

## New school at Leybourne Chase, West Malling – TM/14/2109 (KCC/TM/0173/2014)

A report by Head of Planning Applications Group to Planning Applications Committee on 22 October 2014.

Application by Kent County Council, Property & Infrastructure Support for erection of new school together with new car parking and associated playing field and landscaping at Land at Leybourne Chase, London Road, Ryarsh, West Malling – TM/14/2109 (KCC/TM/0173/2014).

Recommendation: permission be granted subject to conditions.

**Local Member:** Sarah Hohler

**Classification:** Unrestricted

### Site Description

1. The proposed application site is located to the south east of the new housing development of Leybourne Chase, which was formerly known as Leybourne Grange. The Leybourne Chase development, as a whole was previously granted outline planning permission for up to 702 dwellings together with access roads, community hall, shop, primary school and lay-by (planning reference TM/94/01253/OA). Phases 1, 2 and 3b of the residential development have been completed. Currently none of the roads serving the development at Leybourne Grange, including the A20 link road, have been adopted by the Highways Authority. The development is sited approximately 1.2km (0.8 miles) to the north of West Malling and 1.4km (0.9 miles) to the north west of Leybourne. The M20 motorway runs approximately 0.6km (0.4 miles) to the north of the site.
2. The application site is bounded by the Leybourne Chase residential development to the north and by the West Kent Health Needs Education Service main site and administration centre to the west of the proposed development. Open land borders the east of the site and football pitches are located to the south, separated by a footpath used as a Public Right of Way. The proposed development site itself is currently an open grass paddock and is not used for general recreation. There is a mature belt of trees which are located to the site's southern boundary and a hedgerow which runs along a north-south axis within the proposed development site.
3. The proposed school site falls within the Metropolitan Green Belt, more general policies are set out in paragraph (22).

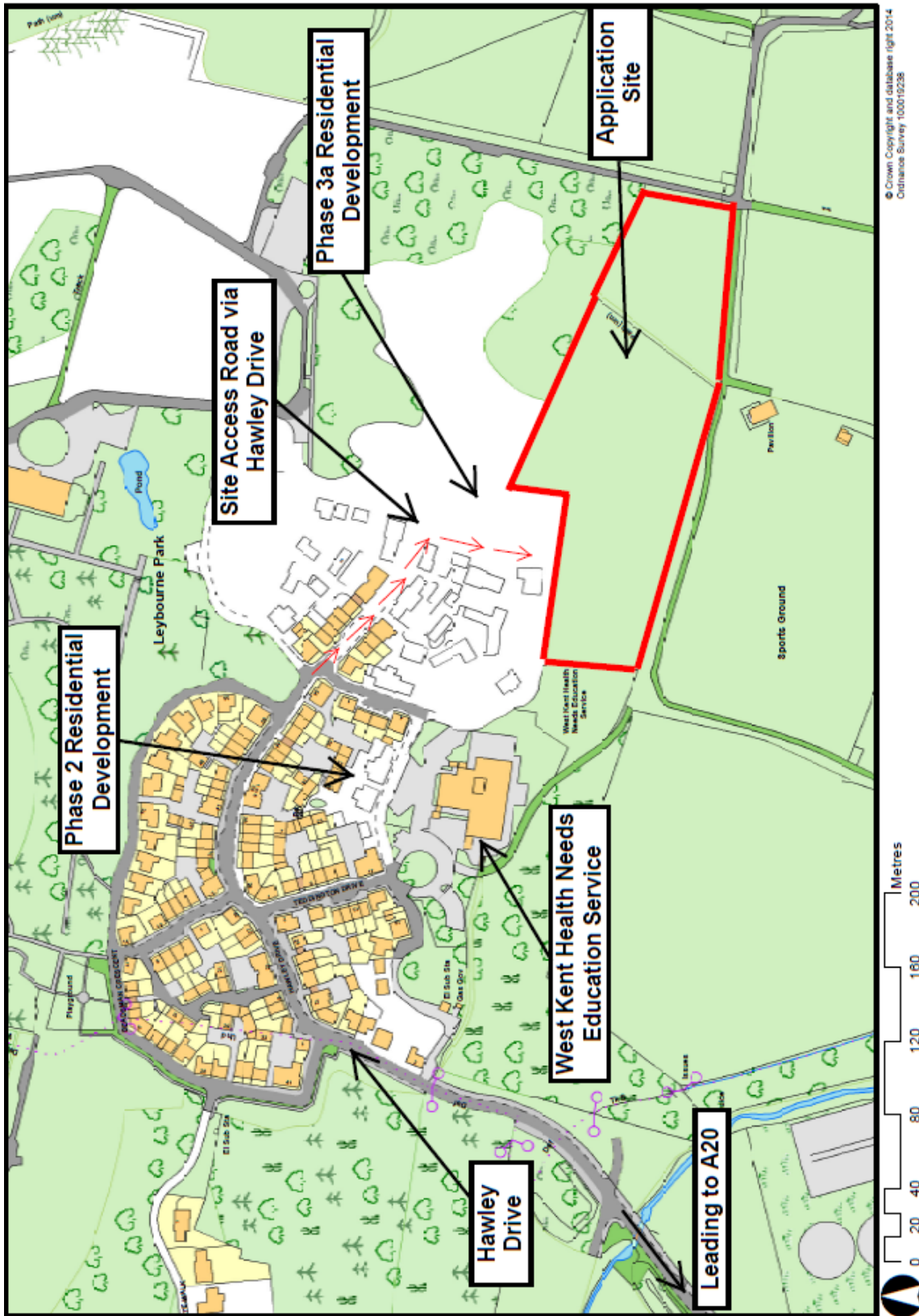
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Wider Site Location Plan



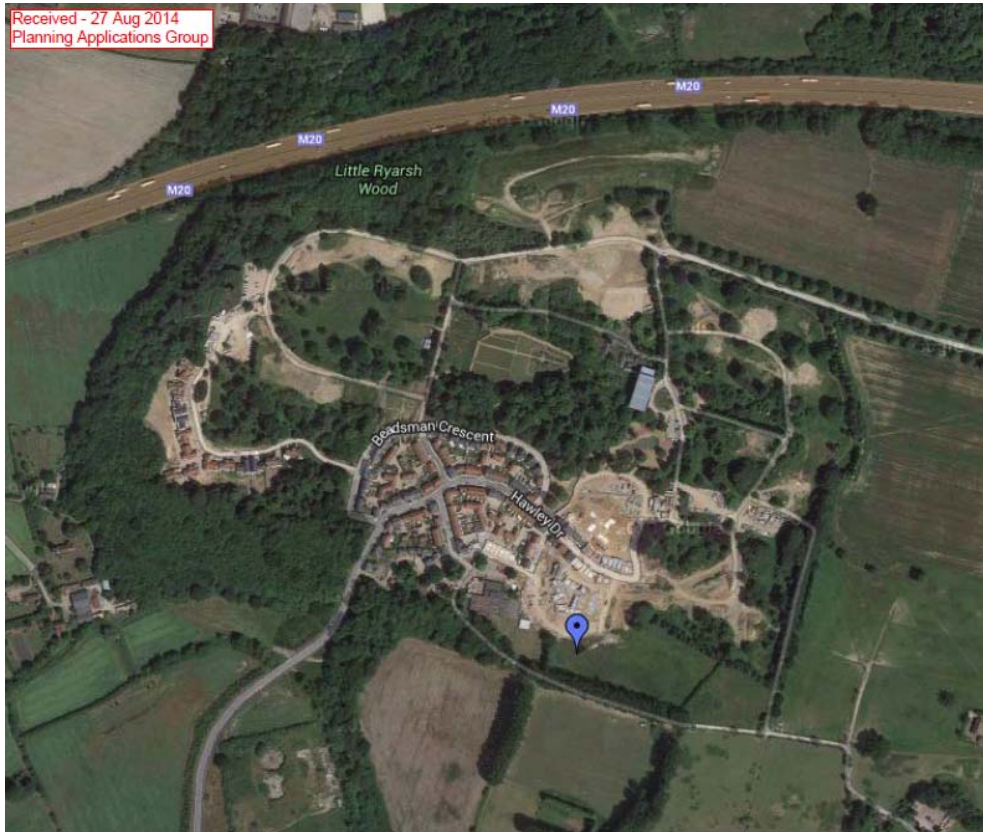
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Site Location Plan

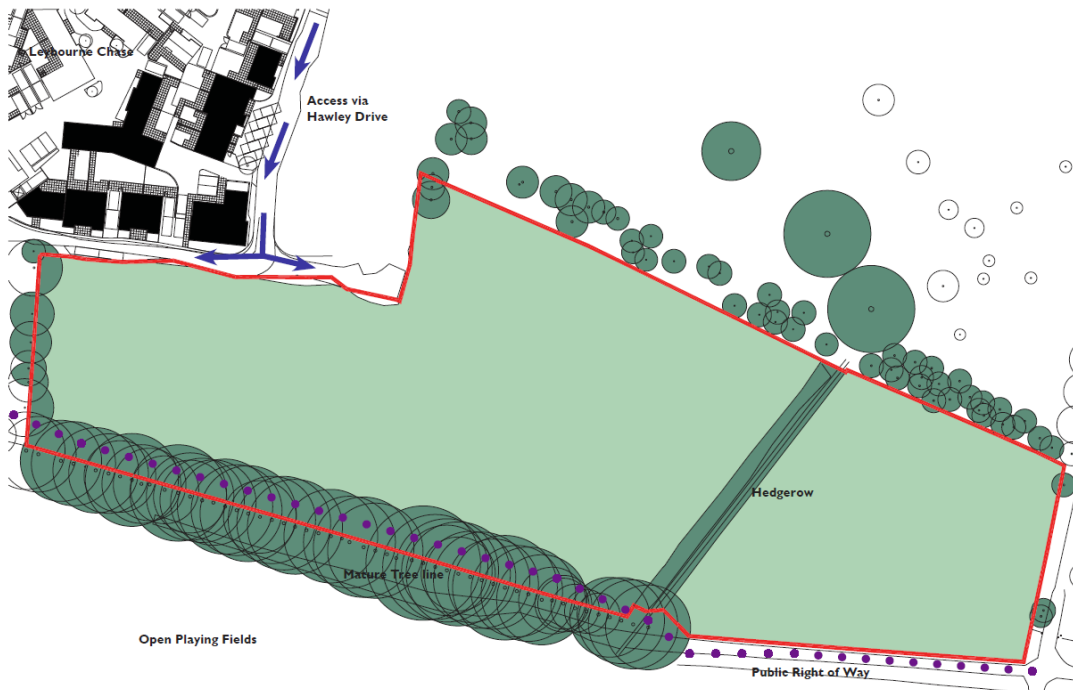


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Wider Aerial View of Site and Surrounding Leybourne Chase Development



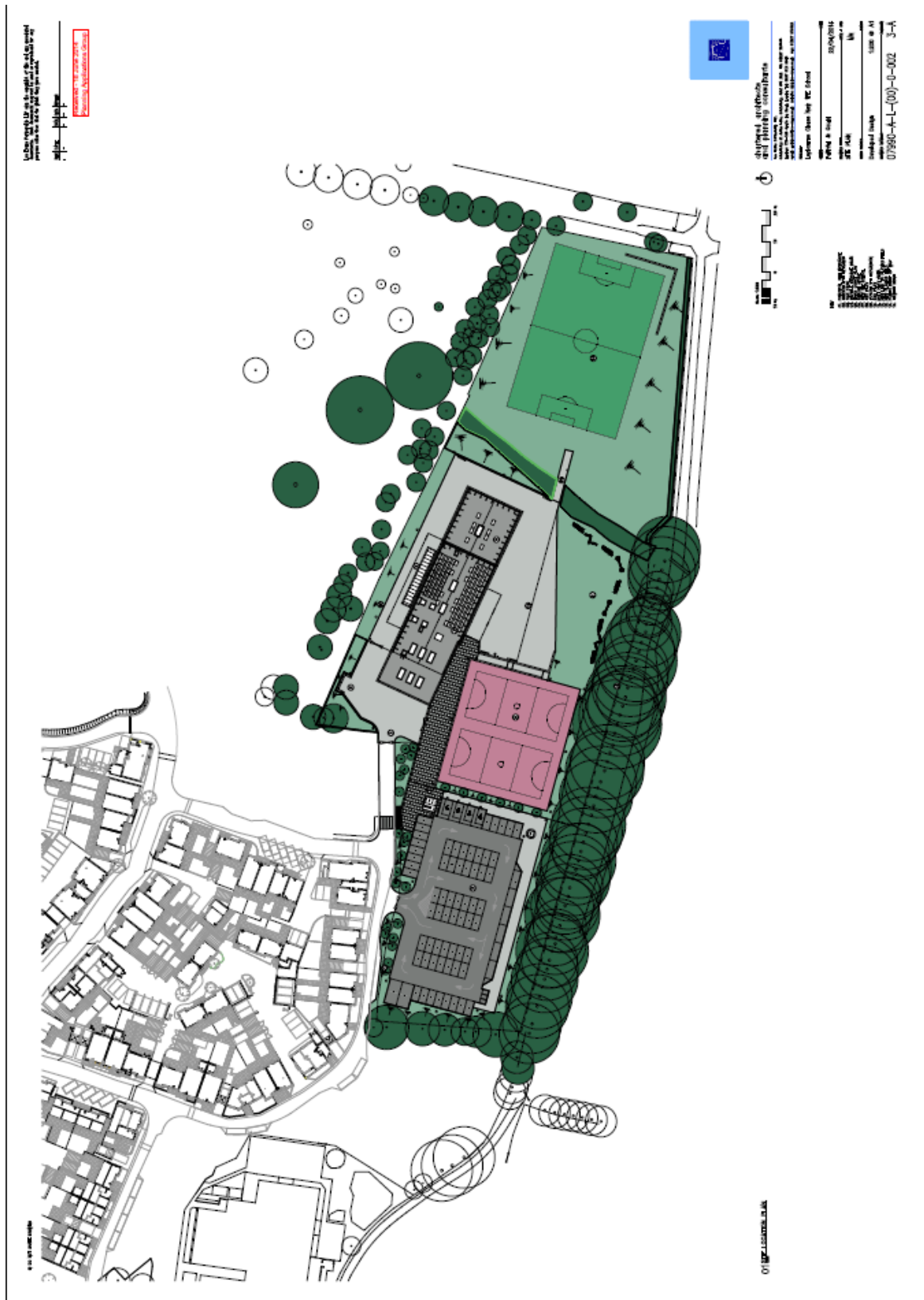
Existing Site Plan





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Proposed Site Plan



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### Relevant Planning History

4. The proposed school site is located within the Leybourne Chase Taylor Wimpey housing development. The development comprises of a range of 2 to 3 storey apartments and 2, 3, 4 and 5 bedroom homes and is currently ongoing with Phases 1, 2 and 3b completed. The Masterplan indicates a total of 702 new build units and 25 converted apartments with various different phases.
5. The wider Leybourne Chase residential development site was formerly home to Leybourne Grange Hospital and following the hospital's closure in 1996, the estate was sold for the Leybourne Chase housing scheme, with the Manor House, clock tower and some of the outbuildings being retained. Planning permission was granted by the Secretary of State following an appeal for an outline application for the demolition of the existing hospital and residential development of up to 702 dwellings, together with access roads, community hall, shop, primary school site and layby (TM/94/01253/OA). This was subsequently revised by planning reference TM/08/00757/FL in which a number of planning conditions were varied. Planning permission for the conversion of Leybourne Grange and stable block to 20 residential dwellings, erection of garages and stores, provision of visitor parking spaces and re-use of gardener's cottage as a single dwelling was granted in 2004. (TM/03/02112/FL). This permission was subsequently renewed under planning reference TM/12/00494/FL with permission being given for a further 6 dwellings at Leybourne Grange and stable block. The construction of a temporary community building and associated parking was given permission under reference TM/08/00964/FL. Tonbridge and Malling Borough Council is currently considering applications for details submitted as part of a planning condition regarding phasing of the residential development (TM/08/00979/RD) and an extension of time in which to implement the residential development (TM/12/03238/FLEA). Currently, part of the residential development has been implemented including phases 1, 2 and 3b.

### Background and Proposal

6. This application has been submitted by Kent County Council Property and Infrastructure Support and is part of the countywide Basic Needs Programme for educational purposes. The applicant has detailed an educational need for a 1 form entry primary school within the Leybourne Chase development. The Leybourne Chase housing development will create 702 homes upon completion and generate an additional demand for primary school places which cannot be met locally.
7. The Commissioning Plan for Education Provision in Kent 2013-2018 provides forecasts that indicate that without the provision of the new school, the provision for Reception year places will not be met in sufficient numbers for children to be educated locally, resulting in children having to travel further for their education. The school will be an academy admitting 30 Reception aged pupils each year with a gradual pupil intake over a 7 year period with a capacity of 210 places. The proposal has been submitted with a view for an expansion in pupil numbers to a 2FE school at a future date. This 2FE expansion would accommodate a total of 420 pupils.
8. The applicant proposes to erect a new primary school that would accommodate two form entry (2FE), with a view to expanding pupil numbers to a two form entry (2FE) school in the future. The applicant is therefore applying for planning permission for the full 2FE school accommodation although pupil intake will be staggered and remain at 1FE until the Local Education Authority considers an increase to 2FE pupil numbers.

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9. The proposed school building would contain a range of infant and junior classrooms, a Special Needs suite of spaces, a studio hall and ancillary rooms including WC's, storage space and offices. The applicant intends that the school would act as a civic centre to the Leybourne Chase community. The use of the school as a community hub has influenced the layout of the building, orienting the hall towards the site entrance. The site would also accommodate a car park/drop-off area to the west of the site, hard standing play courts, located to the east of the car park, formal and informal hard and soft spaces, habitat areas, and a sports pitch (to be upgraded to all-weather if the school is expanded to 2FE), located to the east of the site.
10. The layout of the school building, which is located to the north of the site, would be part single and part two storey with a flat roof. Ventilation plant equipment would be located on the roof. The hall parapet level would be 8.9m (29.2ft) above the finished ground level, while the teaching accommodation parapet would finish at 7.5m (24.6ft) above the finished ground level. The extended parapet also acts as a screen to the ventilation plant.
12. The school has been designed to host a specialist resourced provision (SRP) for pupils who have greater difficulty learning as a result of behavioural, emotional and/or social difficulties. Inclusive provision for up to 8 pupils (usually 1 per year group) would be accommodated.
13. The School would employ 25 full time equivalent (FTE) staff positions who would be at the school site on a daily basis and 4 part time members of staff. A 2 FE expansion in pupil numbers, at a later date, would employ 50 members of FTE staff.
14. Subject to the grant of planning permission, the school is planned to open in September 2015. Consequently, the use of offsite construction and standardised prefabricated components has been used as much as possible to reduce material waste and increase the speed of construction. The building shall be constructed using a steel frame, with a suspended beam and block ground floor with precast concrete floor planks to the first and roof levels and single membrane flat roof and roof lights. The external envelope shall be constructed from an SFS (Metsec) infill system, finished with cement board insulation. A combination of flat and profile cladding panels have been proposed for the school building to help to reduce the overall mass of the building. The ground floor external walls are clad using grey flat fibre cement panels, while the upper floor is clad with black profile fibre cement panels with grey detailing to the hall section. This is in response to the design of the adjacent housing. The external façade is punctuated by a series of powder coated fixed windows, louvres and doors. The vertically arranged yellow coloured louvre panels and the coloured window reveals are intended to help break down the linear form of the building by adding rhythm to the elevations. A polycarbonate canopy would be located to the northern elevation of the building.
15. The application documents state that the development would be designed to BREEAM 'Very Good' standard. The scheme also incorporates sustainable construction through the use of renewable technologies and the consideration of lifecycle costing. As a result of rooflights to the flat roof, the use of PV panels is not possible in this instance.
16. A bin store has been located at the front of the site, which would accommodate all of the school's refuse (domestic and recycling). A refuse vehicle would need to enter the site, turn through the service yard and exit in forward gear.

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17. Vehicular access to the site would be achieved via Hawley Drive to the west of the school building, providing an access into the proposed car parking area located directly to the south of the access road. Access to the school site would be off a new access road through the development. An application is expected to be determined shortly by Tonbridge and Malling Borough Council for Phase 3 of the housing development. This proposes to widen the access road to the north of the proposed new school development allowing for two-way traffic flows to and from the spine road, leading to the A20. This aspect of the proposals is discussed in further detail in paragraph 51.
18. Pedestrian access to the school would be provided via a gated entrance to the south of the main route into the school, segregated from the vehicle access and the service access to ensure pedestrian safety. This would be linked to a section of footway provided to the south of the access road. In the event that the school is implemented in advance of Phase 3 of the residential development, a temporary footway to the school site could be provided to allow safe pedestrian access. This would also be provided to the east of the access road and could be secured by condition of any forthcoming planning permission for the school.
19. The definitive route of the Public Right of Way lies within the southern part of the site, linking between Church Road in the west and Birling Road to the east. In order for the development to take place, the definitive route of the Public Right of Way would need to be formally re-aligned to run along the south of the school site. This is the footpath that is currently used by members of the public as a 'Trim Trail'. An application has been made by the applicant to Kent County Council's Countryside Access Service to formally divert the Right of Way to the south of the proposed school boundary.
20. The application proposes the creation of a car park with a total of 75 car parking spaces. 36 spaces would be for dedicated staff use, 27 spaces for 'park and stride' use by parents walking their children to the school entrance, 6 spaces for quick drop-off and collection of older pupils, 4 disabled parking bays and 2 spaces for minibus use. Provision for 10 cycle spaces is also included within the proposals along with 3 motorcycle spaces.
21. The proposal includes the felling of eight Poplar trees which are considered to be in poor condition. These trees are located within the mature tree belt running along the southern boundary of the site. The hedgerow which runs north to south across the site would be retained with an access cut through to the playing field. A comprehensive soft landscaping scheme which includes the planting of a variety of trees, shrubs, hedges and plants species is proposed by the applicant. The landscaping scheme also features a habitat trail located to the south of the hard games court.





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Proposed Ground Floor Plan of New Building

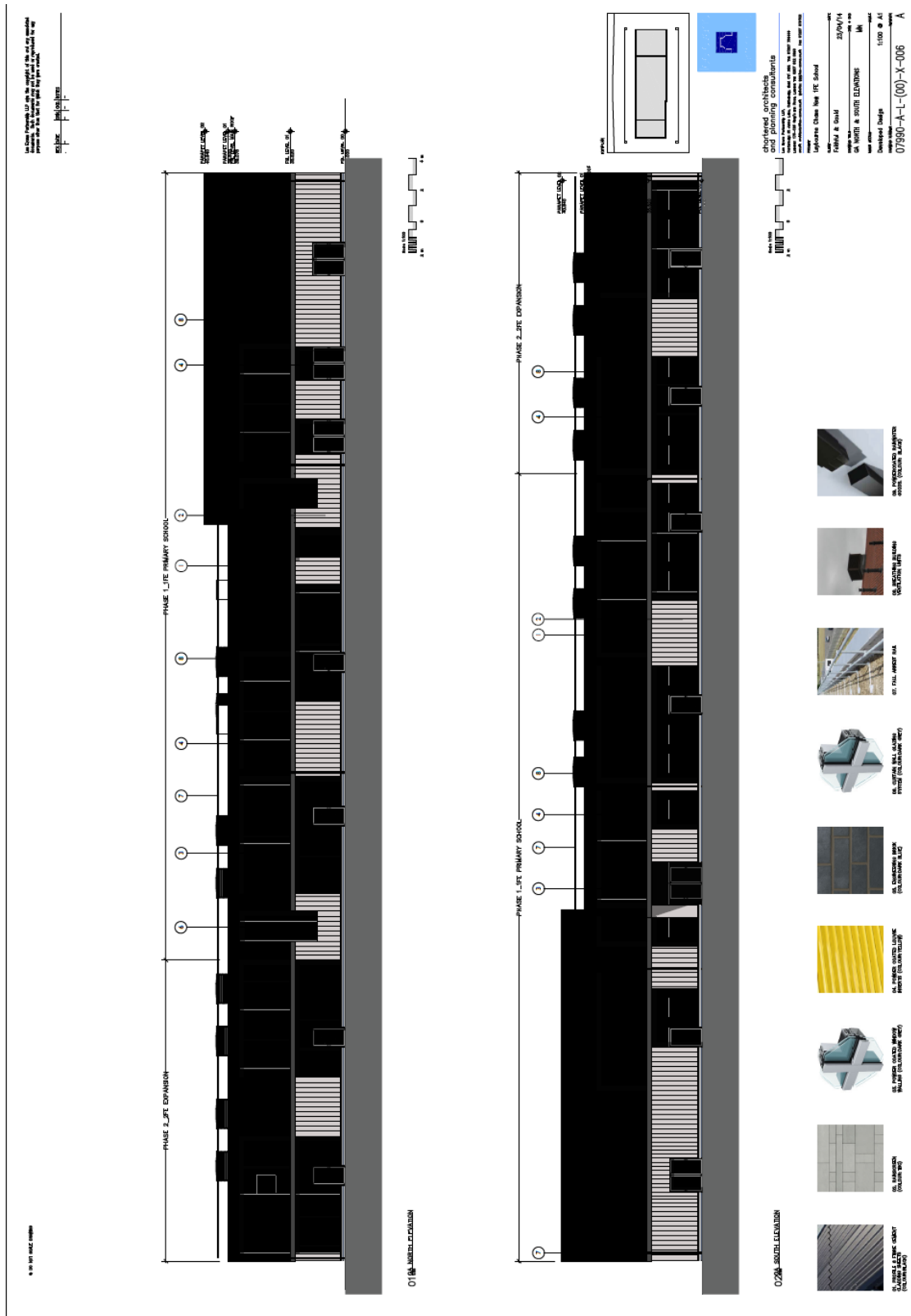






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Proposed North and South Elevation Plan of New Building



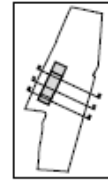




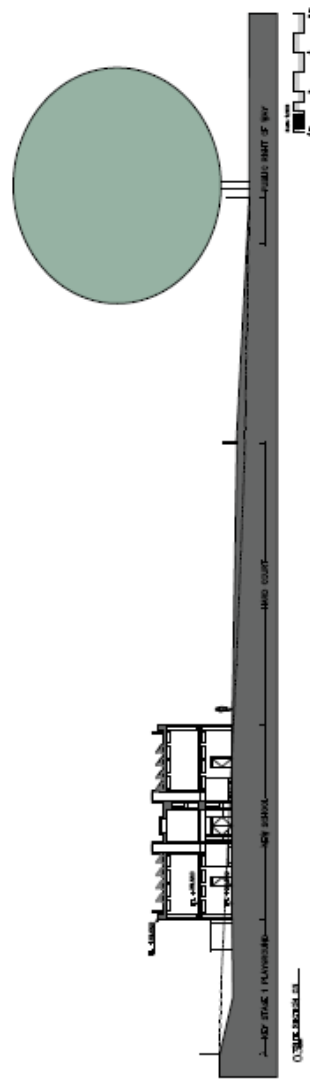
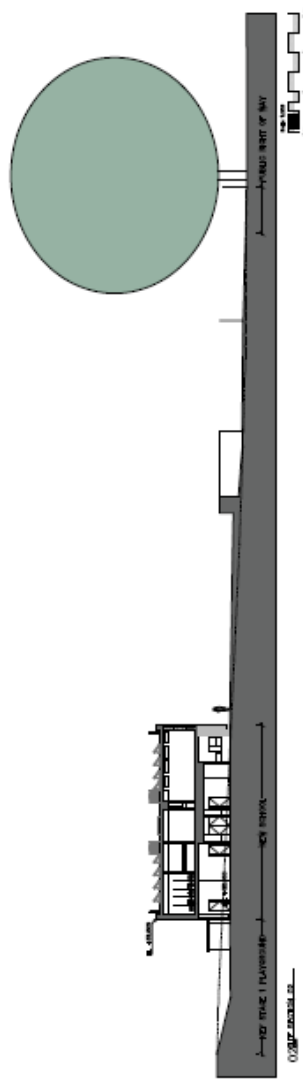
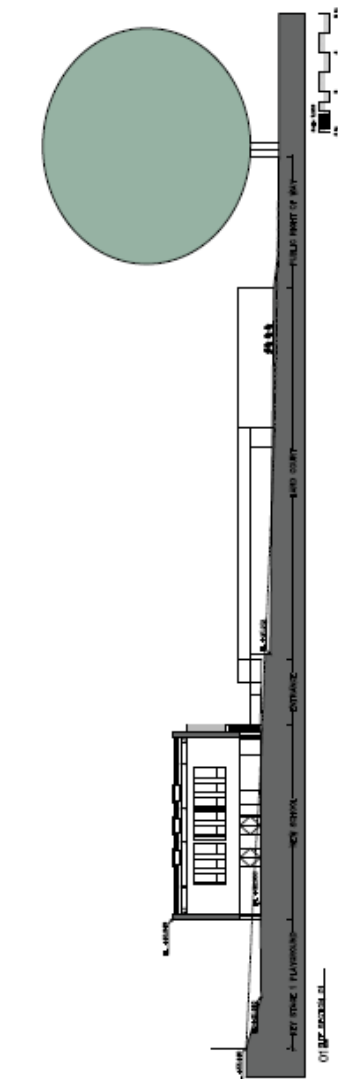
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Proposed Site Sections

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Proposed Views of New Building – Western & Southern Elevation



Proposed Views of New Building – Southern Elevation



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### Planning Policy Context

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

- (i) **National Planning Policy Framework (NPPF)** March 2012 and the **National Planning Policy Guidance (March 2014)** 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 application 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 look for solutions rather than problems, 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:

- the great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools; and that
- Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education; and
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- the great importance the Government attaches to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open;
- minimising impacts on biodiversity, and protecting and enhancing valued landscapes, contributing to the Government's commitment to halt the overall decline in biodiversity;

- (ii) **Policy Statement – Planning for Schools Development** (15 August 2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

(iii) **Tonbridge and Malling Borough Core Strategy September 2007:**

**Policy CP1 Sustainable Development:** 1) All proposals for new development must result in a high quality sustainable environment; 2) provision should be made for housing, employment and other development to meet the needs of existing and future residents of the Borough; 3) the need for development will be balanced against the need to protect and enhance the natural and built environment; 4) locations for development should seek to minimise waste generation, water and energy consumption, reduce the need to travel and where possible avoid areas liable to flooding; 5) new housing development should include a mix of house types and tenure and mixed use developments promoted where appropriate; 6) development to be concentrated at the highest density compatible with the local environment, and be well served by public modes of transport; 7) that development should minimise the risk of crime and make appropriate provision for infrastructure to serve the new development including social leisure, cultural and community facilities and adequate open space accessible to all.

**Policy CP2 Sustainable Transport:** New development that is likely to generate a significant number of trips should (a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres; (b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities; (c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking; (d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated; (e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and (f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

**Policy CP3 Metropolitan Green Belt:** National Green Belt policy will be applied generally to the west of the A228 and the settlements of Snodland, Leybourne, West Malling and Kings Hill, and to the south of Kings Hill and east of Watringbury.

**Policy CP11 Urban Areas:** Seeks to concentrate development in the urban areas where there is the greatest potential for re-use of previously developed land and other land damaged by former uses.

**Policy CP24 Achieving a High Quality Environment:** 1) All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance, be designed to respect the site and its surroundings; 2) All development should accord with the advice contained in Kent Design, By Design and Secured by Design, and other supplementary Planning Documents and, wherever possible,



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should make a positive contribution towards the enhancement of the appearance and the safety of the area; 3) Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted; 4) The Council will seek to protect and enhance existing open spaces; 5) The environment within river corridors will be conserved and enhanced.

**Policy CP25 Mitigation of Development Impacts:** Development will not be permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. Development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.

**Policy CP26 Community Services and Transport Infrastructure:** The safeguarding of land required for the provision of services to meet existing and future community needs, as identified by service providers.

(iv) **Tonbridge and Malling Managing Development and the Environment Development Plan Document April 2010:**

**Policy CC1 Sustainable Design:** Requires all proposals for new development, building conversions, refurbishments and extensions to incorporate passive design measures to reduce energy demand.

**Policy CC3 Sustainable Drainage:** Requires the provision of sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions and drainage regimes. Where SUDS are not practical the proposal should incorporate alternative means of surface water drainage to ground watercourses or surface water sewers.

**Policy NE2 Biodiversity:** The biodiversity of the Borough, and in particular priority habitats, species and features, will be protected, conserved and enhanced.

**Policy NE3 Impact of Development on Biodiversity:** 1) Development that would adversely affect biodiversity or the value of wildlife habitats will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement; 2) Proposals for development must make provision for the retention of habitat and protection of its wildlife links; 3) Where development is permitted the Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance ecological conservation, contribute towards the objectives of Kent Biodiversity Action Plan, ensure appropriate management and monitoring, and the creation of new or replacement habitats.

**Policy NE4 Trees, Hedgerows and Woodland:** The extent of tree cover and the hedgerow network should be maintained and enhanced.

- Policy SQ1 Landscape and Townscape Protection and Enhancement:** Proposals for development are required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD. All new development should protect, conserve and where possible enhance (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity; (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.
- Policy SQ5 Drainage:** 1) All development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users; 2) Planning permission will only be granted for developments which increase the demand for off-site water and sewerage where (a) sufficient capacity already exists, or (b) extra capacity can be provided in time to service the development; 3) When there is a water or sewerage capacity problem and there are no programmed off-site infrastructure improvements, planning permission will only be granted if the developer funds appropriate infrastructure improvements which should be completed prior to occupation.
- Policy SQ6 Noise:** Proposals for noise sensitive development (including schools) will be required to demonstrate that noise levels are appropriate for the proposed use. Proposals for built development should incorporate design measures such that internal noise levels are demonstrated to meet criteria levels in relevant guidance, including BS 8233:1999 and Building Bulletin 93.
- Policy SQ8 Road Safety:** 1) Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure is in place or is certain to be provided; 2) Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network; 3) Development proposals should comply with parking standards; 4) appropriate mitigation measures shall be provided where required before a development is occupied.

## Consultations

23. **Tonbridge and Malling Borough Council (TMBC)** – Raises no objection overall to the application. The Borough Council has requested a Traffic Management Plan for the wider area, consideration be given to the provision of a segregated footway access to the entrance from any potential walking routes; widening of highways pinch points to better allow 2 way traffic flows all the way to the adopted highway; investigation into moving the main vehicular access more to the east, to minimise as far as practicable, school related traffic in front of Phase 2 houses; review of the level of proposed cycle/scooter racks based on evidence of likely use from similar schools in the Borough; develop construction access and routeing arrangements as early as possible and engage local residents; consideration of the definitive line of the Public Right of

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Way; note that the Root Protection Zones of nearby TPO trees fall into the northern part of the site; consideration to the control of external lighting operation hours to minimise impact on the Green Belt; review of the proposed colour and cladding of the school building. The applicant's response to these issues of concern is detailed in the Discussion section below. TMBC's Environmental Health Officer has also provided comments on noise, air quality and contaminated land, requesting additional information regarding the noise impact of plant and equipment upon residences in the locality, implementation of a School Travel Plan and recommendations to reduce air pollution through the use of anti-idling initiatives and inclusion of trees with a High Urban Tree Air Quality Score in the landscaping scheme.

**Leybourne Parish Council** – Raises concern that there is no separate access road being provided for the proposed new school and that this would cause unacceptable traffic problems for local residents at Leybourne Chase.

**Kent County Council Highways and Transportation** – *Originally* commented that the swept path vehicular analyses provided in the Transport Statement required revision and further clarification was required regarding the layout of the application site and Phase 3 of the residential development. Following the submission of a statement by the applicant's transport consultant addressing a number of highways and access issues, KCC Highways and Transportation are now satisfied with the use of Grampian conditions (ie. conditions coming into effect once other specified circumstances arise), the widening of the access road and pedestrian access which would be completed as part of the Phase 3 residential development. In the event of the school development coming forward in advance of Phase 3 of the residential development, KCC Highways and Transportation considers that the occupation of the school by up to 100 pupils before undertaking refinements to the access road and pedestrian routes would be acceptable.

Further conditions requiring details of the modifications to the access road including revised site access design, extent and position of school clearway markings and school signs, details, appearance and materials of any proposed pedestrian crossing zone, revised car parking layout and revised location of cycle stands, a traffic management plan, and enhancements to pedestrian accessibility should also be submitted for approval, subject to consent for the development being given. KCC Highways and Transportation recommend that the applicant takes into consideration the provision of a bound temporary material to the proposed temporary construction of the service road, should pedestrians be required to cross this at any interim period, for the purposes of pedestrian safety.

Subject to implementation of the aforementioned conditions and the registration of a School Travel Plan, the Highway Authority raises no objection to the proposals.

**The County Council's School Travel Plan Advisor** – Provides advice on how the school can produce a School Travel Plan using a new dedicated online system.

**Environment Agency** – Raises no objection to the proposal subject to the imposition of a number of conditions including that the development be carried out in accordance with the submitted Flood, Risk Assessment, the submission of a remediation strategy to assess and deal with any potential contamination on site and verification report, no infiltration of surface water drainage into the ground. Additionally, the Environment Agency has advised a number of informatives to be taken into consideration by the applicant covering drainage, contaminated land, and fuel, oil and chemical storage.

**County Archaeologist** – Raises no objection, subject to the imposition of a condition requiring the applicant to submit details of a programme of archaeological work prior to commencement of the development. This is due to the application site being located in an area of potential archaeological interest. Therefore it is possible that proposed development works may disturb archaeological remains.

**Public Rights of Way Officer** – Comments that Public Right of Way diversion MR130 footpath runs along the southern boundary of the site, that the definitive alignment is impacted by the proposed development, and that the definitive route differs from that followed on the ground and currently used by members of the public. Subsequently a diversion of the footpath is necessary for the development to take place and an application should be made to the County Council's Countryside Access Service. KCC's PROW Officer also notes that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority. The applicant should also apply for permission for any temporary closure of the Right of Way, should this be required.

**Campaign to Protect Rural England** – No comments received.

**The County Council's Landscape Officer** – Comments that the application site is within the Green Belt and lies within the setting of the Kent Downs AONB and considers that a Landscape Appraisal would have been appropriate at this site. All of Kent is divided into Landscape Character Areas, and this site lies within the Wrotham Heath to Ryarsh Landscape Character Area. The Landscape Officer considers that the retention of the internal hedgerow and the majority of the belt of trees to the site's southern boundary goes some way to respecting the existing character of the site. Recommendations have been made by the Landscape Officer to support landscape character within the application site including the use of native species planting, retention of the Public Right of Way in its current position, as used by members of the public, to consider landscape character enhancements through the scheme, support the use of permeable surfaces to the car park and paths around the site and consider joint development of SuDs and landscaping to achieve natural drainage of the site, retention of the line of Poplar trees along the southern edge of the site and the use of minimal lighting which is energy efficient and sensitive to the semi-rural locality. These have been incorporated into the proposed scheme. Following the submission of a Tree Survey Assessment which indicated that eight Poplar trees located to the southern boundary of the site would have to be removed due to their poor condition, the Landscape Officer supports the recommendations in the Tree Survey including the removal of these trees.

**Biodiversity Officer** – *Originally* commented that insufficient ecological information had been provided and requested that the applicant update the Ecological Scoping Survey to cover the proposed sports pitch to the east of the site. The Biodiversity Officer considered that additional information regarding the submission of bat emergence surveys considering that trees would be removed as part of the proposed development would be required prior to determination as well as a reptile survey and Great Crested Newt (GCN) survey due to the application site being able to provide suitable habitats for these species. Further information was also requested on dormice and breeding birds, assessing the potential impact the proposed development may possibly have on these species. Following the submission of further ecological information by the applicant including an updated Ecological Appraisal, GCN and

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Dormouse Assessment and Reptile and Bat Survey, KCC's Biodiversity Officer considers the information provided to be satisfactory and raises no objections to the proposal. That is subject to the precautionary approach method of working recommendations for bats, reptiles and dormice being implemented. Further recommendations have been made by KCC's Biodiversity Officer that any lighting for the proposed development should be designed sensitively so as to have minimal impact on bats. Ecological enhancement measures recommended by the applicant's Ecologist have also been requested as part of a condition, subject to planning permission being gained for the proposed development.

**Sport England** – Requested further information regarding a detailed specification for the proposed sports facilities. Following the submission of further details by the applicant covering the proposed dimensions and surface type of the artificial grass pitch and hard games court, Sport England recommended that the applicant consider upgrading the facilities to meet Sport England guidelines although noted that the facilities would suffice as a training facility.

#### Local Member

24. The County Council Local Member Mrs Sarah Hohler was notified of the application on the 10 June 2014 and has commented that she supports the proposals and would like the opportunity to address the Committee.

#### Publicity

25. The application was publicised by the posting of 3 site notices, on Hawley Drive, the main access road to the site, to the northern boundary of the site, off Hawley Drive and along the Public Right of Way as used by members of the public as a 'Trim Trail' along the site's southern boundary. An additional site notice was also placed in the Taylor Wimpey sales office on site. The application was also advertised in a local newspaper. The individual notification of 153 neighbouring properties within the wider Leybourne Chase area was also carried out as part of the consultation process.

#### Representations

26. I have received 6 letters/emails of objection to the proposal to date, one of which is from the Leybourne Chase Residents Association. The main points of objection are summarised as follows:-

##### Access, Parking and Highway Safety

- Concerns regarding the additional levels of traffic and the cumulative effect from the residential area which is still expanding.
- Suggest that a separate access road to the school is constructed, avoiding the residential area. Suggest that a new access road could lead from the current access road just south of the show home around the bottom of Leybourne Chase. If a separate access road is not constructed this would have a detrimental impact on safety, congestion, pollution and quality of life.
- Consider that the Transport Statement, submitted as part of the application documents, creates an unrealistic and misleading representation on the current and future travel situation at Leybourne Chase.
- On-street parking is commonplace within the surrounding local roads and creates



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pinch points reducing free-flow of traffic, particularly along Hawley Drive and sufficient consideration is not given to this issue in the Transport Statement

- Consider that the junction between the A20 and the development access road could not cope with the additional traffic that a new school would create.
- Current levels of traffic along surrounding roads and the safety implications that this currently creates and the belief that the school expansion would exacerbate the problem.
- Concern that lack of traffic calming measures on local roads, particularly along the access road, would lead to dangerous and inconsiderate driving.
- Consider that the lack of separate access provision for construction vehicles would be detrimental to road safety and cause further congestion.
- Consider that traffic will be exacerbated particularly in combination with the existing Special Educational Needs school at Leybourne Chase.
- Consider that an informal one way system monitored by the School would do little to assist in limiting the congestion on the local roads.
- Consider that Hawley Drive is unsuitable as an access road as it currently has the following serious issues:- no traffic island or lighting at the junction with the A20, no speed restrictions, traffic calming or road markings, no lighting for the 800 yards from the main A20 and into the development. (Note that currently, none of the roads on the Leybourne Chase development have been formally adopted by the Highways Authority).

#### Need for the development and impact on the school

- Sympathetic with the need to build a new school within this area.

Following the submission of the additional highways and access statement, local residents who made representations on the proposals were re-consulted and one further letter of representation was received maintaining an objection to the revised proposals:

- Appreciate the 'hard infrastructure' changes to the access road that have been outlined in the statement but consider that these should be carried out before the school is built.
- Consider that widening the access road to the new school will not assist traffic flow in Hawley Drive.
- Maintain that the only possible solution in which access to the new school could be adequately facilitated is via a dedicated access road to the south of the development, bypassing the residential roads.

## Discussion

### Introduction

27. The application seeks planning permission for a new two form entry (2FE) primary school which would be a part single, part two storey build. The proposal also include a car park/drop-off area, hard standing play courts, formal and informal hard and soft spaces, habitat areas, and a sports pitch. The application is being reported to the Planning Applications Committee as a result of the objections received from Leybourne Parish Council and local residents regarding the proposal.
28. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph 22 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the

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Development Plan unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations including those arising from consultation and publicity.

29. The main aspects to consider are the issues to do with the design, layout and scale of the development, implications of the proposal on the local road network and access considerations, residential amenity concerns including noise disturbance and impact upon the Green Belt. The strong policy support for the development of schools should also be considered to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on amenity and other material considerations. In the Government's view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in Circular 11/95.

### Green Belt

30. Policy CP3 of the Tonbridge and Malling Core Strategy seeks to resist inappropriate development within the Green Belt, unless justified by exceptional circumstances. This is particularly relevant to this development site which is identified within the Tonbridge and Malling Borough Council Local Plan as being within the Metropolitan Green Belt. The NPPF makes reference to development within the Green Belt and states that "as with previous Green Belt Policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances". The NPPF does not explain in any detail what 'very special circumstances' means, but does go on to state "very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and other harm, is clearly outweighed by other considerations". Any built development within the Metropolitan Green Belt could affect the openness of it and would be contrary to planning policies. On this basis the development proposed must be considered as a departure from the Development Plan, and has been advertised as such. The need, or otherwise, to refer the application to the Secretary of State for determination will be considered and assessed in the following section of this report.
31. The applicant has provided justification in the application documents for a case of 'very special circumstances' to outweigh an objection on Green Belt grounds in support of the proposal. The following are the applicant's main points which they consider justify the proposed development and are sufficient to outweigh any Green Belt policy objection:
- the acceptance of the need for a new school in this location previously;
  - the need for the new development to address the additional demand arising from the Leybourne Chase housing provision and also to seek to meet the need of the wider area;
  - the significant policy and Central Government support for the delivery of state funded primary schools; and

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- the benefits of the new primary school to the wider community.
32. With reference to the acceptance of the need for a new school in this location previously, a new school within this site was outlined in the Masterplan for the wider Leybourne Chase development. Most of the land within the locality falls within this Green Belt designation and this was taken into consideration when outline consent was given by the Secretary of State for the wider Leybourne Chase development. Given that the former Leybourne Grange Hospital occupied a site within the Green Belt, and its redevelopment for a new community development has been identified and accepted in the Local Plan since 1998, the inclusion of a primary school also in this Green Belt location has arguably been long regarded as an acceptable exception to Green Belt policy here.
  33. As a separate matter, the educational need for the development of new school places has been previously discussed in paragraph 7, and indicates that the provision for reception year places will otherwise not be met in sufficient numbers for children to be educated locally, resulting in children having to travel further for their education without the development.
  34. With regard to policy support for school development, at a national level the NPPF places significant importance on the provision of state funded schools, as further supported by the Policy Statement – Planning for Schools Development. There is a strong policy presumption in favour of supporting the development of state funded schools, which includes a presumption in favour of development ‘necessary to the operational needs of the school’.
  35. The proposed development aims to include the wider community by making a range of extended school facilities available for community use including sports pitch, main hall/kitchen, classrooms, seminar rooms and ICT facilities. These sports and learning facilities would only be provided as a result of the new school development which itself must be by its nature located within the Green Belt.
  36. In general, I accept the applicant’s assessment of Green Belt Policy as discussed in the submitted application documentation, taking into consideration the context of Policy CP3 of the Tonbridge and Malling Borough Council Core Strategy and reference made to the Green Belt in the NPPF. The development is inappropriate development for the purposes of Green Belt consideration and is, therefore, by definition potentially harmful to the Green Belt. However, in my opinion, the considerations provided by the applicant, in support of the development, are sufficient to justify ‘very special circumstances’ capable of outweighing harm, in this particular case. Additionally, in my view, the siting and design of the proposals have been well thought out to help mitigate and minimise the impact on the functioning and openness of the Green Belt. The proposed layout of the new school building to the north of the site, adjacent to the residential development and use of two storey elements to minimise the footprint of the building, as well as siting the external play areas to the south of the application site would assist in maintaining the openness of the Green Belt. The fact that the wider Leybourne Chase development also falls within the Green Belt and that there are no other suitable locations must also be taken into consideration. Subsequently, I do not consider that an objection on Green Belt grounds would be justified in this particular case.

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Design, Layout and Scale of Development Issues

37. The Tonbridge and Malling Borough Council Core Strategy (2007) promotes high quality design and sustainable development. The proposed layout, scale and design of the development should be considered to establish whether the development, as proposed, is acceptable and is sensitively designed within its residential and Green Belt setting. The layout of the proposed development aims to provide the most feasible option for the new school development. The application documents show other location options for the proposed school building which were investigated by the applicant's architect. It is considered that the final layout option chosen for the position of the proposed building helps to define a clear boundary between external public and private spaces, sets up a clear linear circulation route which connects the car park pedestrian site access and the main entrance and maximises the south facing external spaces for use as playgrounds. In my view the proposed layout of the development is acceptable and the most coherent option considered by the applicant's architect.
38. The proposed school building would be a part single, and part two storey brick built building with a flat roof with roof lights. The scale and proportions of the proposed building have been influenced by the adjacent Leybourne Chase development which features a combination of 2 and 3 storey terraces and semi-detached residential buildings with pitched roofs, some of which rise to a height of 12 metres (39.4ft). In comparison, the height of the hall parapet rises to 8.9 metres (29.2ft), with the flat roof reducing the overall height of the building. I do not consider that the scale of the development would have a detrimental impact on visual amenity.
39. The proposed development has been designed to reflect the character of the surrounding residential development which is reflected in the choice of external materials and colour scheme chosen for the proposed development. The residential development features a variety of different housing types and forms. These buildings feature a variety of external materials referencing the local character including red brickwork, black and light grey fibre cement boarding, white render, black windows and doors and red and black roof tiles. In reference to the new housing development, the new school building would be clad in black profile panel cement cladding to the upper levels with grey flat panel cement cladding to the lower level. The hall section would also feature grey vertical detailing to break up the expanse of black cladding on the western and south western elevation which does not feature any windows, with rooflights providing adequate lighting. A vertical arrangement of powder coated fixed windows and yellow coloured louvre panels and coloured window reveals would incorporate further colour and detailing to the building. Tonbridge and Malling Borough Council did initially raise some concerns regarding the proposed cladding to the new building and consequently the cladding proposals have been amended during the application process to incorporate profile and flat cladding materials and vertical 'fin' detailing to the hall exterior. The Borough Council are satisfied with the amendments made to the cladding of the new building. Subject to permission being granted, a planning condition requiring the submission of details of external materials prior to the construction of the development could be stipulated.
40. The applicant has taken into consideration the location, layout and design of the proposed building in relation to the proposed development's Green Belt location. In my opinion, the scale, massing and design of the proposed development is acceptable and in keeping with the residential development already constructed. Consequently, I consider the design of the building to be acceptable and in accordance with Development Plan policies.

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Access, Parking, Traffic and Highway Safety

41. Local residents have raised concerns that the local highway network would be unable to cope with the additional levels of traffic that the proposed school development would have. The applicant's transport consultant has demonstrated that the local road network would be able to support school related traffic for 1FE and the future 2FE expansion in pupil numbers. The Transport Statement has assessed the level of staff car parking to be provided as a result of the school expansion and taken into consideration Kent Vehicle Parking Standards Supplementary Planning Guidance. With regard to staff parking, standards would permit a maximum of 28 spaces for a 1FE school and a maximum of 55 spaces for a 2FE. The proposals provide a total of 36 spaces allocated to staff which would comply with the standards for a 2FE. In total the car parking proposals would provide 75 parking spaces. This overprovision of parking would, in the short term, when the school is at 1FE, aid parking pressures on local roads.
42. The Transport Statement submitted as part of the application concludes that the proposed new school with 210 pupils (1FE) and 25 staff could potentially generate a total of 139 vehicle trips in the morning and afternoon peak periods. A future possible expansion in pupil numbers to 420 (2FE) with 50 staff could potentially generate 278 vehicle trips in the morning and afternoon peak periods. The applicant's transport consultant notes that in reality not all these vehicle trips would be made during peak periods and may be staggered and it is considered that with the introduction of the School Travel Plan and with the further 2FE expansion in pupil numbers, in time, there would be a mode shift for pupils travelling by car to travelling on foot, particularly given that more of the residential development would have been constructed.
43. Consequently, the Transport Statement concludes that the parking provision for staff and pupils would be adequate for the proposed new primary school and considers that the proposals would not have a significant detrimental impact to residential parking amenity. Additionally, the provision of parking for parents would be made available with 33 parking spaces for parents and visitors, reducing the impact that parent parking has on the local road network. I consider that the submission of a Traffic Management Plan covering the wider Leybourne Chase development, should permission be granted would be appropriate. Kent County Council Highways and Transportation conclude that the vehicle trips generated by the new school would not have a significantly negative impact on the surrounding highway network and I would agree with this view.
44. Both Leybourne Parish Council and local residents consider that a dedicated separate access road to the proposed school should be constructed which by-passes the residential development. It is suggested that this access road should be routed to the south of the residential development, accessing the school from the west, however this potential route would impact upon Public Rights of Way, mature trees and potentially farmland. It should be noted that the construction of a separate access road would also be contrary to the overall Masterplan layout for the Leybourne Chase development. Moreover, there would be the added complications of further loss of farmland and Green Belt over and above what is strictly necessary to serve the development as a whole, plus the intention is to provide a school to serve the new residential development itself, and providing an easier direct access to the A20 would undermine the notion of a local school principally serving that new neighbourhood.
45. As with other school sites, it should be recognised that increased traffic levels around the surrounding local road network are limited to school peak times, generally limited to

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a 15-20 minute period, at the start and end of the school day. Although traffic generated by schools can cause inconvenience and delays to through traffic, this is considered to be a short term impact on local amenity rather than amounting to a wider highway safety concern. Additional traffic on the local road network created by the development of the new school could effectively be managed by the car parking proposals which have provided sufficient parking provision.

46. During the application process, Tonbridge and Malling Borough Council and KCC Highways and Transportation have raised a number of points concerning highways and access issues. Following discussions between the applicant, Taylor Wimpey, KCC Highways & Transportation and Tonbridge and Malling Borough Council an additional Highways and Access Statement was submitted detailing how the school proposals and the residential development of Phase 3 at Leybourne Chase could be 'dovetailed' and secured through the planning process. These points of concern are detailed below with the applicants proposed method of overcoming these concerns.
47. Tonbridge and Malling Borough Council have requested that a Traffic Management Plan which covers a wider area to the extent of the adopted highway should be submitted. This should factor in the existence of a bus gate while this is a planning requirement for the Leybourne Chase development.
48. The applicant considers that the majority of future trips to the school are likely to originate from within the overall development at Leybourne Chase. Many of the remaining off-site trips would travel from the west and it is considered that on-site interaction at the bus gateway would be minimal. It is also understood that the requirement for Taylor Wimpey to use the bus gate is under review. It is proposed that the infrastructure for the bus gate would be implemented but through ongoing monitoring, it is anticipated that the gate itself will not be provided as part of the Phase 3 development (if it can be demonstrated to the Highways Agency that there are no material impacts on J4 of the M20 then the bus gate would not be required). Therefore it is considered unlikely that the bus gate would cause an issue for parents driving towards the school from the east as it may not be installed. In the event that the bus gate is implemented, Taylor Wimpey have confirmed that the relevant infrastructure would be in place to allow parents to park and walk to the school in the west. The applicant suggests that the School Travel Plan could be used to monitor and manage any parking at the bus gate to ensure it works effectively. I consider it appropriate for a Traffic Management Plan for the wider area to be submitted should permission be granted for the proposals.
49. Tonbridge and Malling Borough Council have requested that consideration should be given to the provision of a segregated footway access all the way to the entrance from any potential walking route, including any potential drop off from the northern part of the site if the bus gate were to be installed as currently required. The main walking route towards the school would be via the access road directly to the north of the site (Hawley Drive) which links to the main spine road and the associated footways. As part of Phase 3 of the housing development, a footway would be provided on the eastern side of the access road, providing a continuous link from the centre of the site to the school frontage.
50. The applicant proposes that should the school be implemented in advance of Phase 3, then a temporary footway could be provided to allow safe pedestrian access. This would also be provided to the east of the access road and could be secured by condition of any forthcoming planning permission for the school. Taylor Wimpey agree



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with this approach. Furthermore it is noted that very few pedestrians are likely to use the route to the school via the shared surface area to the west thus causing minimal concern over the conflict between those on foot and those in cars within this area. The applicant has suggested that, should permission be granted, details of the design and provision of a suitable pedestrian access link to the north of the site could be submitted to the County Planning Authority prior to occupation of the proposed school building. I consider that this is an appropriate method of addressing the pedestrian access and Tonbridge and Malling Borough Council and KCC Highways & Transportation are in agreement with this approach.

51. Tonbridge and Malling Borough Council have requested that consideration should be given to the widening of highways pinch points to better allow 2 way traffic flows all the way to the adopted highway. The applicant originally proposed to use an informal one-way system to address this concern however, Taylor Wimpey have agreed that the existing access road to the north of the primary school could be revised and widened to improve the traffic flow. A preliminary plan indicating the widened layout of the access road and layout of the rest of Phase 3 has been drawn up by Taylor Wimpey's architects and informally agreed with Tonbridge and Malling Borough Council. This work would be completed as part of the Phase 3 residential development, and would therefore be best secured as part of those development proposals. It was noted that the road could be increased by 2m (providing a total width of 6m) and a standard road construction (i.e. not shared surface) could be provided continuously to the school site frontage, allowing for improved two-way traffic flows to and from the spine road. Shared surface at level areas could then be provided to the east and the west of the access road to provide links to the Phase 2 housing and the service access at the school. This would have the advantage of not requiring a one-way system via the road to the west, which TMBC were concerned, could cause a loss of amenity to residents / safety concerns for pedestrians.
52. As with the pedestrian footway access mentioned above, there is the possibility that the school could come forward in advance of Phase 3 of the residential development (which as yet does not have a detailed planning permission). If this is the case it is anticipated that only the first year or two of pupils will occupy the school before the further Phase 3 housing development (and therefore road widening) would be completed. This would represent some 100 pupils or around 40 vehicle trips in the peak periods which, as TMBC and KCC Highways and Transportation concur, could be accommodated within the existing infrastructure at Leybourne Chase without any significant impact. Consequently, the applicant proposes that should planning permission for the proposed development be granted for the school, a Grampian style planning condition could be used. This would allow the school to receive planning approval in advance of Phase 3 but state that the widening works must be carried out before the school reaches a set occupancy level of 100 pupils.
53. Tonbridge and Malling Borough Council have requested that there should be investigation as to moving the main vehicle access more to the east, so as to minimise as far as practicable, school related traffic in front of Phase 2 houses. Following the agreement by Taylor Wimpey to widen the access road it was considered that relocation of the school access towards the east should be reviewed. Although prior to this revision, the access location had little bearing on the flow of traffic (due to the existing pinch points and proposed one-way system), the applicant considers that potential to use the access road as a standard two way approach means the relocation of the entrance provides a preferable solution.

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54. Once the access road is widened (as part of Phase 3 of the housing development), this would create the need for minor revisions to the car park and site access design. Should permission for this application be granted, this could be addressed via planning condition.
55. It should be noted that the service access road to the site lies outside the red line site boundary and would be the responsibility of Taylor Wimpey to implement as part of Phase 3. A temporary Type 1 surface would need to be provided within this location to allow access to the school in the interim period. The applicant states that in the long term this area would provide a link between the footway to the east of the access road and the pedestrian access via a marked out crossing with a change in surface finish. An advantage of having a temporary surface in this location would be that services can be laid as part of Phase 3 without the need to disrupt any block paving provided as part of the earlier school construction. Should planning permission for the proposed development be granted, a planning condition requiring an appropriate surface to be laid out to provide service access to the school, prior to occupation would be required. KCC Highways & Transportation advisor considers that a bound temporary material should be used for this surface in any event that pedestrians may need to cross the access.
56. Tonbridge and Malling Borough Council have requested that the number of proposed cycle/scooter racks be reviewed based on evidence of likely use from similar schools in the Borough. The applicant considers that the cycle provision for a 1FE pupil numbers is appropriate and the use of cycle parking would be monitored through the School Travel Plan and further provision added if required. KCC Highways & Transportation have requested that the location of the proposed cycle stands be revised when the revised access and car parking layout is considered. I consider it appropriate to include this revision to the cycle stand location in the revised application for the site access design and car parking layout should permission be granted.
57. Kent County Council's Highways and Transportation have requested that the applicant considers the need, extent and position and any school clearway markings and school signs. The applicant proposes to include this information within the revised details for the site access design and car parking layout. Further clarification of the appearance / materials of the crossing zone are also requested. The applicant proposes that a crossing could be provided through a simple change in surface treatment and the details of this would be included within the revised site access design and parking layout information.
58. Following a further consultation concerning the issues covered in the Highways and Access Statement submitted by the applicants transport consultant, both Tonbridge and Malling Borough Council and KCC Highways and Transportation consider the proposed method of addressing these issues via the above-mentioned planning conditions to be appropriate.
59. Leybourne Parish Council and local residents who made representations on the application were also consulted on the revised proposals. To date, I have received a further letter of representation from two local residents maintaining their objection to the revised highways and access arrangements and re-iterating their previous views that a dedicated access road, which by-passes the residential development should be provided. No further comments have been received from Leybourne Parish Council to date.

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60. Recognition needs to be made when considering this proposal that all schools generate traffic and often some parking on the public highway, but unless that constitutes a severe risk to road safety then that is not a reason to withhold planning consent. In this particular case, the roads have been designed to accommodate both residential and school traffic, and there is arguably no need or logic to creating separate access roads to serve the housing and to serve the school. Moreover, I consider that the proposed car parking provision is sufficient to accommodate the increase in vehicles associated with the proposed new school. Additionally, the proposed drop off and park and stride parking spaces for parents would discourage parking on local roads. The creation and annual review of the School Travel Plan should also recognise measures to reduce school related traffic and a mode shift towards more sustainable methods of transport. During the school's staggered expansion, I would expect the School Travel Plan to be regularly updated to encourage sustainable methods of travel. I consider that the road widening improvements to the access road, proposed as part of the Phase 3 housing development would act as a suitable measure to accommodate the increase in pupils, albeit staggered over the years, which would result from the proposed primary school. Kent County Council Highways and Transportation are satisfied that this proposal would not have a detrimental impact on the local highway network, and consider the car parking provision sufficient for the new primary school.
61. Taking the professional advice received from KCC Highways and Transportation into account, I would consider the proposal acceptable in highway terms subject to the imposition of conditions covering submission of Traffic Management Plan, submission of details of the design and provision of a suitable pedestrian access link to the north of the site prior to occupation, the development will not be occupied by more than 100 pupils before a scheme of road widening improvements to the access road to the north of the school has been submitted and these improvements shall also include details to cover the revised site access design, extent and position of school clearway markings and school signs, details, appearance and materials of any proposed pedestrian crossing zone, revised car parking layout and revised location of cycle stands; an appropriate surface will be laid to provide service access to the school prior to occupation, the submission of a School Travel Plan prior to occupation, its implementation and on-going review and measures to prevent mud and debris being deposited onto the public highway.

### Construction

62. Various options were considered for construction access due to Taylor Wimpey wanting to carry out works to the access road into the Leybourne Chase development from the A20, leading to Hawley Drive. These options included access from the north east and south east of the application site from Birling Road, however these proposed routes would unreasonably affect TPO trees and Rights of Way and a local riding stable. These proposed access arrangements were therefore dismissed and the construction access as used by Taylor Wimpey for the residential development would be used with Taylor Wimpey agreeing to delay its works to the road. Given that there are neighbouring residential properties mainly located to the north of the site, if planning permission is granted it is considered appropriate to impose a condition restricting hours of construction to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.

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63. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development should permission be granted. The strategy should include details of the methods and hours of working, location of site compounds and operative/visitors' parking, details of site security and safety measures, lorry routing, waiting and wheel washing facilities, details of how the site access would be managed to avoid conflict with construction vehicles for the residential development and details of any construction accesses. I consider that the submission of details relating to the management of construction on site would ensure that residential amenity is protected as well as the safe management of construction on site.
64. In addition to the above, should permission be granted, a further condition to ensure that dust and mud are not deposited on the highway would also be considered appropriate, to minimise disruption to local residents.

#### Noise

65. The application is accompanied by a Preliminary Acoustic Assessment which has assessed the potential noise impact the proposed development would have. The report concludes that noise levels would not warrant specific acoustic measures to the building to be implemented and consequently recommend a natural ventilation strategy with opening windows would be acceptable for all areas within the school. Further assessment of the impact of noise generated by the school's plant and equipment upon residences in the locality has been carried out by the applicant's acoustic consultant, following comments from Tonbridge and Malling Borough Council's Environmental Health Officer concerning this issue. Following the submission of a more detailed acoustic report, TMBC's EHO considers that the applicant should demonstrate that the appropriate level of plant noise attenuation can be achieved in accordance with the acoustic specification so as not to adversely affect residential amenity. Given that the likelihood of noise from fixed plant is unlikely to be audible at the nearest neighbouring properties, subject to planning permission being granted, I consider it appropriate to suggest that prior to commencement of works, a supplementary acoustic report is submitted by the applicant to address these issues.

#### Biodiversity

66. An updated Ecological Assessment was submitted by the applicant further to additional information being requested by KCC's Biodiversity officer. Bat emergence surveys and surveys on reptiles and Great Crested Newt (GNC) were conducted due to the assessment that the application site could possibly provide a suitable habitat for these species. Further information was also submitted on dormice and breeding birds, assessing the potential impact the proposed development could have on these species. The bat survey recommends the use of a precautionary mitigation strategy when the trees are felled. The reptile survey recommends precautionary mitigation to be carried out to remove the suitable reptile habitat. Additional information submitted by the applicant's ecologist regarding dormice provides a precautionary method statement of work and the installation of an arbour type structure above the hedge gap to ensure connectivity for dormice is retained. Additionally, recommendations have been made by KCC's Biodiversity officer that lighting for the proposed new building should be sensitively designed so as to have minimum impact on bats. The NPPF encourages opportunities to incorporate biodiversity in and around developments, subsequently management recommendations to enhance the application site for biodiversity should be investigated. Subject to planning permission being granted, I would consider it

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appropriate to impose planning conditions requiring recommendations within the revised Ecological Assessment to be implemented, the updating of the landscape plan to indicate the arbour type structure to enable the movement of dormice, vegetation clearance outside of bird breeding season, and the ecological enhancement recommendations detailed by the applicants ecologist to be implemented.

#### Landscaping

67. The application is accompanied by a Tree Survey, Landscape Statement and Soft and Hard Landscaping Specification. The mature belt of trees to the south of the site is mainly proposed to be retained, with the removal of eight trees which are in poor condition. The existing hedgerow which runs north to south across the site would also be retained. The application proposes a habitat trail located to the south of the hard games courts, acting as a learning resource for pupils whilst also promoting biodiversity within the site. Sport and recreation facilities are proposed as part of the development including a hard games court, hard and soft play areas and a sports pitch. KCC's Landscape Officer supports the specification of planting proposed which includes a number of native species. Overall, I consider that the scheme of soft and hard landscaping proposed enhances the landscape character of the site and the loss of the Poplar trees within the southern tree belt could be sufficiently mitigated by the scheme of landscaping proposed. I would consider it appropriate to impose conditions covering implementation of the scheme of landscaping and tree protection measures.

#### Drainage and land contamination

68. The Environment Agency raises no objection to the proposal, however requests a condition be attached to any consent requiring that there is no infiltration of surface water drainage into the ground at the site without the express written consent of the County Planning Authority. A further condition regarding land contamination is required. Therefore, should permission be granted, conditions would be imposed covering the matters raised above. That would ensure that the development would not result in an unacceptable level of pollution, in accordance with the principles of Development Plan Policy.

#### Sports Provision

69. Sport England requested further information regarding the dimension and surface type of the proposed artificial grass pitch and hard games court. Based on the further details provided by the applicant, Sport England considers that the sports pitch would be suitable for a training facility for football or hockey, although would not be suitable for community league match play. Sport England has queried the feasibility of upgrading these facilities. It must be noted that Sport England is a non-statutory consultee for these proposals as the site does not form part of, or constitute a playing field. However, recent guidance indicates that Sport England would like the opportunity to comment on such proposals for new sporting provision to assess whether they are fit for purpose. The proposals are adequate for a 2FE school and any future upgrade for sports facilities would be the subject of a further planning application. At this stage floodlighting is not proposed to the sports pitch and I consider a condition stating that no floodlighting should be installed to the sports pitch is appropriate to protect residential amenity.

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### Archaeology

70. The County Archaeologist has indicated that the site lies to the south of an area of archaeological potential associated with prehistoric activity. Evidence of Bronze Age and Iron Age settlements have been identified within the area to the north during formal archaeological works for the main Leybourne Chase development scheme and it is possible that proposed development works may disturb archaeological remains. Consequently, a condition requesting a programme of archaeological work should be imposed on any planning permission. In my view, this approach is appropriate and proportionate to the development being proposed.

### Conclusion

71. Concerns have been raised regarding the impact of the proposed development on various aspects including residential amenity, design aspects and traffic and highway safety issues. Having assessed each of these areas of concern, in my view, the development would not give rise to any significant material harm sufficient to warrant withholding planning consent. Furthermore, I am satisfied that the applicant has adequately addressed the impact of the development in the Green Belt and provided 'very special circumstances' to justify development within the Green Belt. The proposed development is in accordance with the general aims and objectives of the relevant Development Plan Policies. Notwithstanding the local concerns over traffic congestion, I consider that the development is sustainable and in accordance with the principles of the National Planning Policy Framework and the Policy Statement on Planning for School Development. Additionally, the principle of a school in this location has been accepted as part of the outline planning permission for the Leybourne Grange development. I consider that, subject to the imposition of appropriate planning conditions to address detailed aspects, this proposal would not have a significantly detrimental impact on residential amenity, design and layout aspects and traffic/parking issues.

### Recommendation

72. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT to conditions, including conditions covering:

- the standard 5 year time limit;
- the
- development to be carried out in accordance with the permitted details;
- the submission and approval of details of all materials to be used externally;
- the development not to be occupied by more than 100 pupils before a scheme of road widening improvements to the access road to the north of the school has been submitted and these improvements shall also include details to cover the revised site access design, extent and position of school clearway markings and school signs, details, appearance and materials of any proposed pedestrian crossing zone, revised car parking layout and revised location of cycle stands;
- the submission and approval of a Traffic Management Plan for the operation of the school including its impact on the Leybourne Chase area;
- the submission and approval of details of the design and provision of a suitable pedestrian access link to the north of the site prior to occupation;
- the submission and approval of an appropriate surface to be laid to provide service access to the school prior to occupation;

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- the submission and approval of a School Travel Plan prior to occupation, its implementation and on-going review;
- the submission and approval of the specifications of the fencing and gates proposed to be erected;
- the submission and approval of details of all external lighting;
- no floodlighting to the sports pitch to be installed without prior approval;
- a programme of archaeological work to be submitted and approved;
- the development to be undertaken in accordance with the recommendations of the Ecological Survey and supplementary Ecological Statement and including biodiversity enhancement scheme;
- the development to be undertaken in accordance with the recommendations in the bat survey and the reptile survey;
- precautionary method statement of work to be undertaken as recommended for the protection of dormice;
- the submission and approval of an updated landscape plan to indicate the arbour type structure to enable the movement of dormice,
- no vegetation clearance to take place during the bird breeding season;
- implementation of the landscaping scheme;
- tree protection measures;
- replacement tree planting in the event that trees die within 5 years of planting;
- the development to be carried out in accordance with the submitted Flood Risk Assessment;
- the submission and approval of a remediation strategy to deal with any potential contamination on site and the submission of a verification report;
- no infiltration of surface water drainage into the ground;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- the submission and approval of a Construction Management Strategy, including the location of site compounds and operative/visitors parking, provision to accommodate operatives' and construction vehicles loading/ off loading and turning on site, details of site security and safety measures, lorry routing, waiting and wheel washing facilities, and details of any construction accesses & management of the site access to avoid conflict with construction vehicles for the residential development;
- measures to prevent mud and debris being deposited onto the public highway.

I FURTHER RECOMMEND that the applicant be advised by informative of:

- The applicant's attention is drawn to the letter from the Environment Agency which contains general informatives covering drainage, contaminated land, and fuel, oil and chemical storage.
- The applicant to be advised that 'the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority;
- The applicant be advised that the Bat Conservation Trust's 'Bats and Lighting in the UK' guidance is adhered to in the lighting design; and



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- The applicant be advised that the School Travel Plan should be registered on-line with Kent County Council's School Travel Plan site 'Jambusters' by accessing the following link [www.jambusterstpms.co.uk](http://www.jambusterstpms.co.uk), to assist with the updating, monitoring and future review of the Travel Plan.

Case officer – Hardeep Hunjan
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Background documents - See section heading
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