

**REFERENCE NO - 18/506656/FULL**

**APPLICATION PROPOSAL**

Erection of a new two-storey primary school and special educational needs secondary school with formation of new access onto Bearsted Road, together with associated car parking and drop off area, pedestrian access, drainage, areas for formal and informal outdoor play and landscaping works.

**ADDRESS** 'Popesfield', Bearsted Road, Weaving, Kent

**SUMMARY OF REASONS FOR RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS**

- There is a clear identified need for the proposed schools which are cited in Kent County Council's Education Commissioning Plan (2019-2023) to meet the local need. Kent County Council as Local Education Authority fully supports the proposed schools.
- The NPPF states that Local Planning Authorities should,  
***"give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications"***
- The Government's 'Policy statement – Planning for Schools Development' (2011) states that,  
***"There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework."***
- The land is identified under policy RMX1(1) of the Local Plan as an area to provide 'net gains' for biodiversity but is not necessary mitigation for the ecological impacts of the Kent Medical Campus development.
- A comparable area of land which would deliver biodiversity benefits appropriate to those sought by policy RMX(1) has been identified on an immediately adjacent site and is presented to this Committee under application 18/506609, which varies the original permission to incorporate the alternative site. As such the requirement of policy RMX(1) would be satisfied. The implementation of the two applications would be linked.
- The proposals would cause some localised harm through development of the site but there would be no medium or long range visual impacts, and importantly no harm to the AONB or its setting. Landscaping would also serve to lessen any localised impact.
- There are no other impacts of the development that are so significant or unacceptable to warrant a refusal, or which cannot be suitably mitigated and there are no objections from any statutory consultees.
- Balancing the conflict with policy RMX1(1) and the low level of landscape harm against the need for the schools, with the great weight that must be given to the need for school places, it is concluded that the need and benefits of the schools

clearly outweighs these matters, and any other impacts of the development.

- On the basis that the biodiversity element of policy RMX1(1) is addressed through the proposed variation to the KMC permission now before Committee, there is no harm to the policy's overall objectives. Further, when the low level of landscape harm is balanced against the need for the schools, with the great weight that must be given to the need for school places, it is concluded that on balance the benefits associated with the schools clearly outweighs the limited harm arising from the development.
- Permission is therefore recommended.

**REASON FOR REFERRAL TO COMMITTEE**

- Councillor Bob Hinder has requested the application is considered by Planning Committee for the reasons outlined below.
- Councillor Wendy Hinder has requested the application is considered by Planning Committee for the reasons outlined below.
- Councillor Harwood has requested the application is considered by Planning Committee due to the significant public interest and concern.
- The proposals have some conflict with policy RMX1(1) of the Local Plan.

<b>WARD</b> Boxley	<b>PARISH COUNCIL</b> Boxley	<b>APPLICANT</b> Bowmer and Kirkland Ltd for Department of Education <b>AGENT</b> DHA Planning
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<b>DECISION DUE DATE</b> 03/05/19	<b>PUBLICITY EXPIRY DATE</b> 19/04/19
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**RELEVANT PLANNING HISTORY**

<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/506609	Application to vary conditions 3, 4, and 5 of planning permission 16/507292/OUT (outline application with access sought for development of medical campus) to allow for the relocation of the Nature Reserve.	UNDER CONSIDERATION	
16/507292	Outline Application with access matters sought for development of medical campus comprising up to 92,379m2 of floorspace (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); keyworker accommodation for nurses and doctors (class C3);	APPROVED	16/06/17

	pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 bed class C2 neuro-rehabilitation accommodation; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of a nature reserve (to renew existing consent 13/1163).		
13/1163	Outline application for the development of a medical campus comprising up to 98,000sqm of floor space (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training g facilities with residential accommodation (class C2/D1); key worker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 class C2 neuro euro-rehabilitation accommodation units; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of new woodland area with access for consideration and all other matters reserved for future consideration.	APPROVED	23/04/14

## **1.0 DESCRIPTION OF SITE**

1.01 The application site is a rectangular grassed field of some 2.86ha in area on the north side of Bearsted Road, to the southeast of J7 of the M20, and east of the Kent Medical Campus (KMC). In response to representations received on the application, the site has been amended since originally submitted and now also includes access to the site via KMC from the 'KMC/New Cut' roundabout and off Gidds Pond Road, which would involve the construction of a new section of road within KMC. To the north and east is deciduous woodland within 'Pope's Wood' which is subject to a Tree Preservation Order and is designated a Local Nature Reserve. Part of the woodland is designated Ancient Woodland (AW) and it touches the northeast corner of the site. Further south land rises to 'Weaving Heath' an area of public open space owned by MBC.

- 1.02 To the west is the 'Cygnet' hospital, which is part of the KMC site which has permission for 98,000sqm of mix used floorspace centred on medical uses, education and training facilities. As part of the outline permission for the KMC, the application site would become a 'nature reserve' to provide biodiversity enhancements but this has not been implanted yet.
- 1.03 Within the Local Plan, the site falls outside the defined urban area and so is classed as 'countryside' for Local Plan purposes. It is identified as a 'Landscape Area' on the proposals map, which stems from the KMC permission to be used as a 'nature reserve'. The site is approximately 670m south of the Kent Downs Area of Outstanding Natural Beauty (AONB) and does not fall within a Landscape of Local Value.
- 1.04 The site levels are highest at the east end and drop between 5-8m across the whole site to the west end. The levels drop more steeply on the east side of the site and then more gradually across the remainder. The boundary with Bearsted Road is largely open with a post and wire fence and a number of trees in the southeast corner. There are a number of houses opposite the southeast corner at 'Ash Tree Gardens' and off Bearsted Road.

## **2.0 PROPOSAL**

- 2.01 The application seeks full permission for two new schools provided within a single two storey building. The new building would provide accommodation for a two form entry (2FE) Primary School and a Special Education Needs & Disability (SEND) Academy Secondary School. The Primary School would provide 420 places and the Academy would provide 140 specialist education need places. There would also be a 26 place pre-school nursery. In order to ensure that the need for places is met in a timely manner, the school is planned to open in September 2020.
- 2.02 The building would have a total floorspace of 5,499 sqm and be arranged in a U-shape, around a central shared area. There would be two separate entrances to each school. Two Multi Use Games Areas (MUGAs) would be provided to the east of the new building. A grassed playing field would also be provided at the east edge of the site. As the site is not level and slopes from the northeast corner some remodelling of the land will be required to provide level areas.
- 2.03 The building design would be contemporary in nature with a flat roof using a mix of materials including ragstone, brickwork and cladding with powder coated aluminium windows, which will be discussed in more detail in the assessment below.
- 2.04 The application has been amended in response to representations made and so now vehicular access would be via KMC with a new section of road proposed from Gidds Pond Road to the site. There would no vehicular or pedestrian access from Bearsted Road as was originally proposed. Various off-site highways works are proposed to provide safe connectivity to the site including footway widening and extensions, lowering of the speed limit, and new crossing points, which will be discussed in more detail in the assessment below.

- 2.05 There would be a car park and a drop off area on the west side of the site. The car park would provide 82 spaces for staff, 42 drop-off spaces for visitors, 14 minibus drop-off spaces and 2 minibus parking spaces. The proposal also includes parking motorcycles, cycles and scooters.
- 2.06 New landscaping would be provided around the site including along the site boundary with Bearsted Road, and along the north and east boundaries a 15m landscape planted buffer would be provided apart from where the access comes into the site. An attenuation pond and swale would be provided as part of the surface water strategy for the site.
- 2.07 The new schools would be 'Free Schools', directly funded by the Department for Education (DfE), through the Education and Skills Funding Agency (ESFA). It would be operated and managed by 'Leigh Academies Trust' as part of the Trust's existing schools' group.
- 2.08 This application is the subject of a Planning Performance Agreement (PPA) and as part of this there were discussions with Councillors in October and December 2018 where key issues were explored.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP17, SP23, RMX1, ID1, RMX1(1), DM1, DM2, DM3, DM6, DM8, DM19, DM20, DM21, DM23, DM30
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- DCLG Policy Statement Planning for Schools Development (2011)
- Kent Commissioning Plan for Education Provision in Kent (2019-2023)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Boxley Parish Council:** Raises objections and wishes to see the application refused for the following (summarised) reasons:
- Lack of need for Primary School at this location.
  - No need for SEND school to be located at this location.
  - Alternative sites may be suitable for just a primary school.
  - Dangerous for pedestrians even with improvements.
  - There should be no access from Bearsted Road.
  - Narrow pavements.
  - Off-site highways works are unsafe.
  - Congestion.
  - Parking will occur on local roads.
  - Replacement parking for Gidds Ponds Cottages is unclear.
  - Assumptions on pupils walking to school are unrealistic.
  - Students are unlikely to cycle to school.
  - No good public transport links.

- Assessment underestimates vehicle travel to the site.
- Inadequate parking and drop-off spaces.
- Management of parking and drop-off is unrealistic.
- What happens when major events occur.
- Will add to pollution.
- Issues with foul drainage and flooding.
- Harm to Weavering Heath.
- Loss of trees.
- Lack of renewable energy and green roof.
- Impact upon AONB.
- Harm to ecology.
- Travel plan must be robustly challenged.
- Bus services are not at the right times to serve the schools.
- The name Bearsted Academy is not acceptable.

4.02 **Bearsted Parish Council:** Raises objections for the following (summarised) reasons:

- Development of nature reserve is a departure from the Local Plan.
- Harm to wildlife.
- Poor location in relation to the catchment area.
- Assumptions on traffic are misleading.
- Off-site highways works will worsen congestion.
- Safety issues.
- Traffic, congestion, and pollution.
- Lack of parking.
- Narrow pavements.
- Failure to plan ahead.
- Alternative sites.

4.03 **Local Residents:** 584 representations received raising the following (summarised) points:

- Highway safety and congestion.
- Too much traffic with other developments.
- Lack of parking and drop-off space.
- Overspill parking on local roads.
- Unsustainable and inappropriate location.
- Reliant on cars.
- People won't walk to the schools and assumptions are unrealistic.
- Off-site highways works are dangerous.
- Dangerous for children/pedestrians.
- Pollution, noise and disturbance.
- Will worsen air quality.
- Children will be vulnerable to poor air quality.
- Overdevelopment of local area.
- Increased risk of flooding.
- Impact upon AONB.
- Loss of nature reserve.
- No need for schools in this area as there is sufficient capacity.
- Local schools undersubscribed.
- Alternative sites are available.

- Alternative site assessment is flawed.
  - Loss of privacy.
  - Loss of light.
  - Light pollution.
  - Removal of Gidds Pond parking is a problem.
  - Loss of amenity to Gidds Pond Cottages.
  - Loss of trees.
  - Poor design.
  - Building would be an eyesore.
  - Will be next to a secure unit at Cygnet which is inappropriate.
  - Problems from pumping foul drainage.
  - Construction impacts.
  - Harm to Weaving Heath from new footpath.
  - Lack of sustainable design features.
  - Poor landscaping.
  - Late opening of school facilities will cause traffic problems and noise.
  - Contrary to Local Plan.
  - Harm to wildlife.
  - School name is wrong.
  - Loss of views.
  - Loss of property value.
  - Child safety will be compromised.
  - Should be cycle ways.
  - Transport Assessment is flawed.
  - Surface water pollution.
  - Schools should be within the community.
  - Local Plan should have allocated schools.
  - Cramped development.
  - Drainage problems.
  - No need for use of facilities outside school times.
  - Loss of views.
  - Travel Plan is flawed.
  - Impact of ancient woodland.
  - Local infrastructure cannot cope.
  - Impacts of Brexit on traffic.
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- Fully support the application.
  - Not enough SEN schools in the local area.
  - Understand need for schools.
  - Desperate need for schools.
  - If schools are not built then people will have to travel further afield.
  - Amendments have overcome highway concerns.
  - Welcome addition to the local community.
  - Beneficial to the young people of Maidstone.

4.04 **Borough Councillor Wendy Hinder** raises the following (summarised) points:

- Lack of need for schools.
- Traffic and congestion on already critical roads.
- Build-out by Gidds Pond Cottages is dangerous.

- The SEND school will be taking students from a very wide catchment area and could be located somewhere else.
- Highway safety on Bearsted Road.
- Travel predictions are flawed.
- Parking and drop off facilities are very inadequate.
- Long distance to walk to schools.
- Pollution from pupils walking on local roads.
- Loss of wildlife corridor and nature reserve.

4.05 **Borough Councillor Bob Hinder** raises the following (summarised) points:

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- Traffic and congestion on already critical roads.
- Build-out by Gidds Pond Cottages is dangerous.
- The SEND school will be taking students from a very wide catchment area and could be located somewhere else.
- Highway safety on Bearsted Road.
- Travel predictions are flawed.
- Parking and drop off facilities are very inadequate.
- Long distance to walk to schools.
- Pollution from pupils walking on local roads.
- Loss of wildlife corridor and nature reserve.

4.06 **Borough Councillor Springett** raises the following (summarised) points:

- The site is allocated within the Local Plan as Woodland Nature Reserve under Policy RMX1(1) to mitigate the loss of countryside for the KMC.
- The nature reserve would provide a net gain in biodiversity, create connectivity between the areas of ancient woodland in the vicinity, and improve air quality.
- Whilst I accept the need for schools, this site is unsuitable as it is isolated from its anticipated catchment area which will generate a large amount of vehicle movements.
- The proposed access will exacerbate congestion.
- The expectation that 59.3% of pupils will walk to school is vastly over estimated.
- Pedestrian access is poor and there are no safe cycle routes that will serve the schools.
- Parking provision is insufficient and the schools are not served by a bus route.
- The proposal to remove the parking bays at Gidds Pond Cottages will lead to vehicles speeding and will require further traffic calming measures.
- I ask that this application is refused.

4.07 **Borough Councillor Cuming** raises the following (summarised) points:

- KMC would not have been granted without the condition for the Nature Reserve to be created on Pope's Field, which was done to reduce the carbon footprint of KMC and reduce local pollution levels.



- Loss of the potential enhancement of local biodiversity and natural wildlife habitat.
- Totally unsustainable countryside location, and contrary to Condition 3 of Policy RMX1(1) of the MBLP 2017.
- The Primary School would be far removed from its catchment area with approximately 70% of the pupils arriving by vehicular transport, which will aggravate local pollution levels and create an unhealthier environment.
- The SEN School would have a much greater catchment area, so its actual location can be much more flexible.
- The recognised need for extra school capacity in North Maidstone should be provided nearer to where it is actually required, in order to reduce the reliance on vehicular transport and the associated pollution levels.

**4.08 Borough Councillor Harwood** raises the following (summarised) points:

- Impact upon already severe local traffic congestion.
- The site is a remote and inaccessible location.
- Pedestrian/cycle access cannot be safely achieved from surrounding communities expect perhaps Grove Green.
- Only families with a car can access the site.
- 20mph speed limit is more appropriate at schools start and end times and speed cameras are essential.
- Pollution and noise on Bearsted Road.
- The scheme will be entirely dependent upon motor vehicles.
- Demographic challenges in North Ward in relation to the location and accessibility of the site from North Maidstone.
- Will create worse congestion situation than at other local schools.
- School run vehicles would congregate on Bearsted Road and local roads and bring hazardous conditions.
- Replacement Gidds Pond Cottages parking is vague and would have ecological implications.
- Parking restrictions for cottages is likely to be unpopular and it acts as a traffic calming feature.
- MBC should seek impartial independent technical transport advice.
- Implications of existing planning permission for a 'woodland nature reserve'.
- Insufficient space for required structural landscaping.
- Loss of trees in south east corner.
- Non-policy compliant landscaping with non-native species.
- 15m buffer is compromised due to inappropriate species next to ancient woodland and potential access.
- Woodland buffer should be more natural with different species and undulations.
- Site frontage should have a mixed native hedge with native trees with management.
- Landscaping must be 100% native and local provenance.
- Location of proposed ponds poses significant risk to amphibians and other wildlife and a location closer to woodland edge would be better.
- Street lighting will have negative ecological impacts and urbanisation.
- Cordwood should be retained on site.
- Site is important for European rabbit and a range of bird species.

- Negative impact to Popes Wood Local Wildlife Site.
- Many protected species use the edge of the woodland.
- Part of woodland edge will be shaded.
- Management of wildflower meadows is inappropriate.
- Mowing regime will kill wildlife.
- Integral bat nesting/roosting species should be delivered and drainage infrastructure should be wildlife friendly.
- New path across Weaving Heath would require significant engineering works and would bisect and fragment important semi-natural open space and harm ecology. Path across Weaving Heath should be ruled out.
- Lighting could be on motion sensors and switched off in early evening.
- Risk of bird strike on windows so glass tinting and/or overhangs should be used.
- Chemicals should not be used on site.
- Landscape impact day and night.
- Will significantly detract from the landscape setting.
- Will have a significant landscape impact in the open countryside and foreground of the AONB.
- Scale/massing and flat roof structure does not evidence good design.
- Exceptional scheme in terms of design and environmental sustainability is required in such a high quality setting.
- Should be subject of Design South East Panel scrutiny.
- Development on this scale must (alongside solar PV) incorporate a significant extent of living roof to achieve good design and sustainable development.
- Absence of renewable and de-centralised energy generation does not deliver sustainable development.
- Flat roof makes it suitable for solar PV and solid type suitable for ground source heat pumps and this should have been addressed at pre-application stage.
- Will create an urban heat trap.
- BREEAM Very Good should be achieved.
- Geographically confused proposed development names.

**4.09 Borough Councillor Field** raises the following (summarised) points:

- Traffic impact would be severe with reference to paragraph 109 of the NPPF.
- There is no likelihood of a safe walking route to the proposed site on the available footpaths.
- Location will make other methods of travelling most favourable.
- Car ownership is statistically lower in North ward than the average and so many parents would be forced to walk on a potentially unsuitable route.
- Young children will be walking through poor air quality areas.
- The SEND school will have parents driving out of necessity.
- Local roads will most likely become default drop off points to the detriment of the residents.
- The impact on Weaving Heath is unacceptable from an environmental perspective.
- The removal of on street parking from outside Gidds Pond Cottages is unclear and it creates a traffic calming effect.

- Owing to the need for using multiple informal crossing points a 20mph speed limit is required.
- The site is safeguarded from development through allocation as a nature reserve within both the 2017 Local Plan allocation and outline planning permission for the development of the medical campus.
- The field provides an open countryside buffer between the rapidly urbanising Newnham Court Farm and Bearsted and the plans for the nature reserve included new significant tree planting.
- The application site is bounded on two sides by a designated Local Wildlife Site and ancient woodland.

4.10 **County Councillor Chittenden** raises the following (summarised) points:

- Understand the need for an additional local school, but object to this application.
- Site is designated as a 'Woodland Nature Reserve', which was recently confirmed by a Government Inspector when approving the new Maidstone Local Plan.
- More suitable site within the KIMs complex to the left hand side between the main entrance road and the Newnham Court complex.
- The alternative site for the nature reserve is not acceptable.
- Very serious concerns that the access onto the Bearsted Road is totally unacceptable.
- Bearsted road is a narrow road with serious congestion problems particularly coming into Maidstone with tailbacks going back to the Bell Inn and the Bridge.
- The proposal for three major hold-up points will seriously affect the flow of traffic in both directions.
- The main entrance onto Bearsted Road for parts of the day will have a constant flow of traffic both entering and leaving the School.
- The additional pedestrian crossing for children and parents for access from Grove Green will also be in constant use twice a day.
- I understand a width restriction is needed and created by footpath widening close to the roundabout. This will not only extend traffic back to Bearsted but will create congestion back to and round the KIMS roundabout creating even further problems on all approaches to that roundabout.
- Children and parents crossing close to the KIMS Roundabout without fully controlled crossing will be dangerous.
- More controlled crossing points not shown on current plans are required.
- The length and area allocated for loading and unloading children is inadequate and will result in constant turnaround and movement through the main entrance. Hold ups are inevitable resulting in parking along the Bearsted Road.
- I cannot see any reason why the access should not be through the KIMS road with additional parking if required along that section of the road.

4.11 **Bearsted & Thurnham Society** raises the following (summarised) points:

- Recognise need for schools.
- School provision should have been planned under the Local Plan.

- Severe failure on the part of the Department for Education, Kent County Council and Maidstone Borough Council
- Many of the 'search' locations were never feasible.
- No thought has been given to re-designating land within the Local Plan where such a site might make better sense as a school than for the designated purpose.
- Construction of an access road from the adjacent KMC site would have minimal effect on employment in the borough and should be the preferred access road.
- A wider search should be undertaken and an alternative site identified for the SEND school.
- The proposals for 'Binbury Park' include a SEND school which could be a better location.
- Inadequate provision of safe access routes to the schools and the provision of car parking and pick-up spaces.
- Data for walking to school has been taken from four local primary schools, each of which is sited in the centre of its catchment, wholly within an area of established housing.
- It is inappropriate to use schools located in the centre of housing estates to determine the likely modes of transport for pupils attending a school in a semi-rural area.
- Very unlikely to choose to walk alongside a heavily-trafficked semi-rural road.
- Road will be regarded as particularly dangerous by parents leading to more of them taking their children to school by car.
- Dangers to young children of regular exposure to traffic-related pollution
- Calculations undertaken of the traffic impact of the proposed schools are invalid underestimates.
- The construction of pedestrian crossings on the Bearsted Road at each end of the site resulting in a narrowing of the road will only lead to further delays in traffic flows.
- Traffic already generated by parents using 'Pennies' nursery to deposit and collect their children does not seem to have been taken into consideration.
- Lack of parking and pick-up spaces on the site.
- Local concerns and lack of support.

**4.12 St John's Primary School** raises the following (summarised) points:

- Strongly object.
- It is not imperative the two schools are located together.
- There is no need for school places where the site is proposed.
- Any demand is well away from the site.
- Lack of evidence within KCC Commissioning Report.
- Site options report is compiled to justify the choice rather than an impartial assessment.
- Traffic and congestion.
- Highway safety.
- It is unclear whether Transport Assessment takes into account all traffic.
- Air pollution.
- Not a suitable location for 'active travel' to school.
- Will sever wildlife corridor.

- Travel Plan is unlikely to reduce journeys.

4.13 **Vinters Valley Trust** raises the following (summarised) points:

- Land is a vital link in wildlife corridor.
- Land was vital in decision on KMC.
- Why can planning conditions be swept aside.
- No steps have been taken to provide nature reserve.

## **5.0 CONSULTATIONS**

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

5.01 **Highways England: No objections** subject to a Travel Plan.

5.02 **Natural England: No objections** and provide guidance.

5.03 **Sport England: No objections** and provide guidance on sports pitches.

5.04 **KCC Highways: No objections subject to conditions** relating to off-site highways works (Bearsted Road Improvement Scheme, pavement widening, build-outs and crossings) and parking restrictions, 30mph speed extension, street lighting and road markings; securing parking and access. Seek a legal agreement securing a Travel Plan and monitoring fee.

5.05 **KCC Education: Fully supports the proposed schools**; considers the proposed location is appropriately suited to meet the increased future demand of primary school places; confirm the expected demand for school places; and that the site is unique in its ability to accommodate the two schools in one campus.

5.06 **KCC Lead Local Flood Authority: No objections subject to conditions.**

5.07 **KCC Ecology: No objections subject to conditions** requiring 'bat sensitive' lighting, a biodiversity method statement, and securing the submitted Biodiversity Enhancement and Landscape Management Plan.

5.08 **KCC Archaeology: No objections subject to conditions.**

5.09 **KCC Minerals: No minerals assessment provided.**

5.10 **KCC PROW:** Seeking a financial contribution towards upgrade of PROW KH47 due to potential increased use.

5.10 **MBC Environmental Health: No objections**

5.11 **MBC Landscape Officer: No objections** in terms of the loss of trees or the landscape assessment.

5.12 **Kent AONB Unit: No objections.**

5.13 **Southern Water: No objections**

5.14 **Kent Police: No objections.**

## **6.0 APPRAISAL**

### Main Issues

6.01 The key issues for the application are considered to be as follows:

- Need for schools and Policy.
- Development of land for future 'nature reserve' required under policy RMX1(1).
- Landscape Impacts
- Highways Impacts
- Layout, Design & Appearance
- Ecological Impacts
- Other Matters

### Need for Schools & Policy

6.02 The Government's 'Policy statement – planning for schools development' (2011) 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 that the following principles 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."***

6.03 The NPPF at paragraph 94 states that,

*"It is important 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:*

***a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications"***

6.04 So at a National level there is very strong policy support for schools provision, great weight must be given to development that addresses the need for schools, and local planning authorities must take a proactive and positive approach to such development.

6.05 The County Council has referred to the need for a two form entry primary school in north Maidstone since 2016 whilst the current Local Plan was being prepared. However, this was largely required to accommodate indigenous growth and previously consented development in the area, rather than in direct mitigation for specific development sites that were proposed in the Local Plan. Therefore an allocation for a school was not justified under the Local Plan and this is part of the reason why a school has come forward in this area on a site outside the defined urban area or on an allocated site in the Local Plan.

6.06 Turning to the specific need for the schools, the proposed site falls within the 'Maidstone North' education area within the County Council's Commissioning Plan for Education Provision in Kent (2019-2023). In respect of primary school places for Maidstone, the Commissioning Plan at page 122 outlines that,

*"both Year R and total primary school rolls will continue to rise across the Plan period and will result in an overall deficit of places from 2022-23. There is significant demand for the town centre planning groups, with a deficit of Year R places forecast from 2019-20 in 'Maidstone Central and South' and 'Maidstone West' and from 2020-21 in 'North'...."*

*....Future pressure is anticipated across Maidstone Town (Central and South, North, West and south East planning groups) culminating in an overall shortfall of 131 Year R places by 2022-23 across the planning groups. Approximately 4-5FE of additional Year R provision will be required across the 'Town' planning groups within the Plan period. In particular, there is acute pressure forecast for Maidstone Central and South and Maidstone North, with both planning groups showing significant deficits that increase throughout the Plan period."*

6.07 The Plan goes on to state,

*"The short-term strategic response to the demand for further primary school places in the central Maidstone area is the planned new 2FE Maidstone North Primary Free School that was scheduled to open in 2018-19. However, despite extensive lobbying efforts with the ESFA to date a planning application is yet to be submitted. Consequently, the opening of the new Free school will be delayed until 2020-21 at the earliest. In the short-term 30 Year R places are needed for 2019-20 and will be met with temporary expansion at an existing school."*

6.08 Whilst not referring to the specific location, this is reference to the primary school now proposed under this application.

6.09 As such, there is a clear identified need for primary school places in the central Maidstone areas including 'Maidstone North'. The proposed site falls within the 'Maidstone North' area and so the location is appropriate to contribute towards meeting this identified need in the local area and the school obviously forms part of the Commissioning Plan. KCC Education fully supports the application re-affirming a need for the schools.

6.10 Representations made on the application consider that the site is too far from the main populated urban areas in north Maidstone and will instead serve pupils from Grove Green and Bearsted where there is considered to be no need. As outlined above, the site falls within the 'Maidstone North' education area and so the location is entirely appropriate to serve the need.

6.11 KCC Education advise that the proposed location for the primary school is appropriately suited to meet the increased future demand of primary school places in Maidstone and have stated that,

*"pupils currently living within the vicinity of the proposed school site are currently either educated within schools in the area or are required to travel to schools further away; the proportion of pupils not being educated in the most local schools is forecast to increase unless additional provision is provided through the proposed school. Analysis of previous new schools indicates that a movement of places occurs in the travel to learn area for the few years following opening. In practice this means that the creation of additional pupil places at the new school will free up places at other schools over time, as admissions begin to more closely align to the nearness of children's homes."*

6.12 Therefore the primary school will serve the local need providing additional capacity and facilitate the re-distribution of school places in the local area. Whilst not a planning requirement (as a decision must be made on the application before the Council), the applicant has also investigated whether any other sites in the local area are suitable and available but this has not revealed any sites more appropriate than the application site.

6.13 In terms of the secondary SEND school, the Commissioning Plan outlines that forecasts indicate that there will be significantly greater pressure for secondary provision within Kent special schools from 2018-19 onwards.

6.14 The Plan goes on to state for the West Kent area,

*"We recognise that there is significant pressure for ASD places and are working to develop a range of appropriate provision in West Kent. In order to meet the short term demand, we will establish a 20-place ASD SRP at The Judd School in 2019-20 and are seeking to commission a 60-place special school satellite at a secondary school in Aylesford for 2019-20. The medium-term demand will be met with the opening of the 168 place new special secondary free school for ASD in Maidstone that is now scheduled for 2020-21."*



6.15 So the Commission Plan sees the proposal as dealing with the medium term demand for SEND secondary school places in West Kent. Whilst potentially an alternative location in West Kent may be able to do the same, the proposals seeks to make the best use of land and provide two schools on one site, which is a sensible approach. In this respect KCC Education advise,

*"I can confirm that KCC, as Local Education Authority, fully supports the proposed establishment of the Bearsted Primary Academy and the Snowfields Academy (secondary Special School). Both of these schools have been awarded by the Department for Education to the Leigh Academy Trust and the educational and financial model for the schools requires them to be co-located. Pope's Field is considered to be unique in its ability to accommodate the two facilities in one educational campus."*

6.16 KCC also advise that,

*"Any delay to the timetable for the opening of both schools would result in increasing numbers of children living in the vicinity of Maidstone town centre having to travel considerable distances outside of their locality to schools further afield; these schools would be across a wide area of the Borough, with a significant proportion requiring to travel to schools in the South East of the town served by the A274, a distance which is unlikely to be considered within reasonable walking distance by parents."*

6.17 Overall, it is considered that there is a clear need for the proposed schools. The clear benefits of meeting the need for school places, should be given great weight.

Development of land for future 'nature reserve' required under policy RMX1(1)

6.18 Policy RMX1(1) which allocates land to the west of the site as a 'medical campus' under criterion 3 requires the "*creation of a woodland nature reserve of approximately 3 hectares*" on the land subject to this application. That was secured under the 2016 'Kent Medical Campus' outline planning permission via the legal agreement. This area has not yet been provided as the trigger for its provision has not arrived under this permission.

6.19 The Local Plan at paragraph 4.203 refers to the 'nature reserve' as an "*opportunity to provide for net gains in biodiversity and ecological connectivity between the large expanses of ancient woodland*" as this is consistent with the planning permissions at the site. However, the area of land was not required to mitigate the ecological impacts of the development on protected species, but is a biodiversity 'enhancement' associated with the development. I note the committee report for the original 2013 application made reference to the area of land, which was going to be planted up as a 'woodland area', as providing some visual mitigation but the most recent 2016 committee report did not identify this, and nor does the Local Plan. The Local Plan proposals map also refers to the land as a 'landscaped area'.

- 6.20 So whilst many representations consider that the nature reserve was critical to mitigating the visual or biodiversity impact of the medical campus development, and key in the balance when making the decision, this is not reflected in the Local Plan and it is considered that this concern is not justified. However, the provision is clearly part of the wider site allocation policy and a requirement of the Local Plan. Therefore to provide an alternative would represent a conflict with that policy and a conflict with the Development Plan and so would require sufficient justification.
- 6.21 The nature reserve is not critical in mitigating the impact of the KMC development visually or from a biodiversity aspect. In addition to this, under a separate application being recommended for approval on this Committee Agenda (18/506609), it is proposed to provide a comparable 'nature reserve' to the north of the site. This would provide a slightly smaller area of 2.25ha that would be enhanced in the interests of biodiversity. So if the Planning Committee was minded to approve permission for the schools, a comparable area of land could be secured for biodiversity benefits under that separate application to address the requirements of policy RMX1(1).

#### Landscape Impacts

- 6.22 The proposals would introduce a new two storey building, parking areas, hardstanding, and sports pitches into a currently undeveloped area and thus due to the existing open nature of the site, this new built development would be clearly visible from a section of Bearsted Road, and visible from higher land towards the east end of Weaving Heath to the south. The site forms part of a more rural section of Bearsted Road that is open or flanked by hedges and woodland, and is between the road infrastructure at the north end of New Cut Road and Newnham Court Shopping Village to the west, and the built up areas of Ware Street/Bearsted further east. It is not free from development as there are houses at 'Ash Tree Gardens' to the south of the site. The proposals would clearly change the open and undeveloped nature of the site but this would only be for a short section of Bearsted Road and an area of woodland that flanks this road to the east would maintain separation from houses on Hockers Lane and beyond. The development would also be seen in the context of the 'Cygnet Hospital' which is adjacent and visible from Bearsted Road, and which has changed the character of this area. This change in character will continue as the rest of the KMC site is developed.
- 6.23 I consider that the development would cause some localised harm from a short section of Bearsted Road and Weaving Heath. The site falls within the 'countryside' for Local Plan purposes where policy SP17 states that development proposals will not be permitted where they result in harm to the character and appearance of the area. There would be some localised harm and the impact of this will be reduced through proposed new landscaping.
- 6.24 In longer views and considering the AONB and its setting, a number of public viewpoints have been assessed by the applicant within the AONB to

the north. Due the distance of such views (1.6km to 2.6km), and because the site is enclosed by woodland to the north and east, the development would not have any impact from the AONB. The development would be seen in the foreground of the AONB from the east end of Weaving Heath but the building is only two storeys in height and is not significant in size so does not detract from these views. In addition, weight must be placed on the impact of the KMC site as it is built out, which will urbanise the area adjacent. Together with the wider surrounding urban development, the site will appear as part of the wider built up area and not adversely impact upon views out of the AONB. For these reasons, the development would not harm the AONB or its setting, a view echoed by the Kent AONB Unit, and nor would it have any medium or long distance landscape impact.

6.25 No trees would need to be removed to facilitate the new schools development itself. There would be some tree removals as a result of the highways works which will be discussed in the highways section below.

6.26 New landscaping is proposed as part of the development including a 15m woodland buffer zone around the majority of the north and east boundaries with native shrub and woodland edge planting, and species rich grass. Along the front with Bearsted Road would be a mixed hedge and new trees including oak, willow, and wild service tree. A mix of these trees would also be planted along the west boundary, and either side of the new entrance road would be an avenue of lime trees. This would serve to lessen and soften the impact of the development and provide an attractive setting and environment for the schools.

### Highways Impacts

#### *Access*

6.27 Originally vehicular and pedestrian access was going to be taken from Bearsted Road but the proposals were amended in response to representations made on the application so that both are now taken via the KMC. There will be no pedestrian or any other form of access from Bearsted Road.

6.28 The new access road to the site is considered to have sufficient width and visibility and there are no objections from Kent Highways. Pavements and crossings are already in place to provide safe walking/cycling access from the KMC/New Cut roundabout through the KMC site.

#### *Off-site Works & Connectivity*

6.29 Kent County Council are carrying out upgrade works to the KMC/New Cut roundabout and Bearsted Road/A249 (Next) roundabout as part of the wider 'A249 Bearsted Road Improvement Scheme' and these have taken into account the schools proposals. The latest plans include a new pavement on the east side of New Cut Road to provide a continuous pavement all the way from the Maidstone Studios to the roundabout. Pedestrians would then be able to cross the eastern arm of the new roundabout, which will have a controlled crossing, and access KMC to the

north. The improvement works would require the removal of the on-street parking spaces outside Gidds Pond Cottages and so replacement parking to the west of the cottages would be provided as part of the scheme. This would be in the same position the Council has approved parking under the outline application for KMC.

- 6.30 These works are planned to start in Summer/Autumn 2019 and complete in the summer of 2020. As such, they would be in place for when the school is scheduled to open (September 2020) to ensure safe and appropriate pedestrian connectivity from New Cut Road into KMC to provide a route to the schools.
- 6.31 Whilst no pedestrian access is provided from Bearsted Road, people may still walk from Ware Street/Bearsted to the east of the site and the existing pavements are narrow in places and do not link on either side of the road. Therefore improvements are proposed which include pavement widening outside the site extending beyond to the east and west and an uncontrolled crossing. There would be a build-out into the road to link pavements either side and provide an easier crossing to the east of the site, and another to the west by Gidds Pond Cottages. The pavement widening and build-out by Gidds Pond Cottages necessitates the removal of on-street parking outside the cottages but this is being provided and required as part of the KCC scheme and benefits from outline permission under the KMC scheme. The 30mph speed limit would be extended from Hockers Lane to the KMC/New Cut roundabout with street lighting. Kent Highways advise that the works on Bearsted Road are essential and it is agreed that they are necessary in the interests of highway safety.
- 6.32 These works have been subject to a safety audit which has raised no substantive issues and no objections have been raised by Kent Highways. The issue of bins on the pavement outside Gidds Pond Cottages has been raised but the pavement would be widened here to reduce any conflict.
- 6.33 Representations consider that the site is a poor and unsustainable location for the new schools. National policy seeks to focus major development on locations which are, or can be made sustainable. The site is not within a central urban area where walking/cycling or public transport use is easier but it is not a remote location either, and is on the edge of the urban area and adjacent to an allocation for 100,000m<sup>2</sup> of commercial floorspace in the Local Plan. Any vehicle movements to the site for visitors/pupils for the primary school will not be long-distance movements but from the local area. For the SEND school they would be longer distance movements but the site is located on the edge of Maidstone and is very well connected to the local road and motorway network.
- 6.34 The site is also within walking distance of nearby built up areas and off-site improvements will ensure the site is accessible on foot to promote walking. There is access to local bus services on the A249 with Route 9 offering a regular service from Maidstone Bus Station from 7.45am although it is appreciated that this is more likely to be used by staff rather than pupils. In addition, when vehicle movements at the KMC site reach a level set out in the legal agreement for this development (500 movements AM and PM), a

bus stop and turning area will be provided nearer to the site with additional bus services. So relatively good access to public transport is in place and will be improved in the future. For these reasons, the location on the edge of the urban area of Maidstone near to residential areas is considered to be acceptable.

- 6.35 Some trees would need to be removed as a result of the pavement widening most notably a row of 19 mature Poplar trees between the New Cut/KMC roundabout and Gidde Pond Cottages. Whilst these are generally in good condition and are visible in the local area due to their size and collective value, they have an estimated safe useful life expectancy of 10 to 20 years, which the landscape officer considers to be a reasonable estimate. This places them in a 'C' category (the lowest retention category). With this in mind, I do not consider the loss of these trees is grounds to object to the application and the benefits of the pavement widening to provide safe access to the new schools outweighs this loss. Street lighting would be required on Bearsted Road for the new build-outs/30mpps limit but it is not considered that this would cause any harmful impact upon the area to warrant objection being that there is street lighting just to the west and within KMC.
- 6.36 KCC PROW is seeking a financial contribution for upgrade works to PROW KH47 as they consider it would provide an attractive 'traffic free' route from Grove Green as opposed to along New Cut Road. This footpath runs from Shepherds Gate Drive north across Weaving Heath and meets up with Bearsted Road just to the west of Gidde Pond Cottages. Due to potential increased use and deterioration, they are seeking £30,000 to upgrade the path with a suitable surface and provide signage. This would be the most direct route from the northernmost part of Grove Green but the vast majority of the residential areas at Grove Green would be most likely to use New Cut Road and so I do not consider this is necessary to make the development acceptable and so does not pass the relevant tests for securing such monies.

#### *Local Junction Capacity*

- 6.37 Kent Highways are satisfied with the trip generation forecasts provided by the applicant which go up to 2028, and the capacity modelling that has been carried out on local junctions.
- 6.38 They advise the upgrades under the 'A249 Bearsted Road Improvement Scheme' that will be carried out by KCC to the KMC/New Cut roundabout and Bearsted Rd/A249/Next roundabout will accommodate the additional school traffic movements. As outlined above, these works are planned to start in the Summer/Autumn 2019 and complete in the summer of 2020 so will be complete before the school is planned to open. Nonetheless a condition preventing occupation until these works are completed is required. The A20/New Cut Road Junction is predicted to be approaching theoretical capacity (a measure of the performance of a junction where the ratio of flow to capacity is at or above 100%) with school traffic worsening the average delay by just over 6 seconds but Kent Highways do not consider this severe or objectionable. The Bearsted Road/Eclipse Park

junction, when accounting for the improvements proposed as part of the M&S store, can accommodate the additional movements.

- 6.39 The Chiltern Hundreds roundabout is predicted to be above theoretical capacity and the additional school traffic is shown to worsen the average delay by 54 seconds in the AM peak with the Penenden Heath arm most affected with 43 additional queuing vehicles in the AM peak. Kent Highways consider that this impact is at a level that requires some mitigation either through additional Travel Plan measures aimed at ensuring Penenden Heath/Vinters Park parents and pupils travel without use of a car, or through physical improvement of the junction. It is agreed that some form of mitigation is appropriate based on this impact.
- 6.40 The applicant has investigated works at the junction on the Penenden Heath arm and considers that any changes would not pass a safety audit. Having discussed this with Kent Highways they have agreed that this would not be appropriate. Therefore focussed targeting within the Travel Plan to lessen traffic impact on this roundabout though such measures as increasing staff and parents/pupils walking to school will be secured by condition.
- 6.41 There is also reference with the draft Travel to a stakeholder group which would comprise representatives from both schools and external stakeholders such as MBC and KCC officers (including KCC's Schools Travel Plan Officer). This stakeholder group would monitor the progress of the Travel Plan against its targets. If targets were not being met, the stakeholder group would work together to identify appropriate mitigation, which could include an increase in the marketing and promotion of the Travel Plan, an extension to the monitoring period for up to eight years, and the introduction of a targeted personalised travel planning programme. This list is not exhaustive but will act to facilitate discussions by the stakeholder group. A monitoring fee of £5,000 would also be provided to enable KCC to monitor the Travel Plan and secured under the legal agreement.
- 6.42 Highways England has raised no objections in terms of the impact upon M20 Junction 7 subject to the Travel Plan which will be secured.
- 6.43 Therefore subject to Travel Plan mitigation for the Chiltern Hundreds roundabout, the schools traffic would not result in any unacceptable or severe traffic impacts in accordance with policy DM21 of the Local Plan and the NPPF.

#### *On-site Parking & Management*

- 6.44 Within the site, the car park would provide 82 spaces for staff, 42 drop-off spaces for visitors, and there would be 14 minibus drop-off spaces and 2 minibus parking spaces.
- 6.45 The Council has no set standards for non-residential parking and policy DM23 outlines that consideration needs to be given to accessibility and public transport and whether on-street parking will be exacerbated. As

outlined above the site has relatively good access to public transport and this will be improved in the future but it is appreciated that this is more likely to be used by staff rather than pupils. Whilst not adopted by MBC, as a guide, County Council parking standards would seek maximum standards of one space per member of staff plus ten percent, which in this case would equate to a maximum provision of 121 parking spaces for both schools. Staff parking of 82 spaces is proposed on the basis that 81 members of staff are expected to travel by car and Kent Highways raise no objections to this level of staff parking.

- 6.46 In terms of visitors for the primary school, the Transport Assessment predicts there will be a parking demand of 185 vehicles in the morning peak hour and 178 in the afternoon peak. Pupils in Key Stage 1 (KS1) generally need to be taken to/collected from the school door and therefore parents are required to park and leave their vehicle, and this would make up approximately half of trips (91). The applicant is proposing 45 drop-off spaces to serve the estimated 91 vehicles on the basis that some pupils will attend before and after school clubs, and that the spaces could be turned over once during the drop-off/pick-up period (approximately 30 mins).
- 6.47 For KS2 pupils, it is anticipated that 94 vehicles will be attracted and that these pupils can be set down in the minibuss drop off spaces which are sufficient to accommodate approximately 18 cars at any one time. Therefore these spaces will be required to turn-over five times across the drop-off/collection period, which equates to once every six minutes assuming collection/drop-off occurs over a 30-minute period.
- 6.48 Kent Highways accept that some turnover of spaces is likely to occur in the morning but this is less likely in the afternoon as parents typically congregate in advance of the school day finishing and so there is a high likelihood that the car park will become full.
- 6.49 If overspill parking did occur this would be most likely on the site access road and Gidds Pond Way which have double yellow lines. As Kent Highways state, enforcement of those restrictions could encourage parents to park further afield but due to the walking distance, parents are most likely to queue and wait on Gidds Pond Way. If this did occur this would not raise any highway safety issues or congestion on the public road network and I note Kent Highways raise no objections. In addition, the applicant outlines that car park management would be carried out by the school staff and details of a car park management plan can be secured by condition to ensure an efficient turnover of parking spaces.
- 6.50 For the SEND school, this would open approximately 30-minutes after the primary school (which can be controlled by condition). A potential parking demand of 23 taxis/minibuses is predicted which would exceed the proposed 16 space on-site capacity. However, and as Kent Highways state, the staggered school start/finish times should help to ensure that other on-site parking space are available for use if required. As such, the level of parking and drop-off space proposed is considered sufficient.

#### Layout, Design & Appearance

- 6.51 The layout is such that the car park and school building is set over to the west side of the site near to existing development at KMC with the more open multi-use games areas (MUGAs) and playing fields on the east side, which is appropriate. The playgrounds to the rear of the school are contained within the U-shape of the building and open onto the MUGAs and playing fields. Landscape buffers of 15m are provided along the north and east boundaries only narrowing where the access comes into the site, and a fairly extensive landscaped space with an attenuation pond is provided along the buffer with Bearsted Road. Overall, the layout is appropriate in terms of focusing built development on the west side and provides decent breathing space around the development which not only allows sufficient room for landscaping to soften the impact of the development but this also ensures that the development would provide a good environment, setting and space for pupils.
- 6.52 The schools building would be two storeys and of simple form with a flat roof. The building would be finished with 'stoney-buff' coloured facing brick with aluminium parapet coping to the flat roof. The elevations have been broken up and animated with the use of recesses, materials and fenestration. On the west (entrance) elevation for both schools, the primary school entrance would be recessed to first floor height with a canopy over with coloured fins to provide interest. With aluminium curtain walling used above ground floor windows adjacent, this provides vertical emphasis to break up the mass of the building. Fenestration, inset colour rendered panels (the colours of which would be used to identify each school), and a recessed ground floor break up the remainder of this elevation. There would be a full height southwest corner feature on the building where the sports hall is proposed using different materials. This would have a strong ragstone ground floor base and rainscreen cladding with a smooth matt finish above, with coloured highlight aluminium fins. It would provide an interesting feature through the use of the materials and where fenestration is not practical on the sports hall. The south elevation facing towards Bearsted Road would be made up of the corner feature and the ragstone would continue as a plinth along the entire elevation. Fenestration and coloured panels would break up the elevation. The remaining elevations, which are not clear to public view, would follow the same principles being broken by fenestration and coloured panels.
- 6.53 To the roof would be a slight projecting skylight to the sports hall, solar panels above the south wing of the building, and roof top plant above the central section which would be screened by aluminium louvres. Policy DM2 of the Local Plan requires a BREEAM Very Good rating, which the building has been designed to meet, and this can be secured by condition.
- 6.54 Surface materials would include porous block paving for parking and drop of spaces with the access roads and school entrance space tarmac. The playgrounds would be tarmac and the MUGAs a porous surface. These materials are acceptable.
- 6.55 Overall, the building is considered to be of a good standard of design with a simple form and contemporary appearance but with interest provided



through the use of materials, colour highlights, recesses and fenestration. This is in accordance with policy DM1 of the Local Plan.

### Ecological Impacts

- 6.56 The site is almost entirely improved grassland (former agricultural land) that is regularly mown with small areas of ruderal species around the southern boundary. The site is surrounded on two sides by broadleaved woodland of sweet chestnut coppice. Part of this is Ancient Woodland (AW) but this only touches the northeast corner of the site.
- 6.57 The ecology report considers there is negligible potential for protected species within the area of improved grassland at the main site. However, the boundary and adjacent habitats have the potential to support bats, dormice and reptiles. As these habitats would be retained, and an improved landscape buffer zone would be provided, the assessment considers there would not be any harmful impact to protected species. KCC Ecology has reviewed the information and agree that the development would not have any harmful impacts upon protected species subject to a Biodiversity Method Statement covering protective fencing for dormice and reptiles. The development has the potential to adversely impact foraging and commuting bats through increasing light levels if unsuitable lighting was used. This can be mitigated through a condition requiring appropriate and sensitive lighting designs.
- 6.58 In terms of the AW, this touches the northeast corner of the site and a 15m buffer would be maintained. Based on Natural England Standing advice, it is considered that this is sufficient to ensure there would be no harm to AW and this view is shared by KCC Ecology.
- 6.59 The applicant has provided a 'Biodiversity Enhancement and Landscape Management Plan' that provides enhancement measures to increase the biodiversity value of the site, and provides a management and monitoring plan in order to enhance and maintain the ecological value of the site following the development. Enhancements are proposed including the 15m landscape buffer to protect and strengthen the adjacent woodland; tree and shrubs of native and local provenance; planting of food species for dormice such as honeysuckle and hazel; bird and bat boxes around the site to provide additional nesting and roosting opportunities for these species; swift bricks integral to the building; incorporation of areas of species-rich grassland within the landscaping design to attract insects; and habitat piles within the woodland buffer strip to provide refuge habitat for reptiles. The management plan and enhancements can be secured by condition.

### Other Matters

#### *Air Quality*

- 6.60 The site is not within but is near to Maidstone's Air Quality Management Area (AQMA) which, near to the site, runs from the Town Centre along the Sittingbourne Road up to and along part of the M20 motorway.

6.61 An air quality assessment has been provided and the methodology agreed with the Environmental Health section. The implications for air quality are from the additional traffic and boiler plant. The assessment concludes that there will be no significant effects at any existing sensitive receptors or on the AQMA as a result of the proposed development and that future users of the schools will experience acceptable air quality, with pollutant concentrations below air quality objectives. The Environmental Health section has reviewed the assessment and agree with the conclusion, raising no objections. There would be a low impact upon air quality and mitigation is proposed in the form of the Travel Plan and an electric vehicle charging point, which is proportionate to the impact and in accordance with policy DM6 of the Local Plan.

#### *Drainage*

6.62 For surface water this would be dealt with through two above ground storage ponds one of which would be permanently wet, permeable surfacing for the car park and MUGAs, and a storage tank. KCC LLFA has reviewed the details and consider the proposals are acceptable subject to a condition securing the measures.

6.63 For foul drainage, this is dealt with separately under the Water Industry Act and this would be via a connection to the existing foul water sewer network in the residential area served by Shepherds Gate Drive with a new pipeline underneath Weaving Heath. Southern Water have also confirmed there is sufficient capacity in the local network.

#### *Minerals*

6.64 The site is located within a Minerals Safeguarding area under the Kent Waste and Minerals Plan 2016 for soft sand. Policy DM7 (Safeguarding Mineral Resources) sets out the circumstances when non-minerals development may be acceptable at such a location. The first being that, *"Material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction."* There is an urgent need for school places and this is considered to override any sterilisation of the site or need for prior extraction of sand, which would obviously take a significant time.

#### *Cygnets Hospital*

6.65 The Cygnets Hospital is a hospital specialising in mental health needs and learning disabilities. It also operates what the hospital terms as 'secure services' which can include patients detained under the Mental Health Act, including those under Ministry of Justice restrictions; requiring assessment and treatment in a secure environment; presenting active or potential risk to others; that may be exhibiting dangerous and challenging behaviour; that may have dual diagnosis with substance misuse; that may require a specialist service for treatment or management of personality disorder, autism spectrum disorder or communication needs relating to deafness; or having a diagnosis of severe and enduring mental health problems,

psychotic disorder, schizoaffective disorder, schizophrenia, and personality disorder. The hospital contains a 16 bed low secure service for men with enduring mental illness, including those with a personality disorder.

- 6.66 Concerns have been raised due to the proximity of the hospital to the school, safeguarding children, and the potential patients who may be at the hospital. The hospital is some 55m from the schools building, 60m from the new access road at its closest point, and the hospital operates its own security measures. With this in mind, there is not considered to be a risk to any children that would use the schools. It is also considered to be of significant note that the Department for Education and the schools trust who most give paramount consideration to the safeguarding and welfare of children, consider the location of the schools are acceptable.

#### *Residential Amenity*

- 6.67 The nearest houses are to the southeast of the site on the south side of Bearsted Road at 'Ash Tree Gardens'. Sports pitches are nearest to these properties. Being over 25m away there would be no harmful impacts upon privacy. Noise would no doubt be experienced from the school, particularly at break times and when the sports pitches are in use but I do not consider this would be to any level that would result in unacceptable living conditions for these properties, or any others nearby. The noise assessment concludes that any plant for the schools can be limited so as not to cause any issues for nearby properties during the day or night and the Environmental Health section have raised no objections.

#### *Dual Use of Facilities*

- 6.68 Policy DM20 seeks dual use of school facilities for community use such as for recreation where appropriate. In this case the schools building and sports hall could be used for community use as could the outdoor sports pitches/MUGAs. The use of such facilities outside school hours would not result in vehicle movements above those expected for the schools and they would not occur in the weekday peak times so this would not be objectionable. Some noise would result from the use of the outdoor sports pitches but provided this is restricted to suitable hours (I would suggest no earlier than 9am or later than 9pm), this would not result in any unacceptable impacts upon residential amenity. Being inside, use of the buildings could operate slightly earlier or later. The precise details can be provided by condition.

#### *Noise*

- 6.69 The noise impact assessment report identifies the road traffic from Bearsted Road as the most significant noise source. The levels are such that mechanical ventilation will be required for the rooms on the south side of the school facing Bearsted Road which can be secured by condition.

#### *Archaeology*

6.70 There is the potential for early prehistoric, Iron Age and Roman as well as medieval and post medieval archaeology at the site. Therefore, a condition requiring field evaluation works, investigation, and recording if necessary is appropriate.

#### *Representations*

6.71 Many representations have been received on the application, predominantly against the proposals but some in favour. It is considered that the relevant planning issues that have been raised have been considered through the assessment of the main issues set out above.

#### *Environmental Impact Assessment*

6.72 The proposals are for a development area that is more than 1ha and so falls within the threshold and criteria to be classed as 'Schedule 2' development under the EIA Regulations, and so the development needs to be assessed as to whether an EIA is required. As can be seen from the assessment above, the development will not have any significant harmful outwards impacts on its own or taken together with other development, for example, through traffic impacts, and any impacts can be suitably mitigated. Nor is the site within any 'sensitive areas' as defined under the Regulations and the development is not a complex or hazardous form of development. There would be no impact upon the setting of the AONB. On this basis, the development is only considered to have localised impacts and does not require an Environmental Impact Assessment.

## **7.0 CONCLUSION**

7.01 There is a clear identified need for primary school places in the central Maidstone areas including the 'Maidstone North' area and the application site falls within the 'Maidstone North' area. The development will contribute towards meeting this identified need and the school is cited in Kent County Council's Education Commissioning Plan to meet the need. There is an identified need for SEND secondary school provision within West Kent and the site is suitably located to meet that need. The school is cited in Kent County Council's Education Commissioning Plan to meet the need. Kent County Council as Local Education Authority fully supports the proposed schools.

7.04 The NPPF states that Local Planning Authorities should,

***"give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications"***

7.05 The Government's 'Policy statement – planning for schools development' (2011) states that,

***"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."***

- 7.06 Against the proposal there is some conflict with policy RMX1(1) of the Local Plan in so far as it would develop a site that is identified as an area to provide biodiversity net gains. However, as the site is not critical in mitigating the impact of the KMC development visually or from a biodiversity aspect, and, as a replacement scheme of comparable quality has been put forward, the aims of RMX(1) are met and therefore no harm to this policy arises. The delivery of the alternative biodiversity site will be managed through the update to the KMC planning permission that is being recommended for approval on this Committee Agenda (18/506609).
- 7.07 The proposals would cause some localised visual harm through development of the open site but this would be lessened by the proposed landscaping, and there would be no medium or long range visual impacts, and importantly no harm to the AONB or its setting.
- 7.08 The highways impacts of the development would not be significant and are acceptable subject to mitigation that will be secured through conditions and a legal agreement, and no objections are raised by Kent Highways.
- 7.09 Otherwise there are no impacts of the development that are significant or unacceptable to warrant a refusal, or which cannot be suitably mitigated and there are no objections from any statutory consultees. I have considered all representations received on the application but do not consider any of the matters raised affect the above considerations or raise grounds sufficient to refuse the application.
- 7.10 Balancing the relevant considerations, the potential conflict with policy RMX1(1) in terms of the biodiversity enhancements is addressed by the alternative provision. Any landscape harm is confined to localised views and is lessened by the landscaping such that the levels of harm resulting is low. This low level of harm is considered to be clearly outweighed by the significant benefits associated with the need for the schools, which Government and NPPF policy advice, together with KCC evidence, must be given great weight. On this basis, planning permission is recommended subject to the following conditions.

## **8.0 RECOMMENDATION**

Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION**, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

**Heads of Terms:**

1. Financial contribution of £5,000 for the Travel Plan monitoring fee.

**Conditions:**

Time Limit

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.

Approved Plans/Details

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

FS0745-ALA-ZZ-ZZ-DR-L-9001 RevP11  
FS0745-ALA-ZZ-ZZ-DR-L-9002 RevP13  
FS0745-ALA-ZZ-ZZ-DR-L-9003 RevP11  
FS0745-ALA-ZZ-ZZ-DR-L-9009 RevP06  
FS0745-ALA-ZZ-ZZ-DR-L-9010 RevP08  
FS0745-ALA-ZZ-ZZ-DR-L-9012 RevP04  
FS0745-CPM-01-00-DR-A-2001 RevP03  
FS0745-CPM-01-01-DR-A-2002 RevP03  
FS0745-CPM-01-02-DR-A-2003 RevP01  
FS0745-CPM-01-ZZ-DR-A-2010 RevP03  
FS0745-CPM-01-ZZ-DR-A-2011 RevP03  
FS0745-CPM-01-ZZ-DR-A-2012 RevP02  
FS0745-ALA-ZZ-ZZ-DR-L-9020 RevP08  
FS0745-ALA-ZZ-ZZ-DR-L-9021 RevP08  
FS0745-ALA-ZZ-ZZ-DR-L-9022 RevP04  
FS0745-CUR-00-XX-DR-C-9201 RevP10  
FS0745-CUR-00-XX-DR-C-9401 RevP08

Reason: To clarify which plans have been approved.

3. The external surfaces for the development shall be constructed in accordance with the materials shown on drawing no. FS0745-ALA-ZZ-ZZ-DR-L-9002 RevP13 unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory appearance to the development.

4. The boundary treatments for the development shall be constructed in accordance with the details shown on drawing no. FS0745-ALA-ZZ-ZZ-DR-L-9003 RevP11 unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory appearance to the development.

5. The external facing materials for the building shall be constructed in accordance with the materials as shown on drawing nos. FS0745-CPM-01-ZZ-DR-A-2010 RevP03 and FS0745-CPM-01-ZZ-DR-A-2011 RevP03 unless otherwise agreed in writing with the local planning authority. No development above slab level shall take place until samples of the facing bricks have been submitted to and approved in writing by the local planning authority and the approved bricks shall thereafter be used.

Reason: To ensure a satisfactory appearance to the development.

6. The development shall be carried out in accordance with the landscaping scheme as shown on drawing no. FS0745-ALA-ZZ-ZZ-DR-L-9010 RevP08. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season (October to February) following the occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from first occupation 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: To ensure a satisfactory setting and external appearance to the development.

7. The development shall be carried out in accordance with the site levels as shown on drawing no. FS0745-ALA-ZZ-ZZ-DR-L-9012 RevP04 unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory appearance to the development.

8. The development shall be carried out in accordance with the Biodiversity Enhancement and Landscape Management Plan (Issued March 2019) unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory setting and external appearance to the development and in the interest of biodiversity management and enhancement.

9. The development shall be carried out in accordance with noise mitigation and ventilation measures outlined in the Noise Impact Assessment dated December 2018 unless otherwise agreed in writing with the local planning authority.

Reason: To ensure appropriate conditions for occupiers of the development.

10. The development shall be carried out in accordance with noise mitigation and ventilation measures outlined in the Noise Impact Assessment dated

December 2018 unless otherwise agreed in writing with the local planning authority.

Reason: To ensure appropriate conditions for occupiers of the development.

Pre-commencement

11. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Statement (Curtins, December 2018) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- a) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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

12. No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of nesting birds, reptiles, dormice and hedgehogs during construction works (including works to the reptile fencing) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Working method, including timings, necessary to achieve stated objectives;
- c) Extent and location of proposed works shown on appropriate scale plans;



d) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

The works shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity and protected species protection.

13. No development shall take place until the applicant, or their agents or successors in title, has secured and implemented:

a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

b) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Pre-occupation/use

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

15. The new schools shall not be brought into use until details of all lighting, including hours of illumination, and which shall demonstrate that any impact on bats or other wildlife will be minimised shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and the protecting of wildlife.

16. The new schools shall not be brought into use until one electric vehicle charging point shall be installed at the site. The charging point shall thereafter be kept available for use by staff and visitors, and shall be retained throughout the life of the development.

Reason: In the interests of lessening impacts upon air quality.

17. The new schools shall not be brought into use until a scheme for community use of the building and outdoor sports facilities has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include facilities available for use, details of hours of use, access by a range of users, and management responsibilities. The approved building and outdoor sports facilities shall be made available for community use in accordance with the approved scheme, and the scheme shall be adhered to throughout the life of the development.

Reason: In order to provide community facilities in accordance with policy DM20 of the Local Plan.

18. The new schools shall not be brought into use until a Travel Plan to reduce dependency on the private car has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The Travel Plan shall include baseline surveys, objectives and modal-split targets, a programme of implementation, provision for monitoring, review and improvement, and be based on the principles contained within the 'Draft Travel Plan' dated March 2019. It shall also provide measures to specifically target a reduction in vehicle movements at the 'Chiltern Hundreds' roundabout and the creation of a 'steering group' comprising Maidstone Council and Kent County Council officers, and representative from both schools to review the Travel Plan. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In the interests of sustainable travel and reducing traffic impacts.

19. The new schools shall not be brought into use until the off-site highway works including the speed restrictions and relocation of on-street parking as shown on drawing nos. 12539-H-05 RevP9 and 12539-H-06 RevP9, in addition to any parking restrictions, street lighting, keep clear markings, or other road markings deemed necessary by the Highways Authority under a Section 278 Agreement, have been provided.

Reason: In the interests of highway safety and connectivity.

20. The new schools shall not be brought into use until the following off-site upgrade works as part of the 'A249 Bearsted Road Improvement Scheme' being provided by Kent County Council have been completed:

(a) Upgrade of the KMC/New Cut roundabout and the A249/Bearsted Road roundabout, and widening of the road between the two junctions.

- (b) A new pavement on the east side of New Cut Road connecting the existing pavement to the upgraded KMC/New Cut roundabout.
- (c) Relocation of the on-street parking on Bearsted Road outside Gidds Pond Cottages.

Reason: In the interests of highway safety and connectivity.

21. The new schools shall not be brought into use until a Car Park Management Plan covering the following matters has been submitted to and approved in writing by the local planning authority:
- a) Management of pupil pick-up and drop-off and turnover of drop-off spaces
  - b) Internal site traffic management
  - c) Signage
  - d) Official start and finish times of the schools which shall ensure that the school day (excluding extra-curricular activities) for the primary and SEN schools shall not begin or end less than 30 minutes apart from each other on any day

The approved plan shall be adhered to throughout the life of the development.

Reason: To ensure efficient operation of the parking and drop-off facilities in the interests of traffic management.

22. The building shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of the building. In the event that this building standard is revoked, an alternative standard or set of measures to ensure a sustainable and energy efficient form of development shall be agreed in writing with the Local Planning Authority and subsequently implemented in full.

Reason: To ensure a sustainable and energy efficient form of development.

#### Operation/Restrictions

23. The premises shall be used for nursery and school use and for no other purpose, including any other purposes in Class D1 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: Permission has been granted on the basis of the need for schools and in order to assess the impacts of any other D1 uses.

24. No vehicular, pedestrian, cycle or any other form of access shall be created to or from Bearsted Road to the site.

Reason: Such access from Bearsted Road has not been catered for in the approved development or off-site highways works and so in the interests of highway and pedestrian safety.

25. No fixed or free-standing floodlighting shall be installed at the site.

Reason: The impact of such lighting has not been assessed and so to safeguard visual amenity.

26. The approved details of the car, cycle, and scooter parking, and the drop off/pick up spaces shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England ) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

Other

27. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect groundwater resources.

28. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level  $L_{A90, T}$ . In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicant's consultant should contact the local planning authority to agree a site specific target level.

Reason: To protect residential amenity.