable and are trees which, because of their age, size or condition are of cultural, historical, landscape and nature conservation value. The NPPF advises that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The Access Options Assessment sets out the evidence base for the proposed access and location and, on balance, this is considered to be the most appropriate location for the new access into the site. Regrettably the proposed access would result in the loss of one veteran tree, however, in accordance with the NPPF, on balance, the significant benefits of the new school, which is required to meet current and future demand in the borough is considered to outweigh the loss of a single veteran tree. Natural England guidance states that in assessing development proposals, planning authorities must decide on the weight to be given to veteran trees in individual cases. Natural England guidance states planning authorities should start by looking for ways to avoid the development affecting veteran trees, which

have been assessed by the applicant as set out in the committee report, and that planning conditions can be used to secure mitigation or compensation measures were veteran trees are lost. Natural England advice states that appropriate compensation for the loss of veteran trees would include planting young trees of a similar species near to the trees they are replacing which in this instance could be secured through the landscape condition to replant young holly trees within the retained tree belt along the eastern site boundary. Further tree planting, including new oak species within the school site would help to mitigate the loss of the trees from the site boundary. More than 90 new trees would be planted within the site to help mitigate the loss of trees from the boundary.

There is a landscaping / planting plan condition and a 10 year landscape management plan condition to cover landscaping and this could include additional features if required, and ensure the proposed planting comprises native species. Other than the tree line boundaries a majority of the application site and wider school playing fields comprise managed / mowed grass playing pitches, hard surface tennis courts and a MUGA, and a future sports hall in the southeast corner of the playing field. The existing sports pitches and playing fields need to be maintained as mowed grass to ensure use of the grass pitches. Three existing grass pitches would be lost as a result of the school proposal and three schools would be sharing the playing fields (and other sport facilities) within the wider site. Further loss of pitches would not be supported by Sport England, however, the ecology and landscape management and planting plan conditions could review whether there is sufficient space within the site for additional woodland buffers and enhanced ecology buffers on the edge of the playing field without encroaching onto the retained grass playing pitches.

Condition 17 requires on-site ecology enhancements for breeding birds, bats and reptiles which would cover the integrated bird / bat boxes and cordwood. An informative could be added advising the applicant about the need to provide cordwood on the site and integral swift bricks in the building to make this point clear. KCC Ecology has been consulted and has reviewed the ecology reports and surveys submitted in support of the application. KCC Ecology has advised that sufficient ecology surveys have been carried out to determine the application. KCC have recommended ecology enhancement and a bat scoping survey, which they are satisfied can be addressed by condition. No further reptile surveys were requested by KCC.

Materials predominately include grey coloured facing brick, darker grey render and recessed grey aluminium windows with coloured insert panels to frame the windows. Council Officers raised some concerns about the use of white render at pre-app stage and sought a higher quality material / cladding. The school advised that the budget could not accommodate an alternative to the rendered upper floor sections and proposed a coloured render scheme rather than stark white which would have been subject to weathering and staining. Overall, the design and appearance of the school is considered to be acceptable and the proposed palette and colour of materials would offer a muted appearance and would be resilient to weathering. The proposed materials and various colours palettes were reviewed by Members at pre-app stage and the current proposed design was the preferred approach.

Approximately half the roof area of the proposed school building will incorporate PV panels as shown on the roof plan drawing 16777-KSS-00-03-DR-A-01001 P3. The details / design of the PV panels would be secured via the materials condition and secured via the plans list condition.

A Stage 1 Highways Safety Audit has been completed for the proposed roundabout / access and pedestrian crossing design. No objections have been raised from KCC highways in terms of highways safety. There is one additional point to address that came out of the safety audit which relates to the possible inclusion of a shared pedestrian / cycle path on the east side of New Cut Road to the north. This will be reviewed under the S278 agreement with KCC Highways. Two access designs were reviewed by the school, the proposed roundabout and an alternative signalised T-junction. Both options cost approximately the same to deliver as confirmed by the applicants transport consultant and the proposed roundabout is therefore considered to be CIL compliant. KCC highways confirmed that the proposed roundabout performs better in highways capacity and safety terms.

The Transport Assessment indicates that the proposed school would result in additional vehicle trips to the area, although it does allow some double counting as parents drop off their children and continue onto work etc. The school is located in a sustainable location within walking distance of the town centre indicated in the committee report. The aims and objectives of the school Travel Plan are to reduce vehicle trips and increase cycling, pedestrian and bus use. Highways England has advised that if implemented and monitored appropriately the Travel Plan should be capable of achieving the desired outcomes. Motts have reviewed the Travel Plan on behalf of the council and have advised that the sustainable transport would be further promoted if additional cycling parking is provided on the site from the start of the school year. The number of children expected to cycle to school as set out in the TP reflects the current number of pupils that cycle to the adjacent Valley Park School and is disappointingly low. The applicant has agreed to increase the number of cycle storage spaces from the start of the first school year and there is sufficient space on-site to accommodate a total of 172 cycle spaces which would help promote staff and pupil cycling. Motts have also advised that the proposed parking provision would not encourage sustainable travel by staff such as car sharing, walking, buses and cycling and therefore suggested the amount of on-site car parking could be reduced to deter and reduce staff car trips. Should Members agree to a reduced number of on-site parking spaces this could be secured by condition and has been agreed by the applicant.

The existing palisade fence around the entire school site does not form part of the current application. The palisade fence is unsightly, and prevents the school playing fields from being accessed by the public. However, the fence was erected by the school several years ago under permitted development, presumably for safety reasons and this type of development has been a common occurrence at other schools in the borough. Whilst the secure fencing does prevent public access to the school playfields the use of the school sports facilities and playfields will be promoted, managed and secured through a community use agreement as recommended by Sport England and secured by condition in accordance with policy DM23.

Additional points

Requests have been put to Highways England to confirm their consultation stance which states they raise no objection subject to securing the Travel Plan through a S106 agreement which should include penalties should the school fail to meet the aims and objective of the Travel Plan. The council has asked HE to provide a figure and possible mitigation schemes HE would accept within the S106. No further information has been provided to date. The

committee report seeks delegated powers to agree the exact details but understandably the school are unwilling to agree this at this stage as a figure has not yet been provided.

As an alternative to the mitigation penalties in the S106 the applicant has suggested that the Travel Plan could be secured via a condition although the TP monitoring fee would need to be secured via a S106. Should the school fail to meet the aims and objectives of the TP, which HE have advised are all achievable providing the TP is properly implemented and monitored, the council would be able to take enforcement to ensure the TP is adhered to by the school, although the condition route would not secure the mitigation penalties as requested by HE.

Additional / amended conditions

Amend condition 6

In accordance with the phasing strategy, as approved under condition 3, details of all the external materials, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

The proposed materials shall include details of swift bricks and / or bat boxes / bricks incorporated into the development.

Reason: To ensure a satisfactory appearance to the development.

Amend condition 11

Within 3 months of the date of planning permission a detailed lighting scheme finalised by the bat activity surveys must be submitted to the LPA for written approval. The lighting scheme must demonstrate that there will be no or minimal impact on foraging/commuting bats. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to safeguard neighbour amenity and ecology.

Amend condition 13

In accordance with the phasing strategy, as approved under condition 3, details of the proposed cycle parking enclosures shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking plan shall include at least 86 cycle parking spaces from the start of the first school year and shall clearly indicate how this would be increased to 172 spaces in accordance with the Travel Plan. The approved cycle parking shall be installed in accordance with the details approved and retained thereafter.

Reason: To promote sustainable travel.

Amend Condition 15

In accordance with the phasing strategy, as approved under condition 3, details of the proposed car parking spaces and drop off / pick area shall be submitted to and approved in

writing by the Local Planning Authority. The proposed parking area shall show a reduction in the number of parking spaces shown on drawing LP2073-FIRA-LA-WS-L-90-03 to encourage sustainable modes of travel. The agreed car parking provision shall be installed in accordance with the details approved and retained thereafter.

Reason: To ensure adequate parking provision is provided to promote sustainable modes of travel in accordance with the travel plan

Amend condition 17

In accordance with the phasing strategy, as approved under Condition 3, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds, bats and reptiles and shall include provision of bat boxes, bird boxes, native planting and the retention of cordwood on the site. The enhancement plan must provide details on how the enhancements will be managed long term. The approved details will be implemented and thereafter retained.

Reason: To enhance biodiversity.

Additional ecology / tree condition

All trees to be felled and assessed as low/medium within the Thompson Ecology Letter (dated 27th February 2017) must be felled using a soft fell technique under the watching brief of a licenced ecologist.

The intact hulk of the veteran holly tree should be felled and relocated within the eastern boundary tree belt in close proximity to the felled veteran tree and the landscaping details pursuant to condition 9 shall include young trees of similar species to the veteran holly to be planted along the eastern boundary of the site.

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

Additional Highways works / S278 Agreement

The use or occupation of the development hereby permitted shall not commence until the following highways works have been fully implemented:

- Works required for the proposed roundabout and pedestrian crossing, including, and if appropriate, a shared footway/cycleway to the north on New Cut Road.
- Parking restrictions in Grovewood Drive South
- Reduction in the speed limit on New Cut Road from 40 mph to 30 mph
- The upgrade of the New Cut Road/Ashford Road junction

Reason: In the interests of highway safety.

AMENDED RECOMMENDATION:

The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out in this Urgent Update report and those set out in the main report.

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

Travel Plan including a monitoring fee and contingency funding to provide appropriate mitigation measures to be used on sustainable transport scheme(s) benefitting the local area and relevant to the proposed development (The Head of Planning and Development be given full delegated powers to secure the detail of the Travel Plan, the monitoring contribution and level of the contingency contributions and triggers).