

PLANNING APPLICATIONS COMMITTEE

Wednesday, 22nd January, 2025

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 22nd January, 2025, at 10.00 am
Council Chamber, Sessions House, County Hall, Maidstone

Ask for: **Emily Kennedy**
Telephone: **03000419625**

Membership (13)

Conservative (10): Mr A Booth, Mr H Rayner (Vice-Chairman), Mrs R Binks, Miss S J Carey, Mr P Cole (Chair), Mr D Crow-Brown, Mr M Dendor, Mr O Richardson and Mr C Simkins

Labour (1): Ms J Meade

Liberal Democrat (1): Mr I S Chittenden

Green and Independent (1): Ms J Hawkins

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Apologies
2. Declarations of Interest
3. Minutes (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE APPLICATIONS

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. D1 - Erection of a single-storey extension to allow for the expansion of the school from 1FE to 2FE, internal and external alterations to include a new relocated school entrance, separate nursery entrance and covered walkway and associated landscaping and parking provision at Lenham Primary School, Ham Lane, Lenham, Maidstone, Kent, ME17 2QG - MA/24/503842 (KCC/MA/0121/2024) (Pages 7 - 40)

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 41 - 42)
2. County Council developments (Pages 43 - 46)
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 47 - 48)
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 49 - 50)

F. KCC RESPONSE TO CONSULTATIONS

1. F1 - Maidstone Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD) (Regulation 18b) Consultation (plus appendix 1). (Pages 53 - 60)
2. F2 - Hurst Green Neighbourhood Plan – Regulation 16 Submission Consultation (Pages 61 - 64)

G. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Tuesday, 14 January 2025

(Please note that the draft conditions and background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report.)

COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 13 November 2024.

PRESENT: Mr P Cole (Chair), Mr H Rayner (Vice-Chairman), Mrs R Binks, Mr A Booth, Miss S J Carey, Mr I S Chittenden, Mr D Crow-Brown, Mr M Dendor, Ms J Hawkins, Ms J Meade and Mr O Richardson

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Ms Tamboo (Principal Solicitor), Mr J Bickle (Principal Planning Officer) and Mr J Clapson (Democratic Services Officer)

UNRESTRICTED ITEMS**1. Election of Chairman**

(Item A1)

Mr Rayner, Vice-Chair, opened the meeting and conducted the election of the Chair.

Miss Carey proposed, Mr Crow-Brown seconded and Members agreed that Mr Cole be elected Chair of the Committee for the remainder of the municipal year.

2. Apologies

(Item A2)

Apologies were received from Mr Simkins.

3. Declarations of Interest

(Item A3)

Mr Crow-Brown declared an interest in item C1 - Proposed installation, operation and decommissioning of ground mounted solar photovoltaic (PV) array with associated infrastructure and biodiversity enhancement at Weatherlees Hill Wastewater Treatment Works, Jutes Lane, Weatherlees Hill, Ramsgate, Kent, CT12 5DJ. He advised that he was the local member for the area and confirmed that he would consider the evidence presented at the meeting with an open mind, before coming to an opinion on the application.

Mr Booth declared an interest in item F4 - Dover District Local Plan 2040 – Main Modifications Consultation, as he also sat on the Swale Borough Council Planning Committee.

4. Minutes

(Item A4)

RESOLVED that the minutes of the meeting held on 11 September 2024 were correctly recorded and that they be signed by the Chair.

5. Site Meetings and Other Meetings

(Item A5)

There were no site visits scheduled.

6. General Matters

(Item B1)

Mrs Thompson advised that the Council's response to the Government's consultation on a new National Planning Policy Framework (NPPF) was included in section F of the agenda pack. The new NPPF was expected to be finalised before the end of the year, and the elements that did not require primary and secondary legislation would take immediate effect. It was intended that Members would be given training on the new NPPF upon the rising of the Committee meeting in February 2025.

7. C1 - Proposed installation, operation and decommissioning of ground mounted solar photovoltaic (PV) array with associated infrastructure and biodiversity enhancement at Weatherlees Hill Wastewater Treatment Works, Jutes Lane, Weatherlees Hill, Ramsgate, Kent, CT12 5DJ – TH/24/401 (KCC/TH/0041/2024)

(Item C1)

- 1) Mr Bickle, Principal Planning Officer outlined the report.
- 2) It was proposed by Chair and seconded by the Vice Chair:

That the officer's recommendation be adopted, namely:

That PERMISSION BE GRANTED, SUBJECT TO:

the imposition of conditions covering (amongst other matters) the following:

Statutory Biodiversity Net Gain Condition

- *BNG – the statutory condition requiring a Biodiversity Gain Plan demonstrating a minimum of 10% net gain to be approved prior to commencement.*

Timescales

- *Commencement of development within 3 years;*
- *The use shall cease no later than 30 years from the 'date of energisation' and the development restored thereafter within 6 months;*
- *'Date of energisation' to be provided to the Local Planning Authority in writing within 28 days of energisation;*

Approved Plans

- *Development to be carried out in accordance with approved drawings;*

Prior to commencement

- *Submission of an archaeological watching brief for approved and its implementation during construction;*
- *Submission of a pre commencement survey and review of the ecological mitigation measures;*

- *Submission of a Construction Environmental Management Plan (CEMP), including provision of an Ecological Clerk of Works for the construction period;*
- *Submission of a Construction Traffic Management Plan;*
- *Submission of a detailed sustainable surface water drainage plan based on the submitted Flood Risk Assessment;*

Construction controls

- *No construction shall take place during the wintering bird season (October to March inclusive);*
- *Construction shall take place between 07:00 and 20:00 hours Monday to Friday and between 07:00 and 16:00 hours on Saturdays;*
- *The development shall be carried out in such a manner to avoid damage to any existing trees/hedges, including the provision of proposed buffer zones;*

Prior to energisation / first operation

- *Prior to energisation an updated final version of the Habitat Management Plan shall be submitted for approval and implemented thereafter;*
- *Submission of a verification report confirming implementation of SUDS;*
- *Unless updated by the Biodiversity Gain Plan, completion of the landscape planting set out in the application within the first planting season following energisation;*

Operational controls

- *Removal of permitted development rights;*
- *No external lighting shall be erected without the prior written approval;*
- *Repairs and maintenance shall take place between 07:00 and 18:00 hours Monday to Saturday;*
- *The landscape planting implemented shall be maintained and any plants/trees which die, are removed or become seriously damaged or diseased shall be replaced within the next planting season;*

Decommissioning and restoration

- *6 months prior to the completion of the 30 year energisation period a Decommissioning and Restoration Method Statement shall be submitted for written approval;*
- *No decommissioning work to take place until a method statement for the protection of biodiversity during the decommissioning works has been approved;*
- *If electricity generation ceases for 6 months, or if construction works commence then cease for a period in excess of 6 months prior to being completed, all development and fixtures shall be removed and the site restored in accordance with a scheme to be agreed in written with the County Planning Authority; and*
- *Following decommissioning the site shall be restored to the agricultural use and condition prior to the development commencing;*

I FURTHER RECOMMEND that MEMBERS ENDORSE the decision that the County Planning Authority adopts the shadow Habitat Regulations Assessment dated 11 January 2024 in satisfying the County Council's obligations under The Conservation of Habitats and Species Regulations (2017).

- 3) Following questions and debate it was agreed that the following additions be made to the motion:

Condition:

- a. A new condition be added to the 'Prior commencement' conditions that required submission of details about the fencing, including the colour.

Informative:

- a. The applicant should explore the potential for a local liaison group with the Parish Council and interested stakeholders.

4) Upon being put to the vote, the amended motion was declared CARRIED.

8. E1 - County matter applications

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the meeting on 11 September 2024 relating to:

E1 County matter applications.

9. E2 - County Council developments

(Item E2)

RESOLVED to note matters dealt with under delegated powers since the meeting on 11 September 2024 relating to:

E2 County Council developments.

10. E3 - Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

(Item E3)

RESOLVED to note matters dealt with under delegated powers since the meeting on 11 September 2024 relating to:

E3 - Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

11. E4 - Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

(Item E4)

RESOLVED to note matters dealt with under delegated powers since the meeting on 11 September 2024 relating to:

Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

12. F1 - Proposed reforms to the National Planning Policy Framework and other changes to the planning system

(Item F1)

RESOLVED to note Kent County Council's response to:

Proposed reforms to the National Planning Policy Framework and other changes to the planning system.

13. F2 - Public Consultation on New Evidence Base Documents – Tunbridge Wells Borough Council Local Plan
(Item F2)

RESOLVED to note Kent County Council's response to:

Tunbridge Wells Borough Council Local Plan

14. F3 - Consultation on planning application 21/503906/EIOUT - Outline application for a proposed development at land to the West of Teynham, London Road, Teynham
(Item F3)

RESOLVED to note Kent County Council's response to:

Outline application for a proposed development at land to the West of Teynham, London Road, Teynham

15. F4 - Consultation on planning application 21/503914/EIOUT - Outline application with all matters reserved for a proposed development at land south and east of Sittingbourne
(Item F4)

RESOLVED to note Kent County Council's response to:

Outline application with all matters reserved for a proposed development at land south and east of Sittingbourne

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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

Erection of a single-storey extension to allow for the expansion of the school from 1FE to 2FE, internal and external alterations to include a new relocated school entrance, separate nursery entrance and covered walkway and associated landscaping and parking provision at Lenham Primary School, Ham Lane, Lenham, Maidstone, Kent, ME17 2QG - MA/24/503842 (KCC/MA/0121/2024)

A report by Head of Planning Applications Group to Planning Applications Committee on 22nd January 2025.

Application by Kent County Council for erection of a single-storey extension to allow for the expansion of the school from 1FE to 2FE, internal and external alterations to include a new relocated school entrance, separate nursery entrance and covered walkway and associated landscaping and parking provision at Lenham Primary School, Ham Lane, Lenham, Maidstone, Kent, ME17 2QG - MA/24/503842 (KCC/MA/0121/2024)

Recommendation: The application BE REFERRED to the Secretary of State for Housing, Communities and Local Government to consider the Sport England objection, and SUBJECT TO her decision, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions.

Local Member: Mrs Shellina Prendergast

Classification: Unrestricted

Site

1. The application site lies within the village of Lenham which is a small historic market village located approximately 9km to the south-east of Maidstone. The existing school is located in the heart of the village, and is accessed from Ham Lane to the south of the site. Maidstone Road forms the northern boundary of the site, and the Lenham Cricket Ground, children's playground and a new development of three houses (The Russells) lie to the east. The residential development of Mitchell Close and Swadelands Close abut the school to the west, alongside the Lenham Bowls Club. The Lenham School, a secondary school, lies further to the west along Ham Lane, whilst the remainder of the wider locality is predominantly residential development. The centre of the village lies to the east and the railway station lies to the south. Lenham Conservation Area lies to the east of the site abutting the playing field boundary, but the school falls outside the Conservation Area. The Kent Downs National Landscape (formerly the AONB) lies to the north of the village on the northern side of the A20. These designations are shown on the General Local Plan on page D1.3.
2. The existing school is made up of a number of buildings that are inter linked, constructed over different periods. The main classroom elements of the school are single storey in height, with the school hall having a higher mono-pitched roof and a

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glazed wall, and the central plant area rising above the hall slightly. The school is constructed with yellow/buff coloured brick with large amounts of glazing and infill panels. The school buildings occupy the south-western corner of the site; the playground and trim trail lie to the east of this and the school playing field extends to the rear (north). Mature trees surround the eastern and northern boundaries of the site along with security fencing. The western boundary is marked by close board fencing and a mature hedge with a scattering of trees. There are also a number of mature trees along the southern boundary, along with a mixture of green hooped railings and a brick wall marking the edge of the site on the Ham Lane frontage.

3. Access to the school is solely from Ham Lane to the south. Vehicular access is in the southwestern corner, through a gated access, leading to a staff car park of 13 parking spaces located on the western edge of the site. There is a separate pedestrian access point alongside the vehicular one in this location, plus an additional pedestrian gate approximately half way along the site frontage. A footpath runs along both sides of Ham Lane and there are zig zag keep clear markings on the road in front of the school. A footpath also runs down the eastern side of the site in between the school site and the children's playground and runs round the cricket field, providing a link through to Maidstone Road. There is also a pedestrian route from Ham Lane through Mitchell Close and Swadelands Close to reach Maidstone Road.

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General Location Plan



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Site Location Plan



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Proposed Site Layout



(classroom extension highlighted for clarity)

Item D1

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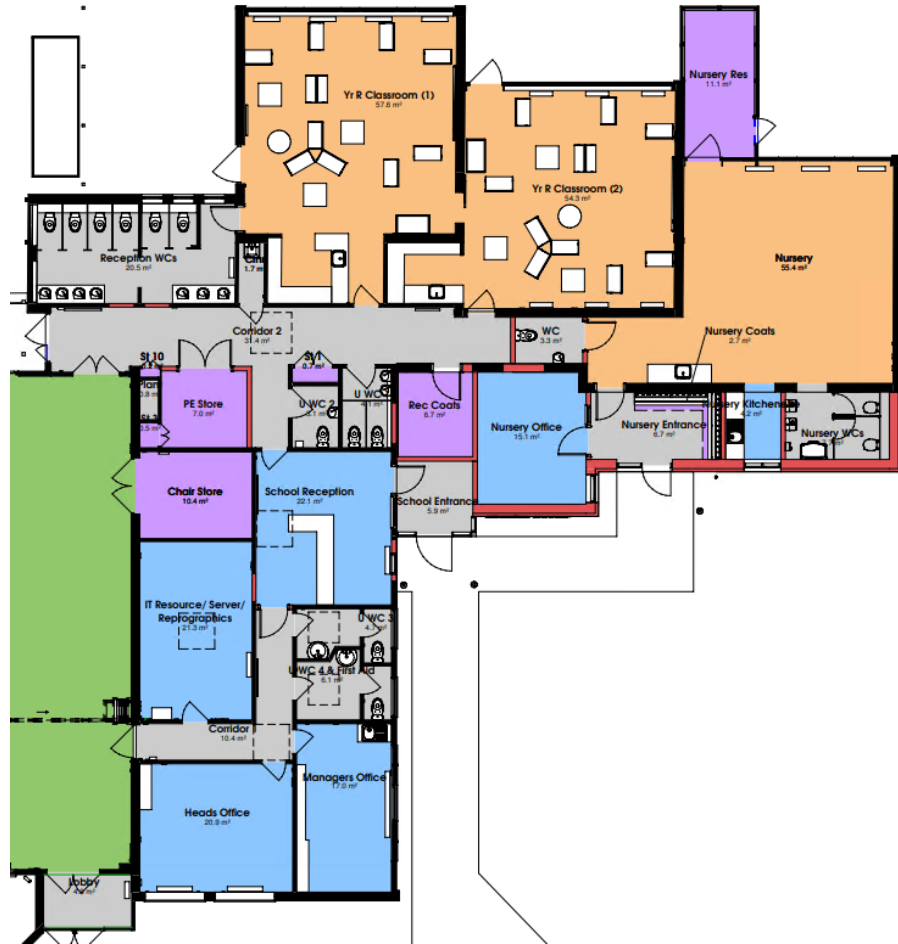
Proposed Ground Floor Layout



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Extension and alterations for nursery and new school entrance

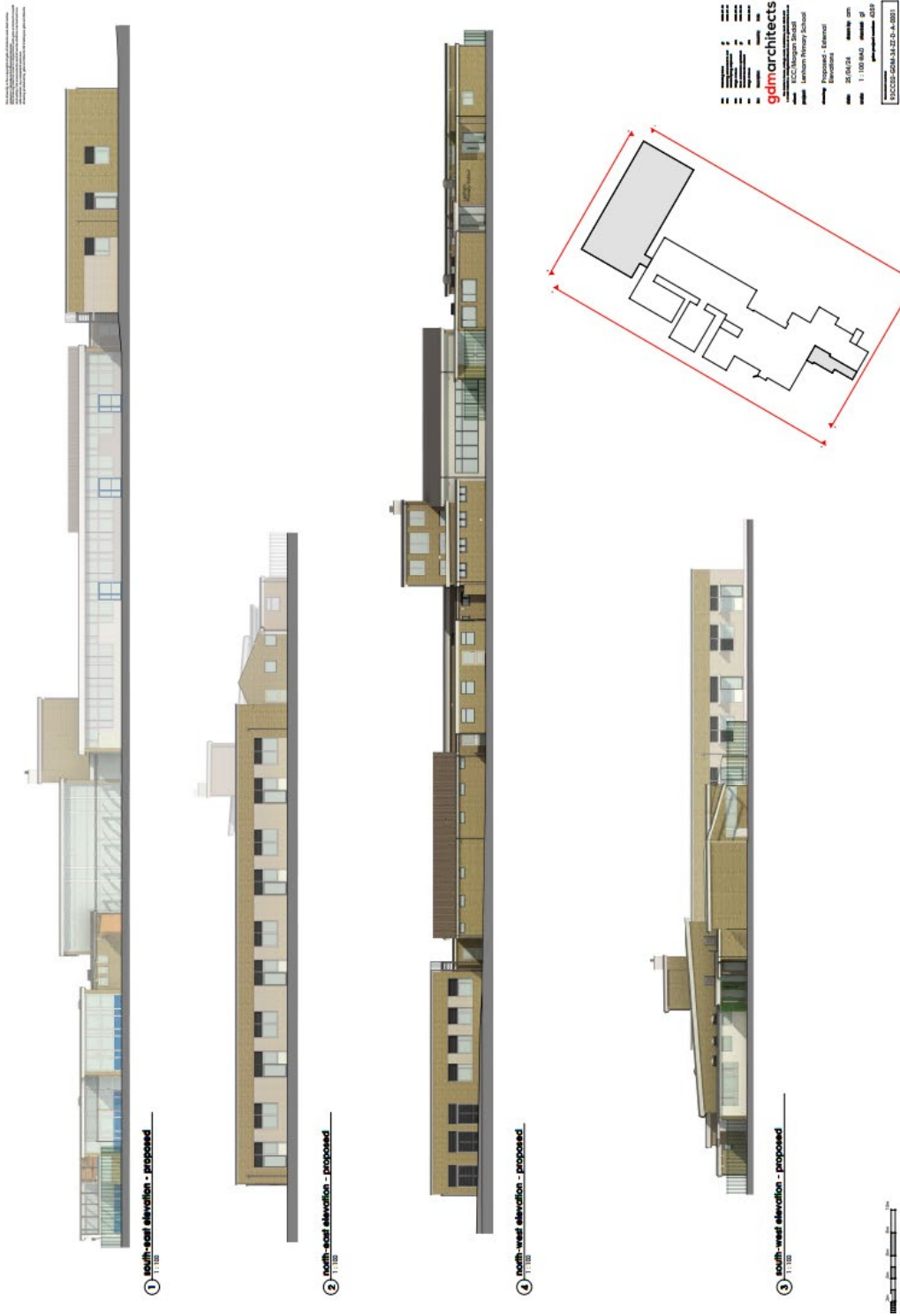


existing walls
proposed walls



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Elevations



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Planning History

4. There are a number of historic planning applications for the school (the most recent being in 2010 for the replacement of the boundary fencing along Ham Lane with hoop topped metal railings) but none that are relevant to the current application.

Proposal

5. The proposal is for the construction of a single storey extension to the north of the existing school, to allow for the expansion of the school from 1 Form Entry (FE) to 2 FE. This would be an increase in pupil numbers from 210 to 420, and an increase in staff numbers from 28 to 45. The applicant has requested a 5 year permission for the development. The extension would have a rectangular footprint and be sited perpendicular to the existing school buildings, and accessed by a new link at the end of the existing corridor. The extension would provide 8 new classrooms off a central corridor, a group room, staff room, toilet facilities (male, female and accessible), externally accessed PE store and a plant room. All classrooms would have a door to access the external spaces. The building would have a flat roof surrounded by a parapet wall to allow access for maintenance via an external staircase.
6. In addition to the new extension some alterations are proposed to the existing school, including a small extension to create a new nursery entrance and office, along with dedicated nursery toilets and kitchen facilities. A new school entrance and reception would be created in this area too, allowing the existing reception to be converted into a studio space forming an extension to the school hall. A separate external covered walkway would be created running along the outside of the school hall on the east side elevation, which would allow students and staff to move between the two elements of the existing school, without having to go through the hall itself, as happens currently.
7. The building would be constructed using yellow bricks to match the existing school, and contrasting quartz white bricks as a feature around the windows and doors. The external window frames would be aluminium powder coated white (RAL 9010) as would the brise soleil panels over the windows on the southern elevation; and the glazed louvre panels, external staircase, roof vents and rainwater goods would all be powder coated in anthracite grey (RAL 7016). The cladding alongside the relocated school entrance would be high pressure laminate in green. An external staircase would provide permanent access to the roof, where solar panels would be positioned in a southerly facing array.
8. The vehicular access to the school off Ham Lane would be retained, but the existing car park would be extended to the north with a further 23 parking spaces being provided alongside the proposed extension. The existing parking area would be remarked, so that in total 38 parking spaces would be provided on site, including 2 visitor spaces and 2 accessible spaces. Three of the parking spaces would be provided with 'active' electric vehicle charging infrastructure. Cycle parking would also be increased on site, with a further 10 spaces being provided, to bring the total provision to 20 cycle spaces.

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9. The existing and extended car park is proposed to be lit using 4m high column LED lamps. There would be 8 columns in total, 6 located along the western boundary, one at the end of the extended car park, and one on the access road near Ham Lane. In addition wall lights would be included on the western elevation of the new extension, and adjacent to the link between the new and old buildings – 4 in total. To provide a fully secure line for the school, a new 2m high green weld-mesh fence would be provided along the front of the school building and staff parking areas, set back from the road frontage which is already delineated with existing brick wall and hoop top railings.
10. The proposed extension would be sited on part of the existing playing field with the remainder being retained for soft PE (playing fields). Areas of soft informal play would be retained to the east of the existing school surrounding the existing hard PE and hard informal spaces. Landscaped areas and additional boundary treatment around the edges of the retained playing field and to the front of the site along Ham Lane would also be provided. A habitat area would also be retained and enhanced along the eastern boundary. The application includes a landscape scheme for the site, including new tree planting, and proposals to secure Biodiversity Net Gain in excess of 10%.

Planning Policy

11. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:

- (i) **National Planning Policy Framework (NPPF) December 2024** and the **National Planning Practice Guidance** sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications, the NPPF states that local planning authorities should approach decisions in a positive and creative way, and decision takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- That development should only be prevented or refused on highway 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 (paragraph 116);
- Developments that will generate significant amounts of movement should be required to provide a travel plan...so that the likely impacts of the proposal can be assessed and monitored (paragraph 118);

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- Ensure developments function well and add to the overall quality of the area, are visually attractive, sympathetic to local character, optimise the potential for the site, and create inclusive and accessible places with a high standard of amenity for existing and future users (paragraph 135);
- Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use (paragraph 104);

In addition Paragraph 100 states that: *It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

- (ii) **Policy Statement – Planning for Schools Development** (15 August 2011) sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. It is the Government’s view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations.

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.
- Local authorities should make full use of their planning powers to support state-funded school applications. This should include engaging in preapplication discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out on the Planning Practice Guidance website. Planning

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conditions should only be those absolutely necessary to making the development acceptable in planning terms.

- Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants.
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.

(iii) The adopted **Maidstone Borough Council Local Plan 2021-2038 (March 2024)**

The most relevant Development Plan Policies summarised below are relevant to the consideration of this application:

Policy LPRSP6(D) – Lenham (Rural Service Centre): In addition to setting out housing and employment allocations in Lenham the policy also states (section b) that there should be the provision of a one form entry expansion at either Lenham or Harrietsham Primary Schools.

Policy LPRSP14(A) – Natural Environment: Provides a list of measures new development should incorporate to ensure the environment is protected and enhanced including delivering biodiversity net gain; control pollution to protect ground and surface waters; enhance, extend and connect habitats; provide ecological impact assessments and arboricultural impact assessments to take into account biodiversity and natural assets on site; and support nature conservation objectives.

Policy LPRSP14(B) – Historic Environment: Part 8 states that the Council will encourage the protection, conservation and enhancement of the historic environment and archaeological landscapes appropriate to their significance.

Policy LPRSP14(C) – Climate Change: To ensure that development in the Borough mitigates against climate change the policy requires, amongst other matters, (4) to support the provision of renewable energy infrastructure within new development, (9) the submission of a Flood Risk Assessment for sites over 1 hectare in size, and (10) require development to have regard to surface water management.

Policy LPRSP15 – Principles of Good Design: States that proposals should create a high quality design and should meet certain criteria, as appropriate, to be permitted. For this proposal these include: designs and layout accessible to all; respond positively to and enhance the character of the area; incorporate high quality modern design approach and make use of vernacular materials where appropriate; respect the amenities of neighbouring occupiers and provide adequate residential amenities by ensuring proposals do not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion or loss of light; respect the topography of the site with particular attention paid to the retention and addition of native vegetation appropriate to local landscape character around the site boundaries; provide a high quality design;

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maximise the opportunity for sustainable elements to be incorporated; protect and enhance any on-site biodiversity; have regard to national and local design guides and codes; safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network; create a safe and secure environment; provide adequate vehicular and cycle parking to meet adopted council standards.

Policy LPRTRA2 – Assessing the Transport Impacts of Development: This policy states that development proposals must demonstrate that the impact of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual highway safety or capacity impacts.

Policy LPRTRA4 – Parking: This policy states that for all new non-residential development, provision for all types of vehicle parking should be made in accordance with advice by Kent County Council as Local Highways Authority. Proposals for non-residential development which includes the provision of parking shall provide electric vehicle charging points at a minimum of 50% active and 50% passive Electric Vehicle charging points. The Council may depart from established maximum or minimum standards to take account of specific local circumstances that may require a higher or lower level of parking provision, but any departure will be informed by consultation with the Local Highways Authority.

Policy LPRINF2 – Community Facilities: Part 3 of this policy states that specific proposals affecting open space, sports and recreation assets requiring permission will not be permitted unless they accord with the relevant sections of the NPPF and Sport England's Playing Field Policy.

Policy LPRQD1 – Sustainable Design: Part 2 of this policy states that proposals for new development shall demonstrate how the scheme has adopted a 'fabric first' approach to sustainable design, by incorporating energy efficiency measures into new buildings. Part 4 states that non-residential development, where appropriate and technically feasible and viable, should meet BREEAM Technical Standard (2018) Very Good rating. Part 6 states that all developments will be expected to incorporate 10% on-site renewable or low carbon energy production where appropriate and part 8 states that proposals shall incorporate into the fabric of the building bird, bat and bee habitats, and shall provide the planting of native tree and shrub species, wildflower grasses and habitats for insects and invertebrates where appropriate.

Policy LPRQD2 – External Lighting: External lighting will be permitted if the scheme meets various criteria, including demonstrating by illuminance contour diagrams that the minimum number, intensity, height and timing of lights is proposed to be locationally appropriate; the design and specification of the lighting would minimise glare and light spillage, and would not dazzle or distract drivers or pedestrians using nearby highways; the lighting scheme would not be visually detrimental to its immediate or wider setting, particularly dark landscapes, and would be of appropriate colour temperature for its location and ecological impact; the impact on wildlife and biodiversity is minimised through appropriate mitigations; and any development affecting protected species follows specific guidance on lighting.

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- (iv) The **Lenham Neighbourhood Plan 2017-2031 (July 2021)**. The overarching vision of the Neighbourhood Plan is to 'protect the heritage features of Lenham village and the hamlets of the Parish, and their setting in relation to the National Landscape (formerly AONB), and the rural parts of the Parish, while allowing appropriate growth'. The Neighbourhood Plan includes guidance and policies relating to quality of design, active smarter and sustainable travel, enhancing and protecting green space, employment, community facilities, tourism, air quality and renewables and strategic housing delivery sites. In addition it includes specific policy relating to primary education as follows:

Policy ED1 – Lenham Primary School: The Lenham Primary School site, as shown on the Lenham Local Policies Map, will be safeguarded for educational use. Proposals to increase the capacity of the school on its current site will be supported. The use of the school facilities for multi-functional community activities will be supported, where there are no adverse impacts upon local residential amenity.

Consultations

12. The following consultee responses were received as a result of the consultation carried out.

Maidstone Borough Council raise no objection to the application. They state that the application satisfies the relevant policies of the development plan – Maidstone Local Plan Review 2024 – and would be considered acceptable in terms of visual and residential amenity.

Lenham Parish Council formally support the extension to Lenham Primary School. They state that they are aware of at least 20 village children who cannot attend the current school because it is oversubscribed. In addition they note that Lenham is earmarked for more development over and above the additional 1000 homes yet to be built as detailed in the Neighbourhood Plan.

KCC Highways and Transportation Officer raises no objection subject to the imposition of conditions to secure that construction be carried out in accordance with the submitted Construction Management Plan; the provision and permanent retention of vehicle parking spaces; vehicle loading, unloading and turning facilities; and cycle parking spaces; and the submission of an updated School Travel Plan prior to occupation of the new building whose aim is to reduce dependency on the private car.

KCC Biodiversity Officer raises no objection subject to the deemed condition requiring the submission and approval of the Biodiversity Gain Plan prior to the commencement of development; a condition to secure the submission of a habitat creation, enhancement, management and monitoring plan; a lighting condition and an informative regarding undertaking tree removal outside of the bird breeding season.

Sport England raises a statutory objection to the application, because it is considered that the scheme does not accord with any of the exceptions of the Sport England Playing Field Policy or paragraph 104 of the NPPF.

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Environment Agency have no comments to make for this application as they consider the scheme low risk due to its scale, nature and setting.

KCC School Travel Planner raise no objection to the application, noting that the School have a Travel Plan in place (from 2023) and undertook an annual review in 2024, which acknowledged the wish for the school to expand to 2FE.

KCC Flood and Water Management Officer raises no objection subject to the imposition of conditions to secure the submission of a sustainable surface water drainage scheme prior to the commencement of development; that there shall be no infiltration of surface water into the ground unless in accordance with approval from the County Planning Authority; and that there shall be no occupation of the new building until a verification report for the surface water drainage scheme has been submitted to and approved by the Country Planning Authority.

KCC County Archaeological Officer raises no objection subject to the imposition of a condition to secure a written specification for archaeological field evaluation works prior to the commencement of development.

Local Member

13. The local County Member for Maidstone Rural East, Mrs Shellina Prendergast was notified of the application on 13 September 2024. No comments have been received.

Publicity

14. The application was publicised by the posting of 4 site notices (3 along the school frontage on Ham Lane and 1 in Mitchell Close), along with an advertisement in a local newspaper. In addition, as there was not a suitable location to post a site notice in Swadelands Close to the north-west of the site a copy of the site notice was hand delivered to the 4 properties which directly back onto the school site close to the proposed location of the development.

Representations

15. In response to the publicity, one letter has been received objecting to the application from a resident of Mitchell Close. The key points raised can be summarised as follows:
 - Expansion of school does not take into account the increase in traffic on roads which are already highly congested
 - Insufficient staff parking – staff already park on surrounding roads
 - Ham Lane is a bus route
 - Application doesn't take into account the new nursery planned to be built opposite the primary school which will also impact cars parking on Ham Lane
 - It is considered that the increased traffic for the school expansion and cars entering the tiny junction for the new nursery would cause havoc
 - Should consider a parent pick up/drop off area along the front of the school

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- Development will impact the village forever

Discussion

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 11 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings – the principle of development and education need; siting and design; loss of playing fields; transportation impacts; impact on residential amenity; landscape, trees and visual impact; ecology and Biodiversity Net Gain; archaeology; flood risk and drainage; sustainability; contamination; and noise impacts.

Principle of Development and Education Need

17. As set out in the Policy section above (paragraph 11) there is specific policy support in both the adopted Maidstone Local Plan (2024) (Policy LPRSP6(D)) and the Lenham Neighbourhood Plan (Policy ED1) for an expansion of the Lenham Primary School. Lenham village has experienced significant growth over the past decade and it is expected that a further 1,200 homes will be constructed in the following 10 years. Consequently the expansion of Lenham Primary School is becoming more pressing as the number of homes in the village increases. Lenham Parish Council noted in their consultee response supporting the application, that they are aware of at least 20 village children who cannot attend the current school because it is oversubscribed. Maidstone Borough Council also raised no objection to the application stating that it would accord with policies of the adopted Local Plan.
18. The NPPF states that a sufficient choice of early years, school and post-16 places should be made available to meet the needs of existing and new communities and the Policy Statement Planning for Schools Development acknowledges that there should be a presumption in favour of the development of state funded schools, as expressed in the NPPF. Given the policy support it is considered that the principle of development and the need for the school expansion is acceptable.

Siting and Design

19. The proposed extension to the school has been designed to be in keeping with the style of the existing school. It would be a simple single storey building similar to the existing classroom provision and would be constructed with yellow bricks to match, highlighted by contrasting quartz white brick panels and anthracite grey louvres. It would have a flat roof with a parapet wall surrounding it to allow access to the roof for maintenance, accessed by an external staircase. The alterations to the front entrance of the original school would also be constructed in matching materials and the new entrances highlighted by laminate panels in green, with aluminium lettering for the school name.

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The internal alterations and reconfiguration of the space at the entrance for the school would allow staff and visitors to access the school without having to go through the hall or staff areas, and the alterations for the nursery would allow this element to function as an independent entity from the main school.

20. A new canopy would be provided along the length of the existing hall (in front of the glazed wall) to provide a covered walkway for pupils and staff to move between the two parts of the school without having to go through the hall. This would be a lightweight structure that would blend in with the curtain wall behind, and provide a practical solution to the access issues. Overall it is considered that the material choices and design of the extensions and alterations would be in keeping with the style of the existing school, and would be appropriate for the wider setting, seen in the context of the original school building and school setting.
21. The extension has been sited to the rear of the existing school, where it can be easily accessed through the proposed link from the corridor of the original school, and would allow the school to function well, locating the Year R classrooms close to the nursery at the front of the school and all older years in the existing classrooms and new extension towards the rear. An alternative location for the extension was considered at the pre-application stage to the side (east) of the school, but this was discounted due to the impact it would have had on the existing play provision to the side of the school, impact on the public frontage, compromising the outlook from existing rooms in the school, and its impact on existing trees. By locating the building in the area proposed the external playground and trim trail areas would remain unaffected; there would be a more limited impact on the trees on site; and it would have a reduced impact on the public frontage from Ham Lane. Overall it is considered that the siting is acceptable in principle, but the impact of the extension on residential amenity and the loss of playing field land is addressed below.
22. The extension would be set well back from the public frontage along Ham Lane and therefore views of it would be largely obscured by the existing school. Notwithstanding this, the extension is considered to be in keeping with the existing school, and therefore would not be out of character with the development already on site. The alterations to the entrances to the school would also be minor when seen against the backdrop of the existing school, and enhancements to the wider site area are included in the proposals and discussed below in the landscape section. The Lenham Conservation Area abuts the school playing field to the east, but the site lies outside of this. Given that the extension to the school would be sited close to the existing school buildings and that it would be separated from the Conservation Area by the existing school playing field, it is considered that there would be no further impact on the character and appearance of the Conservation Area than the existing school.
23. Overall the extension and alterations are considered to be acceptable in terms of their siting and design, according with the 'principle of good design' Policy LPRSP15 where the development would be accessible to all, respond positively to the character of the area, have a high quality design and use of vernacular materials. In addition it is considered that the extension would not have any detrimental effect on the Lenham Conservation Area and would therefore also accord with Policy LPRSP14(B).

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Loss of Playing Fields

24. As indicated above, the siting of the extension in the location to the rear of the existing school, would be on land which is capable of forming a playing field and therefore needs to be considered in the light of Sport England's Playing Field Policy. In addition Policy LPRINF2 of the Local Plan Review states that proposals affecting open space, sports and recreation assets will not be permitted unless they accord with the relevant sections of the NPPF and Sport England's Playing Fields Policy. Sport England were therefore consulted on the application and as set out in paragraph 12 they have raised a statutory objection to the application, stating that the scheme does not accord with any of the exceptions of the Sport England Playing Field Policy or paragraph 104 of the NPPF.
25. There are five exceptions to Sport England's playing field policy, as follows:

Exception 1 - *A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.*

Exception 2 - *The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.*

Exception 3 - *The proposed development affects only land incapable of forming part of a playing pitch and does not:*

- *reduce the size of any playing pitch;*
- *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- *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.*

Exception 4 - *The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.*

Exception 5 - *The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.*

The applicant was asked to provide additional information in relation to these exceptions, following the objection received by Sport England. In this they

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acknowledged that the proposed development does not accord with Policies 2-5 of the Playing Field Policy, in that the development would not be ancillary to the playing field use; that the area for the extension *is* capable of being used as a playing field; that due to the current site constraints there would be no ability to provide new or enhanced facilities on site; and that the proposal is not an indoor or outdoor facility for sport.

26. However, with regard to exception 1 they stated that Maidstone Borough Council published a "Playing Pitch Strategy" in January 2019 which formed part of the evidence base in respect of the recently Adopted Local Plan Review 2021-2038. Whilst the assessment of playing field provision within the Borough as a whole appears to indicate that there is unmet demand that will need to be met during the new Local Plan period, they state that the Lenham Primary School site itself is not referenced within the Playing Pitch Strategy as making any contribution to playing field provision - it is not publicly available, and should be treated as having no special significance to the interests of sport. Furthermore they state that within Lenham there is existing cricket pitch provision directly adjacent to the site as well as grass pitches and a publicly available 3G pitch within the Lenham School site (a secondary school) to the west. All of these facilities, they state, are within the catchment and would not be affected by this development.
27. The applicant also refers to the guidance of the NPPF in paragraph 104 which states that

"Existing open space and recreation buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location, or c) the development is for alternative sports and recreational provision the benefits of which clearly outweigh the loss of the current or former use."

In this context they argue that based on a quantitative assessment of the school's needs in accordance with Building Bulletin 103: Area Guidelines for Mainstream Schools, there is currently surplus open space/outdoor play space to meet the needs of a 1FE school, and that the loss of the playing field to accommodate the extension would still leave sufficient and useable playing field space to meet the requirements of a 2FE school. As a result they consider that the land to be lost is surplus to the requirements *of the school* and therefore should be considered favourably in the context of NPPF paragraph 104. They note that the primary school playing field is not available for community use, and is not listed in the Maidstone Borough Council playing pitch strategy.

28. Sport England were re-consulted on this additional information provided by the applicant, but have maintained their objection. They state that whether the site has public access or not does not matter in terms of the interpretation of their policy; that they consider the Maidstone Borough Council Playing Pitch Strategy as out of date given that the evidence base was collected in 2018 and that the sporting landscape has changed with the growth of women's and girls' rugby, football and cricket since the original data collection was completed; and that Sport England do not recognise the surplus definition of BB103 for playing field land.

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29. The application documents set out the soft play requirements for a 2FE school under BB103 and as stated above the area to be retained on site as playing field would be in excess of the area required. The proposed development would not actually result in the loss of any *formal* pitches and the residual land would still allow the School to operate its sports and recreational activities successfully post-development. Furthermore it is acknowledged that it is not feasible for the School to replace the land anywhere else.
30. Under the proposed layout the development would result in the loss of some of the existing playing field provision and it is acknowledged that the proposal would not comply with the exception policies of Sport England's playing field policy or, in Sport England's view, paragraph 104 of the NPPF, nor Local Plan Policy LPRINF2. However it should be noted that there is strong policy support at all levels for school development, and the expansion of the school is required due to unmet demand in the village, supported by other Policies in the Local Plan Review. Also, when considering the site in the wider context it is noted that grass playing pitches and an all-weather pitch, suitable for community use, are available at The Lenham School in the immediate vicinity of the primary school site on Ham Lane. In my opinion, although there is an objection by Sport England, I consider that the education need and the provision of additional teaching space to suitably accommodate the increase in pupils at the school would outweigh the loss of this part of the playing field, especially when it has been noted that sufficient soft play space would still be retained for a 2FE school. In my view the development would deliver community infrastructure necessary to support sustainable and committed growth in the locality. However, if Members are minded to permit the proposals, the application would need to be referred to the Secretary of State for her consideration in light of the objection from Sport England relating to the loss of playing field.

Transportation Impacts

31. The application was supported by the submission of a Transport Statement (TS) and advice was sought from the County Council Highways and Transportation Officer. The proposed development would not require any changes to the existing vehicular or pedestrian accesses, which would be retained, but would involve the creation of an extension to the existing car park to the north to sit alongside the proposed classroom block. The existing parking area would be remarked, so that in total 38 parking spaces would be provided on site across the old and new areas (the creation of 23 new spaces) and this would include 2 visitor spaces and 2 accessible spaces. Three of the parking spaces would be provided with 'active' electric vehicle charging infrastructure. Cycle parking would also be increased on site, with a further 10 spaces being provided, to bring the total provision to 20 cycle spaces
32. The Highways officer has confirmed that the existing access arrangements are considered acceptable for the proposed expansion of the school in terms of both the vehicular access which he considers to be high quality with a low accident rate, and pedestrian accesses which allow good connectivity to existing footways that abut the site, and onward connections to the surrounding residential areas and village centre. The Officer agrees with the conclusions of the TS that state that the site is well located to facilitate trips by sustainable means due to its central position in Lenham, as well as the high quality of the surrounding infrastructure. Continuous and wide footways,

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appropriate crossing facilities, and existing bus stops and a train station all within reasonable walking distance to the site would allow the opportunity to travel by alternative means. A School Travel Plan was submitted with the application and the KCC School Travel Planner noted that this had undergone an annual review this year which highlighted the wish for the school to expand to 2FE.

33. The TS included trip generation forecasts for the expansion of the school, based on current pupil and staff travel modes identified in the School Travel Plan. The Highway Officer agrees that such an approach is sufficiently robust as it is reasonable to assume that the travel patterns of future staff and pupils would be similar to existing, and this shows that a large proportion of pupils walk to school (54.9%) with the remainder travelling by other means. The TS also takes into account those arriving outside of peak hours (due to breakfast and after school clubs) and takes into account siblings that would travel together. The TS does not consider any impact on the wider highway network on the basis that the applicant considers that the school expansion would attract pupils from the local area, including recently consented housing developments, and again the Highway Officer agrees with this approach. The TS concludes that the proposed development would have the potential to attract an additional 66 vehicular movements during the AM peak and 63 movements during the PM peak hour, which equates to approximately 1 additional vehicle movement per minute during each peak hour.
34. Whilst the Highway Officer concludes that there would be no detrimental impact on the highway network as a result of the development, he does acknowledge that there would be a degree of localised impact and therefore it is imperative to ensure that non vehicular modes of transport are made as attractive as possible. Therefore it is recommended that the School Travel Plan be further reviewed prior to occupation of the extension, so that it can address the planned expansion of the pupil roll with the aim of reducing the dependency on the private car. A condition to this effect is proposed.
35. The additional car park provision of 23 spaces on site is considered to be acceptable, and in excess of the additional 17 members of staff expected to be employed. The car park would also provide two spaces for disabled users and two for visitors to the site, and the parking provision is considered to accord with the parking standards and advice given by the County Council as Local Highways Authority. Given that there would not be any onsite drop off facility at the school, a parking beat survey was undertaken by the applicant to determine the level of parking stress that currently occurs. These surveys were completed over two days and covered the entirety of the school drop off and pick up periods. The Highway Officer considers that they provided a suitably robust method of assessing baseline conditions. The surveys of Ham Lane and the surrounding streets found that significant spare capacity exists, and importantly that when the level of spare capacity was compared against future demand it would be sufficient to accommodate the anticipated increase in trips as a result of the development. On this basis the Highway Officer concludes that the development is unlikely to lead to behaviours that would be hazardous to the safe or free flow of traffic on the public highway.
36. One letter of objection was received against the proposed development (as set out in paragraph 15) based on concerns over the additional traffic created by the proposed

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development and the impact on the public highway. The Highway Officer was asked to consider the points raised but still concluded that the development would be acceptable. The nursery development referred to by the applicant is one that was given permission by Maidstone Borough Council (21/505004/Full) on a site on the opposite side of Ham Lane located behind 1-5 Ham Lane. The development would have parking on site for 8 cars with their access entering onto Ham Lane just to the north-west of Honeywood Road opposite the primary school. The development has not been built yet, but the Highway Officer considers that appropriate parking would be provided for the nursery on site thereby meaning that overflow should not occur onto the highway and would not conflict with school traffic.

37. The applicant was asked to provide a response as to whether an on-site drop off / pick up area had been considered for the site as part of the development and they have advised that it would be unfeasible to do this. The playing field to the north and the width of the existing car park would prevent the establishment of a looped arrangement through the car park of any effective length and would in fact result in the loss of staff parking spaces. A drop off along the school frontage on Ham Lane was also considered, but this would result in the loss of a considerable amount of mature amenity trees, encroachment into root protection areas and the loss of soft landscaping. The applicant considered that the space required for a useable drop off here was simply not available in this location, and any creation of such would affect the character of the frontage along Ham Lane. Such possible solutions were considered at the pre-app stage in consultation with the Highways Officer and it was agreed that an on-site drop off would not be required. The objector has been made aware that additional on-site parking for staff *would* be provided as part of this development.
38. Existing servicing arrangements for the school would remain unchanged with refuse collection continuing to be undertaken from the roadside. Swept path analysis shows that a box van up to 8m in length would be able to enter the site, turn and leave in a forward motion, and this is considered to be acceptable. A Construction Environmental Management Plan (CEMP) was also submitted with the application (and then revised following initial Highway comments) and the Highway Officer has now confirmed that this revised CEMP, which shows swept paths for an articulated lorry and confirms that a dedicated turning area on site would allow HGV's to leave the site and join the highway in a forward motion, is acceptable.
39. Given all of the above, it is considered that the development would not give rise to any unacceptable impact on the operation of the local highway network and would be acceptable in relation to Highway and Transportation considerations, in accordance with Policies LPRTRA2 and LPRTRA4 of the Local Plan, subject to the imposition of conditions to ensure the development is carried out in accordance with the submitted CEMP; that the vehicle parking, cycle parking and turning and loading areas are all provided prior to the occupation of the new building; and that the School Travel Plan be reviewed prior to occupation.

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Impact on Residential Amenity

40. The primary school is located in the centre of the village of Lenham and is surrounded by residential development. The immediate adjoining residential properties, and those who would be most affected by the proposed development, are in Mitchell Close and Swadelands Close to the north-west of the site. Two-storey properties in both of these close's share a common boundary with the school site, with their rear elevations and rear gardens facing towards the school site. These houses all have quite short rear gardens therefore the rear elevations of the houses are no more than 10m from the school boundary. The boundary treatment is 1.8m close board fencing along the playing field edge, with a mature hedge forming the boundary where the current car park backs onto the rear gardens of Mitchell Close. The applicant states that in designing the proposed extension to the school, residential amenity has been considered throughout to ensure that impacts relating to noise, privacy, overlooking, overshadowing, loss of natural daylight and general relationships between developments have been taken into account.
41. The proposed extension has been set in more than 20m from the shared boundary to the west so that a separation distance of 30m would be achieved between the rear elevation of the houses in Swadelands (those that currently overlook the playing field in the location of the extension) and the end wall of the extension. The extension to the school is only single storey in height therefore would not, in my opinion, be an imposing structure within the outlook of these properties, and would be no different to the arrangement between the houses in Mitchell Close and the existing school. Furthermore due to the single storey nature of the classroom block there would be no loss of privacy or overlooking that would occur for these residents. The windows in this end elevation would be for the new staffroom rather than any of the classrooms. Overall it is considered that the relationship between the existing properties and the new extension would be acceptable.
42. A newer development of three houses known as 'The Russells' on the eastern side of the playing field (accessed from Maidstone Road and located to the north of the cricket field and south of Parapet House) was also considered in terms of residential amenity impact. These would be substantially further away from the proposed extension than the Swadelands and Mitchell Close properties and separated by the width of the playing field. There is existing substantial screening along the eastern playing field boundary and this is proposed to be enhanced under the landscape scheme which indicates new hedge planting along the entirety of this edge of the field. As such it is considered that the residential amenity of the occupiers of these properties would not be affected by the proposed school extension.
43. As set out in the Transport section above, the proposed car park extension would be located between the new extension and the western boundary shared by the properties in Swadelands Close, thus changing the nature of school activities in this area from playing field to car park. As a result there would be an increase in activity in this location, with vehicle movements as cars enter and leave the car park. Whilst this would represent a change for the occupants of these houses, the car park is for staff use only, and therefore movements would be limited to the start and end of each school

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day only, with no use during holiday periods. As such it is considered that the potential disturbance would be contained to short periods during the day and, in my opinion, would not be so harmful as to warrant an objection on the grounds of loss of residential amenity.

44. The whole car park and access drive is proposed to be lit as part of the development, due to the increase in pedestrian and vehicular movements. An External Lighting Assessment was submitted with the application to consider the impact of lighting the car park on residential amenity. As set out in paragraph 9, the car park would be lit using 4m high column LED lamps. There would be 8 columns in total, 6 located along the western boundary, 1 at the end of the extended car park, and one on the access road near Ham Lane. In addition wall lights would be included on the western elevation of the new extension, and adjacent to the link between the new and old buildings – 4 in total. The LED lamps on the columns would be fitted with a baffle plate to the rear to ensure there would be zero light spill from the rear of the fixtures towards the residential properties. In addition the lighting would be controlled with a 'dusk to dawn' photocell so that the lights only come on when natural light levels fall to a low level at dusk, and would be further controlled with a timeclock control so that they are switched off when the school is not open.
45. The Lighting Assessment sets out that the primary concern was to provide adequate luminance levels across the whole of the car park. Whilst bollard lights are often used in low risk areas for car parks the assessment states that lighting uniformity across the car park would be difficult to achieve, therefore column lamps were proposed instead. The report states that the column heads have sharp luminance cut-off angles which reduce the glare outside of the illuminated area to a minimum. The large hedgerow along the edge of the existing car park would also help screen the columns and lights, but it is noted that this does not extend along the area for the extended car park where columns would still be located, however additional planting is proposed along this section of the boundary. The assessment states that the levels and rating for the lights are considered correct for Lenham which is assessed as being E2 Rural in the Environmental Zones classification which is defined as 'sparsely inhabited rural areas, village or relatively dark outer suburban locations'.
46. The Lighting Assessment sets out the override time of the timeclock control as being 6:30pm to typically 6am. This would ensure that for the majority of the night the light columns would not be in operation and in the summer months would be barely used at all. In the event of a special evening event held at the school, the lighting controls could be temporarily overridden to ensure the safety of those using the car park later in the evening. Given the proposed baffles to be included on the column lights which would ensure no backward glare of the lights towards the houses, and the timing of the automatic switch off of the columns at 6:30pm, it is considered that the proposed lighting would have a very minor impact on the occupants of the properties abutting the site. A condition is suggested to restrict the hours to those set out above to ensure adequate control over the lights.
47. Overall it is considered that the single storey classroom extension and new car park, along with the lighting columns, would be acceptable in terms of respecting the

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residential amenities of occupants of properties in Mitchell Close and Swadelands Close, and those to the east in 'The Russells' and would meet the aims of Policy LPRSP15.

Landscape, Trees and Fencing

48. The application site benefits from mature trees, grassed areas and established planting along with the large playing field to the rear and hedgerows/trees along some of the site boundaries. In order to ensure the development is accommodated on site without affecting its current verdant appearance a hard and soft landscape scheme is proposed and the application was supported by the submission of a hard and soft landscape plan, tree and hedge planting plan, Arboricultural Impact Assessment (AIA) including tree protection plan, soft landscape specification and planting plan. The AIA identified that 4 individual trees and the partial removal of one group of trees would need to be removed from the site to accommodate the development, and that works within the root protection area of one other tree would be required. The 4 trees to be removed are two to the west of the original school to facilitate the rearranged car park layout, and two to the east of the original school where new areas of hard standing would be created to link the existing external areas to those surrounding the new classroom block. The partial group removal would be required to allow room for the new classroom block.
49. Whilst it is regrettable that any trees need to be removed, it should be noted that none of these are the significant or prominent trees which are features of the site within its wider setting. They would be a cherry tree, sycamore, sweet gum and flowering plum. The mature and established trees on site would be retained, and it is considered that the overall appearance of the site from Ham Lane and the site boundaries would not be affected due to the proposed tree removal. In order to compensate for the tree loss, 21 new trees are proposed to be planted – three along the western elevation of the new classroom block to provide some screening for properties in Swadelands Close, 4 new trees along the western site boundary beyond the new car park, 10 new trees along the northern playing field boundary and 4 new trees to the east of the original school alongside the hardstanding pathway linking the old and new classroom blocks. New soft landscape planting would also be provided round the new and old classroom blocks to link the development together and there would be new planting round the altered nursery entrance as well. A new hedgerow would be planted along the length of the eastern playing field boundary and the northern site boundary, and an area of wildflower planting would be provided round the northern and western playing field boundaries and to the front of the site along Ham Lane.
50. The landscape scheme submitted is considered to be acceptable and comprehensive and would both enhance the appearance of the site and benefit biodiversity. It is proposed that conditions be included in any permission to ensure the landscape scheme is carried out in accordance with the submitted plans and documents, and that it be undertaken within the first planting season following completion of the development. In addition a condition to ensure that any works undertaken in the root protection area of the tree identified on the plans is carried out in accordance with the method set out in the AIA is proposed, and that all trees to be retained are protected prior to the

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commencement of development. Subject to this the scheme is considered to be acceptable with regard to landscape and trees and would accord with Policy LPRSP15.

51. A new secure line is proposed to be created as part of the development, with a 2m high green weldmesh fence being installed in front of the new staff car park (with access gates) and extending round the nursery play area and across the front of the soft play area between the roadside boundary and the playground. This would be set back some distance from the existing green metal hooped fence and brick wall elements along the Ham Lane footpath to ensure the appearance of the site is not significantly altered, but allowing a better level of security to the front of the school to be provided, which is currently lacking. A 1.2m high green weldmesh fence would also be installed along the rear of the new car park and the new classroom block, separating these areas from the retained playing field beyond. The proposed fencing is considered to be acceptable, and would create the required 'secure line' for the school without adversely impacting the appearance of the site along Ham Lane.

Ecology and Biodiversity Net Gain

52. The application was supported by the submission of a Preliminary Ecological Appraisal (PEA) and an Ecological Impact Assessment. The reports have confirmed that the application site does not fall within any statutory designated sites and that no priority habitats were located on the site itself. Consideration was given to the possible presence of protected species on site including bats, reptiles, Great Crested Newts, birds, hedgehogs and badgers. The survey uncovered habitats suitable for amphibians, including great crested newts such as ponds (one on site and another within 500m) and woodland. Although amphibians have been recorded in the local landscape, the ecologist considered that due to high disturbance on site it is unlikely that amphibians are present. No evidence of badgers was found during the assessment, however the site does provide foraging and commuting opportunities, and the report states that the site also has suitable habitat for hedgehogs.
53. The building, hedgerows, scrub and woodland habitats on site all have the potential to support nesting birds and therefore any tree removal ought to be undertaken outside of the bird breeding season (March and August). The reports state that the trees and mixed woodland on site provide suitable habitat for foraging and commuting bats, and the school building was identified as having a low potential for roosting bats. A night time bat survey was therefore carried out in July 2024, however no bats were seen emerging from the building, only a low number of common pipistrelle, noctule and brown long-eared bats were seen commuting and foraging. The ecologist therefore concluded that the building was not being used for roosting and as such no mitigation or licence would be expected to be needed prior to any works commencing.
54. The County Council's Biodiversity Officer has confirmed that sufficient information has been submitted to assess the impact of the development on protected species and agrees with the findings of the reports submitted. Current best practice measures during construction would minimise the risk to commuting animals (badgers/hedgehogs etc) and the officer notes that a separate condition to secure such details would not be required.

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55. Site enhancement measures have also been set out in the submitted PEA and these include hibernacula for amphibians, bat friendly planting in the wildflower meadow and bat boxes, a variety of bird boxes, hedgehog nest boxes, bumblebee boxes and bug hotels. The Biodiversity officer has confirmed that these details are acceptable and their provision would be secured by a condition.
56. On the 12th February 2024 the Government introduced legislation under Schedule 7A of the Town and Country Planning Act 1990 (as amended) requiring developers to deliver a minimum of 10% Biodiversity Net Gain (BNG) over the existing habitat and biodiversity value on the site. Policy LPRSP14(A) of the Local Plan also requires new development to deliver BNG, asking for a minimum of 20% but this is where it relates to new residential development - for non-residential development (including this proposal) 10% would be the requirement. In support of the application a Biodiversity Net Gain Report was submitted alongside the Statutory Biodiversity Metric Calculation. These were then amended and resubmitted in November 2024 following the initial consultation response of the County Council Biodiversity Officer, along with a Statutory Biodiversity Metric Condition Assessment, Baseline Habitat Map, Biodiversity New Habitat Map and Tree Protection Plan.
57. The Biodiversity Net Gain Report states that there are multiple habitats on site including modified grassland, lines of trees, ponds, allotments, scattered scrub, scattered trees, non-native ornamental hedges, fences, walls, developed land, sealed surfaces, children's play space and buildings. In terms of the baseline conditions the report states (based on the metric calculation) that the on-site habitat diversity value is calculated at 7.43 habitat units, with 1.90 units lost during the development, therefore 5.53 habitat units would remain. For hedgerows, the on-site hedgerow biodiversity value is calculated at 0.82 hedgerow units, with 0.00 units lost during development.
58. In order to achieve a minimum of 10% BNG on site and satisfy the BNG trading rules, which requires the replacement habitat to be of the same broad habitat or a higher distinctiveness, the proposal includes the planting of habitats described as 'other neutral grassland', 'introduced shrub', 'urban trees' and 'mixed scrub', which would have a habitat biodiversity value of 2.89 habitat units. This combined with the retained 5.53 habitat units would give an overall habitat biodiversity value score of 8.42 habitat units on site. The provision of new native hedgerow on site as part of the landscape scheme would result in 1.67 hedgerow units being provided on site, which combined with that being retained would result in a hedgerow biodiversity value score of 2.49 hedgerow units.
59. The net unit change of habitats on site would be +0.99 (new value of 8.42 minus the original value of 7.43) which correlates to a net gain of 13.39% in habitat biodiversity. The net unit change for the hedgerows is calculated at +1.67, which correlates to a gain of 204.10% in habitat biodiversity. As a result of the proposed planting the scheme would meet and exceed the minimum 10% BNG requirement, as confirmed by the Statutory Biodiversity Metric Calculation spreadsheet.
60. The habitats proposed would be wildflower planting (general purpose meadow mix and hedgerow mix); a total of 21 trees (12 of which would be planted as 'heavy standards')

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including birch, holly, hornbeam, rowan, silver birch, wild cherry, apple, cherry, plum, pear and walnut; and mixed shrubs of buckthorn, blackthorn, box, dogwood and wild cherry. The BNG report also sets out the ecological enhancements proposed in the PEA and set out above.

61. The revised BNG report and Metric, along with the updated habitat maps and tree protection plan have been considered by the County Council's Biodiversity Officer who has advised that they agree that it is likely that a BNG of over 10% can be achieved on site through the planting of small and medium trees and other planting. The officer considers that slight amendments to the baseline calculations for the metric would be required but states that such clarifications could be included in the metric submitted as part of the biodiversity gain plan. They note that with the submission of the biodiversity gain plan a letter must be provided by the School confirming that the trees can be planted and that they will be managed and maintained for 30 years. Furthermore the trees must not be planted within any area which may subsequently be lost due to future planned development. An additional condition would be imposed to secure the submission of a 'Habitat Creation, Enhancement, Management and Monitoring Plan' to be submitted prior to the commencement of development.
62. Development shall be subject to the deemed condition requiring the submission and approval of the biodiversity gain plan prior to the commencement of development. The development is therefore considered to accord with Policy LPRSP14(A) of the Maidstone Local Plan.
63. The Biodiversity Officer has also confirmed that she is satisfied that the lighting timers would minimise impacts of the car park lighting on biodiversity, but notes that if there are occasions when the lighting may need to be on later, for school events held in the evenings for example, an ability to override the timers should be incorporated. The condition wording would allow for this flexibility (as also stated in paragraph 46) with agreement by the County Planning Authority. The development is therefore considered to accord with Policy LPRQD2 with regard to external lighting and ensuring the impact on wildlife and biodiversity is minimised.

Archaeology

64. The application site lies in an area of archaeological potential and as such an Archaeological Desk Based Assessment was submitted with the application. This states that there is a chance that extant archaeological features, artefacts or ecofacts, especially from the Anglo-Saxon period, may be disturbed or destroyed by groundworks within the development area. The County Council's Archaeology Officer was consulted on the application and has considered the information submitted. She has confirmed that the school is located in an area of potential associated with prehistoric, Roman and Anglo-Saxon activity and goes on to state that whilst most of the recorded activity is to the east of the site, Bronze Age activity has been recorded close to The Lenham School further to the west along Ham Lane, and she advises that remains associated with this activity may therefore survive on site. As such she recommends a condition be imposed on any consent given to secure archaeological field evaluation works, in accordance with an agreed written specification. Subject to this condition, the scheme would be

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considered acceptable in relation to its potential impact on archaeology and would accord with Policy LPRSP14(B).

Flood Risk and Drainage

65. The application site is located in Flood Zone 1 therefore is at a low risk of flooding, however the site area is more than 1 hectare therefore the application has been accompanied by a Flood Risk Assessment. This confirmed that the risk of flooding at the site from any watercourse, drains, other waterbodies or surface water flooding was considered to be low, therefore the development of the site is considered acceptable in terms of flood risk.
66. The application was also accompanied by a Drainage Strategy Report to address surface water and foul water drainage for the proposed development. Foul water would be collected from the building via pipes and discharge to the existing foul sewer. Surface water drainage would be dealt with using a combination of Sustainable Drainage Systems (SUDS). The report states that surface water from the roof of the new classroom building and small extensions would discharge to cellular storage tank soakaways, whilst surface water from the car park would discharge to a combination of porous paving and a cellular storage tank soakaway. The proposed cellular storage tanks would be located underneath the proposed car park extension, underneath the proposed reconfigured visitor parking area and a smaller tank to the west of the new school entrance, and one to the east of the school hall. Soakage testing has been undertaken and the report states that for the worst case 1 in 100 year storm event with a 40% climate change allowance, no flooding would occur.
67. The County Council's Flood Risk and Water Management team have considered the application and supporting information and are content with the principle of the proposed drainage strategy and have therefore raised no objection to the application, subject to a more detailed scheme being submitted (prior to commencement of development) pursuant to a condition imposed on any permission given. In addition to this condition, they also require that infiltration of surface water into the ground shall only be in those parts of the site where it has been agreed with the County Planning Authority; and that there shall be no occupation of the new building until a verification report for the surface water drainage scheme has been submitted to and approved by the County Planning Authority. Subject to the imposition of these conditions, the scheme is considered to be acceptable and would accord with the aims of Policy LPRSP14(C).

Sustainability

68. The application was supported by the submission of a 'Carbon Neutral/Energy Strategy Report', prepared in line with the requirements set out in the Department for Education's technical advice. The report states that the design would utilise the 'Be Lean, Be Clean, Be Green, Be Seen' hierarchy through a fabric first approach to ensure the schools external building fabric is as thermally efficient as possible to minimise the energy required. The building would be constructed using a 'Modern Method of Construction' (MMC) which involves off site manufacture of a closed panel timber frame system which ensures the design reduces waste and maintains the quality of construction.

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69. Passive design measures such as energy efficient lighting and ventilation, high levels of air tightness and increased insulating properties would be incorporated into the new building. The window openings have been sized and positioned to optimise natural daylighting and enhance the effect of solar gain, whilst brise soleil and opaque window openings would be provided to the south façade to mitigate overheating and glare. Active measures such as efficient lighting systems (LED technology) with automatic on/off controls would be used, along with a building management system to automatically control heating, water and ventilation systems.
70. Renewable and low/zero carbon technologies were also considered for the site (including biomass, air source heat pumps, ground source heat pumps, water source heat pumps, combined heat and power, photovoltaic panels, solar thermal panels and wind turbines), and whilst air source and ground source heat pumps were viable for the site they were discounted due to cost. However, the new classroom building benefits from a large amount of roof space and this has been considered suitable for the positioning of an array of photovoltaic panels. The panels would cover an area of approximately 100m² and consist of 52 panels orientated in a southerly direction. The report states that the photovoltaic system capacity would meet the Part L Building Requirements (conservation of fuel and power) and offset 10% of the overall energy consumption.
71. Part 4 of Policy LPRQD1 requires new non-residential development to meet the BREEAM very good standard. The method of construction proposed (“Be Lean, Be Clean, Be Green, Be Seen”) does not directly correlate to BREEAM however the energy requirements of BREEAM are incorporated through the sustainable design of the building fabric and the mechanical, electrical and plumbing systems. The proposed development achieves or in some cases surpasses the BREEAM technical standard of ‘very good’ in terms of energy efficiency. Furthermore the development would comply with Part L of the Building Regulations, which was updated in 2022 to require sustainable building standards comparable with the BREEAM requirements. The development is considered to incorporate methods of construction and renewable energy technology that would create a sustainable development and would accord with the aims of Policy LPRQD1 despite not achieving the formal BREEAM accreditation, and Policies LPRSP14(C) and LPRSP15 of the Local Plan.

Contamination

72. The application was supported by the submission of a Desk Study Report, Ground Investigation Report, and an Unexploded Ordnance (UXO) Risk Assessment to establish potential contamination risks and hazards on site prior to development. The Desk Study Report recommended that intrusive investigations were carried out on site to assess its suitability for development, and these investigations were undertaken and reported in the Ground Investigation document. The findings of this report were that the site was generally suitable for the intended development without significant problems being anticipated. Further, the UXO Risk Assessment stated that although the Lenham Area did suffer enemy bombing raids during WWII, no records were found to confirm a bomb strike within the site footprint, and that subject to standard risk mitigation (set out in the report) the site was considered to have a low UXO risk.

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73. The Environment Agency (EA) were consulted on the planning application but have confirmed that in their view this development is low risk due to its scale, nature and setting, and therefore they did not have any comments to make. Based on the findings of the above reports and the views of the EA, it is considered that the development of the site would be acceptable with regard to land contamination.

Noise Impacts

74. The application was supported by the submission of an Acoustic Survey which has considered the impact of existing ambient noise in relation to the new school teaching building, as well as the impact of the proposed plant at the school on the wider area and surrounding residential properties. The report states that a noise survey was carried out at the school over two days in March 2024, with unattended noise monitors tripod mounted at 1.5m above ground levels and 3m from any reflective surface, one in the location of the proposed classroom building and one at the edge of the existing playground. The objective for new teaching facilities is to provide suitable indoor ambient noise levels to allow for clear communication between teachers and students, students and students, and to allow for learning and study activities. The survey found that sound levels that could affect the proposed school were low (the main sources being road traffic noise from Ham Lane to the south and Maidstone Road to the north) and therefore natural ventilation via openable windows would be possible. The external areas of the proposed school would also meet the recommended external noise criteria.
75. The report states that there should be a recommended noise level of 37dB (10dB below the typical background noise recorded during the survey) from the mechanical fixed plant associated with the school so that any noise impact would be negligible for surrounding properties in Mitchell Close and Swadelands Close. There would be a reasonable separation between the proposed plant on the new teaching block and the residential units in Mitchell Close and Swadelands Close and the agent has confirmed that the noise from the roof services for the solar panels and the heat recovery unit (all located on the extension roof) would be less than 37dB. A condition is proposed to ensure all roof mounted plant would meet the above noise level recommendation, and subject to this it is considered that the proposed extension would not affect occupants of these properties and the scheme would comply with the criteria listed in Policy LPRSP15 of the Local Plan.

Conclusion

76. This planning application proposes the expansion of Lenham Primary School from 1FE to 2FE with the construction of a new classroom building extension, extended car park, covered walkway and internal alterations to create a new entrance for the school and nursery, along with hard and soft landscaping. The development would include the installation of a solar panel array on the roof and would be able to achieve biodiversity net gain in excess of 10%. However, the extension would be constructed on land classified as playing field, and Sport England have objected to the application as they consider the development would not meet any of the exceptions to their Playing Field Policy, nor paragraph 104 of the NPPF. Furthermore the development would not accord with Policy LPRINF2 of the Maidstone Borough Council Local Plan Review, which states

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that proposals affecting open space, sports and recreation assets will not be permitted unless they accord with the relevant sections of the NPPF and Sport England's Playing Field Policy.

77. There is policy support in both the adopted Maidstone Local Plan (2024) (Policy LPRSP6(D)) and the Lenham Neighbourhood Plan (Policy ED1) for an expansion of the Lenham Primary School. Support for the provision of school places is also heavily embedded within the NPPF and the Planning for Schools Development Policy Statement and this development would satisfy a required need for primary school places. In my view it would deliver necessary community infrastructure to meet committed housing growth in the locality and address community need.
78. Although there would be a loss of playing field land as a result of the development, sufficient soft play space would still be retained for a 2FE school, and in terms of the wider context of the site, there are grass playing pitches and an all-weather pitch, suitable for community use, available at The Lenham School in the immediate vicinity of the primary school site on Ham Lane. In my opinion, although there is an objection by Sport England, I consider that the education need and the provision of additional teaching space to suitably accommodate the increase in pupils at the school would outweigh the loss of this part of the playing field, as set out in detail in the discussion above.
79. With regard to all other matters discussed in the report above, it is my view that the development would be acceptable, would not give rise to any severe, significant or demonstrable harm that would be overriding as far as highways, environmental, amenity and ecological aspects are concerned. With the exception of the playing field issue the proposed development would accord with the relevant policies of the Maidstone Borough Local Plan Review (2024) and the revised NPPF 2024 and is considered acceptable in regard to these other matters. If Members are minded to permit the proposals, the application would need to be referred to the Secretary of State for her consideration in light of the objection from Sport England relating to the loss of playing field.

Recommendation

80. I RECOMMEND that the application BE REFERRED to the Secretary of State for Housing, Communities and Local Government to consider the Sport England objection, and SUBJECT TO her decision, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
1. A 5-year time limit;
 2. The development to be carried out in accordance with the permitted details;
 3. The development shall be constructed in accordance with the details of all construction materials set out in the submitted documents and application drawings;
 4. That all construction works be undertaken in accordance with the submitted

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Construction Environmental Management Plan (CEMP);

5. The provision and permanent retention of vehicle parking spaces, as shown on the approved drawings, prior to the use of the site commencing;
6. The provision and permanent retention of the cycle parking facilities, as shown on the approved drawings, prior to the use of the site commencing;
7. The provision and permanent retention of the vehicle loading/unloading and turning facilities, as shown on the approved drawings, prior to the use of the site commencing;
8. The provision and permanent retention of the Electric Vehicle charging spaces, prior to the use commencing, in accordance with details to be submitted and approved by the County Planning Authority;
9. The submission of an updated School Travel Plan prior to the occupation of the new building with the aim of reducing dependency on the private car;
10. The submission of a Habitat Creation, Enhancement, Management and Monitoring Plan to be submitted prior to the commencement of development in association with the Biodiversity Gain Plan;
11. That the ecological enhancement measures shown on the approved plans be provided within 3 months of occupation of the new building;
12. The protection of all trees and hedges to be retained prior to the commencement of development;
13. Works within the root protection area of the retained trees to be carried out in accordance with the method set out in the Arboricultural Impact Assessment;
14. The development to be carried out in accordance with the approved detailed landscape scheme within the first planting season following construction;
15. That if any planting carried out in accordance with the landscape scheme dies within the first 5 years of planting it shall be replaced within 12 months;
16. The external lights shall only be in operation when the school is in use and shall be controlled by a daylight sensor switch, and timed to be switched off by 6:30pm unless otherwise approved in writing by the County Planning Authority;
17. No additional lighting shall be installed without the written approval of the County Planning Authority;
18. The submission of a written specification for archaeological field evaluation works prior to the commencement of development;
19. No infiltration of surface water drainage into the ground other than with the approval

Item D1

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of the County Planning Authority;

20. The submission of a detailed sustainable surface water drainage scheme prior to the commencement of development;
 21. The development shall not be occupied until a verification report pertaining to the surface water drainage scheme has been submitted to and approved by the County Planning Authority;
 22. That the noise from on-site plant be limited to that set out in the approved Acoustic Survey.
81. The development shall also be subject to the submission of a Biodiversity Gain Plan, prior to the commencement of development, in accordance with paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended).
82. The following informative is also proposed:
1. Any tree or vegetation removal shall be carried out outside of the bird breeding season (March to August).

Case Officer: Mrs Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

GR/23/376/R11&R22 Details of external construction materials pursuant to Condition 11 and a Dust Management Plan (DMP) pursuant to Condition 22 of planning permission GR/23/376 for an enclosed electronic waste (E-Scrap) transfer facility.

Britannia Refined Metals Ltd, Britannia Metal Refinery And Premises,
Lower Road, Northfleet, Gravesend, Kent, DA11 9BG

Decision: Approved

SE/24/1751/R11 Details of a Surface Water Drainage Verification Report pursuant to Condition 11 of planning permission SE/24/1751.

Land at Dunbrik Depot, Main Road, Sundridge, Sevenoaks, Kent
TN14 6EP

Decision: Approved

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**E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS
MEMBERS' INFORMATION**

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents – The deposited documents.

- CA/24/1722 Proposed demolition of existing timber structure and construction of new timber structure.
Chislet CEP School, Church Lane, Chislet, Canterbury, Kent, CT3 4DU
Decision: Permitted
- CA/24/1868 Proposed replacement of the remaining single glazed vertically sliding double hung timber frame sash windows along the East facing elevation overlooking Cromwell Road. The windows are to be replaced with UPVC double glazed units to match the style and material of those already replaced.
Westmeads Community Infant School, Cromwell Road, Whitstable, Kent CT5 1NA
Decision: Permitted
- CA/24/05151 Erection of a two-form entry Primary School and 26 place Nursery with a new access off Fairbrass Way, together with a playing field, a Multi-Use Games Area, a car park with drop-off area, hard and soft landscaping and ancillary works
Cockering Farm, Cockering Road, Thanington Without, Kent, CT1 3UR
Decision: Permitted
- DA/24/1103 Installation of electric bus charging infrastructure, new brick substation, LV feeder pillar and associated equipment to support the charging infrastructure; 3no. EKO Energetyka Link 500kw electric bus chargers; creation of new vehicular entrance and exit accesses for buses; only; 3no. new lighting columns; new triangular island bus stop; diverted Public Right of Way (PROW) and footpath diversion, and associated landscaping.
Acacia Hall Car Park, Dartford, DA1 1RX
Decision: Permitted
- EDC/24/187 New external canopy of 24m2.
Ebbsfleet Green Primary School, Ackers Drive, Weldon, Ebbsfleet Valley, Kent, DA10 1AL
Decision: Permitted
- FH/24/1814 Permanent planning permission for a mobile building in the school grounds.
Saltwood Church of England Primary School, Saltwood Play and Learning Centre, Grange Road, Saltwood, Kent CT21 4QS
Decision: Permitted

FH/24/1821	<p>Creation of two accessible, hard surfaced resting areas (including benches) along the path from the café to the lake. Brockhill Country Park, Sandling Road, Saltwood, Hythe, Kent CT21 4HL Decision: Permitted</p>
MA/24/503757	<p>Installation of 1 no. temporary double classroom building for a period of 104 weeks. Coxheath Primary School, Stockett Lane, Coxheath, Maidstone, Kent ME17 4PS Decision: Permitted</p>
MA/24/504008	<p>Proposed replacement of existing metal windows with aluminium heritage frame windows. St Margaret's School, Collier Street, Marden, Tonbridge, Kent, TN12 9RR Decision: Permitted</p>
SE/23/3420/R3	<p>Retrospective details of confirmation of a 1m strip of land between the proposed salt barn and National Highways boundary pursuant to condition 3 of planning permission SE/23/3420. Kent Highway Depot, The Teardrop Centre, Farningham Hill Road, Swanley, Kent BR8 8TJ Decision: Approved</p>
SW/23/502554/R	<p>Non Material Amendment to planning permission SW/23/502554 for the proposed relocation of approved substation, sprinkler tank and bin store within the site plan. Teynham Primary School, Station Road, Teynham, Kent ME9 9BQ Decision: Approved</p>
SW/23/502554/R8	<p>Details of external lighting pursuant to Condition 8 of planning permission SW/23/502554. Teynham Primary School, Station Road, Teynham, Kent, ME9 9BQ Decision: Approved</p>
TM/24/1801	<p>Section 73 application to vary Condition 2 of planning permission TM/23/3249 to allow the overall reduction of the cricket net perimeter fencing from 4.5m to 4m in height. Removal of Condition 4 of TM/23/3249 to dispose of the bowling carpet because the batting end material is now to be used across the entire facility and there is no longer a need for containment boards. The Judd School, Brook Street, Tonbridge, Kent TN9 2PN Decision: Permitted</p>
TW/24/1663/RBNG	<p>Biodiversity Gain Plan. Broomhill Bank School (Western Site), Broomhill Road, Tunbridge Wells, Kent, TN3 0TB decision: Approved</p>

TW/24/1663/R4

Details of a Construction Management Plan pursuant to Condition 4 of planning permission TW/24/1663.
Broomhill Bank School (Western Site), Broomhill Road, Tunbridge Wells, Kent, TN3 0TB
Decision: Approved

E2

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
 - *The Government’s Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
 -
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

KCC/SCR/FH/0167/2024 - Request for a Screening Opinion as to whether the proposed development of a Wastewater Treatment Works (WwTW) to serve the upcoming Otterpool Park housing development, south of Sellindge and the M20 motorway, requires an Environmental Impact Assessment.
Otterpool Park Development, Ashford Road, Sellindge, Kent

KCC/MA/0099/2024 - Continued operation of existing waste management facility authorised under permission reference MA/20/502817 for the treatment and packaging of non-hazardous and hazardous wastes, including amendments to increase the permitted throughput, allow 24-hour operations, changes to internal and external layout, erection of new buildings, fixed plant, enclosures and amending conditions 2, 4, 5, 6, 7, 8, 15 and 17 of permission MA/20/502817 (part retrospective).
Elliot Environmental Drainage Limited, St Michaels Close, Aylesford, Kent, ME20 7XE

KCC/TW/0174/2024 - Erection of a wooden shelter for use by Forest School classes.
Speldhurst Primary School, Langton Road, Speldhurst, Tunbridge Wells, Kent, TN3 0NP

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None

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E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

KCC/SCO/SW/0120/2024 Request for a Scoping Opinion to determine the information to be provided in an Environmental Statement to accompany a Section 73 planning application to extend the life of the site at Norwood Quarry & Landfill Site, Lower Road, Minster on Sea, Sheerness, Kent ME12 3AJ

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

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F. PLANNING CONSULTATIONS FOR MEMBERS' INFORMATION

The County Council has commented on the following planning matters. A copy of the response is set out in the papers. These planning matters are for the relevant District/Borough or City Council to determine.

F1 Maidstone Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD) (Regulation 18b) Consultation (plus appendix 1).

KCC response to Maidstone Borough Council on the above.

F2 Hurst Green Neighbourhood Plan – Regulation 16 Submission Consultation

KCC response to Rother District Council on the above.

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Strategic Planning,
Maidstone Borough Council,
Maidstone House,
King Street,
Maidstone,
ME15 6JQ

Growth and Communities

Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Phone: 03000 412377
Ask for: Liam Coake
Email: liam.coake@kent.gov.uk

BY EMAIL ONLY

12 December 2024

Dear Sir/Madam,

Re: Maidstone Borough Council Gypsy, Traveller and Travelling Showpeople Development Plan Document

Thank you for consulting Kent County Council (the County Council) on the Maidstone Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD) (Regulation 18b).

The County Council has reviewed the document and for ease of reference has provided comments structured under the chapter headings within the DPD.

PART A: Scope of the Plan

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, recommends that the DPD should consider land won safeguarded materials and Minerals and Waste safeguarded infrastructure. Site allocations for Gypsy, Traveller and Travelling Showpeople that are coincident with safeguarded materials and/or within 250m of safeguarded Minerals and Waste infrastructure are required to be assessed against Development Management Policies 7 and 8 of the adopted [Kent Minerals and Waste Local Plan 2013-30 \[Early Review 2020\]](#).

PART B: Strategic Policies

Spatial Strategy

Highways and Transportation: The County Council, as Local Highway Authority, is supportive of the spatial strategy in Policy TR1 as it focuses growth on established sites and existing built-up areas. These locations are generally more likely to afford residents with

good levels of accessibility to local services and facilities. Such locations are also less likely to require new or modified access arrangements to the local highway network.

Accommodation on allocated sites

Highways and Transportation: It is noted that the sites to be allocated within Policy TR4 are yet to be determined. The County Council would welcome further engagement with the Borough Council on identifying the most suitable sites for allocation.

Accommodation on non-allocated sites

Highways and Transportation: The County Council is supportive of the inclusion of criteria b) regarding access to local services by sustainable modes of transport and criteria e) regarding safe access to the highway within Policy TR5.

Affordable local need accommodation on Rural Exception Sites

Highways and Transportation: The County Council is supportive of the inclusion of criteria c) regarding the need for sustainable locations and criteria d) regarding safe access to the highway within Policy TR6.

The County Council advises that criteria c) would benefit from greater clarity; walking, cycling and public transport should form part of achieving 'reasonable access'.

Part C: Development Management Policies

General site design and layout

Highways and Transportation: The County Council is supportive of the inclusion of criteria a) requiring safe vehicle and pedestrian access within Policy TR7.

The County Council recommends that the policy should also include a requirement for suitable car and cycle parking provision to be provided as part of any site layout.

Public Rights of Way and Access (PRoW): The County Council notes that, further to the response of 12 April 2023 (Appendix 1), PRoW is not addressed within the Regulation 18b document. The County Council would request that the Borough Council considers and addresses its earlier response with appropriate wording.

Part D: Sustainability Appraisal

Assessment of draft vision and objectives of the DPD

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, supports the recommendation within paragraph 3.2.7 to provide additional wording within the DPD to further enhance green and blue infrastructure.

Appendix A: SA Framework

SuDS: In reference to the Sustainability Appraisal Objective Flooding - to avoid and mitigate flood risk - it is the County Council's understanding that Paragraph 167 of the [National Planning Policy Framework](#) requires that all plans apply a sequential, risk-based approach to the location of development. Thus, taking into account all sources of flood risk and the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property. The aim of this approach is to steer new development to areas with the lowest risk of flooding from any source. As such, development should not be allocated if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.


Therefore, the County Council recommends applying the Sequential Test. Any new development should be directed to Flood Zone 1 in the first instance (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, then the flood risk vulnerability of land uses should be taken into account and consideration given to reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites within Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

The County Council stresses that, regardless of Flood Zone, the sequential approach to the layout of the proposals should always be followed.

The County Council would welcome continued engagement as the DPD progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely,

Stephanie Holt-Castle
Director for Growth and Communities



Enc.

Appendix 1: Kent County Council response submitted 12 April 2023



Strategic Planning,
Maidstone Borough Council,
Maidstone House,
King Street,
Maidstone,
ME15 6JQ

Growth and Communities

Invicta House
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ME14 1XX

Phone: 03000 423203
Ask for: Alessandra Sartori
Email: alessandra.sartori@kent.gov.uk

BY EMAIL ONLY

12 April 2023

Dear Sir/Madam,

Re: Maidstone Borough Council Gypsy, Traveller and Travelling Showpeople Development Plan Document

Thank you for consulting Kent County Council (the County Council) on the Maidstone Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD).

The County Council has reviewed the document and for ease of reference has provided comments structured under the chapter headings within the DPD.

Please find the County Council's comments below:

PART A: Context

Policy LPRHOU8

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, understands that Policy LPRHOU8 has been created to provide criteria on whether to grant planning permission to future Gypsy, Traveller and Travelling Showpeople accommodation.

As part of this criteria, Point 1 (vi) considers whether the site is at risk from flooding and specifically references flood zones 3a and 3b. KCC acknowledges that this is a key requirement but would note that the current [National Planning Policy Framework](#) (NPPF) (paragraph 161) and the Sequential Test requirements stipulate consideration for all types of flooding, irrespective of the source.

[Government guidance](#) on the Sequential Test also highlights that if the site falls within flood zone 2 and is a change of use to either a "caravan, camping chalet, mobile home or park home site", that a test would still need to be undertaken.

In view of this, the County Council, as Lead Local Flood Authority, would encourage that Point 1 (vi) is amended to provide a broader context relating to the flood risks present on site. The application of the current wording could grant permissions to sites that may be at risk from surface water flooding from an adjacent watercourse and would not be shown to be within flood zones 3a or 3b.

Biodiversity: The County Council notes the Borough Council's intention to consider all sites for ecological impact as part of the allocation process (Point 1 (vii)). The achievability of Biodiversity Net Gain (BNG) on the site will also have to be considered as part of this process from April 2024. KCC would therefore expect Gypsy and Traveller sites to demonstrate at least ten percent BNG and for this to be included within the policy.

PART B: Consultation

8. Content

Emergency Planning and Resilience: The County Council in respect of its role in Resilience and Emergency Planning, recommends consideration of affordable pitches and the provision of public sites to ensure community resilience and public health. It is advised that the DPD demonstrably recognises the relationship between housing need and deprivation (including long term limiting illnesses and reduce longevity rates).

The DPD should seek to limit overcrowding on sites, with policies encouraged to seek appropriate and safe pitch densities and configurations to limit risk of fire and gas cylinder explosion risk caused by overcrowding.

Further, the DPD should also consider the vulnerability of mobile homes and caravans to extreme weather events including high winds, flooding and extreme heat. The County Council would anticipate that site resilience factors require specific policy references. For example, prolonged water supply disruption impacted Gypsy and Traveller communities in Maidstone Borough and Kent during the extreme heat event of July 2022 and freeze-thaw event of December 2022. Extent of hardstanding on many Gypsy and Traveller sites can exacerbate surface water flooding risk and reduce groundwater infiltration rates, therefore appropriate use of sustainable drainage systems (SuDS) to mitigate these impacts requires specific policy focus or hooks.

The County Council would also recommend policies which consider the vulnerability of Gypsy and Traveller communities in respect of utility provision – which can be significantly disrupted as a result of severe weather and other factors. The DPD could seek to promote decentralised power sources such as renewables, and water saving / storage (including grey water recycling) as appropriate.

11. How will sites be assessed?

Highways and Transportation: The County Council, as Local Highway Authority, acknowledges the access and transport methodology used in the assessment of suitable sites in Stage 1b and has no overriding concerns to raise at this stage.

Public Rights of Way (PRoW): The County Council notes the following reference to PRoW within the proposed criteria for the Stage 1b detailed assessment of sites, as part of the Gypsy and Traveller Land Availability Assessment:

“Where a Public Right of Way has been identified on a site, it will need to be re-provided and enhanced through the development of the site. It could result in a loss of developable land; this will be identified at the detailed planning stage of design.”

The County Council would request and advise that any site **affected** by a PRoW or National Trail is excluded at Stage 1a, and that the PRoW network is also included in step 5 of Stage 1a alongside the consideration of sites within the Area of Outstanding Natural Beauty and Green Belt. There is also the potential of landscape and visual impact on the PRoW network which should be taken into consideration. The County Council also advises that any PRoW **adjacent** to a proposed site could be diverted and enhanced as above.

SuDS: For the future identification of sites and how they will be assessed, the County Council understands that this has been divided into three stages. Stage 1a is noted to be a preliminary high-level desk-based assessment that considers five key fields. The second field of this stage is to determine whether the land falls within flood zones 3a and 3b. The County Council agrees with the exclusion of land that falls within these zones and for a further detailed assessment to be undertaken as part of Stage 1b into wider flood risks.

As stated above, Stage 1b has been proposed to consider both flood risk from zones 2 and 3 and drainage matters. The County Council agrees with the assessment of these factors as part of this stage.

The County Council highlights that, as part of its review for planning applications, consideration is applied as much to the existing surface water flood risks as post development. For areas identified to be at current risk, the County Council also applies the approach of advising for siting living accommodation and drainage features outside of these risks. Further assessments should also be made to better understand the risk.

In addition to the analysis of surface water flood risks, the County Council would draw attention to the incorporation / mention of sustainable drainage systems and climate change factors. The requirement of developing drainage schemes to manage runoff from hardstanding and roofs is even more important when considering the possible impacts from climate change. The County Council would therefore request consideration of these points within the DPD.

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, recognises that the consideration of land-won mineral safeguarding at identified sites and

their immediate surroundings or safeguarded waste management / mineral handling facilities, either at the site or within 250m, are not included in Stages 1a and 1b of the DPD. It is therefore recommended that the DPD is amended to ensure that these matters are identified and are part of the selection and assessment process for Gypsy, Traveller and Travelling Showpeople sites.

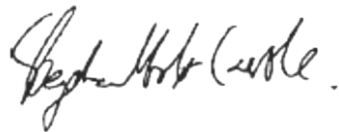
The County Council, as Minerals and Waste Planning Authority, would welcome further discussion with Maidstone Borough Council on this matter.

Appendix 3

PRoW: The County Council recommends that the Landscape and Visual Impact Assessment proposed in Appendix 3 includes the landscape and visual impact on the PRoW network and surrounding area for any proposed site.

KCC would welcome continued engagement as the DPD progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely,



Stephanie Holt-Castle
Director for Growth and Communities

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Growth and Communities

Hurst Green Neighbourhood Plan
 Planning and Building Control
 Planning Policy
 Neighbourhood Planning
 Rother District Council Town Hall
 Town Hall Square
 Bexhill-on-Sea
 East Sussex
 TN39 3JX

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 Maidstone
 Kent
 ME14 1XX

Phone: 03000 412064
 Ask for: Stephanie Holt Castle
 Email: stephanie.holt-castle@kent.gov.uk

BY EMAIL ONLY

06 December 2024

Dear Sir / Madam,

Re: Hurst Green Neighbourhood Plan - Regulation 16 Submission Consultation

Thank you for consulting Kent County Council (hereafter referred to as the County Council) on the Hurst Green Neighbourhood Plan – Regulation 16 Submission Consultation, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and for ease of reference, has provided general comments on the Neighbourhood Plan followed by comments structured under the chapter headings and policies used within the document.

5. Housing Requirements and Strategy

Policy HG2: Housing Strategy

Paragraph 5.7

Highways and Transportation: The County Council, as Local Highways Authority for Kent, notes that the Neighbourhood Plan includes provision for 75 new homes along the A21 London Road at Hurst Green. The County Council requests, as the neighbouring Local Highways Authority, that it is included in any pre-application enquiries and consultations on future planning applications for this site. It would also ask that a transport assessment be included, which considers the impact on the local highway network within Kent, with details which are scoped with the Local Highways Authority for Kent.

10. Getting Around – Sustainable Movement

Policy HG18: Encouraging active travel

General

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve PRoW in Kent (PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic). The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the County Council [Rights of Way Improvement Plan \(ROWIP\)](#) and [Framing Kent's Future 2022-2026](#). The County Council intends for people to enjoy, amongst others, a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices.

The Hurst Green Parish lies in East Sussex and borders the Kent Borough of Tunbridge Wells. The PRoW network is often considered a recreational network of paths. However, it can also provide means for people to access services and workplaces, and be a safer alternative to local roads, thereby increasing value to communities and individuals. This value is evidenced in the Regulation 16 Submission Consultation. The County Council welcomes the recognition within the Regulation 16 Submission Consultation and the aims to advance sustainable travel and leisure facilities for its residents – PRoW can positively contribute to these aspirations.

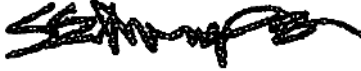
The County Council notes that it is likely that residents do walk or cycle from parish to parish; two existing PRoW run contiguously across the parish and county boundary and may assist local interactions – WC209 and WC210 (County Council references). Otherwise, residents have to use local lanes although these roads are generally no wider than a vehicle and are often enclosed by vegetation, making them potentially hazardous for walkers and cyclists due to conflict with vehicles - people can be deterred from cycling along existing roads due to levels of vehicular traffic.

For this reason, the County Council welcomes proposals for the creation of new off-road walking and cycling routes, as suggested in the Neighbourhood Plan. Furthermore, the County Council would also suggest that the Neighbourhood Plan could recognise the value of local PRoW for wellbeing and leisure, and to deliver benefits for community cohesiveness and sustainable/active travel and would ask that this be reflected in any further draft of the document.

To develop an onward connection in Kent, the County Council, as the Public Rights of Way and Access Service, would welcome an opportunity to work with Hurst Green Parish Council and East Sussex County Council to realise these ambitions.

The County Council would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Stephanie Holt-Castle', with a stylized flourish at the end.

Approved and signed on behalf of Stephanie Holt-Castle.

Stephanie Holt-Castle

Director of Growth and Communities

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