

APPLICATION: MA/12/1989 Date: 1 November 2012 Received: 5 November 2012

APPLICANT: Future Schools Trust

LOCATION: NEW LINE LEARNING ACADEMY, BOUGHTON LANE, MAIDSTONE, KENT, ME15 9QL

PARISH: Boughton Monchelsea, Maidstone

PROPOSAL: Outline application for the erection of a primary school with access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval as shown on drawing nos. T0216/SK03revP1, DHA/9152/01 and DHA/9152/02, Planning statement, Transport assessment, Tree survey, Contamination assessment, Archaeology report, Ecology report, Sustainability statement, Statement of Community Involvement received 01/11/2012, Design and Access Statement received 12/12/2012 and Transport Assessment Addendum received 30/01/2013.

AGENDA DATE: 14th March 2013

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- Councillor Chittenden has requested it be reported for the reasons set out in the report.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV32, T13, T23,  
South East Plan 2009: SP2, SP3, CC1, CC4, CC6, NRM4, NRM5, NRM7, T4, T5,  
BE1, BE6, S3, S6, AOSR7  
Loose Road Character Area Assessment  
Government Policy: NPPF 2012, Policy statement-planning for schools  
development 2011

## **2. HISTORY**

2.1 Previous relevant planning history on the site is as follows:-

- MA/12/1994: Outline application for the erection of a new studio school with access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval: UNDETERMINED
- MA/12/1989: Outline application for the erection of a primary school with access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval: UNDETERMINED
- MA/09/2293: A consultation with Maidstone Borough Council by Kent County Council for the floodlighting of the two 3-court multi use games areas: RAISE NO OBJECTIONS 12/02/2010
- MA/08/2098: A consultation with Maidstone Borough Council by Kent County Council for the demolition of existing school buildings, erection of new academy, including erection of new 6 court sports hall, erection of vocational centre (indicative footprint only), re-provision of outdoor playing pitches, new 6 court MUGA, 153 car parking spaces, 150 bicycle spaces, strategic landscaping works and associated circulatory access roads: RAISE NO OBJECTIONS 11/11/2008
- MA/08/1700: An Article 10 Consultation by Kent County Council with Maidstone Borough Council for the demolition of existing school buildings, erection of a new Academy including erection of new 6 court Sports Hall, erection of Vocational Centre (indicative footprint only), re-provision of outdoor playing pitches, new 6 court MUGA, 153 car parking spaces, 160 bicycle spaces, strategic landscaping works and associated circulatory access roads: RAISE NO OBJECTIONS 09/10/2008
- MA/07/2620: A consultation with Maidstone Borough Council by Kent County Council for the provision of temporary accommodation comprising 8 classrooms, 5 practical rooms, 1 conference room, 1 dinning room, 1 ante room, 96 additional car parking spaces and new rear pedestrian access: RAISE NO OBJECTIONS 28/02/2008
- MA/07/1007: A consultation with Maidstone Borough Council by Kent County Council for an outline application for demolition of existing school buildings; erection of new school (single academy status for Oldborough Manor Community School and Senacre pupils); erection of new six court sports hall, erection of new vocational centre; reprovision of outdoor playing pitches; new M.U.G.A.; 153 car parking spaces; strategic landscaping works, circulatory access: RAISE NO OBJECTIONS 06/09/2007

- 2.2 The Tiger Primary School opened on the site (utilising part of the existing Academy building) in September 2012.

### **3. CONSULTATIONS**

#### **3.1 Loose Parish Council: Make the following comments**

'Whilst these applications do not relate to a site within our Parish, but given our adjacent location and the potential far reaching implications of the proposals, we wish to comment as follows:

It was considered that the "known" future application for a proposed residential development of a large number of houses adjacent to the site, which is assumed to be in the pipeline, should have been included with these applications. This would have allowed appraisal of the full scope of proposals at outline stage. It is our understanding that the schools development hinges on the residential development?

It is also understood that a proposed primary school is being considered at Shepway. Consequently, we would ask whether the case for a further primary school in this area is valid?

It is the Parish Council's strong view that the increase in vehicular traffic that will result from these proposals would be a totally unacceptable quantity, raising concerns for the safety of Boughton Lane users and nuisance (noise, fumes, and lights) for its residents. These issues would be further exacerbated if the residential development went ahead. Boughton Lane has several blind corners and no pavement when coming from the southern direction. It is felt that some school traffic will use the very narrow lanes to cut through from Park Wood and Boughton Monchelsea. These are totally unsuitable for any increase in traffic.

There are further serious concerns regarding the potential effect of additional traffic on the A299, specifically at its junctions with Boughton Lane, the Wheatsheaf and Armstrong Road. These are locations where congestion is an already major problem and traffic often builds up through the full length between them. Effects of future development in Coxheath, Marden, Staplehurst and Headcorn are also going to contribute to a worsening traffic situation.

It was noted at our meeting that according to information provided at the planning open day at the NLL Academy, that there was going to be at least 20% of pupils going to the new schools who will be walked to school rather than driven. This seems particularly unrealistic. Parents will elect to drive their children to school rather than letting them walk given the potential dangers of Boughton Lane. There will be a proportion of pupils that live outside a walk-able distance to the school in any case.

It would be prudent to mention that we are already working with the nearby Loose School with a view to improving the parking and vehicular movements around the school area and local roads, to help make it safer for other road users, pedestrians and local residents. There have been problems here regarding the volume of vehicles in the vicinity of the school associated with school activities.

Regarding the proposed access and exit points to the schools from Boughton Lane, it is noted that the existing ones are to be retained. It is paramount that the location of these points should be considered with the objective of providing the safest solution. We have concerns over the current positions in this respect given the nature of Boughton Lane.

Strong concerns were raised over the detrimental effect the new school and potential residential development may have on the existing ancient woodland in the vicinity, and the loss of green space. We would not wish to see any ancient woodland area compromised as it is considered to be of ecological importance.

Loose Parish Council fully supports the North Loose Residents Association and South Ward in relation to their concerns with these applications.'

- 3.2 **Boughton Monchelsea Parish Council:** Do not object and comment as follows  
'No objection to this application regarding access however the Parish Council is concerned at the cumulative traffic effect that would result from new educational facilities at this location and would expect this to be carefully considered and provided for in any future detailed planning application.'

- 3.3 **North Loose Residents Association:** Object and comment as follows

'The North Loose Residents Association considers that the applications for both schools and the proposed playing field housing development to be submitted shortly should be considered as one proposal. The finance for this site is inextricably linked with the proposed housing development, as that development is required to fund these applications.

The public consultation as held displayed all three developments together as one proposal. People were unsurprisingly more concerned about the impact of the extra housing and did not take on board the full impact that the schools would have. This is reflected in the developers' comments that on the results of their questionnaire, that there was little feedback about the schools. We are therefore concerned that there has not been a suitable public consultation about the proposals for the two schools as the housing outlined in the presentation had created a substantial distraction to the local audience.

The North Loose Residents Association conducted our own exit survey at the consultation, after people had viewed the exhibition. This survey – 61 forms completed – returned a result of 100% against the proposal, with many people saying it was difficult to comment further because so little detail was presented.

In the draft Statement of Community Involvement now out to consultation, the Cabinet Member for Planning, Transport and Development says there is a duty to ensure the means for proper consultation are in place, that the Council should listen to the public and use their responses to shape and improve the borough, for the benefit of all. The public consultation for this application did not meet these criteria and therefore we

believe that a further exhibition should be held which needs to give greater detail to enable a proper consultation to be held.

On the developers' own admission, the extra schools alone will double the traffic flows in Boughton Lane at peak times. We already have evidence of unacceptable congestion in Boughton Lane at these times, with queues going back from the Loose Road to the school entrance and we have photos of traffic mounting the pavement when two slightly larger vehicles meet. These facts do not take into consideration the anticipated increase from the proposed housing development, which of course with some 220 houses will add significantly to the traffic problems not only in Boughton Lane, but also in Loose Road and at the Wheatsheaf junction. Tailbacks would inevitably extend into the rural part of Boughton Lane at peak times, bringing the lane to a standstill. No attempt has been made to lessen the known air pollution at the Wheatsheaf junction and these developments will exacerbate these issues.

There is no guarantee that a high percentage of pupils will be local; indeed the advertised long opening hours of the school, with breakfast and after school clubs, will attract working parents from further away and will generate an even higher increase in traffic.

There is also a major and reasonable concern that the use of other small roads as 'rat runs' will increase when drivers become even more agitated at the queues on the Loose Road. Paynes Lane, Pear Tree Avenue, Berwyn Grove and Norrington Road would all see increases in traffic in addition to the extra burden on Boughton Lane.

This proposal breaks the guidance in the Loose Road Area Character Assessment, which states: 'any developments should not generate additional traffic which would erode the boundary features of Boughton Lane and Paynes Lane'. Page 70 para 8 (a) and (b) refer.

Some of the extra traffic will be coming from Boughton Monchelsea. This is a country lane with no footpaths and the danger to pedestrians is increased by the permitted use of the fruit packing factory and the very large lorries that access it. There will inevitably be traffic casualties here in the future. There are no bus services in Boughton Lane. The nearest bus route is 490 metres away, which is two and half times the recommended distance in Policy T21 of the Local Plan.

We understand that the Jubilee Church is considering opening a new free primary school at Shepway by September 2014, and we question whether there is a need for two new primary schools opening at the same time? Shepway has better traffic links to the main road system and is therefore more sustainable than another school in Boughton Lane. We have met with the National Union of Teachers and they seriously doubt that the New Line Learning project can be a sustainable development, given that it is likely that 50% or more of the children will not be from local homes.

Because the proposed studio school will be vocational, it is inevitable that a high percentage of those students will be coming from outside the area. We know there is capacity at Cornwallis School, which has better transport links and is on main roads. A more sustainable option for this school would therefore be at Cornwallis.

Five Acre Wood has now been designated as Ancient Woodland. The plans for the primary school show the building to be very near to this protected area. Given this protected status, any access through, or damage to, the Ancient Woodland or trees nearby would be unacceptable. The NPPF gives extra protection to irreplaceable habitats and specifically mentions areas designated as Ancient Woodland. Given the amount of development in South Ward over recent years and the loss of many green spaces, we would expect Maidstone Borough Council planners to ensure that no further loss is occasioned to this protected area.

On the application form (Q13a-13c) the applicants have stated that there are no biodiversity or geological conservation features that would be adversely affected by this development. However, we do not accept this statement and refer to our comments in the preceding paragraph.

There are a number of sustainability issues to be considered with this application:

- Funding for both schools would ultimately require the playing field site to be developed for housing. The school applications should not be considered in isolation.
- Do we need two new primary schools locally?
- The primary school and studio school will generate an increase in use of cars;
- There are no nearby bus services;
- The local road system was never intended to support this amount of traffic;
- Local air pollution (already in contravention of EEC limits) will increase;
- The alternative primary school at Shepway has better road links.
- A better option for the studio school would be at Cornwallis.
- There is a threat to designated Ancient Woodland

We therefore call on Maidstone Borough Council planners to seriously consider the impact this development will have on the area and ask that the applications be REFUSED.'

#### 3.4 **Natural England:** Raise no objections and comment as follows:-

'The National Planning Policy Framework (NPPF) expects local authorities to prevent harm to biodiversity and geological interests. Paragraph 118 makes it clear how the government expects the council to consider planning decisions that could lead to harm to biodiversity and geological interests. Paragraph 109 identifies the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Protection for ancient woodland is included in Paragraph 118 of the NPPF and states that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. However, when considering this

application the council should encourage opportunities to incorporate biodiversity in and around the development (Paragraph 118 of the NPPF).

We have not assessed the survey for badgers, barn owls and breeding birds<sup>1</sup>, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

- 3.5 **Environment Agency:** Have assessed the site as having a low environmental risk and therefore have no comments to make
- 3.6 **Southern Water:** Have advised that there is currently inadequate capacity to provide foul sewage disposal to the development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity. Southern Water has requested that an informative is attached to advise the applicants of necessary contact details to instigate the appropriate mechanisms to ensure sufficient capacity is provided. They have also requested that a condition is imposed on any consent requiring details of foul and surface water drainage to be submitted and approved in consultation with Southern Water.
- 3.7 **UK Power Networks:** No objections
- 3.8 **KCC Heritage Conservation:** Raise no objections, but recommend a condition requiring a programme of archaeological works:

'The site of the application lies within an area of archaeological potential associated with prehistoric and Roman activity. A Roman road and significant levels of Iron Age and Romano-British occupation activity have been recorded especially to the east. Associated remains may survive within the land of the New Line Academy. This application is supported by a DBA by CgMs. The DBA is fine and presents basic information on heritage issues and the previous ground disturbance. In general I agree with their comments although I maintain that there is potential for archaeology to survive on site despite the level of previous development. I recommend the following condition is placed on any forthcoming consent:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written 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.'

- 3.9 **KCC Ecology:** Raise no objections and comment as follows  
An ecological survey has been submitted in support of this planning application. We have reviewed the ecological survey in conjunction with the desk top information available to us (including aerial photos and biological records). We are satisfied with the assessment

of the ecological survey that the proposed development has limited potential to directly impact protected species – as the footprint of the proposed development will be on short amenity grassland or hard standing. As a result we require no additional information to be submitted prior to determination.

There are areas of woodland that are adjacent to the site. The ecological scoping survey has recommended that a 3 meter buffer is created between the woodland area and the development site. This area should be managed to be beneficial to biodiversity. Details of the buffer and the proposed management must be included within the landscape plan when the Reserve Matters are submitted for determination.

### **Badgers**

Evidence of badgers and a disused outlier badger set was recorded within the woodland site. If planning permission is granted – prior to works starting on the site an updated badger survey must be carried out and submitted for comments. The ecological survey has detailed precautionary mitigation – once the updated survey has been carried out it must be reviewed and if necessary updated.

### **Bats**

The report has assessed there is limited potential for bats to use the proposed development site for roosting, foraging or commuting. However they may be present within the surrounding woodland. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

### **Enhancements**

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The report has made recommendations to increase roosting and nesting opportunities for bats and birds. Details must be incorporated in to the information submitted for the reserved matters.'

#### **3.10 Kent Highway Services:** Kent Highways made the following initial comments.

- 'The New Line Learning (NLL) Academy site is part of the wider Oldborough Campus on Boughton Lane, Maidstone. There are two vehicular accesses to NLL from Boughton Lane; one to the north west and the other to the south west.
- There is reasonable footway access between the site and Loose Road, whose junction with Boughton Lane is controlled by a signal junction with formal pedestrian crossing facilities. Pedestrian access to the site can also be gained from the east via Mangravet Avenue and Public Right of Way KB26 which provides access to the Park Wood residential area.
- There are no designated cycle routes on Boughton Lane or the other local roads within close proximity to the site.



- The closest bus stops to the site are located approximately 550 metres away on Loose Road. From the Mangravet Avenue access, the closest bus stop is approximately 560 metres away on Sutton Road. Both of these stops are served by high frequency services to/from Maidstone Town Centre.
- Boughton Lane is up to 7.0 metres wide and subject to a 30mph speed limit within the vicinity of the site. The vehicle access points operate on a one-way system, with vehicles entering at the northern access and exiting at the southern access. Visibility is adequate at both accesses.
- Personal Injury Accident (PIA) data has been sourced for the local highway network surrounding the site for the three year period ending 31<sup>st</sup> December 2011. A total of 17 PIAs were recorded during this period, 60% of which occurred at the A229/A274 junction. All of these accidents were classed as 'slight', with no serious or fatal incidents taking place. There was no specific pattern within the data to suggest that the design and/or condition of the local highway network is a cause for concern in this respect.
- The development proposals comprise the erection of a primary school and studio school at the site of the NLL. The primary school opened in September 2012, taking on an initial roll of 90 pupils who are currently using the existing NLL facilities. It is proposed that the new school buildings will be completed by 2014 and that the increase in pupils from the initial 90 to the full capacity of 420 will be reached by 2018/19. A total of 63 staff will be employed when full capacity is reached.
- It is proposed that the studio school would come forward over two phases, with a final capacity of 280 students and 20 staff. The pupils using the school would be aged between 16 and 18.
- During the period up to 2019, the existing NLL proposes to increase its roll from the existing 691 pupils to the full capacity of 1,050. Staff numbers would increase from the current 136 to 165. The increase in trips associated with this growth in pupil and staff numbers has been accounted for in the Transport Assessment.
- It is proposed that the existing vehicular access and egress arrangements on Boughton Lane will remain in place to serve the new developments, as they currently operate well, as corroborated by KCC Highways during a recent site visit. Existing servicing arrangements will also remain unchanged.'

3.10.1 The comments noted that the proposed level of car parking provision at 240 spaces was substantially less than the maximum figure of 369 spaces in the Kent and Medway SPG4 (Parking Standards).

3.10.2 The comments go on to address the issue of modal share of trips to the site, comparisons with the TRICS database, the routing of traffic to the development and traffic flows in the area in general. The highlighted elements were those

areas in which further information was required to be supplied to be further assessed by Kent Highway Services.

- 'The modal share of trips to the proposed primary school has been derived from the average modal splits recorded in six local primary school Travel Plans. Whilst this approach is sound, it is clear that the geographical location of the site and the characteristics of the local pedestrian, cycling and public transport networks will also impact on the likely modal shares. **Thus whilst it is acknowledged that the composition of trips to primary and secondary schools vary, reference should be made to the modal shares recorded in the NLL Travel Plan – particularly for staff trips – as a point of reference.** Indeed, the 2009 NLL School Travel Plan 'Hands Up' survey in 2009 recorded a significantly greater car modal share for staff than that estimated for the proposed primary school. Moreover, as the Transport Assessment acknowledges, a significant proportion of trips may be shared by pupils attending NLL and the proposed primary school.
- It should be noted that the Transport Assessment Scoping Note agreed with KCC Highways in April 2012 stated that an updated pupil and staff questionnaire survey would be conducted to ascertain existing NLL travel patterns. **It does not appear that this exercise has been carried out.**
- It has been assumed in the Transport Assessment that the Travel Plan could reduce new car trips by 15%; however it is unclear what the basis for this assumption is. It is requested that the Transport Assessment should be revised to only include results for the scenario without any Travel Plan percentage reductions, to provide for a robust analysis of traffic impacts and parking demand.
- It is also reported that the estimated vehicle trip attraction to the primary school has been cross-referenced with outline details from the TRICS database; however these details have not been supplied. **This information should be provided to KCC Highways.**
- The Transport Assessment assumes that the development of 200 dwellings at the proposed Wards residential site, to the south of NLL on Boughton Lane, would significantly increase the proportion of new trips to the primary school routing from this direction from 3% to 30%. Again, it is unclear what the basis for this assumption is. **This information should be provided to KCC Highways.**
- The impact of the development proposals on the A229 / Boughton Lane / Cripple Street and Wheatsheaf junctions has been presented in terms of the percentage increase in traffic on each arm, as agreed with KCC Highways. The base traffic flows have been growthed to the horizon year of 2019 and the development trips added. The greatest impacts are forecast to be on Boughton Lane, Loose Road (to the north of the Cripple Street junction) and Sutton Road in the AM peak; each of which record an increase in traffic well exceeding 10%. Across the whole of the A229 / Boughton Lane / Cripple Street junction, the increase in traffic equates to 11% in the AM peak with no Wards development in place, which is significant. KCC's Guidance on Transport Assessments and Travel Plans states that where the

increase in flows due to the development proposals exceeds 10%, an operational assessment will be required to demonstrate that the capacity of the network is adequate to cope with the proposals under the worst combination of flows that is likely to occur. ***The scope of this further analysis should be discussed with KCC Highways.***

- ***Given the scale of the anticipated traffic impacts on the local highway network, which falls within the Maidstone Air Quality Management Area, KCC Highways is minded to recommend to Maidstone Borough Council the negotiation of an appropriate contribution to the capital cost of the proposed Sutton Road/Loose Road Bus Lane by way of a Section 106 Agreement with the applicant. This scheme is considered to be directly related to the development proposals and would contribute significantly to the attainment of the Travel Plan mode share targets.'***

3.10.3 Subsequent to the production of these comments, further dialogue between Kent Highways and the applicant's highway consultants took place which resulted in the submission of an addendum to the Transport Statement on 30 January 2013. This additional information has been considered by Kent Highway Services who confirmed on 21 February 2013 that they have no objections to the application and its details.

'The Transport Assessment Addendum submitted by the applicant satisfactorily addresses the initial concerns raised by Kent County Council (KCC) Highways and Transportation.

It is accepted that the Loose Road / Boughton Lane / Cripple Street signalised junction is operating close to its design capacity. A physical modification to the junction layout would be required to address this, which is neither practical nor proportionate to the scale of traffic impacts associated with this application. It is therefore considered appropriate for the applicant to make a contribution to the provision of off-site sustainable transport infrastructure.

Following further discussion with the applicant, a contribution of £45,000 to the proposed Sutton Road/Loose Road Bus Lane has been agreed in principle, based on its forecast usage by households associated with the development proposals. It is recommended that this contribution be secured by means of a Section 106 Agreement.'

3.10.4 It is considered appropriate that a s106 contribution for Phase-one of the 'bus-lane between 'The Wheatsheaf' junction and Armstrong Road is sought. Kent Highway Services have indicated that for both this application and the Studio School application (MA/12/1994) it would be appropriate to seek a contribution towards the costs of phase one of the 'bus-lane of £45,000.

3.11 **MBC Environmental Health:** Raise no objections and comment as follows

'The concise planning statement accompanying the application typically falls short of all environmental concerns. Whilst the inclusion of contamination is welcome, there is no

mention of the effect of noise and in particular, air quality, on future pupils and local residents of this proposal. That said, however, I would not necessarily expect noise to be of too much concern at this site, because of its location, but there will be undoubtedly be elevated air pollution to the local environment by the extra number of vehicles which will visit the site to load/unload children, therefore a scheme to offset this expected increase should be submitted.

The contamination report is very detailed and thorough and concludes that although the risk of contamination is low, there is enough potential for further investigations to take place; I would not disagree with this conclusion. The other issues described in the statement are not of environmental health concern.'

It is recommended that conditions are imposed requiring a remediation statement and validation/closure report for contamination and details of reduction/off-setting measures to reduce transport based air pollution arising from the development during construction and when in occupation. Informatives governing hours of operation and conduct on site during construction are also recommended.

#### **4. REPRESENTATIONS**

##### **4.1 Cllr Chittenden** has requested that the application is considered by the Planning Committee for the following reasons

'As you are aware local members and residents were invited to attend an open day at the school at the Invitation of New Line Learning and Ward Homes, when the extent of the intended developments were revealed.

As well as these two schools, we understand that these two applications will be followed by an application for up to 225 houses on the existing playing fields and that which will be re-sited in the current open rural countryside.

I would ask that if you intend to recommend approval, these current applications go to the Planning committee for the following reasons.

- The schools should **not** be considered on their own. The full development including the houses should be considered jointly because of the affect in relation to the exits onto a narrow, country Lane, the increased intensity of traffic at the junction of Boughton Lane / Cripple street and the overall increase affecting the serious congestion problems that already exist along the Loose Road and the approach to the Wheatsheaf and Armstrong Road junction.
- Looking at these two applications and the housing as a whole, this is a serious change/addition to the proposals to create a Strategic Housing site to the South of the Town and any application should be considered in conjunction with that. It should be part of the overall additional review that has just been instigated and be assessed following the recent decision to review the Core Strategy evidence base. It is absolutely essential that, because of its serious affect on the area to the South of the town

including the Transport Strategy which is also now under review, and which will be affected by all three applications, the options for whether the school and housing should be allowed should not be decided until full evidence is available and has been subject to the proper scrutiny.

- Traffic congestion from Boughton Lane and into the Loose Road is already a major problem which at the moment has no acceptable resolution. The school applications for 420 plus additional students all considerably increase the present problems that exist.'

4.2 A total of 61 representations have been received in response to consultation on the original and additional application details that have been submitted. All 61 representations raise objections to the proposals on the following (summarised) grounds.

- The application should not be considered in isolation but along with the studio school and the proposed housing development.
- The entire site lies within the Southern Anti-coalescence Belt identified and safeguarded by policy ENV32 of the Maidstone Borough-wide Local Plan 2000. The policy seeks to stop the infilling of the existing gaps between the main urban area of Maidstone and the villages to the south.
- Development will result in unacceptable levels of additional traffic on the already busy and unsuitable narrow and winding Boughton Lane.
- Boughton Lane has no pavements for much of its length with people walking on the road. This development will make it worse.
- Boughton Lane is already affected by the HGVs that go to the fruit farm it is totally unsuitable for more traffic
- If the school is built the playing field land will have to be sold off to finance the new school build.
- Traffic on Loose Road and the surrounding area will come to a standstill.
- Surrounding residential roads will become 'rat-runs' as people try to avoid the congestion.
- Air quality is already poor in the area and along Loose Road these proposals and the additional traffic they generate will make it worse.
- The site is close to Five Acre Wood now identified as Ancient Woodland, there could be an adverse impact on wildlife and the trees.
- No bus services in Boughton Lane.
- It appears that the Jubilee Church is also seeking to open a free school in the area why do we need two new schools?
- There is a good existing level of schools in the area already new ones are not needed.
- Paynes Lane is narrow and traffic has increased markedly since the traffic lights at the end of Boughton Lane were installed. This development will add further to traffic and make residents' lives worse. The road should be traffic-calmed or made one way or the speed limit reduced to 20mph.

- To solve traffic problems a new road should be constructed leading eastwards from the Boughton Lane also serving the school and connecting it to Sutton Road.
- The comments of the North Loose Residents Association are entirely agreed with and supported.
- Any development should take place at the Cornwallis Academy which has better public transport links, better road access and more space.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The New Line Learning Academy site is situated on the east side of Boughton Lane. It is approximately 550m south east of the signal-controlled junction of Boughton Lane/Cripple Street and the A229 Loose Road.
- 5.1.2 The entire site, including the current playing fields, lies within the urban area of Maidstone as defined in the Maidstone Borough-wide Local Plan (MBWLP) 2000. It is however also subject to saved policy ENV32 and as such lies within the defined Southern Anti-Coalescence Belt which seeks to prevent the urban area of Maidstone linking with the villages immediately to its south such as Coxheath, Loose, Boughton Monchelsea, Chart Sutton and Langley.
- 5.1.3 The site is currently occupied by the New Line Learning Academy and the Tiger Primary School which opened in September 2012 in part of the academy premises. To the north of the academy complex are situated Five Acre Wood School and the premises of Loose Baptist Church. The New Line Learning Academy building is up to three storeys in height.
- 5.1.4 The complex fronts onto Boughton Lane, the western side of which is lined by residential properties. Part of the site frontage to Boughton Lane is covered by Five Acre Wood which is identified as Ancient Woodland in the 2012 Borough-wide inventory. The Woodland is subject to TPO no 17 of 2002. Public Footpath KB26 forms the eastern boundary of the Academy site.
- 5.1.5 There are two vehicular access points onto Boughton Lane; one ingress (to the north) and one egress (to the south). The existing car park areas serving the site are located towards the western site boundary to the west of the academy buildings.

### **5.2 Proposal**

- 5.2.1 This is an outline planning application and seeks planning permission for the erection of a primary school. Access is to be determined at this stage with

appearance, landscaping, layout and scale reserved for subsequent approval. The application site area amounts to 1.3ha.

- 5.2.2 The proposal would allow the Tiger Primary School to have its own building and grounds, separate to the New Line Learning Academy building where it is currently located.
- 5.2.3 The school would be able to support up to 420 pupils and would be a two-form entry school. It is anticipated that numbers at the school would build-up over time, reaching capacity in around 2018/19. The submitted illustrative plans and application details indicate that the building would accommodate up to 2250m<sup>2</sup> of floorspace in a building of up to three storeys in height. The indicated parameters are as follows:-
  - Length- upper limit = 60m;
  - Width - upper limit = 40m;
  - Height - no higher than the existing NLL Academy building (15m).
- 5.2.4 The building would be located to the west of the existing academy building on a currently flat and open area between the academy and an existing sub-station which would be retained.
- 5.2.5 Access to the site (a non reserved matter) would be from Boughton Lane and would utilise the existing vehicular and pedestrian access points. The plans indicate that additional parking could be provided within the site. There are currently 172 parking spaces on the site. The applicants have indicated that this could be increased to approximately 240 spaces to serve the primary school, the proposed studio school and the existing academy.
- 5.2.6 It is intended that the building would achieve a BREEAM Very Good rating and a sustainability statement demonstrating that this is possible has been submitted as part of the application.
- 5.2.7 Also submitted as part of the application in addition to a planning statement and design and access statement are a contamination assessment, ecological appraisal, tree survey, archaeological report, flood risk assessment and transport assessment for which an addendum has also been submitted in response to the initial comments from Kent Highway Services.

### **5.3 Principle of Development**

- 5.3.1 The site is an existing educational campus within the urban area of Maidstone. In principle therefore, no objections are raised to the proposed development, which will complement the existing role of the site. As stated earlier, the site is also subject to policy ENV32 of the MBWLP 2000. Policy ENV32 states:-

**WITHIN THE SOUTHERN ANTI-COALESCENCE BELT AS DEFINED ON THE PROPOSALS MAP, DEVELOPMENT WHICH SIGNIFICANTLY EXTENDS THE DEFINED URBAN AREA OR THE BUILT UP EXTENT OF ANY SETTLEMENT, OR WHICH, AS A RESULT OF INFILLING, CONSOLIDATES EXISTING AREAS OF DEVELOPMENT, WILL NOT BE PERMITTED.**

- 5.3.2 The proposals will not extend the defined urban area being located within it and as such Policy ENV32 is complied with. In terms of consolidation referred to in the policy, the written text supporting the policy defines this as follows:

'Also within this area, there are many small parcels of land, which due to their limited size and the effect of development on their character and appearance may be difficult to protect under normal countryside restraint policies. The development of such sites would lead to both coalescence and consolidation of the scattered settlements in the area, much to its detriment'

Again in my view this does not apply to the application site as the site is not in the countryside.

- 5.3.3 The proposals should also be considered alongside the 'Planning for Schools Development' statement issued by the Communities Secretary in 2011. This document is a material consideration and is appended to the report at Appendix One. There is a clear presumption in favour of allowing new state-funded school development (including free schools) and authorities should only refuse permission where there is clear and cogent evidence that leads to that conclusion.

## **5.4 Highways**

- 5.4.1 The impact of the traffic generated by the development on the local highway network is the key consideration in relation to this application. Clearly there will be an increase in traffic as a result of the development and an additional impact on the local road network. The issue is whether this will be so significant as to justify and sustain a refusal on highway grounds.
- 5.4.2 The submitted Transport Assessment considers the impact of the Primary School, the proposed Studio School, the New Line Learning Academy at full capacity and also takes into account a potential housing development on some of the existing school land to the south. Members are advised that no application for residential development has yet been submitted.
- 5.4.3 It is not the case therefore that this application and the studio school application (MA/12/1994), have been considered in isolation.



- 5.4.4 The approach taken to assess the traffic implications of the development is considered to be robust and appropriate. Kent Highway Services have fully considered the Transport Assessment and its later Addendum and have confirmed that there will be an 11% increase in traffic at the junction of Boughton Lane/Cripple Street/Loose Road as a result of the developments currently proposed when at capacity, and taking into account the trips generated by the academy when at full capacity and also the potential residential development.
- 5.4.5 As Members will be aware, this junction has recently been signalised. Having considered the capacity and impact of the development, it is considered that there are no cost-effective improvements which could be made to fully mitigate these impacts.
- 5.4.6 As a result it is necessary to consider appropriate measures to improve sustainable transport provision in the locality and to ensure a robust Travel Plan is prepared to seek to reduce car-born traffic and improve modal split over-time away from car-based journeys. This is also a requirement from the Environmental Health team which has recommended a condition requiring details of reduction/off-setting measures to reduce transport based air pollution arising from the development during construction and when in occupation.
- 5.4.7 As Members will be aware, the Council is, through the Draft Integrated Transport Strategy and Draft Core Strategy Transport policy seeking the provision of a dedicated 'bus-lane along Sutton Road/Loose Road as far as Armstrong Road/Parkway junction.
- 5.4.8 It is considered appropriate that a contribution for Phase-one of the 'bus-lane between 'The Wheatsheaf' junction and Armstrong Road is sought. Kent Highway Services have indicated following negotiation with the applicants that for both this application and the Studio School application (MA/12/1994) it would be appropriate to seek a contribution in total of half the Phase-one cost of £45,000
- 5.4.9 Subject to this contribution being secured, no objections are raised to the development on highway grounds.

## **5.5 Visual impact and impact on residential amenity**

- 5.5.1 Given that layout, appearance and scale are reserved matters it is not possible to fully assess the potential visual impact of the development.
- 5.5.2 However, the indicated siting of the building is considered to be appropriate and well related to the existing academy building. The indicated scale parameters are also considered acceptable. The building in its indicated location would not erode

the openness of the site and would be well-grouped with the existing buildings on the site.

- 5.5.3 The building would be located in excess of 50m from the western site boundary and some 75m from the nearest residential property. The western boundary is also wooded and protected by virtue of TPO no 17 of 2002 and this woodland would be retained, further screening and mitigating the impact of the development.
- 5.5.4 The existing academy buildings are glimpsed through the trees to the south of the site along Boughton Lane and the additional building would not unacceptably add to the visual bulk and mass of the development on the site. Similarly the building would not look out of context when viewed from the public footpath (KB26) that runs along the eastern boundary of the academy site.
- 5.5.5 In my view the development would not appear cramped given the space that would be retained around the buildings.
- 5.5.6 I consider that with appropriate design and siting the development would not have an adverse visual impact on the area or an unacceptable impact in terms of privacy or overlooking of residential properties.

## **5.6 Landscaping and ecology**

- 5.6.1 The proposed site of the building will not have any implications for ecology in and of itself as it is a well maintained grassed area. The Kent County Council Biodiversity team have recommended that a minimum 3m buffer is maintained between the building and the woodland to the west and that this buffer is managed for biodiversity. They have also recommended enhancement measures are secured and that a further badger survey is carried out. These details can be secured by appropriate conditions.
- 5.6.2 Subject to appropriate detailing at Reserved matters stage I do not consider that the development will have an adverse impact on landscape features or ecology.

## **5.7 Other Matters**

- 5.7.1 A Contamination study has been submitted as part of the application. The risk of contamination has been identified as low but as a precautionary measure further investigative work is recommended. The Environmental Health team concur with this precautionary approach and have recommended a condition requiring a remediation statement and a validation/closure report, be imposed on any permission. I too concur with this approach and consider such a condition to be appropriate and necessary.

5.7.2 Kent County Heritage Conservation has recommended a condition requiring a programme of archaeological work to be submitted and approved. I also consider this request to be reasonable and an appropriate condition should be imposed.

## **5.8 S106 obligations**

5.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the CIL Regulations 2010 and para 204 of the NPPF 2012. This has strict criteria that set out that any obligation must meet the following requirements: -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As set out earlier in the report, Kent Highway Services have requested a contribution of £45,000 towards the provision of a 'bus-lane from the junction of Loose Road/Sutton Road at 'The Wheatsheaf' PH northwards towards Armstrong Road.

5.8.2 The signalised junction of Boughton Lane and Loose Road is at or near capacity and it would be subject to an 11% increase in traffic as a result of the proposed development at the New Line Learning site. There are no cost-effective measures that can be implemented to mitigate the impact of this additional traffic at the junction rendering it necessary to consider appropriate measures to improve sustainable transport provision in the locality.

5.8.3 The requested contribution is based on forecast usage by households associated with the development proposals and seeks to improve public transport accessibility and thereby increasing its attractiveness as a mode of transport. The contribution is therefore considered necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in kind and scale to the development.

## **6. CONCLUSION**

6.1 The proposed school is acceptable in principle and subject to appropriate detailed design being secured at Reserved Matter stage it is not considered that the indicated siting would have any adverse impact on residential amenity or the character and appearance of the area as a whole. There will also, subject to appropriate design and enhancement measures being achieved at reserved matters stage, no adverse impact in terms of ecology or landscaping.

- 6.2 Subject to the s106 contribution secure the contribution towards the first phase of a 'bus-lane for the section that would run between 'The Wheatsheaf' junction (Loose Road/Sutton Road) and Armstrong Road, there are no highway objections to the development as proposed.
- 6.3 Subject to the above and appropriate conditions no objections are raised to the proposals approval for which would accord with the principles set out in the 'Planning for schools development' - Policy Statement.

## **7. RECOMMENDATION**

Subject to:

A: The prior completion of a s106 agreement in such terms as the Head of Legal Services may advise to secure a contribution, in conjunction with application MA/12/1994, of £45,000 towards the provision of a dedicated 'bus-lane along the A229 Loose Road between its junction with the A274 Sutton Road and Armstrong Road.

The Head of Planning be given Delegated Powers to GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
  - a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded pursuant to policy BE6 of the South East Plan 2009 and the advice in the NPPF 2012.

3. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:

1: A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

2: A Closure/validation Report is submitted upon completion of the works. The closure report shall include full verification details as set out above. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To prevent harm to human health and pollution of the environment pursuant to the advice in the NPPF 2012.

4. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant to policy CC6 of the South East Plan 2009.

5. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity pursuant to policy CC6 of the South East Plan 2009.

6. The development shall not commence until an updated badger survey of the site and adjoining area has been undertaken and the details submitted for approval to the local planning authority. The report shall include as appropriate details of precautionary mitigation measures. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure the protection of wildlife and supporting habitat pursuant to the advice in the NPPF 2012.

7. The details of landscaping pursuant to condition 1 above shall include inter-alia,  
1: Details of a minimum 3m wide buffer between the development site and the adjacent woodland to the west together with a management programme showing the area to be managed to the benefit of biodiversity.  
2: Details of enhancement measures to increase roosting opportunities for bats and birds  
3: Details of Tree Protection Measures and Root Protection Areas in accordance with BS5837:2012 'Trees in Relation to Design, Construction and Demolition-Recommendations'

Reason: To ensure the enhancement and protection of wildlife and supporting habitat pursuant to the advice in the NPPF 2012.

8. The development shall not commence until details of foul and surface water drainage which shall incorporate SUDS have been submitted to and approved by the local planning authority in consultation with Southern Water. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to the advice in the NPPF 2012.

9. The development shall not commence until details showing the provision of a total of not more than 240 parking spaces within the overall site together with sufficient turning area to enable vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (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 provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

10. The primary school building hereby permitted shall achieve a minimum BREEAM New Construction rating of at least Very Good. No part of the building shall be occupied until a final certificate has been issued for it certifying that a BREEAM New Construction rating of at least Very Good has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with Kent Design and Policy CC4 of the South East Plan 2009.

11. The details of reserved matters of layout, appearance and scale submitted pursuant to condition 1 above shall include inter-alia;

- (i) The maximum height of the building(s) not exceeding 15m
- (ii) The maximum dimensions of the development not exceeding 60m in length and 40m in width
- (iii) Details of the provision of cycle parking spaces

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

Reason: No such details have been submitted and to ensure an appropriate size for the building pursuant to policies CC6 and BE1 of the South East Plan 2009 and the advice in the NPPF 2012.

12. The development shall be operated in accordance with a Travel Plan to be submitted to and approved by the Local Planning Authority prior to the first occupation of the buildings. The Travel Plan shall be subject to review at 2 yearly intervals thereafter.

Reason: To minimise reliance on the use of the private car in the interests of sustainable development and to ensure safety and free flow of traffic on the surrounding highway network, in accordance with policy T5 of the South East Plan 2009.

13. The development hereby permitted shall be carried out in accordance with the following approved plans: T0216/SK03revP1,DHA/9152/01and DHA/9152/02;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy CC6 of the South East Plan 2009.

**Informatives set out below**

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles in connection with the construction of the development may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

Construction traffic and worker's vehicles in association with the development should only park within the application site and not on surrounding roads in the interests of highway safety.

The developer shall undertake a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54.



When designing the lighting scheme for the proposed development the recommendations by the Bat Conservation Trust must be considered (where applicable)

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds

#### Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.