

REPORT SUMMARY

REFERENCE NO: 24/503556/PSINF

APPLICATION PROPOSAL:

Construction of a new single storey school building (four classrooms, dining hall, kitchen, and staff room), hard surfacing play areas, provision of 11 additional car parking spaces, retrospective stationing of two storey temporary classrooms, and demolition of dining hall building.

ADDRESS: Marden County Primary School, Goudhurst Road, Marden

RECOMMENDATION: APPROVE PERMISSION

SUMMARY OF REASONS FOR RECOMMENDATION:

- The proposed school building and temporary classrooms are outside the defined village settlement and in the countryside for Local Plan Review (LPR) purposes. There are no policies that allow for such development in the countryside so the proposals are not in accordance with the LPR.
- However, the site is within the curtilage of the existing primary school, and it is considered almost inevitable that any expansion of the school would need to be outside the settlement boundary due to site constraints as set out in the main report. This is a clear material consideration to allow education development outside the settlement boundary in conflict with countryside policy LPRSP9, in principle.
- In strong favour of the development is a clear need for pupil places as supported within the LPR and the Council's most recent Infrastructure Delivery Plans, and national policy requires that 'great weight' is given to education development, with a presumption in favour of the approving it. The Council has also collected section 106 monies towards the school expansion from development in/near Marden.
- The school building would not cause harm to the countryside or local area, including the resultant loss of trees, or have an unacceptable impact upon the amenities of nearby dwellings.
- The temporary classrooms have a poor appearance and are contrary to policy LPRSP15 but are only required on a temporary basis, which will be secured by condition.
- The highway conditions on Goudhurst Road at school drop off/pick up times cause some inconvenience but this is a common situation for older primary schools in village locations. There would be an increase in vehicles dropping off/picking up pupils but the Highways Authority raises no objection in terms of access, parking or highway safety. It is agreed, on balance, that this is not sufficient grounds to refuse the application.
- Overall, it is considered there are clear and strong material considerations to approve the development outside the settlement boundary, and there would be no unacceptable harm to the local area, local amenity, or unacceptable or 'severe' highway safety conditions.

- Permission is therefore recommended subject to a BNG monitoring fee and conditions.

REASON FOR REFERRAL TO COMMITTEE:

The recommendation is a departure from the Maidstone Local Plan Review as the proposal falls just outside the defined settlement of Marden where policy LPRSP9 (Development in the Countryside) applies, and this policy does not specifically allow for new school buildings outside settlements.

WARD: Marden and Yalding	PARISH COUNCIL: Marden	APPLICANT: Leigh Academies Trust AGENT: DHA Planning
CASE OFFICER: Richard Timms	VALIDATION DATE: 12/09/24	DECISION DUE DATE: 21/11/24

ADVERTISED AS A DEPARTURE: Yes

Relevant Planning History

18/505509 Creation of Mini Pitch including installation of associated perimeter ball stop barrier and fencing, acoustic barrier and site-wide security fencing, floodlights, hard standing areas and prefabricated toilet unit and soft landscaping (Resubmission of 18/502804/FULL) – APPROVED WITH CONDITIONS

There are other historic applications for temporary classrooms, and consultations from KCC for various developments.

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application relates to Marden Primary School which is on the west side of Goudhurst Road in the village and the site includes a building understood to have formerly been used as a Children’s Centre to the south. The main primary school building fronts the road with extensions off the rear. Behind it is a playground and a single storey dingy hall building. Further back into the site are other playground areas, a playing field, and an all-weather mini sports pitch. There is a vehicular access on the north side which serves a staff car park here.

1.02 To the north of the school building is the Marden Memorial Hall, and to the south the dwelling ‘Mannerings’ the garden of which adjoins the south boundary of the school grounds. To the north of the school grounds are a number of single storey dwellings at Bramley Court. Houses are also opposite on Goudhurst Road. West of the school grounds are agricultural fields.

1.03 The front of the school site falls within the defined settlement boundary of Marden in the Local Plan Review but the area proposed for the

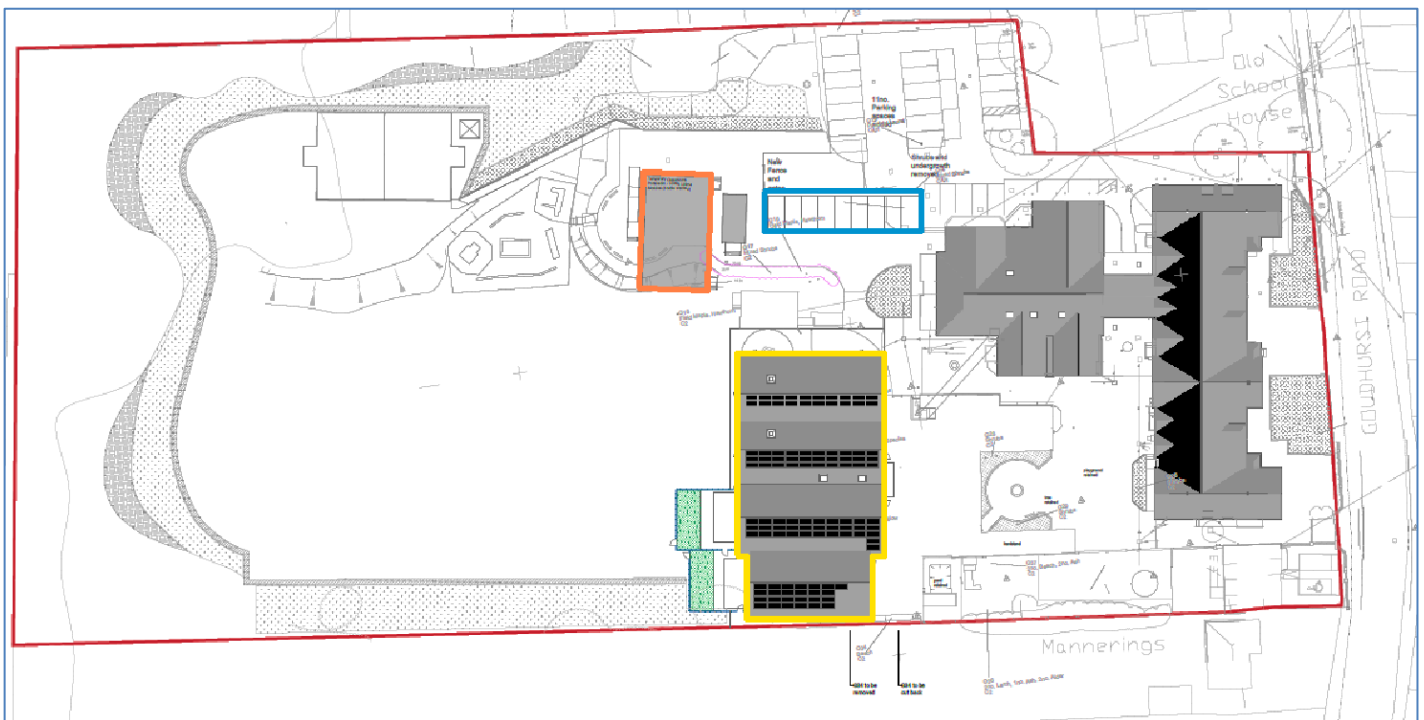
development falls outside and so is within the countryside for Local Plan purposes. The rearmost part of the site falls within Flood Zones 2 and 3 but no development is proposed here.

2 PROPOSAL

2.01 Permission is sought for the following:

- Construction of a single storey school building (providing four classrooms, a dining hall, kitchen, and staff room).
- Retrospective stationing of two-storey temporary classrooms.
- 11 additional car parking spaces for staff.
- Additional hard surfaced play areas.
- Demolition of the existing single storey dining hall building.

2.02 The site layout is shown below with the school building outlined in yellow, the temporary classrooms in orange, and additional parking spaces in blue.



2.03 The proposals would facilitate the expansion of the school from 1.5 Form Entry (FE) to a 2FE primary school. It is stated the school currently has 292 pupils and 39 members of staff. The development would result in an additional 105 pupils (36% increase) and 6 staff members and so totals of 397 pupils and 45 staff.

2.04 The design/appearance of the school building and temporary classrooms will be discussed in the assessment below.

3 POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review: LPRSS1, LPRSP6, LPRSP6(E), LPRSP9, LPRSP12, LPRSP13, LPRSP14, LPRSP14(A), LPRSP14(C), LPRSP15, LPRTRA2, LPRTRA4, LPRQD1, LPRQD2, LPRQD4, LPRQ&D7

Kent Waste and Minerals Plan (amended 2020): CSW3, DM7

Marden Neighbourhood Plan (2017-2031): NE1, NE3, NE4, NE5, BE1, BE3, A1, A3, IN2, IN3

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Policy Statement – Planning for Schools Development (2011)

Sport England ‘Playing Fields Policy and Guidance’ (2018)

4 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 9 representations received raising the following (summarised) points:

- Noise prevention measures needed to the north.
 - Loss of privacy to the north and south.
 - Traffic problems.
 - Lack of capacity on local roads to accommodate any additional parking.
 - Cars obstruct driveways and park on pavements.
 - Cars park in the no stopping zone.
 - Vehicles have to mount pavements.
 - Pedestrian don't always use the zebra crossing.
 - Gridlock is caused when two HGVs try to pass.
 - A traffic management plan is required.
 - Dangerous conditions.
 - Children unlikely to cycle to school due to traffic.
 - Poor public transport.
 - Noise from children will increase.
 - Loss of hedging and trees.
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- Much needed development that will provide better quality facilities.
 - Solar panels could be used.
 - Defibrillators should be provided.

4.02 **Marden Parish Council: Wishes to see the application approved in principle** and do not request the application is reported to Committee. They make the following (summarised) comments:

- Feel the current Travel Plan is inadequate and new one is required in consultation with the Parish and local residents.
- It should include active management of traffic, school crossing patrol and/or school funded enforcement officer.
- Dropped kerbs at the vehicle entrance should be considered.
- Strong reservations about the proximity of the building to the southern boundary especially the removal of the sweet chestnut tree.

- Question the inclusion of the previous children centre within the red line boundary.

4.03 **Marden Memorial Hall:** The trustees of the hall have not given any verbal agreement that parents may use the car park and are actively looking at ways to stop unauthorised parking. It should therefore not be included in the parking assessment.

4.04 **Marden Pre-School:** We use the Memorial Hall and our customers often cannot use the car park to drop of children. They have provided a survey understood to be of parents, which sets out how they travel to the Hall and any issues they face when dropping of children which includes small spaces; very busy; roadworks; not enough parking; cars parking on paths and blocking; lorries using the road; inconsiderate and poor parking; a car hitting another car; hard to cross the road; and traffic jams.

5 CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

5.01 **Sport England:** *"No objection to the application because it is considered to accord with exception 3 of our Playing Fields Policy and paragraph 103 of the NPPF."*

5.02 **Environment Agency:** **No comments to make** as it falls outside their remit.

5.03 **KCC Highways and Transportation:** **No objections subject to conditions** relating to a construction management plan, retention of vehicle parking, loading and turning facilities.

5.04 **KCC Flood and Water Management:** **No objection subject to conditions** to provide fine details of the SUDs scheme and its verification.

5.05 **KCC Ecological Advice Service:** **No objections re. protected species subject to conditions** securing reptile mitigation and no objection to use of the District Level Licensing Scheme for Great Crested Newts. Advise that over 10% BNG can be achieved.

5.06 **KCC Archaeology:** **No objections.**

5.07 **KCC Minerals:** **No objections:** *"The County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter."*

5.08 **Environmental Protection:** **No objection subject to conditions** relating to contamination.

5.09 **MBC Landscape:** **No objections subject to conditions** requiring the specific landscaping species and a long-term management plan.

- 5.10 **MBC Tree Officer: No objections subject to conditions** subject to an arboricultural method statement and tree protection measures.
- 5.11 **Southern Water:** Advise that they can provide foul sewage disposal to service the development.
- 5.12 **Kent Police:** Recommend various general measures to reduce crime.
- 5.13 **Upper Medway Internal Drainage Board:** Advise on separate byelaws that may apply to the development re. drainage.
- 5.14 **UK Power Networks:** Refer to underground cables running close to the proposed development and any works should be undertaken with regards to relevant health and safety guidance.

6 APPRAISAL

6.01 The key issues are:

- **Need for the Development**
- **Policy Context & Assessment**
- **Impact on the Character and Appearance of the Countryside and Local Area**
- **Design and Appearance**
- **Residential Amenity**
- **Highways**
(*Access, Parking and Traffic Impacts*)
- **Biodiversity**
(*Protected Species and Biodiversity Net Gain*)
- **Other Matters**
(*Loss of Part of the Playing Field, Drainage, and Representations*)

Need for the Development

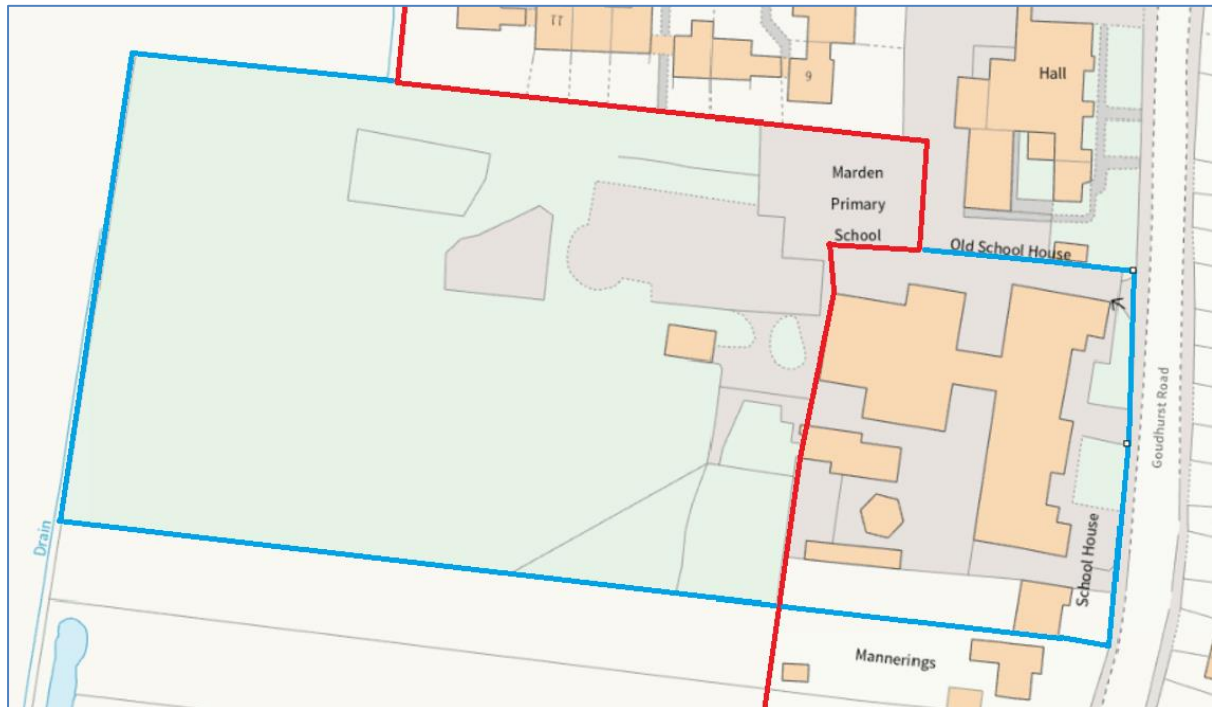
- 6.02 Policy LPRSP6(E) relates to the settlement of Marden in the LPR and states that a key infrastructure requirement is "*provision of 0.6FE expansion at Marden primary school*" and the proposals would obviously fulfil this requirement.
- 6.03 This expansion is also identified in the Council's Infrastructure Delivery Plan (IDP) (2022) which relates to the infrastructure deemed necessary to support development within the previous 2017 Local Plan. The IDP (2023) submitted to the examination to support the LPR, refers to a pressure for pupil places in the Marden and Staplehurst education 'planning group', and the 0.6FE expansion remains in this IDP referred to as being 'essential' in terms of priority. The Council have also collected s106 monies from developments in/near Marden toward the expansion.

- 6.04 The County Council's Commissioning Plan for Education (2024-2028) sets out that there will be a deficit of 30 pupil places in the reception year for this area from 2025.
- 6.05 Based on the above, there is a clear and current need for the pupil places and the need for an expansion is identified and supported within the LPR.

Policy Context & Assessment

- 6.06 As stated above, the land where the new classroom building and temporary classrooms are proposed falls just outside the settlement boundary of Marden and is therefore within the 'countryside' for Local Plan purposes.
- 6.07 Policy LPRSP9 (Development in the Countryside) states that development in the countryside will not be permitted unless it accords with other policies in the Plan and will not result in significant harm to the rural character and appearance of the area. There are no other policies in the Local Plan Review (LPR) that allow for this type of development in the countryside so the proposals are contrary to LPRSP9.
- 6.08 The application has therefore been advertised as a 'departure from the Development Plan' and this is why the application has been reported to Planning Committee.
- 6.09 Section 38(6) of the Planning and Compulsory Purchase Order 2006 states that,
- "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.10 A clear material consideration is the fact that any expansion of the school can only occur at the primary school site. The settlement boundary runs along the rear of the existing buildings (as shown overleaf in red) and so it is almost inevitable that any expansion of school would need to be outside the settlement boundary due to site constraints. In my view this site-specific reason is a clear material consideration to allow education development outside the settlement boundary in conflict with policy LPRSP9, in principle. However, the impact upon the countryside and local area is still an important consideration which is discussed later in the report.

Settlement Boundary Shown in Red & Site Boundary in Blue



- 6.11 As outlined above, policy LPRSP6(E) identifies the expansion as a key infrastructure requirement and policy LPRSP13 (Infrastructure Delivery) at criteria 7 states that *"infrastructure schemes that are brought forward by service providers will be encouraged and supported, where they are in accordance with other policies in the LPR."* As such, there is clear support for the development under these LPR policies.
- 6.12 The Marden Neighbourhood Plan (MNHP) identifies capacity issues at the primary school and funding to support additional capacity and resources from development under policy A3.
- 6.13 At a national level the NPPF at paragraph 100(a) states that LPAs should,
"give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications."
- 6.14 Then national 'Policy Statement – Planning for Schools Development' (2011) sets out a number of principles that apply when dealing with proposals for the expansion of state-funded schools (which includes academies) and those most relevant are as follows:
- *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.*
 - *Local authorities should make full use of their planning powers to support state-funded schools applications.*

- *A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.*

6.15 In conclusion, there are considered to be material considerations to allow education development outside the settlement boundary in conflict with policy LPRSP9 in principle, which are the site constraints; that there is clear LPR policy support for the development it being identified as a key infrastructure requirement for Marden; and that there is strong national support for school expansions requiring a presumption in favour of approval.

Impact on the Character and Appearance of the Countryside and Local Area

6.16 The school site is generally well contained by mature trees along the south and rear, west boundary, and development at Bramley Court to the north. As such the area for development is not highly prominent from the wider countryside to the west and southwest, including the public rights of way here.

School Building

6.17 The proposed building is single storey with a series of pitched roofs (maximum 8m to the ridge) and is located close to existing school buildings. Due to the relatively limited height and grouping close to existing buildings, it would not have any significant impact upon the character and appearance of the countryside or local area. It certainly would not cause 'significant' harm this being the bar set under policy LPRSP9. This is also in accordance with policy BE1 of the MNHP.

Temporary Classrooms

6.18 These are already in place and in use and are 2 storeys in height (7m tall). For the same reasons as above, they are not highly visible in the local area and do not cause significant harm to the countryside. However, they have a poor appearance by their temporary nature and so clearly do not provide for 'high quality design' as required under policy LPRSP15 of the LPR.

6.19 The proposal is for them to be retained for a temporary period until pupils can use the new building. As they would only be in place for a relatively short period and as they provide needed school classrooms, this conflict with policy LPRSP15 is considered acceptable for a temporary period but a condition will be required for them to be removed.

Car Parking

6.20 The additional 11 spaces would mainly be on an existing hard surfaced area and would not cause any harm to the local area.

Impact on Trees

- 6.21 The proposals would result in the removal of 3 individual trees and a group of young beech, oak and willow trees. Of the 3 individual trees, two are category B (sweet chestnut and tulip) and the other is category C (hornbeam). Under the relevant British Standard Document (BS 5837:2012), Category B trees are classed as trees "of moderate quality and value and in such a condition as to make a significant contribution (a minimum of 20 years is suggested)" and retention is desirable.
- 6.22 The hornbeam tree would be removed for the parking spaces and is category C, so its loss would not be objectionable or detrimental to the local area and a replacement tree can be provided. The tulip tree would be removed for the classroom and is category B. Whilst its loss is regrettable, I do not consider it makes such a significant contribution to the character of the local area due to its position to the rear of the school site to warrant objection. The sweet chestnut tree would be removed for the classroom and is a large category B tree near to the south boundary but it has been heavily reduced in the past. Again, its loss is regrettable but it is located within a line of other fairly mature trees so its loss will not be significantly harmful. Clearly, the loss of trees has some negative impact in terms of visual amenity and biodiversity but on balance the loss of trees is not considered to be significantly harmful to the local area. Replacement trees can be secured for these losses.
- 6.23 Some works are proposed to retained trees to which the MBC arboricultural officer raises no objections. Tree protection measures have been submitted and can be secured by condition.

Design and Appearance

School Building

- 6.24 The existing main school building is attractive with a number of gable elements, projecting hipped roofs, and architectural detailing including brick detailing above windows, corbel brickwork, and decorative finials particular fronting Goudhurst Road. It is faced with red brick and appears to have clay roof tiles in places.
- 6.25 The proposed building would consist of four gabled pitch roof elements which provide interest, limit the mass, and take a cue from the existing gabled building. Materials proposed are a ragstone plinth with 'timber effect' cladding above, and a natural slate roof. Whilst a more contemporary building this is considered acceptable, rather than replicating the existing building, and the use of natural materials will ensure a building of good quality. This is in accordance with policies LPRSP9 and LPRSP15 of the LPR and policy BE1 of the MNHP.

Temporary Classrooms

- 6.26 As stated at paragraph 6.10 these are not of an appropriate design or appearance but they are only for a temporary period.

Residential Amenity

- 6.27 The main implications from the development for neighbouring properties relate to privacy, outlook, and noise/disturbance.
- 6.28 The school building is single storey and so would not cause any loss of privacy to houses to the south and as it is around 45m from the nearest house so it would not result in any harmful impacts upon light or outlook. Hedging along the south boundary close to the new building, which currently provides privacy to a garden, is proposed for removal. Therefore, a condition can be required to ensure new boundary treatments such as fencing to maintain privacy to the garden of 'Mannerings'.
- 6.29 The temporary classrooms are two storeys and are at a higher level by around 1m than the bungalows at Bramley Court to the north. There is one ground floor and one first floor window on the north side facing these. These properties have windows and rear gardens facing the school and the existing boundary treatments to the gardens are wire fences which allow views through. There are some trees and vegetation but the existing situation is that views into the gardens and windows are already possible when children are using the school grounds, and it is assumed this has been the situation for some time.
- 6.30 The temporary classrooms would be 29m away from the nearest dwelling and 22m from the back of the gardens. These distances are considered sufficient to ensure no unacceptable loss of privacy to these properties from the two windows and bearing in mind intervisibility is already possible. These distances are also considered sufficient such that an unacceptable impact upon light or outlook would not occur.
- 6.31 In terms of noise, this is primarily from pupils during break times and this obviously already occurs. I do not consider the additional pupils at the school from the development would result in such an increase in any noise or disturbance during these times to result in unacceptable living conditions or warrant refusal of the application.
- 6.32 The additional parking spaces would extend the car park further westwards but they would not be closer to properties at Bramley Court than the existing car park so there would not be any unacceptable impact in terms of noise and disturbance. It could result in headlights shining into these properties and so I consider the provision of a solid boundary treatment on the north side of the car park here is to mitigate any potential impact is necessary.
- 6.33 For the above reasons the proposals are considered to be in accordance with policy LPRSP15 of the LPR and policy BE2 of the MNHP.

Highways

- 6.34 A key issue and one raised by some local residents and the Parish Council is the drop off and pick up of pupils because there is no off-street parking for parents at the school. In my experience this is a common situation for primary schools that were built many years ago in village locations.

Therefore, parents park primarily on Goudhurst Road and some on back roads and so the implications of an increase in vehicles from the development needs to be considered.

Access

- 6.35 KCC Highways have confirmed they consider the existing access to be suitable and safe taking into account the increase in vehicles that will use it from the additional 11 parking spaces.

Parking

- 6.36 LPR policy LPRTRA4 (Parking) states that for non-residential development consideration should be given to the standards in the former SPG4 to the Kent and Medway Structure Plan from 2006. This sets out maximum standards for primary schools as '1 space per staff + 10%'.
- 6.37 The school has a 28-space staff car park and it is proposed to increase this to 39 spaces. This would serve 49 staff members (as a result of the development) and so this is 15 spaces below the 'standard' of 1 space per staff + 10%. However, this is a maximum standard, and the consideration is then whether the parking provision would lead to matters of unacceptable highway safety, which is discussed below.
- 6.38 There is no parking standard relating to the number of pupils for primary schools within SPG4 and in the 'notes' it states, "*Appropriate provision should be made for the setting down and picking up of children in a safe environment and in a manner that does not unduly interfere with the operation and use of the public highway. Exact details should be agreed with the Local Planning Authority.*"
- 6.39 To predict the increase in trips to and from the school and therefore the parking demand, the applicant has surveyed the existing school travel habits where the majority - 53% and 55% walk to and from school respectively, and 44% to and 43% from are driven. This results in 94 arrivals and 85 departures in the morning and 76 and 83 in the afternoon for the current school.
- 6.40 Based on this the applicant predicts that the increase in pupils as a result of the development would mean an additional 33 arrivals and 30 departures in the morning and 27 and 29 in the afternoon. The departures represent those vehicles that have dropped off pupils at the school, and therefore the parking demand is estimated by the applicant as a maximum of 30 spaces.
- 6.41 The applicant has carried out a 'parking beat survey' as was requested by KCC Highways which records the number of available on-street parking spaces. This survey was carried out on two mid-week school days in March 2024 between 7.30am and 9.30am and 2.45pm and 4.45pm with counts taken every 15 minutes. It was carried out on Goudhurst Road, and back roads at 'Maynards' and 'Luck's Way'. KCC Highways consider this provides a suitably robust way of assessing existing conditions. The survey shows that the minimum spaces available during these times was 54 and this is above the increased demand of around 30 spaces. As such,

this demonstrates there is sufficient residual on-street parking capacity in the local vicinity for the development.

- 6.42 It is also noted that KCC Highways have raised no objections in terms of the parking provision.

Highway Safety

- 6.43 On-street parking capacity is available but it needs to be considered whether the additional pressure would lead to unacceptable highway safety conditions. Policy LPRTRA2 (Assessing the Transport Impacts of Development) requires that developments demonstrate the impacts of trips can be accommodated, remedied or mitigated to prevent severe residual highway safety or capacity impacts. Policy IN3 (Traffic Generation) of the MNHP requires that developments which lead to additional traffic generation require safe vehicular access and where appropriate, traffic impact studies and any off-site traffic mitigation measures as deemed necessary by the highways authority.
- 6.44 The NPPF at paragraph 116 states, *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."*
- 6.45 The applicant has provided the 'Personal Injury Collision' data from the last 6 years which reveals 1 'slight' incident during school drop/pick time where a vehicle hit a pedestrian's arm with its wing mirror outside the school. KCC Highways have reviewed this and raise no objections in terms of highway safety.
- 6.46 I have visited the site in the morning during the school drop off and noted that numerous cars park on Goudhurst Road and they appeared to be parked where permitted. There are 'keep clear' yellow markings outside the school and zig zag lines either side of the zebra crossing where stopping is prohibited. If any parking occurs here this could be enforced by the appropriate authorities. I found that vehicles have to wait to let others pass and because of this they are moving at generally slow speeds. Whilst there was some inconvenience and delay caused, I did not observe any significant highway safety issues.
- 6.47 Obviously this was my observation on one morning but KCC Highways as the statutory consultee have assessed the application and do not raise any objections in terms of highway safety. With this in mind my view is that whilst some inconvenience can/could be caused to roads users and I expect people living near the school, I do not consider there would be any unacceptable or 'severe' highway safety issues that would result from the development, also noting there has only been one 'slight' incident in the last 6 years.
- 6.48 The Parish Council wish to see the application approved but consider a new comprehensive Travel Plan is required, produced in consultation with Marden Parish Council and neighbours of the school entrance, to include active management of traffic and drop off/collection arrangements;

inclusion of a school crossing patrol and/or a school funded enforcement officer outside the school at drop off/collection times.

- 6.49 Firstly, Travel Plans (TP) are documents aimed at reducing private vehicle use and promoting/facilitating sustainable travel, rather than addressing highway safety issues. The applicants submitted TP includes measures to reduce pupil travel by private car and staff travel and this will be secured by condition with a monitoring fee. Secondly, the applicant has responded to this specific matter stating,

"Currently, there are staff in attendance at the school gate during drop-off and pickup periods to supervise pupils, but they are not insured to extend this supervision onto the public highway. The school crossing patrol that historically operated on Goudhurst Road was withdrawn when the zebra crossing was installed outside the school, and it is unlikely that KCC would support its re-introduction. The school will continue to work with KCC, parents and residents to respond to local traffic and safety concerns."

- 6.50 I consider a condition requiring traffic management or patrols/enforcement would not pass the relevant tests of being necessary, as it is considered the development would not result in highway safety objections; and moreover, it is not enforceable or reasonable because the school have no powers over the use or operation of the public highway.

Traffic Impact

- 6.51 The applicant has assessed the impact of the increased traffic on two local junctions (B2079/West End/Church Green/Pattenden Lane and B2079/Maidstone Road/High Street) which predicts they will remain well within capacity, which KCC Highways agree with.
- 6.52 For the above reasons the proposals are considered to be acceptable in highway terms (access, parking, highway safety, and traffic) and no objections are raised by the Highways Authority. This is in accordance with policies LPRTRA2 and LPRTRA4 of the LPR and policy IN3 of the MNHP.

Biodiversity

Protected Species

- 6.53 The applicant's surveys have detailed the following in summary – an exceptional population of slow worms (breeding); a low population of grass snakes; Great Crested Newts (GCN) confirmed as present; suitable habitat for hedgehogs; suitable habitat for breeding birds and considered likely to be breeding within the site; and at least 5 foraging/commuting bats.
- 6.54 For the slow worms and grass snakes, an on-site receptor area within the northwest part of the site has already been created and translocation has taken place.

- 6.55 For GCN, the impact of the development would be the loss of two small ponds on site, one of which is used by GCN, and the loss of suitable terrestrial habitat.
- 6.56 The applicant is proposing to use the Natural England (NE) District Level Licensing Scheme (DLL) to mitigate this impact. This is a strategic mitigation licence which allows developments to make a financial contribution to strategic, off-site habitat compensation (ponds) instead of applying for a mitigation licence for the specific impacts on site. The DLL ensures compliance with the legal duty to protect GCN and the licence process and financial contribution is carried out separately by the applicant with NE.
- 6.57 Government guidance states that in assessing a planning application, if the applicant provides an 'Impact Assessment and Conservation Payment Certificate' (IACPC) countersigned by NE this is sufficient to be satisfied suitable mitigation will be provided.
- 6.58 The applicant has received a provisional IACPC from Natural England which identifies that 6 compensation ponds will be required and their costs but it has not been countersigned by NE. It is only countersigned by NE if the 1st stage conservation payment is made which is £33,891. The applicant has advised that it has not made this payment because it is a fairly significant cost that would have to be made in advance of actually receiving a planning permission. I do not consider this is an unreasonable position to take.
- 6.59 Although it is a provisional certificate, I consider it demonstrates acceptance onto the DLL scheme in principle and that the scheme can be used. Therefore, I consider a condition can be attached requiring a copy of the full DLL before any development or site clearance takes place and this approach is also agreed by KCC Ecology. This way the development or any clearance cannot take place until evidence of the DLL scheme is in place. Although the DLL will be used, the ecology report states that, "*after the DLL is in place, all existing scrub within the site (construction area) shall be removed to ground level. Any GCN located during final vegetation clearance shall be translocated to the area immediately surrounding the retained pond.*"
- 6.60 For bats, some low value foraging habitat would be lost but this would be compensated through new native planting. For hedgehogs and birds, precautionary mitigation approaches will be taken which will be secured by condition. Ecological enhancements are also proposed including log piles, bat, bird and invertebrate boxes which can be secured by condition.

Biodiversity Net Gain

- 6.61 The development is not subject to the LPR BNG policy requirement for 20% as it is not 'residential' development. It is therefore subject to the mandatory 10% requirement and the applicant will need to submit a mandatory application for separate approval should permission be granted. For application purposes, the LPA must be satisfied that 10% is achievable.

- 6.62 The applicant has submitted an assessment which concludes that a 35% gain in 'habitat' units and 86% gain in 'hedgerow' units will be achieved through new landscaping including wildflower grassland, tree and shrub planting, a new pond, and new native hedgerows on the site. KCC Ecology have advised that the 35% gain has included the reptile mitigation area, and this cannot be counted towards any net gain. However, they have carried out their own calculations without this mitigation and are confident that at least 10% can be achieved subject to additional areas of scrub being provided which can be created within the wider site. Therefore, it is considered that at least a 10% net gain for habitats and 86% gain for hedgerows can be achieved and this can be secured through conditions for the implementation, maintenance, and management of the BNG.
- 6.63 A BNG monitoring fee is required to cover the costs of the LPA monitoring the BNG and this is £10,000 which will be secured under a legal agreement.

Other Matters

Loss of Part of the Playing Field

- 6.64 The new building would extend over part of the existing playing field to the rear of the school with a loss of around 900m², which includes an area that would be sterilised by the development. Playing fields and sports pitches are protected under national policy (paragraph 104 of the NPPF) and Sport England are a statutory consultee where there is some loss. They advise that they oppose any loss of part of a playing field unless in their judgement the development as a whole meets with one or more of five specific exemptions.
- 6.65 In this case Sport England raise no objections on the basis that the development has a limited impact on the playing field and does not reduce the size or ability to use any playing pitch; reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any remaining areas of playing field on the site. This has been demonstrated through plans which show the football pitch can still be accommodated during the winter and the running track and two rounders pitches can be accommodated in the summer. The proposals will therefore not result in the loss of land that is required to provide winter and summer playing pitches for the school.

Surface Water Drainage

- 6.66 The existing surface water drainage network primarily runs through the centre of the developed part of the site, collecting surface water from various structures in down pipes and gullies in hardstanding, and ultimately discharging on the north side of the site. Additionally, a gully located on the southern side of the main building connects to a soakaway. The proposal is to provide an attenuation tank for the new building with a limited flow into the existing system, which will result in overall improvement as the new building will partly be an existing hard surface.

KCC Flood and Water Management have assessed the details and raise no objections subject to conditions.

Energy

- 6.67 Policy LPRQD1 requires a BREEAM Very Good rating, which will be secured by condition. The policy also requires on-site renewable energy production to provide 10% of overall energy consumption of the development. A report has been submitted outlining that PV panels will be used which will result in annual CO2 savings of 84.9% but it does not specify how much energy it will produce as a percentage of consumption so a condition is still required.

Representations

- 6.68 The majority of representations relate to highway matters or the loss of trees/hedging which have been discussed and assessed above. Other representations offer support for the development.

Public Sector Equality Duty

- 6.69 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7 CONCLUSION

- 7.01 The proposed school building and temporary classrooms are outside the defined village settlement and in the countryside for LPR purposes. There are no policies that allow for such development in the countryside so the proposals are not in accordance with the LPR. However, the development falls within the existing curtilage of the primary school and it is almost inevitable that any expansion of the school would need to be outside the settlement boundary due to site constraints. This is a clear material consideration to allow education development outside the settlement boundary in conflict with policy LPRSP9, in principle.
- 7.02 In strong favour of the development is a clear need for pupil places as supported within the LPR and the Council's most recent Infrastructure Delivery Plans, and national policy requires that 'great weight' is given to the proposed development, with a presumption in favour of the approving it.
- 7.03 The school building would not cause harm to the countryside or local area, including the resultant loss of trees, or have an unacceptable impact upon the amenities of nearby dwellings.
- 7.04 The temporary classrooms have a poor appearance and are contrary to policy LPRSP15 but are only required on a temporary basis which will be secured by condition.
- 7.05 The highway conditions on Goudhurst Road at school drop off/pick up times cause some inconvenience but this is a common situation for older primary schools in village locations. There would be an increase in vehicles

dropping off/picking up pupils but the Highways Authority raises no objection in terms of access, parking or highway safety. I agree on balance that this is not sufficient grounds to refuse the application.

- 7.06 Overall, it is considered there are clear and strong material considerations to approve the development outside the settlement boundary, and there would be no unacceptable harm to the local area, local amenity, or unacceptable or severe highway safety conditions. Permission is therefore recommended subject to the heads of terms and conditions set out below.

EIA Screening

EIA Development	No
Comments	N/A

8 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

HEADS OF TERMS

- a) To secure a biodiversity habitat net gain monitoring fee of £10,000.
- b) To secure a Travel Plan monitoring fee (amount TBC by officers).

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 & Compliance

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

22-1322-01
22-1322-05 RevE
22-1322-07
22-2322-OSG-XX-DT-DR-A-03 RevK
22-1322-OSG-XX-XX-XX-A-30

Reason: To clarify which plans have been approved and to ensure a high-quality development.

3. The approved vehicle parking and turning areas shall be completed before the commencement of the use of the permanent school building 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.

4. The development shall be carried out in accordance with the tree protection measures outlined at sections 12 to 15 of the Arboricultural Implications Assessment report and as shown on the tree protection plan (drawing no. J65.19/02) at Appendix 4 of the same report.

Reason: To ensure the protection of retained trees.

5. The development shall be carried out in accordance with the ecological mitigation detailed within Sections 4.6 and 4.7 of the Ecological Impact Assessment (Lizard: March 2024) for hedgehogs and birds.

Reason: To mitigate any impacts upon protected species.

Pre-commencement

6. No development or site clearance in connection with the development shall take place until a copy of the full district level licence for great crested newts has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the necessary mitigation is secured for the impact upon this protect species.

7. No development shall take place until a detailed sustainable surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Layout prepared by Evans & Langford (August 2024) 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.

8. No development shall take place until, a Biodiversity Gain Plan to ensure a minimum 10% net gain in habitat units across the site and 80% net gain in hedgerow units across the site in line with the 'Biodiversity Net Gain Assessment Rev01', has been submitted to and approved in writing by the Local Planning Authority.

The Biodiversity Gain Plan shall include:

- a) Detailed proposals for biodiversity net gain which shall include information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat; the pre-development biodiversity value of the onsite habitat; the post-development biodiversity value of the onsite habitat.
- b) A Habitat Management and Monitoring Plan (HMMP) for maintaining the onsite biodiversity net gain for a period of at least 30 years from completion of the development which shall include:
 - (i) A non-technical summary;
 - (ii) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (iii) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (iv) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of at least 30 years from the completion of development; and
 - (v) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

The development shall be implemented in full accordance with the requirements of the approved HMMP.

Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the HMMP have been completed.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure measurable net gains to biodiversity.

Pre-Slab Level

9. No development above slab level shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption of the school building have been submitted to and approved in writing by the Local Planning Authority. Following installation of the approved measures they shall thereafter be retained.

Reason: To ensure a sustainable form of development in accordance with policy LPRQD1 of the draft Local Plan Review.

10. No development above floor slab level shall take place until details of hard surfaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high-quality development.

11. No development above floor slab level shall take place until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The details shall include the follow:

- a) Fencing on the north side of the approved parking spaces to prevent headlights shining into properties to the north.
- b) Boundary treatments to the south of the school building.

The development shall be carried out in accordance with the approved details before the first occupation of the school building or use of the parking spaces and retained thereafter.

Reason: To ensure a satisfactory appearance to the development and protect residential amenity.

12. No development above floor slab level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- a) A scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012);
- b) Details of the number, size, species, maturity, spacing and position of existing/proposed trees and landscaping; and
- c) A 10-year landscape management plan.

The details shall specifically include:

- a) Native trees.
- b) Native double staggered hedges.
- c) Native shrub planting.
- d) Wildflower planting.

e) Increased scrub habitat.

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

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

13. No development above slab level shall take place until a timetable for implementation of the approved landscaping has been submitted to and approved in writing by the local planning authority. The landscaping shall be carried out in accordance with the approved details. The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification. Any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

Reason: To ensure an appropriate appearance and setting to the development.

14. No development above slab level shall take place until full details of the ecological enhancements and a timetable for their delivery, which shall follow the 'Ecological Enhancement Plan', have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained and the measures shall include the following:

- a) Inbuilt bird, bat and bee bricks.
- b) Reptile and amphibian hibernacula/log piles and hedgehog nest boxes.
- c) Invertebrate boxes.

Reason: To enhance biodiversity.

15. No development above floor slab level shall take place until written details and sample of the materials, to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. The materials shall include the following:

- a) Natural slate roof tiles.
- b) Kentish ragstone.

The development shall be constructed using the approved materials.

Reason: To ensure a high-quality development.

16. No development above floor slab level shall take place until photographs of at least a 1.5m x 1.5m sample panel of the Kentish ragstone for the

buildings and walls (which has been constructed on site) have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. Such details as approved shall be fully implemented on site and thereafter retained.

Reason: To ensure a high-quality design and finish.

Pre-Occupation

17. The school building hereby permitted shall not be occupied (or within an agreed implementation schedule) until a Verification Report, pertaining to the surface water drainage system for that building and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of 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.

18. The school building shall achieve a Very Good BREEAM rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM rating has been achieved within 6 months of the first occupation/use of the school building.

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

19. The school building hereby permitted shall not be occupied until a closure report in respect of contamination has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include:

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of human health.

20. The school building hereby permitted shall not be occupied until, a final Travel Plan comprising immediate, continuing and long-term measures to promote and prioritise alternatives to private vehicular use, which shall include clear objectives and modal share targets for walking and cycling for years 1, 3 and 5, together with a time-bound programme of implementation, monitoring, regular review and interventions (in the event of a failure to meet modal share targets), has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved Travel Plan.

Reason: To promote sustainable transport use.

Other

21. The temporary classrooms hereby approved shall be removed from the application site within 3 months of the occupation or use of the school building hereby approved. Should the school building development not be implemented the temporary classrooms shall be removed from the site within 36 months of the date of this permission.

Reason: The temporary classrooms are not suitable for permanent retention due to their poor design and appearance.

22. Any PV panels installed on the roof of the school building shall be flush with the roof tiles.

Reason: To ensure a satisfactory appearance to the building.

23. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Reason: In the interests of human health.