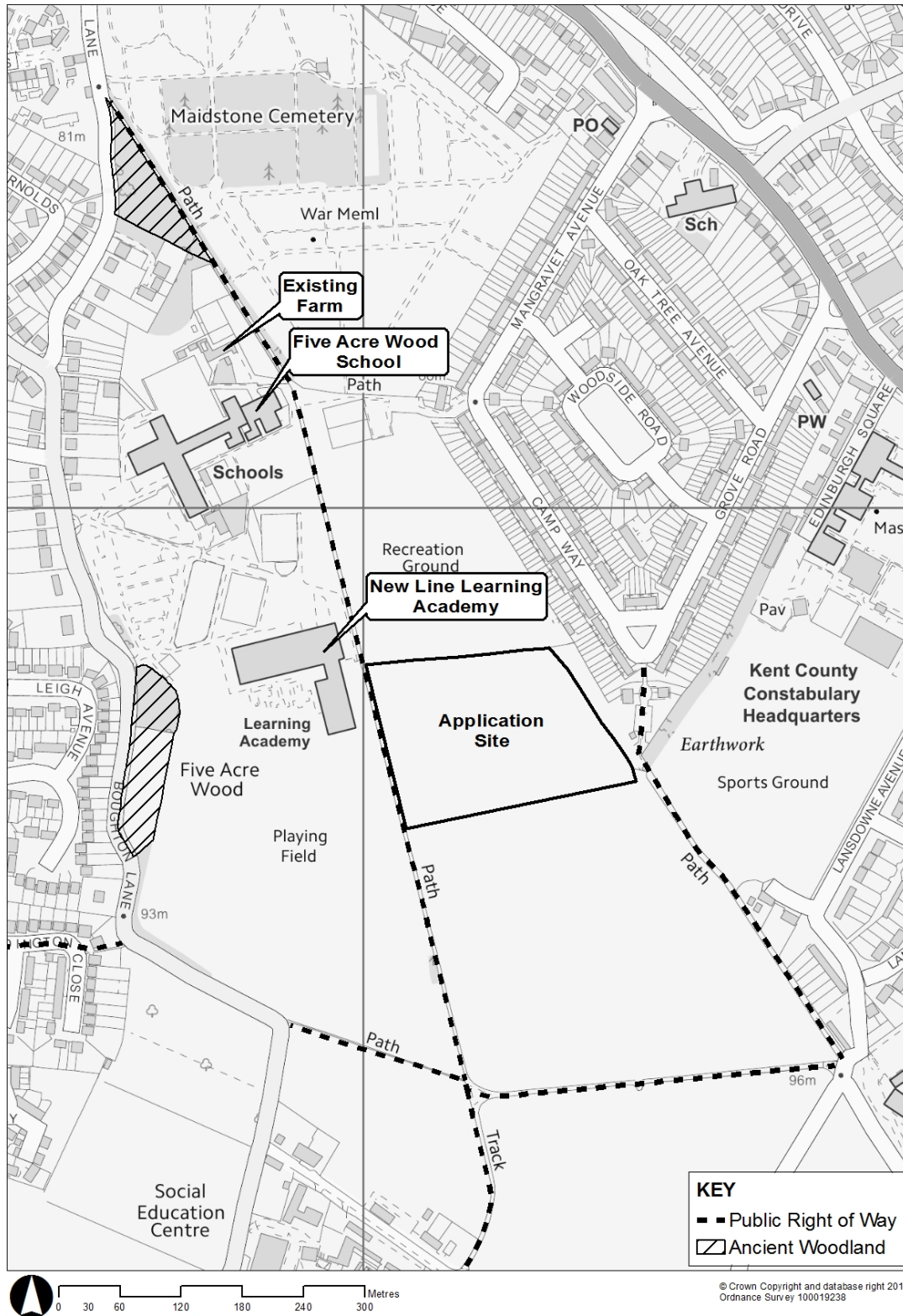


Recent Site History

6. The site area is 3.25 Ha (8 acre), undeveloped and in agricultural use. However, the site area was included within a larger site where there has been an application by Kent County Council and Future Schools Trust, to Maidstone Borough Council (reference MA/13/2197). That application seeks planning permission for a 18.95 Ha (46.8 acre) site for the erection of 220 residential dwellings together with access, parking, landscaping, and ancillary works and provision of new playing fields for New Line Learning Academy. That development included use of 12.12 Ha (29.9 acre) of agricultural land of which 8.65 Ha (21.4 acre) would be used for playing fields for New Line Learning Academy and 3.5 Ha (8.6 acre) would be retained for the School Farm. The Landscape Masterplan for that development showed the site area that would be retained for the School Farm left clear, whilst the proposed new playing fields were on land to the south of the current application site. The applicant for this proposal states that the site area was not required for formal playing fields or sports use and could have accommodated the school farm, although did not include the relocation of the School Farm.
7. It should be noted that whilst the development proposal for residential development and relocation of school playing fields included an area of land for the school farm, it did not include the provision of the school buildings and agricultural style barn which are included in the proposal currently before the County Planning Authority.
8. Maidstone Borough Council refused planning permission for the residential application MA/13/2197 on 29th July 2014. The reasons given for refusal can be summarised as the impacts of the proposed access road and footways on designated Ancient Woodland, which were considered to erode the setting of the woodland as a landscape feature and result in the loss and deterioration of Ancient Woodland, plus the insufficient provision of affordable housing. An appeal has been lodged and an inquiry into the appeal is scheduled to open on Tuesday 7th July 2015.

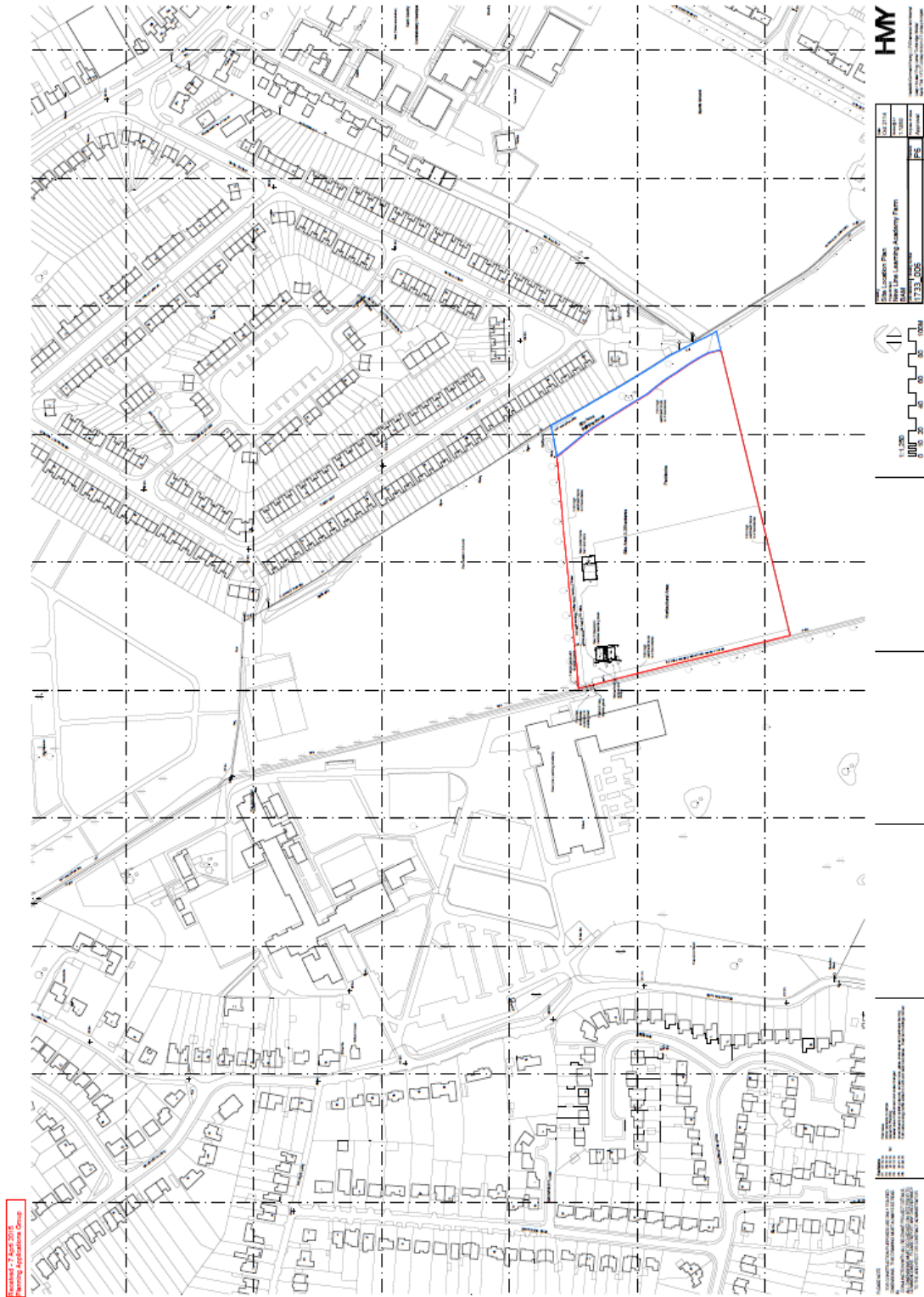
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General Location Plan



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Site Location Plan

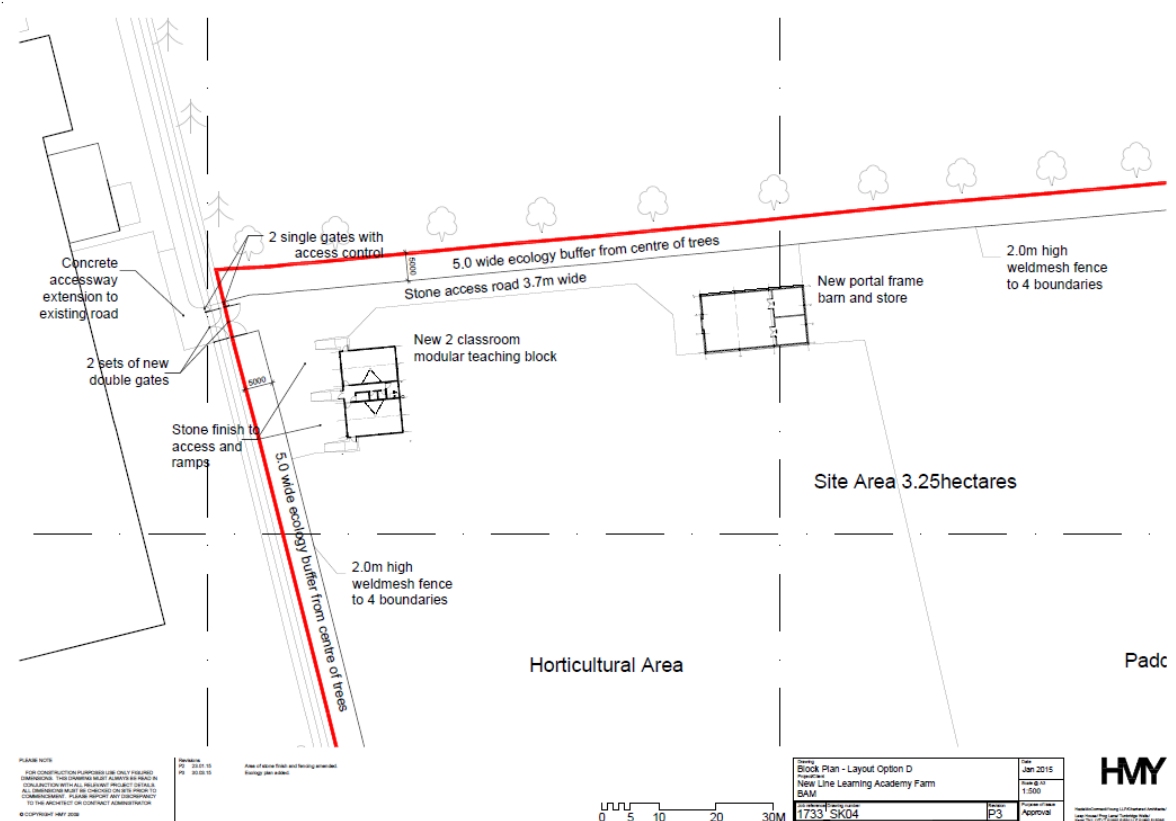


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View of Proposed Site

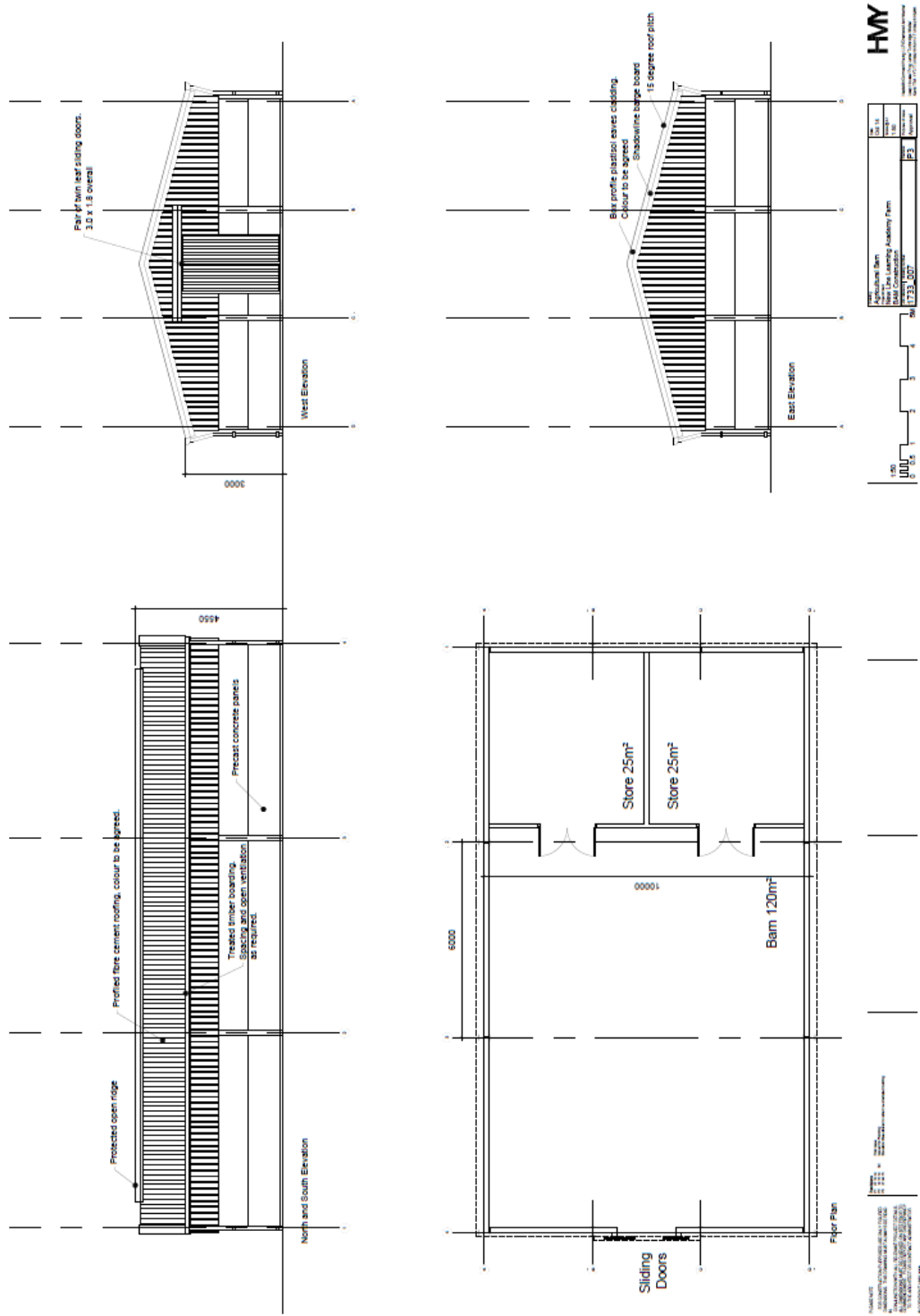


Location of classroom and barn and access arrangement



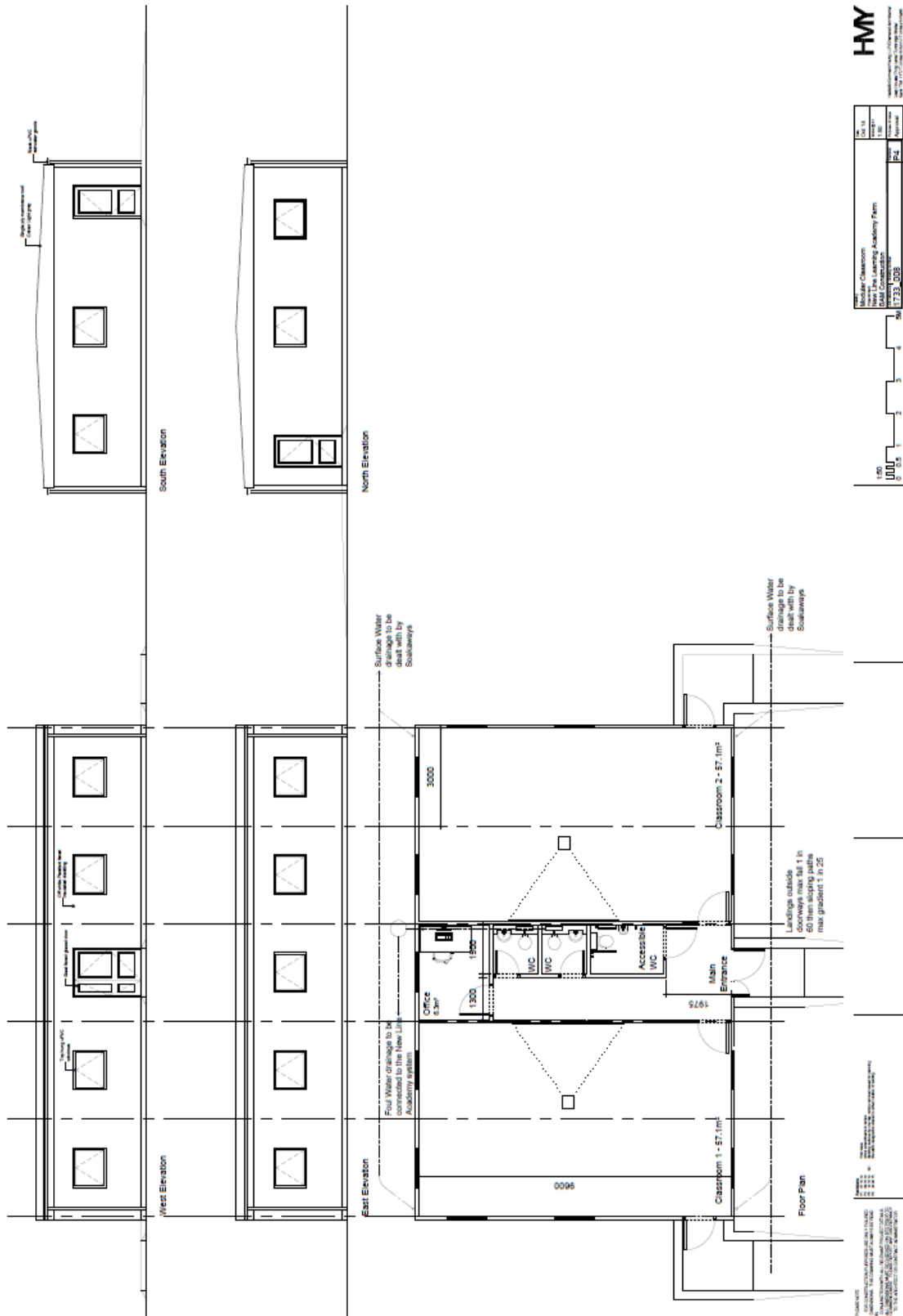
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Proposed Barn Elevations



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Proposed Classroom Elevations



Proposal

9. This proposal involves the change of use of land measuring 3.25 Hectares (8 acre) and which is currently in agricultural use to educational use. It includes the provision of a permanent classroom block with 2 classrooms an office and toilet and an agricultural barn with two store rooms. The classroom block would be approx. 9.6m x 15m (31ft x 49ft) with a 3.6m (12ft) ridge above ground level. The construction would be lightweight fabricated from steel plastisol flat panels with top hung uPVC windows and steel glazed doors. The colour proposed is off-white. The agricultural style barn would be 18m x 10m (59ft x 33ft) with a 4.55m (15ft) high ridge, constructed with timber stained boarding above pre-cast concrete facing panels with exposed galvanised steel portal frames. The roof would be constructed from fibre cement sheeting. The applicant proposes to connect the buildings to the foul drainage facilities of the New Line Learning Academy to the west of the site.
10. It is proposed that access to the site would be predominantly pedestrian access only and via the existing New Line Learning site. There would be no requirement for a dedicated vehicular access from the highway. There would be a concrete access extension to the existing road through a new single access gate, across the public footpath and via a single access gate to the proposed site. Vehicular access would be via a set of new double gates within the fence line of the New Line Learning Academy and within the proposed fence to this proposal. Access would be controlled via the gates.
11. Car parking would take place within the main school car park, although occasional farm vehicles and emergency vehicles would be able to gain access to and park on site, adjacent to the proposed barn and school building.
12. A 2m (6.5ft) weldmesh fence is proposed around the boundary of the site and a stone access road between the modular classroom teaching block and the proposed portal frame barn and store.
13. A 5m (16ft) landscape buffer zone would be provided along the site boundary to the north and west of the site where hedgerows are located. It is not proposed to remove any trees or hedgerows in order for the development to take place.
14. The proposed site would be used for education as a school farm, with a horticultural area and a paddock area. The proposed hours of use are 0600 to 2100 hours Monday to Saturday and 0600 to 0900 hours on Sundays and Bank Holidays, which are the same as the existing School Farm.

Planning Policy

15. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:

National Planning Policy Framework (NPPF) March 2012, and the 2014 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 NPPF guidance for interpretation of the presumption in favour of sustainable

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development for decision-taking is that this means approving development proposals that accord with the development plan *without delay* and where the development plan is absent, silent or relevant policies are out of date, granting permission unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate that development should be restricted.

The NPPF 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 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:

- Supporting a prosperous rural economy;
- Promoting sustainable transport, including consideration of safe and suitable access to the site can be achieved for all people;
- Requiring good design;
- Promotion of healthy, inclusive communities, including that great weight 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
- Conserving and enhancing the natural environment, including the impact to agricultural land and minimising the effects on biodiversity.

Planning Statement on Planning for Schools Development - where there is commitment for planning to work in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools and that there should be a presumption in favour of the sustainable development of state-funded schools as expressed in the NPPF.

Maidstone Borough Local Plan 2000 Saved Policies:

ENV6 Seeks to incorporate the retention of existing trees, woodland, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area and requires provision of a new scheme of planting.

ENV21 Seeks new development to be accessible with good access to existing public transport points, making provision for cyclists and pedestrians.

ENV22 Seeks to protect open areas within urban areas and village settlements and the visual contribution to the urban or village landscape and the need to uphold and improve the appearance of the locality and to conserve wildlife habitats.

ENV26 Seeks to protect Public Rights of Way.

ENV28 seeks to protect the countryside from development which harms the character and

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appearance of an area or the amenities of the surrounding occupiers by confining development to that including that which is necessary for agricultural, open air recreation and ancillary buildings providing operational purposes, the provision of public or institutional uses for which a rural location is justified and that proposals include measures for habitat restoration and creation to ensure there is no net loss of wildlife resources.

ENV32 Seeks to protect the rural settlements surrounding Maidstone from coalescing with the urban area and with each other. Development which significantly extends the urban area or the built up extent of any settlement, or which, as a result of infilling, consolidates existing areas of development within the Southern Anti-coalescence Belt is resisted.

ENV43 Sets criteria for proposals for new agricultural buildings including that they are necessary for agriculture, located within or adjacent to an existing group of buildings unless it can be demonstrated that a more isolated location is essential and that it has been chosen to minimise the impact of the building on the character and appearance of the countryside and that the proposal is accompanied by a landscaping scheme reflecting the landscape character of the area and is of a design which is sympathetic to its surroundings in terms of scale, materials colour and detail and will not have an adverse impact on the character and setting or residential amenity.

ENV49 Seeks to control external lighting to ensure that it is the minimum required and to minimise light spillage.

T3 Requires adequate provision for public transport and pedestrian access routes and for disabled access within development proposals.

T13 Seeks compliance with adopted parking standards.

T23 Requires the impact of development proposals on the transport system and on the environment to be considered and seeks to ensure that new developments are adequately serviced by the Transport Network.

CF3 Requires provision of acceptable replacement community facilities where proposals for development would lead to significant loss of community facilities.

CF9 Seeks to encourage the dual use of educational facilities where appropriate.

Emerging Maidstone Borough Local Plan Policies 2014 (Consultation)

DM4 Concerns the quality of design of proposals and seeks design criteria which takes account of accessibility, permeability and linkages to the surrounding area; the natural and historic character of the area; design materials; the amenities of occupiers of neighbouring properties and users and by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion and that the built form would not result in unacceptable loss of privacy or light; incorporate natural feature worthy of retention within the site; consider sustainability, biodiversity within the design; safely accommodate vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access; create a safe and secure

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environment ; provides for adequate vehicular and cycle parking and incorporates waste storage facilities and is flexible towards future adaptation in response to changing life needs.

DM6 Requires external lighting to be only the minimum necessary to achieve the required purpose and to not be visually detrimental to the immediate or wider setting.

DM10 Concerns the protection and enhancement of the historic and natural environment including the protection of positive historic and landscape character, areas of ancient woodland, veteran trees, trees with significant amenity value, important hedgerows, features of biological interest and the existing public rights of way network from inappropriate development and to ensure that these assets do not suffer any adverse impacts as a result of development. DM10 also seeks to control pollution to protect water resources and to enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented ancient woodland and enhance and connect habitats. The policy seeks to protect and enhance the character, distinctiveness, diversity and quality of Maidstone's landscape and townscape by careful, sensitive management and design of development.

DM12 Concerns the adequate provision of community facilities including education facilities and the provision of replacement facilities where proposals would lead to loss of facilities, unless demand no longer exists in the locality. Also encourages the dual use of facilities.

DM13 Concerns the highways impact of proposals and demonstration of the impact of trips generated to and from the development and the impacts on air quality.

SP5 Concerns development outside the urban area and restricts development in the Countryside with some exceptions where proposals do not harm the character and appearance of an area. Reference to the Maidstone Borough Landscape Character Guidelines Supplementary Planning Document (SPD) is encouraged.

DM30 Seeks design principles for development in the countryside which respect the landscape character of the locality and where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Requires any new buildings where practicable, to be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area requires account to be taken of the Maidstone Borough Landscape Character Guidelines SPD.

DM31 Seeks to ensure that proposals for new agricultural buildings and structures which are necessary for the purposes of agriculture and which would not have an adverse impact on the amenity of existing residents are located within or adjacent to an existing group of buildings, in order to mitigate against the visual impact of development, unless it can be demonstrated that a more isolated location is essential to meet the needs of the holding.

Note that emerging Policies within the Local Plan Policies are not formally adopted and should therefore be afforded less weight in the decision making process than adopted policies.

Emerging North Loose Neighbourhood Plan (2014) Policies:

The North Loose Neighbourhood Plan has been submitted to Maidstone Borough Council and there has recently been a period of public consultation. Emerging policies within the North Loose Neighbourhood Plan are not part of the Development Plan until they are formally adopted and as such they currently have less weight in the decision making process than adopted policies.

HWTa Policy 4 concerns convenient, safe and direct pedestrian and cyclist links to local facilities and Maidstone Town Centre.

HWTa Policy 8 seeks to preserve green wedges to maintain and improve quality of life, manage air quality, biodiversity and encourage recreation with health and sport. The existing School Farm location and the New Line Learning Academy playing fields are identified as green wedges and land to the east of the New Line Learning Campus.

GSSR Policy 1 seeks to maintain and enhance green corridors from the New Line Learning sports field adjacent to Mangravet Recreation Field in order to maintain the continuous link with the open countryside, in order to provide open recreation areas for Boughton Lane residents and those within the wider North Loose Plan area and provide a buffer zone around ancient woodland.

GSSR Policy 2 seeks to protect and improve open space and ancient woodland, and seeks to ensure a buffer zone of a minimum of 15m around ancient woodland.

GSSR Policy GSSR3 seeks opportunities to create new areas of open space and identifies the Farmland as an existing green space in the NLRA area.

SD Policy 2 seeks preference to the use of durable, attractive and locally available or reclaimed materials.

SD Policy 4 seeks to manage the use of lighting.

Consultations

16. Maidstone Borough Council

Has raised no objection to the proposal.

Kent County Council Biodiversity Officer

Has raised no objection to the proposal.

The ecological survey has stated that there is potential for reptiles to be present within the hedgerows and reptiles have been recorded within the boundary of the site. The block plan submitted with the planning application detailed that a stone access road and a 2 metre high fence would be installed directly adjacent to the hedgerows. Amendments to the application have been made to move the access track and fence in order to create a 5m buffer zone to the north and west of the site and with the inclusion of the proposed buffer zone, the proposed development is acceptable to the Biodiversity Officer who recommends that the area is managed as a wildflower meadow and only mown a maximum two times a year and that a simple

management plan is produced in order to enable the school to manage the area. They recommend that access to the meadow area between the fence and hedge is provided to allow maintenance.

Kent County Council Landscape Officer

Has raised no objection to the proposal. Comments that the site sits within a green wedge of Maidstone and retaining the site's open characteristics will therefore be important. Comments that the location offers an important open space in terms of planning, landscape character and visual amenity for existing residents. The site is within the Boughton Farm Landscape Character Area where the associated actions include restoring the hedgerow network, retaining the rural farmed character of the landscape, and using planting as a means of minimising visual impacts of new development and lighting. With regard to lighting, the Landscape Officer notes that no detail on external lighting has been included in the application and comments that ideally the site would receive no light at night to maintain the break in green wedge development. The Landscape Officer comments that fencing should be agricultural in character in such locations preferably using natural materials as sensitive boundary treatments are required by the Maidstone Borough Council Landscape Character Assessment. However, the Officer notes that if security fencing is an absolute necessity, it should be black or dark grey in colour and not green and a hedgerow associated with it should also be planted. The Landscape Officer states that ideally, from a landscape character point of view, retaining the agricultural features within the landscape will be important to respect character, whilst ensuring suburban features do not encroach into the area. There are no Landscape concerns about the specifications for the barn, but it is suggested that materials, and in particular their colour (for the timber and roof) are chosen carefully and agreed with KCC before works begin. The Landscape Officer comments that the classroom style appears to be temporary rather than permanent and that this would have an impact upon the character of the site, as it is not associated with agriculture. Ideally the Landscape Officer would hope for a building that is more permanent in design and more agricultural in its character, design and materials.

The advice concludes that use of the site as a small farm for the school supports the agricultural status of the land and the character of the area. With the inclusion of new hedges to the site boundary, this proposal could respect landscape character; introduce new habitats for wildlife, and in the longer term this would reduce the visual impact of the proposal. Depending upon the aims for the farm, orchard trees would also be an appropriate use of the land within this site, and it is recommended that growing hazel as part of the species mix around the site is included.

Environment Agency (Kent Area)

State that the application has been assessed as having a low environmental risk and have no comments to make.

North Loose Residents Association (NLRA)

States that the land forms part of an overall land swap scheme with a separate application for residential development on some of the land and that an application for residential development would only be achievable through this land being swapped with the Academy playing field. Comments that there is considerable local

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concern that a decision on the application will be seen as a presumption of approval by the Inspector of the application for 220 houses and could possibly influence the Inquiry decision. The NLRA requests that the County Council delays making a decision on the application until after the Inquiry so that there would be no chance of influencing the result of the Inquiry.

Kent County Council Highways and Transportation

Has raised no objection to the proposal noting that the site will be primarily accessed on foot from the main school campus. Apart from occasional farm vehicles and possibly emergency vehicles, there are no requirements for dedicated vehicular access, assuming that this application does not in itself generate additional school capacity, roll or vehicular movements visiting the school complex as a whole. Recommends that the views of rights of way officers are sought with respect to details at the public footpath and that the views of Kent Fire and Rescue Service should also be sought.

Public Rights of Way (West Kent PROW Team)

Has raised no objection to the proposal and states that the development does not directly affect the Public Right of Way Footpath KB26. They would require that there would be no surface alteration to the footpath; that the proposed gates will not open onto the path or restrict the footpath width and that traffic management is in place when vehicles cross the path to maintain the safety of walkers on the path and the applicant has confirmed that this would be the case. They suggest informatives with regard to the Right of Way.

County Archaeological Officer - no comments received.

South East Water - no comments received.

The County Fire Safety Officer - no comments received.

Local Member

17. The local County Member, Mr B Clark was notified of the application on 24th February 2015. Mr Clark has responded with concern about the connection between this application and a separate application (MA/13/2197) for residential development at Land at Boughton Lane, with Maidstone Borough Council which is now subject to public inquiry after an appeal to the Planning Inspector ref APP/02235/A/14/222839. Mr Clark states that at the public consultation for that scheme, the land on which the farm is to be relocated was considered as part of a land swap scheme with the field where the farm will be located to become part of the New Line Learning Academy and the existing playing field for New Line Learning developed for housing. Mr Clark states that the land on which the farm is being relocated had been part of a green wedge historically and given its involvement in the application mentioned there is a risk that granting planning permission could influence the inquiry. Mr Clark states that if KCC were to approve the application there is a risk that it may be considered that the land swap has effectively begun before the public inquiry on the housing (as the 220 house scheme requires the two fields to be swapped in order to provide a new playing field /farm area for the Academy). Mr Clark encourages careful review including consultation with Maidstone Borough Council Planning Committee, such

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that any decision would not conflict with the Maidstone Borough Council's Planning Committee Decision to refuse the planning application MA/13/2197.

18. The adjoining County Member, Mr G Cooke was also notified of the application.

Publicity

19. The application was publicised by the posting of a site notice in two locations, and the individual notification of 36 residential properties.

Representations

20. It should be noted that Mr Clark, the local County Member, is also a local resident. In response to the publicity, no other letters of representation have been received from local residents.

Discussion

21. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (15) 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.

22. The proposal is being reported to Members as a result of the comments received from the North Loose Residents Association and the local County Member, both effectively requesting that a decision to this application be delayed until the outcome of the Planning Inquiry against refusal of the application to Maidstone Borough Council reference MA/13/2197 is known.

23. The relevant planning considerations for this proposal relate to whether the proposal is in accordance with the Development Plan and whether material considerations indicate that a decision on the application should be delayed or refused.

24. The key planning considerations relating to the application are whether the location, need and impacts are acceptable and these are discussed below. However, the timing of a decision in relation to the application is a planning procedural matter and this is also discussed below together with consideration of whether there are any material planning considerations that are relevant to delaying the determination of this planning application.

Need

25. As discussed in the background section to this report, relocation of the School Farm from its current location is needed in order to allow development of the Five Acre Wood School proposal. In order to guard against the loss of a School Farm as an educational facility and given the strong policy support for schools related development, I am satisfied that there is a need for a new site in a location which is suitable for a School Farm.

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26. In my opinion, the need for a new School Farm site in order for the Five Acre Wood School refurbishment and expansion to take place needs to be balanced against the impacts to the location of the development proposed which are the impacts to agricultural grade land, impacts to landscape and impacts resulting from-coalescence of development, along with amenity and transport considerations. These are considered below.

Location

27. The application site is located on land currently used for agriculture in the countryside and outside of the urban boundary of Maidstone.
28. The development is the provision of education which is a public or institutional use involving agriculture and horticulture and as such the location outside of the urban area is justified in accordance with Local Plan saved policy ENV28, as the School Farm is a suitable use in a rural location.
29. The current Local Plan policy requires consideration as to whether the development would significantly extend the urban area or the built up extent or result in consolidation of existing development. This relates to Development Plan Saved Policy ENV32 and the Southern Anti-coalescence Belt. The proposal is for an educational use and as such the school site which is also within the Anti-coalescence Belt, would essentially be extended eastwards in order to accommodate the land required for the School Farm. However, the built development would be limited to fencing, access tracks, the classroom and agricultural barn. The extent of the built development would therefore be limited with the remainder of the site being used for agricultural and horticultural education purposes.
30. However, the impacts of built development, ie. fencing, buildings and materials, in this location are potentially relevant to the landscape character and green wedge location. This is discussed further below in relation to landscape impacts. Proposals for agricultural buildings would also be acceptable in this location in planning policy terms, provided that they are necessary for agriculture and located near to other buildings. In this case the proposal is for an agricultural barn and classroom building located close to each other in what is currently an open field. However, the buildings are located close to existing screening vegetation and close to the site boundary to the northern boundary of the site. This is also discussed further below.
31. The proposal would extend the boundary of the educational facilities at the New Line Learning Academy site. However, given the location of the site in relation to the New Line Learning Academy, and the acceptability of the use in relation to Saved Policy ENV28, I do not think the proposal for a School Farm would result in significant extension or consolidation of development given that the links to agriculture and the rural economy are being retained.
32. Emerging Local Plan Policy SP5 also seeks to protect countryside locations from inappropriate development. However, educational and Institutional uses for which a rural location is justified are not accorded specific reference in the policy as they are in Saved Policy ENV28, although the policy does refer to other exceptions which do not harm the character and appearance of an area with reference to the Maidstone Borough Landscape Character Guidelines supplementary planning document. Given

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that this is an emerging policy, I conclude that the established policy ENV28 should be given more weight in decision making.

33. The location is also identified within the emerging North Loose Neighbourhood Plan Policy HWTA8 as a green wedge location to the east of the New Line Learning Campus. That policy seeks to preserve green wedges to maintain and improve the quality of life, manage air quality, biodiversity and to encourage recreation with health and sport. The farmland is also identified in Policy GSSR3 as an existing green space. However, the current site is in agricultural use and whilst currently unfenced, does not afford unrestricted public access and the proposed fencing to this proposal would not impact on public access to the site.
34. Whilst the proposal is located in an area identified as a green wedge location in the NLRA emerging neighbourhood plan, and Policy HWTA 8 seeks to preserve such green wedges, the proposed use as a School Farm would not in my view prejudice the green wedge objectives as a School Farm and is consistent with the types of locations identified in the emerging neighbourhood plan for green wedge locations.
35. I do not therefore consider the location of this proposal to be unacceptable in terms of these emerging policies, given the strong policy support for schools related development and the intended use of the site including paddocks and a horticultural area. Such activities would retain links to agriculture, albeit ancillary to the established educational use (on adjoining land), and the provision of land based education is also important and necessary to the rural economy and therefore compatible with planning policies.

Impacts

Traffic and access

36. The proposal would not create any additional vehicular traffic, given that access to the site already exists within the New Line Learning Complex and that it is a relocated School Farm site. Staff and students would access the proposed farm on foot via the New Line Learning Campus via gates to the north west of the site. Vehicular access for emergency and farm vehicles would also be via gates to the north west of the site from the New Line Learning Academy with occasional parking within the proposed site adjacent to the barn and school building. The access to the proposed site from the New Line Learning site would cross a PROW. Saved Policy ENV26 seeks to protect PROWs and Policy T3 requires adequate access arrangements to be in place. The applicant has confirmed that there would be no surface alteration to the footpath; that the width of the footpath would be unaffected; that the proposed access gates would open away from the footpath and not onto the footpath; and that there would be traffic management in place during use of the gates. Given that the PROW Officer does not object to the proposals in relation to the PROW, and that the Highways Officer does not object to the proposals in terms of the impacts to the Highway, I conclude that there are no adverse highway impacts.

Agricultural land

37. The proposed site is located on land which is indicated to be grade 3a agricultural land. There are 5 grades of agricultural land of which grades 1, 2, and 3a are considered to be the best and most versatile and grades 3b, 4 and 5 are considered

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to be of poorer quality. The saved development plan documents do not include a specific policy with regard to protection of agricultural land.

38. The guidance in the NPPF concerning development and agricultural land is that account must be taken of the economic and other benefits of the best and most versatile agricultural land and that where significant development of agricultural land is demonstrated to be necessary, planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality when considering development proposals resulting in the loss of farmland. Significant development is not defined and is a matter of planning judgement.
39. Given the size of this site with the retention of links to agricultural use delivered via educational use, and the location next to the school site, I do not regard the significance of the development to be such that the location should be directed towards a site with a poorer quality agricultural land classification. When balanced against the need for relocation of the School Farm, and the policy support for schools related development, I do not consider the proposed School Farm development in this location to be so significant as to justify refusal of the application on the grounds of the loss of the best and most versatile agricultural land. Moreover, the proposal itself relates to the agricultural use of the land and therefore could not be presumed against on the basis of the loss of such land.
40. Furthermore, it is not expected that the development is likely to lead to significant further loss of agricultural land linked to this proposal. Whilst small scale extensions to the proposed barn may be likely in order to accommodate the School Farm use over time, this is most likely to be within the proposed site boundary.
41. It is important to note that relocation of the School Farm is linked to the expansion of the Five Acre Wood School and not the proposed residential development and relocation of New Line Learning Academy School playing fields. Without a new School Farm site, the expansion and refurbishment of Five Acre Wood School cannot proceed.

Biodiversity Impacts

42. There are no designated sites nature conservation sites on or adjacent to the site. Ancient Woodland at Mangravet Wood is located approx. 470m (1542ft) to the north west of the site and at Five Acre Wood approx. 190m (623ft) west of the site. The application site itself has been cultivated as farmland. At the north eastern and western boundary there are mature treelines with field margin plants and scrub. Beyond the eastern boundary there is a small woodland area which is outside the site area. At the southern boundary the site is in agricultural use.
43. The applicant has submitted an extended phase 1 ecological habitat survey report with the application which concludes that there is potential for mature trees at the north eastern and western site boundaries to have the potential to support nesting birds and roosting/foraging bats and that the field margins have the potential to support reptiles.
44. Since submission the application has been amended to include a 5m (16ft) buffer zone at the field margins between the edge of the site and the proposed fence line to the north and west where there are hedgerows which have the potential to support

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reptiles. My Biodiversity Officer recommends that the buffer zone be managed as a wildflower meadow and mown a maximum of twice a year. It is also recommended that a simple management plan be produced to enable the School to manage the buffer zone and that they ensure that they can access the meadow area to carry out the management plan.

45. The proposal does not require the removal of any trees or hedgerows at the site and accords with the Saved Policy ENV6. It does not affect the PROW and the habitat alongside the PROW to the west of the site will be included within the 5m buffer zone. Taking account of the comments from the KCC Biodiversity Officer, I am satisfied that biodiversity impacts have been addressed within the application. Biodiversity enhancements including placing bat boxes in appropriate locations on trees and bird boxes on trees across the site and on the proposed buildings together with a bird table are also included within the application.
46. The application does not include reference to external lighting requirements at the site, although the ecological survey report submitted recommends that any proposed lighting at the site is kept to a minimum and avoids lightspill onto the treelines near to the site and have due regard to bats. Saved Policy ENV49 seeks to control external lighting and to ensure that lighting is the minimum required in order to minimise light spillage. Emerging Policy DM6 requires external lighting to be only the minimum necessary to achieve the required purpose and to not be visually detrimental to the immediate or wider setting. Neighbourhood Plan emerging Policy SD4 also seeks to manage the use of lighting in development. I am satisfied that a condition can be used to control the use of lighting in relation to the site context in response to these policy requirements should Members decide to grant permission.

Landscape impacts, design and amenity impacts

47. The influences of an urban edge location are apparent in the recreation ground and playing fields to the north of the site, the modern buildings and security fencing at New Line Learning Academy to the west and to the south east at the Police Headquarters and at the rear of residential development along Camp Way and Grove Road. The application site is outside of the defined urban area and within a green wedge between development.
48. Actions associated with the Supplementary Planning Document Maidstone Borough Landscape Character Guidelines suggest that developments in this location, which is part of the Boughton Farm Landscape Character Area, include restoring the hedgerow network, retaining the rural farmed character of the landscape and using planting as a means of minimising visual impacts of new development and lighting.
49. I therefore consider the main impacts to the landscape in this location to be the proposed site fencing, buildings and external materials. These impacts are capable of being reduced by landscape planting, careful choice of design and external materials.
50. The proposal includes two new permanent buildings, located to the northern edge of the site which would be connected to each other via a stone access road along the northern edge of the site.
51. The proposed portal frame barn is approx. 80m (262ft) from the western site boundary, 90m (295ft) from the eastern site boundary and approx. 12m (39ft) from

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the northern site boundary. Since the original application was submitted there have been some amendments to reduce the height of the barn from 5.687m (19ft) to 4.55m (15ft). The proposed building would have a pitched roof (15 degree pitch) and be taller than the modular building with maximum height of 4.55m (15ft) to the ridge. The construction proposed is pre-cast concrete panels at the lower levels with treated timber boarding allowing spacing and ventilation. The proposed pitched roof would be profiled fibre cement with roof lights, although the proposed roof colour is not detailed. This would need to be addressed using a condition should Members decide to grant permission. There would be a pair of twin leaf sliding doors for access on the western elevation also facing New Line Learning Academy. I am satisfied that the design of the barn is appropriate for this location, subject to submission of a sample of the treated timber boarding and roof material colour proposed, as recommended by the Landscaping Officer. I am also satisfied that the design of the barn is capable of small scale expansion so as to limit the need for further buildings within the site area and avoiding the potential for impacts as a result of sprawl and further coalescence.

52. The proposed off-white colour modular classroom building would provide two permanent classrooms. It would be located approx. 14m (46ft) from the western site boundary and approx. 40m (131ft) from the nearest New Line Learning Academy building; approx. 16m (52ft) from the northern site boundary and approx. 160m (525ft) from the eastern site boundary. The modular building would be oriented with the access facing New Line Academy to the west. The proposed design is typical to that of the temporary modular classroom with a height of between 3.3m (11ft) and 3.55m (12ft).
53. A classroom building that could be regarded as being more in keeping with an agricultural use such as the proposed barn would in my view have been preferable to the modular style classroom proposed as a permanent building proposal. However, there have been no objections on design or landscape grounds although the Landscape Officer advises also that the design could be improved upon. The applicant has indicated that the modular building could be over-clad with timber in order to match the appearance of the barn and to be more in keeping with the location.
54. Taking into account the location of the classroom nearest to the New Line Learning Academy, the height and size of the building and the natural screening of existing vegetation along with the proposed use and the ability to introduce further landscape screened at the site boundary, I do not consider this matter to warrant refusal of the proposal on the grounds of the utilitarian design or impact to the landscape in this location. I consider that the suggested overcladding of the proposed classroom would be an acceptable solution subject to further consideration of the colour and type of proposed external materials and that further details could be required by a condition, should Members decide to grant permission.
55. To the north of the two proposed buildings there is a mature tree belt and the Mangravel Recreation Ground. To the east there is a tree belt beyond the site and residential development in Camp Way, approx. 105m (345ft) (measured to the rear garden boundary) from the proposed new barn and store to the rear of residential gardens. Because of the tree belts, I consider the buildings would be well screened from views from residential property, although there would be open views towards the site from agricultural land from the south, interrupted by the proposed 2m (6.5ft) high security fence.

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56. The proposed fencing would be intermittently screened from views from users of the PROW to the east of the site, and by the northern tree line between the site and the recreation ground to the north and from residential development at the east of the site. However, the fencing to the south of the site would need to be screened by new planting in order to reduce the visual impact to the landscape character.
57. The proposed installation of a 2m (6.5ft) high mesh fence around the site would introduce an urbanising effect to the landscape. My Landscape Officer advises that fencing should ideally be agricultural in style in this location and if security fencing is required it should be black or dark grey in colour and screened by additional planting.
58. I consider that given the educational context of the site and existing security fencing in the vicinity of this proposal, a security fence rather than a traditional agricultural fence is a requirement of this proposal. I consider that a condition could be used to requiring security fencing colour to be black or dark grey and that additional hedge planting would soften the appearance of the security fencing proposed. A landscaping scheme can be required by condition to address the landscape impact of the proposed fence in this location. I consider that with additional screen planting, the proposed security fence would not be unacceptable to the landscape character.
59. Lighting details have not been provided within the application. Given the comments of the KCC Biodiversity and Landscape Officers, any lighting at the site would need to be designed so as to have regard to the potential impacts to bats and to the impact to the landscape and visual amenity. It would be important that any lighting should not be left on at night outside of the hours proposed and that the impacts of any lighting proposed to bats and to the landscape given the green wedge location are taken into account. I therefore consider that a condition could be used to ensure that details of any external lighting are provided before use should Members decide to grant permission.
60. The proposal does introduce a more intensive use to the existing site than is currently the case and as a result there would be some change to the existing noise environment. However, given the location near to existing educational uses, the existing recreation ground to the north and the Kent Police sports facility to the south east, I do not consider that the proposal would give rise to significantly unacceptable noise impacts to residential property located within Camp Way and Grove Road. The nearest residential property to the agricultural barn is 105m (344ft) when measured to the garden boundary to the east in Camp Way and the nearest residential property to the site boundary where the paddocks would be located is approx. 20m (65ft) east of the proposed site fence in Grove Road which is within the Maidstone Urban boundary. However, it is unlikely that there would be significant unacceptable noise impacts to this location given that this would be a paddock area. Given the existing screening of the site to residential property in Camp Way and Grove Road by vegetation I consider that it is unlikely that there would be any other significant amenity impacts to residential amenity such as from overlooking or lighting.
61. I therefore conclude that, with the use of conditions concerning lighting, fencing colour, external materials and landscape planting, the landscape, design and amenity impacts are acceptable in this location.

Other considerations

62. The applicant had originally intended to submit the application in parallel with the application for the extension and refurbishment of the Five Acre Wood School. However whilst the Five Acre Wood School application was received in September 2014, the relocation of the school farm application was not received by KCC until 13th November 2014. Furthermore, the application could not be made a valid application until the proposal had been clarified and sufficient information received on the 11th February 2015.
63. The application was submitted to KCC for determination as the Five Acre Wood expansion development by KCC would result in displacement of the established New Line Learning Academy Farm from the KCC property at Five Acre Wood School. KCC Property and Infrastructure Support are therefore required to provide a new location for the school farm for New Line Learning Academy.
64. Had the application been submitted by the New Line Learning Academy, it would have been submitted to Maidstone Borough Council to determine. However, this was not the case and the application now needs to be decided by KCC as the determining authority, taking account of the statutory consultation which includes the views of the Maidstone Borough Council and the NLRA Neighbourhood Plan Forum.
65. The concerns expressed by the Member and the NLRA with regard to land swap issues are matters which have previously been drawn to the attention of Kent County Council Property and Infrastructure Group as these are property management issues and not material to the determination of the planning application. The matter arose also in consideration to the Five Acre Wood School refurbishment and extension proposal reported to Members in April 2015. The influence that a decision in relation to this proposal might have, or is perceived to have, on land exchange and property matters is also not material to determination of the planning application.
66. There is also concern that this proposal is connected to the application for residential and relocation of New Line Learning School playing fields development proposal refused by Maidstone Borough Council. The concern is that that determination of this application may impact upon the outcome of the appeal of that proposal. However, this application is not connected to the application to MBC. This proposal is not dependent on the outcome of the appeal, and even so planning authorities have to consider proposals that are before them and cannot defer decisions on the basis of other applications that may not be finally determined yet, or indeed any other development proposals that may be yet to emerge. Whether applicants are able to implement their proposals pending other decisions or events, is also not a material planning consideration, being a matter for the applicants and their advisors to resolve separately.
67. I also do not consider that the outcome of this proposal will prejudice the outcome of the appeal. It is a different planning proposal and must be considered on its own planning merits. The planning system does not allow for a delay to be made to the determination of an application. Proposals such as this are required to be decided within 8 weeks of validation unless an extension of time is agreed with the applicant. An extension of time has already been sought for this proposal.

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68. Given that the reasons for reporting this proposal are not considered to be material planning considerations but rather procedural matters, I consider that it would be unreasonable to delay decision making further.
69. NPPF guidance is that the presumption in favour of sustainable development for decision taking when approving development proposals means approving proposals which accord with the development plan without delay. Whilst this proposal sits within the Southern Anti-coalescence Belt, I do not consider the extent, type and purpose of the proposed built development would have a significant detrimental impact to rural settlement nor significantly consolidate existing development or prejudice the objective of the policy. Given also that Maidstone Borough Council does not raise objection, I consider that this proposal accords with the development plan in place which must be afforded more weight than then emerging policies, and that there is no planning reason to delay decision making.
70. Careful review of the proposal has taken place, including statutory consultation with Maidstone Borough Council, which does not raise objection, nor do they provide any comments to indicate that the decision should be delayed. Referral of the application to the Maidstone Borough Council Planning Committee would be for the Officers at Maidstone Borough Council to decide depending on their own scheme of delegation.
71. Furthermore, the reasons for refusal given by Maidstone Borough Council in relation to the application for residential development and new playing fields were related to the impact of a proposed access road to Ancient Woodland and of proposed footways to buffer zones adjoining ancient woodland together with the proposed proportion of affordable housing. This proposal would not impact on Ancient Woodland. No concerns have been raised either from KCCs Biodiversity Officer or from Maidstone Borough Council in relation to the impact of this proposal to biodiversity or Ancient Woodland. The proposed site is approx. 190m (623ft) from Five Acre Wood and 470m (1541ft) from Mangravet Wood. The access is via the existing New Line Learning site and the footways within the site are not within any buffer zones. No residential development is being proposed.
72. I conclude that any decision on this separate proposal cannot in turn result in an implication of a presumption in favour of a separate application subject to appeal. The planning system requires each planning application to be decided on its own merits and for this proposal I do not consider there to be any planning material considerations that indicate that the proposal should be refused, or that a decision should be delayed until after that planning inquiry. In coming to this conclusion, I take account of the DCLG Policy Statement Planning for Schools Development which requires Planning Authorities to facilitate the efficient and positive delivery of schools development including ensuring that the process for submitting and determining state funded schools applications is as streamlined as possible and in particular, is proportionate in the information sought from applicants. It also requires clear justification for refusal of any application or for the imposition of conditions.

Conclusion

73. This proposal is important to ensure the continued provision of a School Farm for New Line Learning Academy and to ensure that the redevelopment and refurbishment of the Five Acre Wood School can progress. The proposal is made independently of the application for residential development and relocation of school

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playing fields and requires a decision based on its own planning merits. There have been no objections to the proposal and the comments made by the KCC Biodiversity and Landscape Officer indicates that the development is acceptable with the appropriate use of conditions. The concerns received from the NLRA and the County Council Member with regard to the timing of the decision in relation to the appeal against another planning proposal are not considered to be relevant reasons to withhold permission, or to delay making a decision on a proposal which in my opinion is acceptable in all other regards, given the advice contained in the NPPF on decision taking and the presumption in favour of sustainable development and the strong policy support in favour of the sustainable development of schools related development.

Recommendation

I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The standard 5 year time limit
- That the development be in accordance with the details submitted with the application
- That a buffer zone be provided and managed as a wildflower meadow
- That a management plan is required for the buffer zone including arrangements for access to the meadow area and mowing;
- Submission of a landscaping scheme in order to screen the proposed fencing at the site.
- Governing the PROW requirements in relation to the footpath.
- Governing the submission of lighting details prior to the installation of external lighting
- Governing the submission of samples and colour of external materials for the agricultural barn
- Submission of details of colour and type and appearance of overcladding for the proposed classroom
- Governing the control over hours of use as detailed in the application
- Governing the control of lighting outside of hours
- Governing the fencing colour, which should be black or dark grey.

I FURTHER RECOMMEND THAT the applicant BE ADVISED of:

- PROW advice regarding works near to footpaths and ecology advice regarding bats and lighting;
- Landscaping advice with regard to the landscaping plan and species mix;
- That the applicant checks the requirements for planning permission for the concrete access path out of the Academy site and the introduction of access gates within the existing New Line Academy fence.

Case Officer: H Mallett	Tel. no: 03000 413411
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Background Documents: see section heading
