

New two storey Special Educational Needs School with associated car parking & landscaping at Upper Haysden Lane, Tonbridge - TM/15/3954 (KCC/TM/0390/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 9 March 2016.

Application by Kent County Council Property & Infrastructure Support for a proposed new two storey Special Educational Needs School (relocation of Ridge View School) with associated car parking and landscaping (change of use from D2 Assembly and Leisure to D1 Non-Residential Institution) at land at Upper Haysden Lane, Tonbridge – TW/15/3954 (KCC/TM/0390/2015).

Recommendation: that the application be referred to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision, planning permission be granted subject to conditions.

Local Member: Mr C. Smith and Mr R. Long

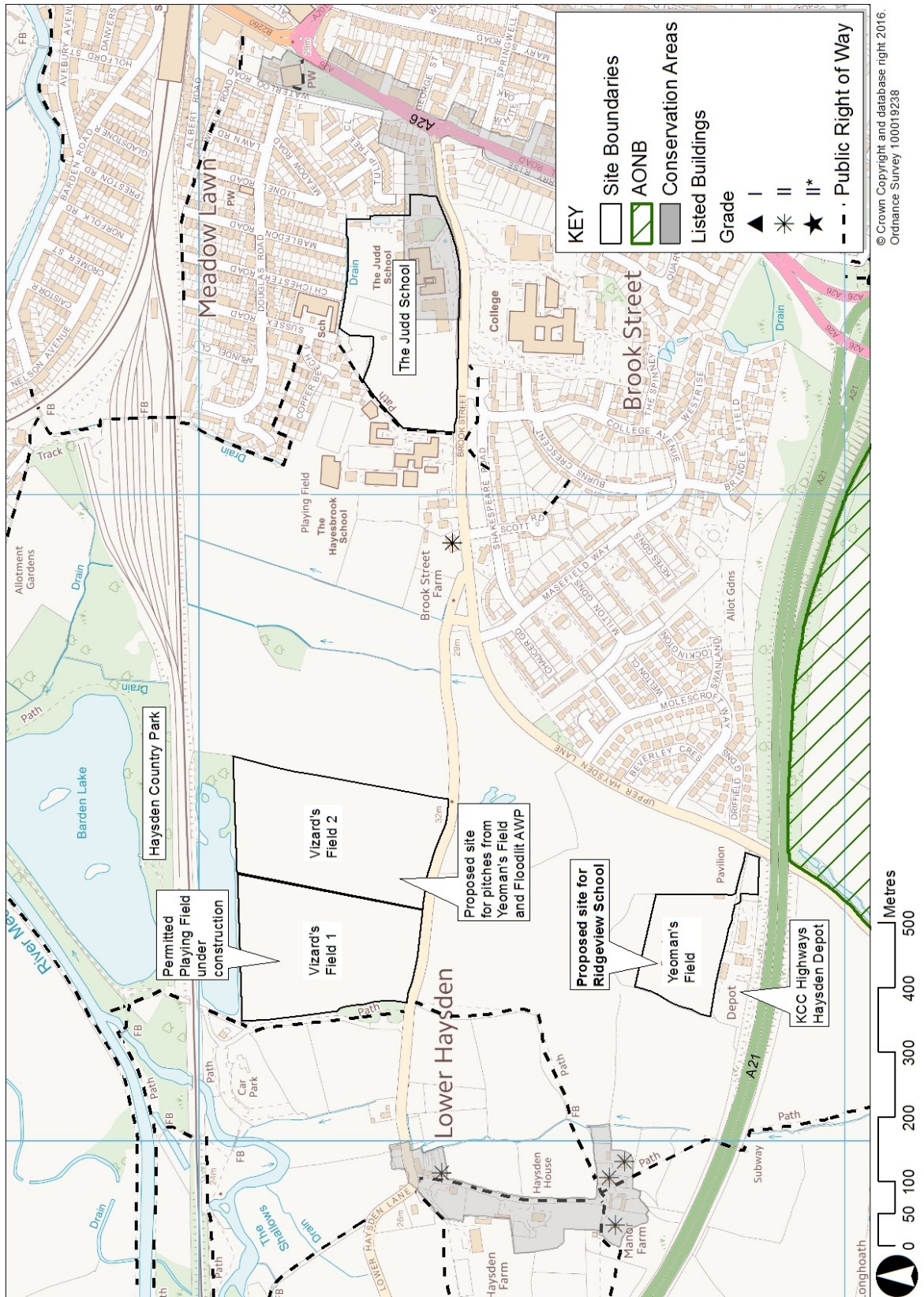
Classification: Unrestricted

Site

1. The application site is located to the west of Upper Haysden Lane and to the north of the A21 on the south western outskirts of Tonbridge Town Centre. The 2.36 hectare (5.8 acre) site is owned by Kent County Council and has been used by Judd School since the 1930's to provide additional outdoor recreation space/playing field. The site, which is known as Yeomans, is located approximately 900 metres to the south west of the Judd School and comprises mown playing fields and a small pavilion building in the south eastern corner of the site with changing rooms, toilets, kitchen and a store. The playing field (application site) currently provides Judd School with two senior rugby pitches, two artificial cricket wickets with overlapping boundaries and a hammer circle.
2. The application site boundaries are formed of mature hedgerows and tree planting, with further open agricultural land to the north, east and west. The hamlet of Lower Haysden lies to the north west/west of the application site, with the closest residential property in Lower Haysden being approximately 250 metres away from the western site boundary. An earth bund also lies to the west of the southern half of the western site boundary. The closest properties to the east of the application site are approximately 100 metres from the eastern site boundary and are located in residential cul-de-sacs (Driffled Gardens and Beverly Crescent) accessed via Brook Street/Upper Haysden Lane and Molescroft Way. Properties in these roads are oriented north south in the main, with side elevations facing the application site in the most part. The County Council's Haysden Highway Depot lies to the immediate south of the application site, beyond which lies the elevated A21 dual carriageway. The Highway Depot and the application site share an access from Upper Haysden lane. Lower Haysden Lane is located approximately 300 metres north of the site, beyond which lies Haysden Country Park.
3. The application site is within the Metropolitan Green Belt and outside of the settlements confines of Tonbridge. The site is also designated as protected open space (as Judd School Playing Fields) within Tonbridge and Malling Managing Development and the Environment Development Plan Document April 2010. The application site is not subject to any other landscape/planning designations, but the hamlet of Lower Haysden (circa 250 metres to the west of the application site) is a Conservation Area which contains a small number of Listed Buildings. In addition, the High Weald Area of Outstanding Natural Beauty lies to the far south of the application site, beyond the A21.

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Site Location Plan



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Proposed Site Layout



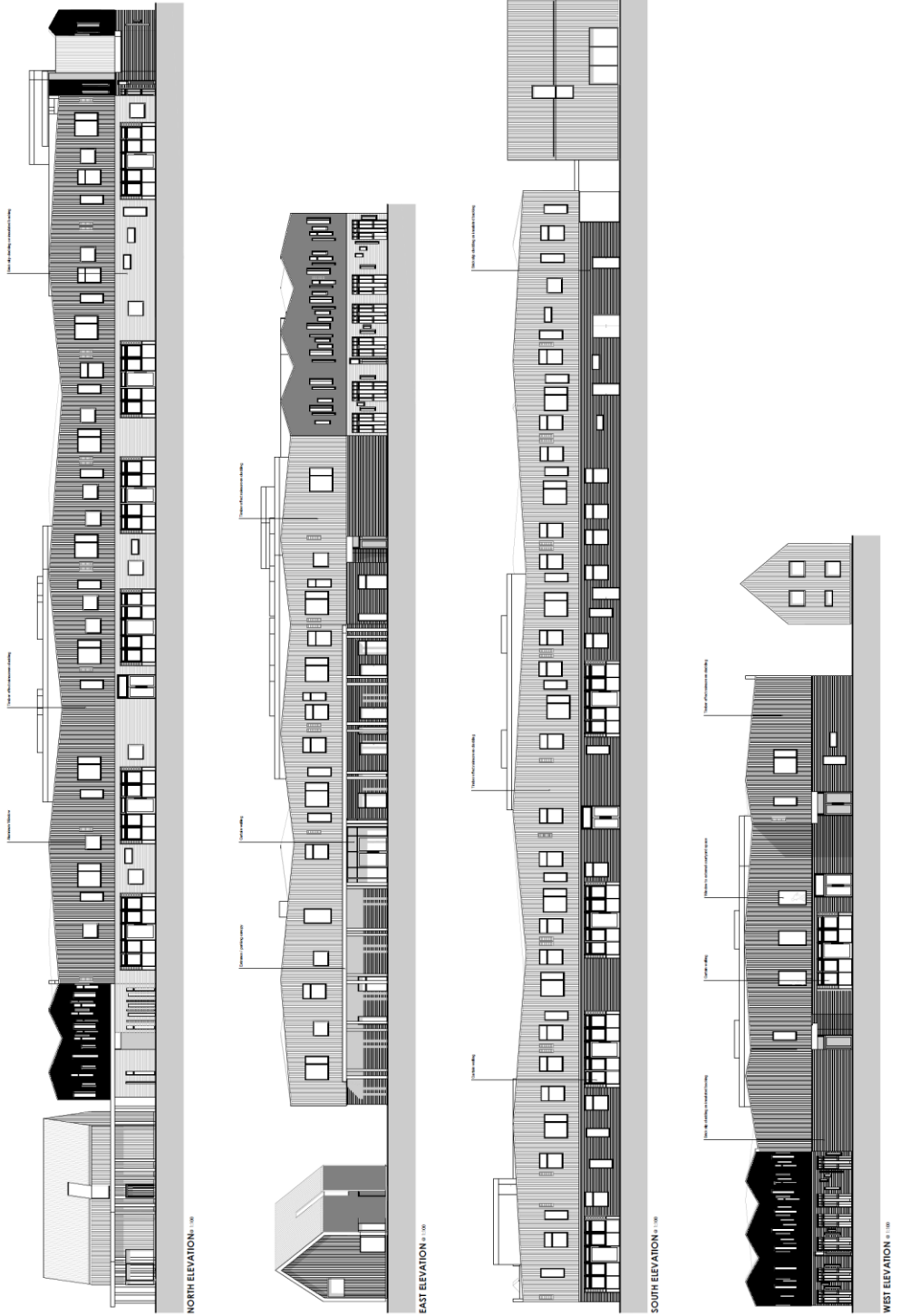
New two storey Special Educational Needs School with associated car parking & landscaping at Upper Haysden Lane, Tonbridge - TM/15/3954 (KCC/TM/0390/2015)

Landscaping Plan



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Elevations



For elevations within the site context, please refer to drawings no. 15.001-039A, 039B & A-Context Elevations.

RIDGE VIEW SCHOOL PROPOSED ELEVATIONS

guy holloway
 ARCHITECTS
 15,001-039A, 039B & A-Context Elevations
 15.051 30 P2

Item D2
New two storey Special Educational Needs School with associated car parking & landscaping at Upper Haysden Lane, Tonbridge - TM/15/3954 (KCC/TM/0390/2015)

Visual Image



Item D2
New two storey Special Educational Needs School with associated car
parking & landscaping at Upper Haysden Lane, Tonbridge - TM/15/3954
(KCC/TM/0390/2015)

Ground Floor Plan



BRICE & WAIN SCHOOL
GROUND FLOOR PLAN

D2.7

guy hollaway
15.051 20

PLANNING

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First Floor Plan



New two storey Special Educational Needs School with associated car parking & landscaping at Upper Haysden Lane, Tonbridge - TM/15/3954 (KCC/TM/0390/2015)

Roof Plan



guy holloway
Architect
15.051 - Z2 P2

PLANNING

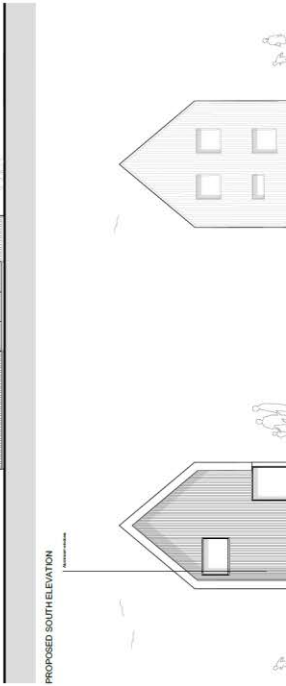
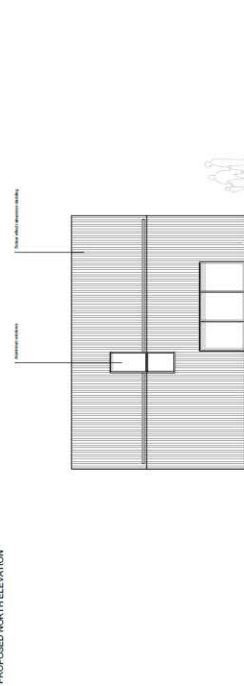
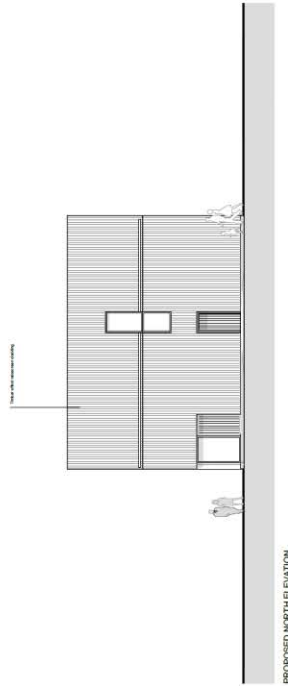
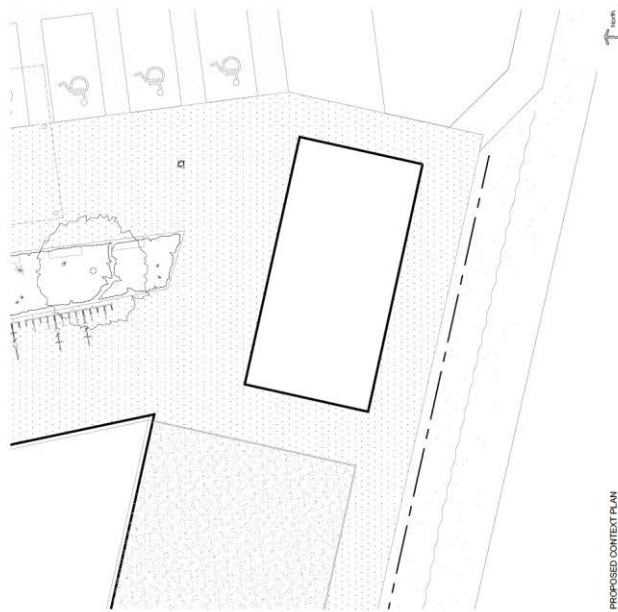
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RIDGE VIEW SCHOOL
PROPOSED ROOF PLAN

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Life Skills Building



0 1 2 3 4 5m

RIDGE VIEW SCHOOL
PROPOSED LIFE SKILLS BUILDING
 Proposed Life Skills Building
 Upper Haysden Lane, Tonbridge, Kent TN11 1JH
 15.051 23 P2

Drawn by: P2
 Checked by: P2

15.051 23 P2

guy hollaway
 Architectural & Planning
 15.051 23 P2

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4. In light of the site's Green Belt designation, this application has been advertised as a Departure from the Development Plan. The site is not within any other landscape or planning designations.

A site location plan is attached.

Background and Relevant Planning History

Ridge View School Relocation

5. Kent County Council as the Strategic Commissioner of Education Provision in the County is responsible for ensuring that there are sufficient school places of high quality for all learners. Kent County Council's strategy for children and young people with Special Educational Needs and who are disabled (SEN) identifies the need to provide 275 additional SEND places in Kent for pupils with Autism and Behavioural needs, 175 of which should be in special schools. Furthermore, the 'Kent Commissioning Plan for Education Provision' (2015-2019) sets out that such additional provision would be achieved by increasing the number of Kent designated places in special schools from 3326 to 3576.
6. Further, the applicant confirms that the demand for placement of children with an Education, Health and Care Plan in the Borough of Tonbridge and Malling significantly exceeds the provision available within the Borough. Data shows that Tonbridge and Malling has a high proportion of pupils (357) placed outside of the Borough or with no current placement. Less than half (approximately 41%) of the stated pupils resident in Tonbridge and Malling are currently being educated within the Borough. A key factor in this situation is the inability of Ridge View School, an existing SEN School in Tonbridge, to admit the required number of pupils in line with its designated number (the existing school has 112 pupils on roll but a designated number of 180) due to the complexity of the needs of its pupils and existing capacity constraints due to insufficient and substandard accommodation.
7. Ridge View School is located approximately 2.4 miles (3.9 kilometres) to the north east of the application site, and shares a site with Cage Green Primary School (Hugh Christie Technology College is also to the immediate north). The existing school is accessed via Cage Green Road, which joins with Shipbourne Road. Ridge View School provides for pupils with Profound and Severe Needs, many of whom have mobility issues and/or are wheelchair bound. The applicant advises that the existing school buildings are no longer fit for purpose and that the school is at maximum capacity for its location. Site constraints, including the shared campus, prevent expansion and/or redevelopment of the school on the existing site. Combined with the increased demand for places at SEN schools, as outlined above, relocation to a new purpose built facility is required. This requirement has been recognised by Central Government, who have allocated £2.2 million of Targeted Basic Needs Funding to enable the expansion and relocation of the school.
8. An application was submitted in June 2014 proposing the relocation of Ridge View School to land off of Higham Lane, Tonbridge (KCC/TM/0223/2014). That application proposed the same level of accommodation as that currently proposed. The 2.23 hectare (5.5 acre) site was largely identified as grade 3a agricultural land, and formed part of the wider fields associated with Greentrees Farm, which are classified as grade 2 land. That site was located to the immediate north of the defined urban area of Tonbridge, and although within the Metropolitan Green Belt, was directly adjacent to a

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number of residential properties. Members of the Planning Applications Committee visited the Higham Lane site on the 22 September 2014. That application met with a significant amount of local objection on the grounds of impact on local residential amenity, exacerbation of existing drainage/flooding issues, impacts on ecological interests, loss of Green Belt and loss of best and most versatile agricultural land, amongst other matters. That application was subsequently withdrawn, primarily due to the prohibitive cost of Southern Water's required drainage improvements. Following withdrawal of that application, the applicant has undertaken a detailed assessment of alternative sites within the Borough, with the site as currently proposed considered to be the only available and suitable site.

Judd School Playing Field

9. As outlined in paragraph 1 of this report, the application site is currently used by Judd School as additional playing field (over and above that available on the School site). However, Members of the Planning Applications Committee considered an application for 'change of use from agricultural land to playing field to serve the Judd School, together with associated ancillary development including access, parking and hard landscaping works' at land off Lower Haysden Lane, Tonbridge, on the 8 April 2015. That application (KCC/TM/0435/2014) was subsequently granted planning permission, and the development is currently under construction. That application covered a 10.5 hectare (26 acre) area of land so change of use to playing field is established for the whole site. However, the site was split into two, known as Vizard 1 and Vizard 2, and that application (KCC/TM/0435/2014) only proposed the physical development of Vizard 1 (the western half) to provide the following:
 - 2 grass senior rugby pitches;
 - 2 grass junior rugby pitches;
 - 1 cricket pitch (capacity for up to 8 wickets); &
 - Cricket nets.

10. As part of the mitigation for the loss of playing field that would occur should this current application (the subject of this paper) be permitted, an application has been submitted to develop the eastern half of the Lower Haysden Lane site (Vizard 2) to provide additional sporting facilities for The Judd School. That application (KCC/TM/0385/2015) is considered at Item D3 on these papers and proposes to provide the following:
 - 1 grass senior rugby pitch;
 - 1 grass junior rugby pitch;
 - 1 grass training pitch;
 - 1 floodlit synthetic pitch (with restricted non-school use);
 - 1 hammer cage;
 - 1 cricket square plus all weather wicket; &
 - a single storey changing room block.

Planning History

11. Previous relevant planning decisions at the application site are limited to the following, which were determined by Tonbridge and Malling Borough Council:

TM/78/11342/OUT – outline application for a football stadium (for Tonbridge Angels Football Club) with spectator's accommodation, club house, parking etc. which was REFUSED primarily on Green Belt grounds. Subsequent appeals by the applicant were dismissed.

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TM/90/10745/FUL – erection of floodlights to allow outside training during winter months whilst maintaining existing usage (Monday to Friday 4-5pm by the Judd School and Tuesday and Thursday 7 – 9pm by the Old Juddian Rugby Club) which was PERMITTED subject to conditions. *It should be noted that there is only one lighting column on the site at the moment, which is located in the south east corner of the site adjacent to the pavilion building.*

Proposal

12. This application has been submitted by Kent County Council Property & Infrastructure Support and proposes the erection of a new purpose built school to provide for the pupils currently at Ridge View School and additional capacity to accommodate the required increase in pupil numbers (68 additional places). The applicant advises that the proposed school would offer up to 180 places for pupils aged between 2 and 19, and would include facilities currently unavailable/difficult to access such as therapy room and sensory rooms. The proposal's essentially split the application site into two distinct elements, with car parking and the school building to the south of the site, and open recreational facilities and playing field to the north. A stand-alone life skills building is also proposed to the south east of the main school building. The following is a summary of the proposals;

Site Layout

13. The applicant is proposing to provide a new purpose built school which would accommodate 180 students and 185 staff (including specialist staff such as nurses and therapists). The new building would have a gross internal floor area of 5489m² (59,083sqft) spread over 2 floors, providing a total of 33 general teaching rooms, a main hall, group rooms, gym and soft play facilities, staff, meeting and administration areas, medical and specialist therapy rooms, a pool, a kitchen and general storage, circulation space, WC and changing areas. A 91m² (980sqft) 5 room stand-alone life skills building is also proposed. The school building and the life skills building are proposed in the south west area of the site, adjacent to the Highway Depot buildings to the south, and an existing earth bund to the west.
14. The applicant advises that each cluster of classrooms would share a number of small groups rooms and a quiet multi-purpose central zone. All of the students with more prominent education and/or care needs would be located on the ground floor and have direct access to an allocated external learning area. The first floor would provide all of the accommodation required for KS2-5 which is considered by the applicant to give the older pupils an increased sense of responsibility. The applicant further advises that flexibility is fundamental to the design philosophy and that the integration of community use is key. As such, the school hall, training, consulting and some specialist areas have been located in such a way that secure access could be gained out of school hours.
15. Externally, two MUGA courts, an area for 'learning through landscape', a sensory garden, allotments and soft play areas are proposed to the north of the school building. A woodland learning area is proposed to the west of the main school building, and general outdoor teaching and amenity areas surround the building on all sides. Access and car parking is proposed to the east of the school building, beyond which a swale would separate the car parking area from the eastern site boundary.

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Design/Massing

16. The applicant advises that the design of the proposals stems from a need to create a school that is as compact as possible, whilst maximising external space. A need to keep the footprint to a minimum has resulted in the applicant proposing a two storey building. The school hall, the largest element of the building, is proposed within the centre of the plan, with classroom accommodation wrapped around it creating a rectangular shaped building. The flat roofed building would be finished in Rockpanel Wood cladding to the first floor, and facing brickwork walls to the ground floor, with powder coated aluminium windows and doors. The two storey life skills building is proposed to the south east of the main school building, and deliberately kept as a separate entity to allow its use as a 'real' house. The pitched roofed building would be finished in timber cladding to match the main school.

Access/Car Parking

17. The proposed school would be accessed via the existing site entrance which currently serves Haysden Highway Depot and access to the application site. The access road would be improved and upgraded to allow two-way traffic flow into and out of the site. The upgraded access road would be 6.6metres in width throughout its length, in addition to a 1.8metre wide footway proposed to the northern side of the road. That footway would link to a new 1.8metre wide footway proposed to be constructed along the western side of Upper Haysden Lane on the existing grass verge. The footway would measure approximately 45metres in length, extending to the north from the upgraded site access road. A dropped kerb and tactile paving pedestrian crossing would then be provided to link the footway with the wider footpath network located to the east of Upper Haysden Lane/Brook Street. The applicant advises that, in considering the nature of the proposed development and the resulting limited number of people that would access the site on foot, the provision of a central crossing island (which would also require road widening) would not be required or be a reasonable/proportional enhancement.
18. Vehicular access and drop-off are proposed via the upgraded site access road, with a total of 155 parking spaces to be provided on site, and an additional 5 mini bus spaces. A 42 space staff car park is proposed to the south of the access road, with the remaining 108 spaces (including 15 disabled spaces) proposed in the main car park located to the front of the school building, to the south east of the application site. That main car park would be for staff and visitor use, and is designed to also form a one way loop arrangement, requiring all vehicles to take the longest path around the car park. That 'loop' would enable approximately 40 vehicles to wait in line on site to use the pupil drop-off and pick-up area which would be located along the frontage of the school building. Due to the nature of the development, being a Special Educational Needs School, a significant number of pupils (approximately 94%) would be transported to the school site by Local Education Authority Transport or by parents/carers. The applicant advises that the design and layout of the car parking area would provide sufficient space on site to accommodate vehicles associated with the school at peak school times.
19. The Transport Statement submitted with this application calculates that the proposed development would generate a total of 205 vehicle movements during the morning peak (144 in and 61 out) and 175 movements across the afternoon peak (66 in and 109 out). Following a detailed assessment of the local highway network, including local junctions,

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the submitted Transport Statement concludes that the proposed school would not detrimentally impact on the existing morning and afternoon highway peak periods.

20. A Memorandum of Understanding was submitted with this application to confirm that the applicant would pay all reasonable costs to fund the relocation/extension of the existing 40mph speed limit. The 40mph limit currently extends along Brook Street/Upper Haysden Lane and ends to the immediate south of the existing access road into the application site, beyond which the speed limit becomes national. The applicant is proposing to fund an extension of the 40mph limit to the south of the A21 overpass, to an exact location to be agreed as part of a separate Traffic Regulation Order (TRO) process.
21. Whilst it is recognised that pupils are very unlikely to cycle to school, 78 cycle parking spaces are proposed, in accordance with Kent County Council Standards. The applicant advises that that provision would encourage an increase in staff cycle travel, given that it would provide somewhere safe and secure to leave a bicycle, making it a more attractive and feasible option.

Landscaping

22. The application site is bound by a mature hedgerow and tree planting on all sides. Being an existing playing field, tree planting and hedgerows are contained to the boundaries of the site. The submitted Tree Survey records 38 trees/groups, of which two were classified as 'A' category (highest quality), 14 as 'B' category and 19 as 'C' category. Three trees are recommended for removal due to safety reasons. The inspected trees range from relatively young Oaks and Maples (less than 20 years of age) through to large mature oaks in excess of 150 years of age. It is proposed to retain the existing boundary hedging and tree planting, apart from a small section adjacent to the site access in the south east corner of the site. A small field maple and a section of the hedge would be removed to provide a suitable access with appropriate sight lines. However, further planting is proposed across the site, including supplementary planting to the site boundaries. 2 metre high green weld mesh fencing is proposed to secure the site, which would be erected on the inside of the hedgerow, leaving a gap of 1.2 metres between the hedgerow and the fencing for pruning/maintenance purposes.

Drainage

23. Foul and surface water would be drained via separate systems within the curtilage of the site, and in both cases, would need to be pumped to the existing Southern Water sewer networks in Upper Haysden Lane. The Pumping stations would be situated within the application site and require access via the playground for a tanker vehicle in an emergency to empty the storage tanks and for the access of maintenance vehicles. The near surface geology of the site precludes the use of soakways, therefore below-ground attenuation tanks are proposed to store surface water prior to it entering the surface water pumping station. The discharge to the public sewer would be controlled at a minimal rate to reflect green field run off. In addition, the surface water drainage design includes the consideration of swales, porous pavings and land drains within the development. The applicant has agreed to provide or fund, as appropriate, the necessary off site foul and surface water infrastructure to connect the new site to the existing drainage networks, including any required capacity improvements.

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Lighting

24. External lighting would be limited to vehicle and pedestrian access lighting, security lighting, facility illumination and general feature lighting. The proposed strategy is to provide a balance between adequate external lighting for safe and secure operation of the school without unnecessary illumination or power consumption. Any lighting would also be carefully considered with heights of columns and fittings selected to prevent upward and side glare, and to avoid intrusion within the wider landscape. All lighting would also need to comply with ecological requirements.

Sustainability

25. The applicant advises that sustainable design has been integrated into the building concept with low carbon emissions being a key aim. Although the development would not be formally assessed specifically under BREEAM, the proposed scheme has been designed to meet the equivalent of a BREEAM rating of 'Very Good'. In addition, an array of photo-voltaic's (PVs) is proposed on the roof on the main school building, and the applicant has incorporated passive ventilation and cooling into the design of the building, and electrical and water systems would be designed to limit wastage. All timber used in the building would also be sustainably sourced. In addition, Sustainable Drainage principles are proposed with the inclusion of a swale and filter drain.

The planning application is accompanied by a Design and Access Statement, Planning Statement, Green Belt Report, Landscape Visual Impact Assessment, Report on Inspection of Trees, Travel Plan, Transport Statement, Memorandum of Understanding, Preliminary Ecological Appraisal, Bat Survey, Archaeological Desk Based Assessment, Energy and Sustainability Statement, Utilities Statement, Noise Statement, Stage 2 Acoustic Report, Phase 1 Environmental Risk Assessment, Phase 2 Site Investigation Report, Statement of Community Involvement and Construction Logistics Plans.

Planning Policy Context

- 26.(i) **National Planning Policies** – the most relevant National Planning Policies are set out in the **National Planning Policy Framework (March 2012)**, and the **National Planning Policy Guidance (March 2014)**, which set out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

The NPPF states that, in determining applications, 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:

- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

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- 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;
- promoting sustainable transport;
- That access to high quality open spaces and opportunities for sport and recreation are important in their contribution to health and well-being, and therefore that existing open space, sports and recreation facilities should not be built on unless the loss would be replaced by equivalent or better provision in terms of quantity and quality.

In addition, Paragraph 72 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools, and works with schools promoters to identify and resolve key planning issues before applications are submitted*

(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, historic 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

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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 Wateringbury.

Policy CP6 Separate Identity of Settlements: 1) Development will not be permitted within the countryside or on the edge of a settlement where it might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside or from adjoining settlements; 2) Any development that is considered acceptable in terms of this policy should maintain or enhance the setting and identity of the settlement, and in the countryside, be consistent with Policy CP14.

Policy CP11 Urban Areas: States that development should be concentrated within the confines of the urban areas which include Tonbridge. Development adjoining these urban areas will only be permitted where there is an identified need and there are no suitable sites within the urban areas/ Priority will be given to the use of previously developed land.

Policy CP14 Development in the Countryside: In the countryside development will be restricted to (a) extension to existing settlements in accordance with Policies CP11 or CP12; or (b) appropriate replacement or extension to an existing dwelling; (c) necessary development for the purposes of agriculture or forestry; (d) limited expansion of an existing employment use; (e) development that secures the viability of a farm; (f) redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability; (g) affordable housing which is justified as an exception under Policy CP19; (h) open recreation uses together with associated built infrastructure; or (i) any other development for which a rural location is essential.

Within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy will still need to be justified by very special circumstances.

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

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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, 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.

(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.

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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.

Policy DC6 Rural Lanes: In the consideration of development proposals which are in the vicinity of, or served by, rural lanes, permission will only be granted where: (a) the development conserves and enhances the value of the lane in terms of its landscape, amenity, biodiversity, historic or archaeological importance; and (b) any proposed alterations to the lane are the minimum necessary to serve the proposal in terms of highway safety.

Policy OS1 Open Space: Development which would result in the loss of, or reduce the recreational, nature conservation, biodiversity, carbon

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sink, landscape, amenity and/or historic value of, existing open spaces listed in Policy Annexes OS1A & OS1B and identified on the Proposals Map, and any other open spaces that are provided during the lifetime of the LDF, will not be permitted unless a replacement site is provided which is equivalent or better in terms of quantity, quality and accessibility.

Consultations

27. **Tonbridge and Malling Borough Council** raise no objection subject to the following considerations:

- “1. TMBC recognises that the replacement and reinforcement of the beneficial educational facilities at the existing school merits support;
2. Kent County Council must be satisfied that the proposed development accords with the requirements of the NPPF and that, for the application to be approved, very special circumstances clearly exist which outweigh the degree of harm caused to the open nature and function of the Metropolitan Green Belt by virtue of the inappropriate nature of the development proposed. If this cannot be satisfied, the application should be refused;
3. Kent County Council must be satisfied that there is a strategic need for the proposed development in this location and on this particular site (as opposed to other potential development sites both inside and outside of the Metropolitan Green Belt) if the application is to be approved, and that any resulting impacts by way of the loss of protected open space, traffic generation and potential environmental issues are adequately addressed;
4. In the event that Kent County Council considers that very special circumstances do exist to outweigh the degree of harm to the Metropolitan Green Belt in this locality and on this site and the scheme is found to be acceptable in all other respects, the County Council should:
 - Be satisfied that the traffic impacts on the local highway network would not be assessed as severe and thus are able to meet the tests set out in the NPPF;
 - Include a mechanism to secure the replacement of protected open space with new sporting facilities which offer equivalent or better playing field provisions in a suitable location or alternative sporting provisions, the need for which clearly outweighs the loss of Yeoman's Field. The use of development phasing restriction, to be agreed with Sport England, should ensure that the replacement open space is delivered by a key milestone;
 - Consider the potential, in conjunction with Highways England, for an acoustic fence to be installed along the northern boundary of the A21 to assist in the minimisation of road traffic noise levels in the local area.;
 - Require the mitigation measures set out in the Transport Statement, including extending the 40mph speed limit to include the new school entrance and a requirement for an ongoing School Travel Plan;
 - Seek the retention and protection of trees and hedgerow at the site, together with a robust site landscaping scheme;
 - Consider the control of external lighting operational hours to minimise impact on Green Belt and residential amenity;

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- Consider the community use of the school facilities and require a community use agreement to set out the times and management regimes of such use, being mindful of nearby surrounding residents.”

Kent County Council Highways and Transportation raises no objection to the proposal subject to the following measures;

- Engagement with the Highway Authority to extend the 40mph speed limit, including implementation of an interactive speed limit sign and a side road ahead sign as advised in the Stage 1 Road Safety Audit. This work should be undertaken in accordance with the County's adopted 3rd party Traffic Regulation Order procedure and carried out in parallel to construction of the development, should it be approved;
- Implementation of the footway and bollards adjacent to Upper Haysden Lane as proposed;
- Give way markings should be included at the junction to the main car park to give priority to traffic on the shared access road from beyond this point.

Highways England raises no objection to the proposal.

The County Council's School Travel Plan Advisor suggests that the School complete a Travel Plan (via the County Council's Jambusters System) for submission 6 months from the date of occupation.

Environment Agency considers that there was no need to consult them on the application as they do not believe that the proposal would have any environmental impact as far as their interests are concerned.

Sport England raise no objection to this application subject to the following condition:

“The two storey Special Educational Needs School with associated car parking and landscaping on land owned by Kent County Council, Lower Haysden Lane hereby permitted shall not be occupied until Phase 1 of permission KCC/TM/0385/2015 has been built and made operational for use; and development has commenced on Phase 2 of permission KCC/TM/0385/2015”

Kent Wildlife Trust no comments received to date.

The County Council's Biodiversity Officer raises no objection to the application subject to conditions requiring the development to be undertaken in strict accordance with the submitted protected species surveys and the precautionary mitigation methods contained therein, and the submission of details of ecological enhancements and the planting and management of the swale.

The County Council's Landscape Advisor (Amey) considers that it is not likely that there would be any adverse impacts on the land, or to the wider countryside and surrounding fields and farm land, as a result of the development. The landscape advisor further considers that existing and proposed planting and screening would further limit the visual impact of the development, and that the building has been designed to minimise impacts on the surrounding area, including the Green Belt. The submitted Landscape Visual Impact Assessment is considered to be robust and accurate.

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The County Council's Archaeologist has no comments to make and no requirements for any further archaeological work.

The Council's Conservation Officer comments as follows:

"The site for the school is currently used as playing fields by Judd. Although the site is not situated within a Conservation Area, it is visible from, and therefore may have an effect on the setting of, the Haysden Conservation Area. Although part of the site can be seen from the Haysden Conservation Area the actual site for the school on the land is obscured from view by an existing earth bund. The extra planting proposed and the existing trees and boundary hedgerows mean the proposal will have little impact on the setting of the Haysden Conservation Area, and I have no adverse comments to make on this application."

The County Council's Flood Risk Team/SuD's Officer raises no objection to the application subject to confirmation from Southern Water that they are happy to accept the proposed discharge rates and that the detailed design is verified by the submission of additional details pursuant to condition. Conditions would require the submission and approval of a detailed Sustainable Surface Water Drainage Scheme and subsequent details of the implementation, maintenance and management of the approved Sustainable Surface Water Drainage Scheme. In addition, a further condition would ensure that there was no infiltration of surface water drainage into the ground other than with the express written consent of the County Planning Authority.

Southern Water raises no objection to the application and confirms that they can provide surface water disposal at the pumped flow rate proposed. However, with regard to sewerage, Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. Southern Water require the submission of a drainage strategy detailing the proposed means of foul and surface water sewerage disposal and an implementation timetable to be submitted prior to the commencement of the development. Further informatives regarding agreements and applications between the applicant and Southern Water are also required, and advice for the applicant is provided.

Local Member

28. The local County Members, Mr Chris Smith and Mr Richard Long, were notified of the application on the 10 December 2015.

Publicity

29. The application was publicised by the posting of 5 site notices, advertisement in a local newspaper, and the individual notification of 76 neighbouring properties. The operators of the adjacent Haysden Highway Depot (Amey on behalf of the County Council) were included within the list of neighbouring properties consulted.

Representations

30. To date, I have received 20 individual letters of objection and 2 letters of support from local residents. A summary of the main issues raised/points of objection is set out below:

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Highways/Access

- Object to an increase in traffic flow as an additional school would increase the amount of traffic that uses Brook Street and the surrounding road network;
- Local roads are already at maximum capacity and cannot cope with anymore traffic;
- Brook Street already has K College, The Judd School, and Hayesbrook School accessed from it. To add another school will add to traffic at the busiest times of the day;
- The development is located away from public transport links meaning that there is no alternative but to travel to the site by car;
- Parents/staff will park in local roads blocking driveways/access, as is already the case;
- Increased traffic would put existing pupils at local schools and proposed students at risk;
- The development would only cause more accidents;
- Provision for a right turn lane into the site should be made;
- The junction into the site is dangerous, with vehicles from the south approaching from a national speed limit, with a bend and the A21 bridge;
- Heavy plant use the access road, adding to the danger;

Landscape

- Upper Haysden Lane is currently a boundary between the built development of Tonbridge and the open countryside – it should remain that way;
- This is Green Belt land/a green field site and should remain so;
- Alternative brownfield sites should be considered;
- Development of this site would set a precedent for further development of this area of Tonbridge;

Amenity Concerns/General Matters

- Additional traffic would add to vehicle emissions within the countryside;
- The development would detract from views from local properties, ruining views of the open countryside;
- The development would affect local wildlife, including that at Haysden Country Park;
- The development would generate light pollution;
- The development would generate noise pollution during school hours;
- Pollution and noise from the A21 would affect pupils of the proposed school;
- The area is already overdeveloped;
- Can local services (drainage/sewerage etc) accommodate the additional development?
- Construction of the school would cause disruption and nuisance to local residents.

Support

- It is about time that the pupils of Ridge View School had a purpose built school of a quality appropriate for their needs
- There is an ever increasing need for additional SEN places in Tonbridge and Malling;
- The proposed location for the school is a good choice as it is surrounded by other educational facilities;
- The proposal would provide employment opportunities;
- The development would only add very slightly to the congestion at the Brook Street roundabout;

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In addition, Highways, Transportation and Waste (operations) whose service contractor (Amey) operate out of the adjacent highways depot make the following observations:

“The highway depot being an operational depot requires continual access to the highway and the size of the vehicles being used pose a safety issue to other road users accessing the school. Discussions have been positive to try and mitigate these issues as far as practicable by:

- a. Maximising the radii of kerb line to 8m between the access road and Upper Haysden Lane which is vital to the safety of all road users due to the HGV's that use the highway depot;
- b. The minimum width of the access road at 6.6m is necessary to facilitate the safe use of both the depot and the school;
- c. Introduction of hatching in the turning area between the school premises and the access road to prevent any parking or stopping of vehicles;
- d. Removal of any hedges that may interfere with sight lines;
- e. Extending the speed limit past the entrance to the site.

The construction of the school would of course necessitate increased movements of heavier traffic and to minimise any impact on the depot:

- f. Efforts would be made wherever possible to deposit any excavated material within the area of the site.
- g. The car park located at the entrance by Upper Haysden Lane would be used to provide a diversion route if works are carried out on the existing access road.
- h. Some advance works would be carried out to improve the entrance such as the new kerb lines, cutting back of hedges that may interfere with sight lines”

Discussion

31. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 26 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon the Metropolitan Green Belt, siting, massing & design, highway implications and access, loss of playing field and securing of replacement facilities, and whether the development is sustainable in light of the NPPF.
32. Tonbridge and Malling Borough Core Strategy Policy CP1 seeks to conserve and enhance the environment and requires developments to be sustainable, well designed and respect their setting. This is particularly relevant to this development site which is identified within the Local Plan as being within the Metropolitan Green Belt. Core Policy 3 of the Tonbridge and Malling Core Strategy seeks to resist inappropriate development within the Green Belt, unless justified by exceptional circumstances. Core Policy 14 also states that development within the countryside should be restricted to certain acceptable uses only.
33. The NPPF, section 9, paragraph 80 states that the Green Belt serves five purposes:
 - a. to check the unrestricted sprawl of large built up areas;
 - b. to prevent neighbouring towns merging into one another;

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- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF further 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 say “very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any 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. Therefore, if Members were minded to grant planning permission, the application would need to be referred to the Secretary of State for his consideration.

Green Belt Considerations

34. By virtue of the criteria in the NPPF, and various Local Plan Policies, the development is inappropriate in Green Belt terms. Although paragraph 89 of the NPPF lists examples of development that could be considered appropriate within the Green Belt, the County Planning Authority is of the view that the proposals would not meet these exceptions and that the development is, therefore, inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted with regard to planning policies and other material considerations. Such development should not be approved, except in very special circumstances. It is, therefore, necessary to consider the impact of the development on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against inappropriate development.
35. A ‘Planning Statement’ and ‘Green Belt Report’ was submitted in support of this application, which sets out what the applicant considers to be the very special circumstances that warrant setting aside the general presumption against what would be inappropriate development in the Green Belt. The applicant considers the following ‘very special circumstances’ are sufficient to collectively outweigh a Green Belt policy objection:
- i) The identified need for additional SEN provision on the Tonbridge Area;
 - ii) National Policy and Central Government Support for the delivery of State Funded Schools;
 - iii) A lack of suitable alternative development options; and
 - iv) The benefits arising from the availability of new and additional facilities for community use.

Each of these ‘very special circumstances’ as put forward by the applicant will be considered and discussed in the following section of this report. I will take each point in turn, first considering the case of need for additional SEN school places in the Borough of Tonbridge and Malling.

Case of Need and National Policy and Central Government Support for the delivery of State Funded Schools

36. As outlined in paragraph 26 of this report, great emphasis is placed within planning policy generally, specifically paragraph 72 of the NPPF, on the need to ensure that a

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sufficient choice of school places is available to meet the needs of existing and new communities. The NPPF states that Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The NPPF further states that Planning Authorities should give great weight to the need to create, expand or alter schools. The Policy Statement – Planning for Schools Development (15 August 2011) further sets out the Government's commitment to support the development of state funded schools and their delivery through the planning system.

37. As outlined in paragraphs 5 & 6 of this report, Kent County Council, as the Strategic Commissioner of Education Provision in the County, is responsible for ensuring that there are sufficient school places of high quality for all learners. Kent County Council's strategy for children and young people with Special Educational Needs and who are disabled (SEN) identifies the need to provide 275 additional SEND places in Kent for pupils with Autism and Behavioural needs, 175 of which should be in special schools. Furthermore, the 'Kent Commissioning Plan for Education Provision' (2015-2019) sets out that such additional provision would be achieved by increasing the number of Kent designated places in special schools from 3326 to 3576. It is further noted within the Commissioning Plan that *'it is recognised that our current SEN capacity has not kept pace with changing needs and that we continue to commit a significant level of resources to transporting children to schools away from their local communities'*. This is neither sustainable nor beneficial to the pupils due to long commutes and being educated away from their local community, families and support networks.
38. Further, the applicant confirms that the demand for placement of children with an Education, Health and Care Plan in the Borough of Tonbridge and Malling significantly exceeds the provision available within the Borough. Data shows that Tonbridge and Malling has a high proportion of pupils (357) placed outside of the Borough or with no current placement. Less than half (approximately 41%) of the stated pupils resident in Tonbridge and Malling are currently being educated within the Borough. A key factor in this situation is the inability of Ridge View School to admit the required number of pupils in line with its designated number (the existing school has 112 pupils on roll but a designated number of 180) due to the complexity of the needs of its pupils and existing capacity constraints due to insufficient and substandard accommodation. The need for additional SEN places is further recognised by Central Government, who allocated £2.2 million of Targeted Basic Need Funding to enable relocation and expansion of Ridge View School.
39. The provision of additional SEN places within Tonbridge and Malling is essential to ensure that pupils with Profound, Severe or Complex needs can be educated within the Borough in which they live. Continued inability to meet this demand will result in Tonbridge and Malling SEN pupils travelling long distances to be educated outside of their communities, away from their support networks. It is clear that Ridge View School, in its existing facilities, cannot admit the number of pupils that it is expected to, and that expansion of the School would significantly improve the current situation with regard to the shortfall of SEN places.
40. Based on the above, in my view, it is evident that a clear case of need for additional SEN places within Tonbridge and Malling exists. Much of the Borough is within the Metropolitan Green Belt and it needs to be borne in mind that the Green Belt covers a wide area where people live and that these people need local school facilities just as much as those outside of the Green Belt. The applicant has demonstrated that there is an existing shortfall of places within the Tonbridge and Malling area, and a future need

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which will be further outstripped by demand unless additional places are provided. Support for the provision of school places is heavily embedded in the NPPF and local Planning Policy, and I consider that the need for the development should be given significant weight in this instance. Having accepted a need for additional SEN places with the Tonbridge and Malling Borough, which can be provided by the expansion of Ridge View School, it is now important to consider development options.

Alternative Development Options

41. As part of the applicant's case of very special circumstances, alternative development options have been assessed and the applicant has concluded that there are three options - option 1 being to 'do nothing', option 2 being an extension or redevelopment on the existing site and option 3 being to relocate to a non-Green Belt or Green Belt location.
42. Option 1 would involve no expansion to Ridge View School and would see the existing school being maintained at its current level. The existing school accommodation is, however, undersized and not fit for purpose. Temporary classrooms have been on site for over 10 years, and such teaching spaces are highly inappropriate for use at a school for children with special educational needs as these children in particular require highly legible and well-designed open spaces. The existing school was also not purpose built as a SEN school, so is built over split levels and without the specialist teaching accommodation and care facilities that are required for modern needs. The existing site is at full capacity and cannot accommodate the additional places for which a case of need has been accepted.
43. Failure to expand or relocate the school would result in children with profound, severe and complex learning difficulties who live within the vicinity of the school having to be distributed elsewhere amongst the specialist schools in the County. This is considered not to be a reasonable option as it is likely to result in the travel distances of children increasing to unacceptable levels. At present travel times for children over 8 are set at a maximum of 1hr 15 minutes by Kent County Council, which refers to DfE guidance. For younger children it is 45 minutes. Ridge View School teaches children aged 5 to 19 years, so the 45 minute travel distance is a factor in alternative school selection (due to a lack of places available at Ridge View), meaning that only limited alternatives are available. Paragraph 72 of the NPPF considers that there should be 'sufficient choice of school places available to meet the needs of existing and new communities'. The 'do nothing' option would not meet current need, nor the predicted need, and so would not be in conformity with this significant government policy.
44. Option 2 would be to redevelop and/or extend Ridge View School on its existing site, located on Cage Green Road in north east Tonbridge. The site is shared with Cage Green Primary School, and High Christie Technology College is located to its immediate north. The shared campus is a key constraint in preventing expansion and/or redevelopment of the existing school as space is at a premium and shared between the schools.
45. The applicant further advises that the size of the existing site is not capable of accommodating any possible expansion. The approximate area of the existing Ridge View SEN School site is 1.6 hectares. This size is below the 2.7 hectares identified through Building Bulletins 98 and 99 as a suitable size for a SEN school, which includes the provision of a school building and adequate outdoor play facilities. It is also below the absolute minimum of 2 hectares used in the alternative site search submitted in

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support of this application. In addition, the site is already using temporary buildings due to a lack of space within the main building. Decanting of pupils to enable redevelopment would not therefore be practical (there is no space for further temporary buildings) as it would result in temporarily taking pupils off site and re-housing them at another location whilst extension work is undertaken. This would be highly disruptive for the pupils and not recommended for a school with such specialist requirements.

46. Having accepted that the existing site is not big enough to accommodate an extended or redeveloped school which could accommodate the needs of the existing Ridge View pupils and the additional SEN places required, relocation to an alternative site (option 3) is considered to be the only viable option. The applicant advises that an extensive site search was undertaken prior to submitting this application, which initially sought 2-3 hectare (minimum) sites within a 5 mile radius of the existing school site. A total of 47 sites were identified, 14 of which were located outside of the Green Belt.
47. Given that a non-Green Belt site would be a preferable development option, the 14 sites outside of the Green Belt were assessed for suitability first. However, all 14 of the sites were allocated as safeguarded land within Tonbridge and Malling's Development Plan, and were therefore unavailable. The remaining 33 sites were then assessed in terms of suitability. A further 20 sites were discounted due to being of insufficient size, incompatible land allocations or significant environmental constraints. This left 13 sites (all within the Green Belt) to be considered as part of the stage 3 alternative sites assessment.
48. The applicant advises that as all of the 13 remaining sites were within the Green Belt, it was important to assess the potential Green Belt impact so that they could be further shortlisted. The primary focus of planning policy is to create sustainable development and sites for development should therefore be located within or on the edge of urban areas to reduce the need to travel. In terms of Green Belt policy also, one of the main aims of including land within the designation is to prevent urban sprawl and protect openness. The 13 shortlisted sites were therefore assessed according to their proximity to the urban area, the potential impact that their development could have upon the openness of the Green Belt and any other obvious transport or access constraints. This further assessment reduced the 13 potential sites down to 5. These remaining 5 sites were further analysed on a qualitative basis and ranked in their order of preference. After analysis, the Yeomans site at Upper Haysden Lane was considered to be significantly preferable over the other 4 sites. The remaining 4 sites were ranked lower due to constraints such as proximity to heritage assets, topography and an elevated position within the wider landscape, openness, screening, and flooding risk.
49. The Yeoman's Field is therefore the applicant's preferred site for development for the following reasons:
 - Whilst the site is within the Green Belt it is in very close proximity to the urban confines of south-west Tonbridge;
 - The site is characterised by sports fields for use by the Judd School (educational use established);
 - The site is well screened in the local and wider landscape by enclosing hedgerows and mature trees;
 - Any development of the site would be viewed against the backdrop of the existing commercial uses (Haysden Highway Depot) and major A21 embankment to the immediate south; and
 - The site has an existing access and good access to the wider highway network.

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In addition, an agreement was been reached between the applicant and The Judd School for the re-provision of the sports pitches closer to the Judd School main site which made the Yeoman's site available for development. As previously stated (see paragraph 10) the proposed development is linked to a separate planning application that has been prepared by The Judd School for replacement and additional sports facilities at Lower Haysden Lane (Item D3 on these papers – application reference KCC/TM/0385/2015)).

50. In summary therefore, and having considered the above, I am satisfied that the applicant has taken all reasonable endeavours to locate to a less sensitive alternative site. The 'do nothing' approach is unacceptable given the case of need, redevelopment of the existing site is not feasible and/or practicable, and a lack of suitable alternative sites leads me to conclude that development of the Yeomans site is the only viable option in this instance. The site is available (subject to the provision of replacement sports facilities), suitable, deliverable and in the correct location to address the need for additional SEN places in the Tonbridge and Malling Borough. Moreover, the site has an established educational use, albeit as The Judd School playing fields. In light of the above, I consider the redevelopment of the application site to be the most appropriate solution in this instance. Having accepted the need for the development, and the suitability of the proposed application site, the following sections of this report will concentrate on the very special circumstances put forward by the applicant with regard to the redevelopment of the application site itself.

Wider Community and Sustainability Benefits

51. The applicant considers that the proposed development would lead to several demonstrable community benefits. A range of extended school facilities would be available including the playing fields, hydro therapy pool and school hall for use by groups and individuals outside of the school. Access would also be available to some of the classrooms for organised learning based courses which would be available for groups to use outside of school hours. The applicant further advises that the specialist sports and learning facilities to be provided as part of the new school would significantly improve the quality and range of services available in the local area which would be of benefit to the community around the new school site. Without the redevelopment of the Ridge View School these facilities would not be provided and could not be provided within the existing buildings and infrastructure on the existing site. Those elements of new development also form a critical part of the school redevelopment, upon which the success of the new school in delivering its educational model and accommodating the expansion in pupil numbers required rests. The two elements are, therefore, inextricably linked with the facilities available to the public only being delivered as part of the wider programme of school development which must include the elements of new build within the Green Belt.
52. With regard to the sustainability benefits, as previously discussed within this report, a large proportion of SEN pupils with the Tonbridge and Malling Borough currently have to travel some considerable distance to attend schools out of the Borough. That is unsustainable from an environmental perspective, as well as poor in terms of the social aspects of sustainability. The applicant considers that the reduced need to travel, in conjunction with the implementation of the School Travel Plan (to be discussed later in this report), would secure a highly sustainable development at both strategic and local levels.

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53. Although both of the above are positive attributes of the scheme as proposed, and do go some way to support the redevelopment of this Green Belt site, I do not consider that these benefits on their own would outweigh the presumption against inappropriate development within the Green Belt. I therefore consider that the impact of the development as proposed on the openness of the Green Belt needs to be addressed, which, in conjunction with the above, may collectively outweigh the harm to the Green Belt.

Impact on the Openness of the Green Belt

54. First, it is important to note that the site is well screened from public views by a mature hedgerow, mature trees and other forms of soft landscaping along all of the site boundaries, and the boundary planting of adjoining fields. The development proposals intend to enhance the boundary treatment, maintaining and improving this level of screening. However, openness of the Green Belt is described as an 'absence of development' irrespective of the degree of visibility of the land in question from public vantage points. Therefore, any physical development within the Green Belt, whether visible or not, would have some impact on the openness. Whether that impact is either acceptable or unacceptable is a matter of fact or degree based on the specifics of each case.

55. The application site is currently open playing field, with a small pavilion building and a single floodlight. The proposed development would, without question, introduce a new built form into the Green Belt. However, I consider that the proposed layout of the site has been carefully designed to maintain the openness of the Green Belt as far as practicably possible. The school building and the life skills building are proposed in the south west area of the site, adjacent to the Highway Depot buildings to the south, and an existing earth bund to the west. Not only would both offer a degree of screening, the siting of the school building adjacent to the depot buildings would minimise encroachment into the open areas of the site and, therefore, minimise encroachment into the Green Belt. Built development has also been kept to a minimum, with a two storey building proposed which reduces the footprint, and hard surfacing limited to the minimum required and all proposed within the southern section of the site, adjacent to existing built infrastructure. The northern half of the application site would be retained as green space/outdoor sports facilities, visually linking with the wider landscape and Green Belt beyond.

56. It needs to be borne in mind that protection of the Green Belt and the protection of landscape per se are two separate matters, although landscape impact can become a very special circumstance is assessing Green Belt openness. The County Council's Landscape Advisor has assessed the proposal and the accompanying Landscape Visual Impact Assessment, and concludes that the development has been designed to minimise impacts on the surrounding landscape, including the Green Belt. Whilst the development proposals would inevitably have some impact on the openness of the Green Belt, I consider that the new buildings, and associated car parking and sports/outdoor facilities, would be well contained within the immediate context of the application site, and that the impact of the proposals on the openness and functioning of the Green Belt would therefore be limited. It is also of note that the northern section of the site would remain undeveloped and open in nature, reducing the overall visual impact of the development on the character of the site and its surroundings. The contribution made by the site to the Green Belt would, in my view, be largely maintained by the proposed development, with the open area of the site retained to the north, and built development to the south where it adjoins the built development of Tonbridge.

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Summary – Very Special Circumstances/Green Belt Considerations

57. Overall, I accept the applicant's assessment and application of Green Belt Policy as set out in the submitted documentation, and I have considered this in the context of the Development Plan Policy and the NPPF. The development is inappropriate development for the purposes of Green Belt Policy consideration and is, therefore, by definition potentially harmful. Nevertheless, in my view, the considerations summarised above are sufficient collectively to constitute 'very special circumstances' capable of outweighing harm, in this particular case. Furthermore, I accept that the particular siting and design of the proposals has been carefully considered to help mitigate the impact of the development on the functioning and openness of the Green Belt. Accordingly, I do not consider that an objection on Green Belt grounds would be warranted in this particular case. However, if Members were minded to grant permission, the application would need to be referred to the Secretary of State for Communities and Local Government for his consideration before permission could be granted.

Siting, Massing and Design – Conservation Area, Wider Landscape and General Matters including Residential Amenity

58. Having accepted the siting and massing of the proposed facilities in Green Belt terms, the siting, massing and design must also be considered in terms of impact on the Lower Haysden Conservation Area, the wider landscape, and residential and local amenity. First, it is important to note that the school building would not only be well screened, but it would be well over 200 metres from local properties. I am more than satisfied that this degree of separation would ensure that the building itself would not have any negative impacts on the amenity of local residents. Concern is expressed over a loss/change of view, but that is not a material consideration in the determination of planning applications. Nevertheless the degree of existing screening, which is to be supplemented, would mean that views of the development would be limited in any instance.
59. Views of the development from the hamlet of Lower Haysden, which is a Conservation Area, do however need some consideration to assess the impact of the development on the character and appearance of the Conservation Area. The hamlet of Lower Haysden lies to the north west/west of the application site, with the closest residential property in Lower Haysden being approximately 250 metres away from the western site boundary. An earth bund also lies to the west of the southern half of the western site boundary which offers a significant degree of screening, in addition to the existing mature boundary planting.
60. The County Council's Conservation Officer considers that, although part of the application site can be seen from the Conservation Area, the proposed school building would be obscured from view by the existing earth bund. It is concluded that the proposal would have little impact on the setting of the Haysden Conservation Area, especially in considering existing and proposed planting/landscaping. I am therefore satisfied that the development would not have a negative impact on the character and appearance of the Conservation Area, nor would it adversely affect the setting of the Listed Buildings within the hamlet of Lower Haysden. In addition, I am satisfied that the proposal would have no impact on the High Weald Area of Outstanding Natural Beauty which lies to the south of the A21, and am further satisfied that wider landscape impacts would be minimal given the degree of screening and the proposed layout of the site.

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61. In my view, the school building would respect the character of the site, and would not detract from the overall quality of the surrounding area. The development is therefore, in my view, in accordance with the principles of Development Plan Policy and respects the character and appearance of the surrounding development in terms of scale, massing, design and appearance. The applicant has provided indicative details of external materials, as outlined in paragraph 16. However, in my view, it would be appropriate to seek further and final details of all materials to be used externally pursuant to condition, should permission be granted. Subject to the imposition of that condition, I do not consider that the design, massing, or scale of the building would have a significantly detrimental impact upon the appearance or amenity of the locality and, therefore, would be acceptable.
62. Local residents have expressed concern that the development would set a precedent for the development of the adjoining fields but this is not a reason to refuse this application. Further, any development of adjoining land would be subject to planning permission, and any proposal would need to be considered on its own merits. However, I note that land adjoining the application site is not allocated/safeguarded within the Local Development Plan for future development, and any proposals for housing would be expected to consider allocated sites first.
63. Local residents have also expressed concern regarding potential light and noise pollution arising as a result of the development. First, with regard to lighting, as outlined in paragraph 24 of this report, external lighting would be limited to vehicle and access lighting, facility illumination and general feature lighting. The applicant advises that the proposed lighting strategy is to provide a balance between adequate external lighting for safe and secure operation of the school without unnecessary illumination or power consumption. However, no specific details have been provided regarding external lighting for the development. If permission is granted it would, therefore, be appropriate to require details by condition so that the type and position of any external lighting, including lighting of the building for security and wayfinding, and lighting of the car parking and access areas, could be controlled to ensure any potential nuisance from light pollution would be minimised. Subject to that condition, and in considering the degree of separation between local properties and the development and bearing in mind the existing street lighting, I am satisfied that the proposal would not have an adverse impact on local amenity with regard to lighting.
64. With regard to noise pollution, it is suggested that the development would generate noise pollution during school hours. First, it should be noted that any noise from the development would be set against existing background noise from the A21 and the operations at the adjacent Highway Depot. Secondly, the application site is a significant distance from local properties (over 200metres), and separated by fields, tree planting and hedgerows, and Upper Haysden Lane/Brook Street. Lastly, a SEN school would typically not generate as much noise as a mainstream school due to a lower school role and the supervised nature of outdoor play and activities. However, any noise would be limited to break times throughout the school day in term time only, and would not be a constant source. I am more than satisfied that the development would not generate noise at a level that would be detrimental to the amenity of local residents.
65. Lastly, concern is raised that the A21 and the Highway Depot could affect pupils at the proposed school. Tonbridge and Malling Borough Council also request that the County Council considers the potential for an acoustic barrier to be installed along the northern boundary of the A21 to assist in minimising road traffic noise in the local area. First, the applicant has submitted Acoustic Reports which assess the impact of the A21 and the

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Highway Depot on the internal and external school environments. Both are found to be acceptable, and there is no requirement for further mitigation over and above the measures already included within the school design. There is, therefore, no justification or requirement for an acoustic barrier to be provided by the applicant along the northern section of the A21.

Parking, Access and Highway issues

66. Local residents express concern over the ability of the local highway network to accommodate the additional traffic associated with the proposal. As listed in paragraph 30 of this report, local residents state that the local roads are already at capacity, with K College, The Judd School and Hayesbrook School already accessed via Brook Street. It is further stated that parents/staff would park in local roads, blocking access for residents, and that the development would put existing road users at risk and increase the risk of accidents. Tonbridge and Malling Borough Council also require the County Planning Authority to be satisfied that the traffic impacts would not be assessed as severe and thus would meet the tests set out in the NPPF.
67. First, the ability of the local road network to accommodate the school must be considered and assessed. The purpose built school would accommodate 180 pupils and 185 staff, and as a SEN school would not operate in the same way as a mainstream school would in terms of pick up and drop off arrangements. A significant number of the pupils (approximately 94%) would be transported into the school site by Local Education Authority Transport or by parents/carers, unlike mainstream schools where a higher percentage of pupils walk/cycle or use shared/public transport to travel to School. It should also be noted that pupil numbers are considerably lower than that that would be expected even at a typical primary school. The Transport Statement submitted with this application calculates that the proposed development would generate a total of 205 vehicle movements during the morning peak (144 in and 61 out) and 175 movements across the afternoon peak (66 in and 109 out). Following a detailed assessment of the local highway network, including local junctions, the submitted Transport Statement concludes that the proposed school would not detrimentally impact on the existing morning and afternoon highway peak periods.
68. Kent County Council Highways and Transportation raise no objection to this application and are satisfied that the local highway network can accommodate the traffic movements associated with the school. Although I appreciate that local roads are well used, especially in considering the presence of other educational establishments in the immediate locality, the applicant has successfully demonstrated that the highway network can accommodate the additional movements that the proposed development would generate, and the Highway Authority has accepted this. I therefore am satisfied that the development would not have a significantly detrimental impact upon the capacity of local roads and/or local junctions. Having accepted this, the specific access arrangements need to be considered and assessed.
69. As outlined in paragraphs 17 and 18 of this report, the proposed school would be accessed via the existing site entrance which currently serves Haysden Highway Depot and access to the application site. The access road would be improved and upgraded to allow two-way traffic flow into and out of the site. The upgraded access road would be 6.6 metres in width throughout its length, in addition to a 1.8 metre wide footway proposed to the northern side of the road, which would link to a footway to be constructed along the western side of Upper Haysden Lane on the existing grass verge. A dropped kerb and tactile paving pedestrian crossing would then be provided to link

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the footway with the wider footpath network located to the east of Upper Haysden Lane/Brook Street.

70. Vehicular access and drop-off are proposed via the upgraded site access road, with a total of 155 parking spaces to be provided on site, and an additional 5 mini bus spaces. A 42 space staff car park is proposed to the south of the access road, with the remaining 108 spaces (including 15 disabled spaces) proposed in the main car park located to the front of the school building, to the south east of the application site. That main car park would be for staff and visitor use, and is designed to also form a one way loop arrangement, requiring all vehicles to take the longest path around the car park. That 'loop' would enable approximately 40 vehicles to wait in line on site to use the pupil drop-off and pick-up area which would be located along the frontage of the school building. Due to the nature of the school, pupils would be dropped off on-site, and not in local roads as is often the case with mainstream schools. The applicant is proposing sufficient space on site to accommodate vehicles associated with the school, and it is not expected that on street parking would occur as a result of the school. Subject to the imposition of a condition requiring the pedestrian and vehicular access, car parking, pick up/drop off and circulation spaces to be provided prior to occupation of the school, and thereafter be retained, I do not consider that the development would lead to undue on street car parking or have an unacceptable impact on the local highway network.
71. With regard to the site access, concern is expressed by local residents that the access is dangerous, with vehicles from the south approaching at the national speed limit, with a bend in the road and the A21 underpass. Residents are also concerned about the danger of a shared access with the adjacent highway depot. First, the operators of Haysden Highway Depot (Amey on behalf of Kent County Council Highways Transportation and Waste) were consulted on this application and have liaised with the applicant to ensure that the site access is safe and would work operationally for both the depot and the school. The width of the access road, the radii of the kerb line, hatching within the access road to prevent parking/blocking of the road, provision of adequate sightlines and the extension of the speed limit (to be discussed below) are all considered acceptable by the depot operators in ensuring that depot and school traffic would not conflict. Further negotiations with the depot operators would be required throughout construction, should permission be granted, and this would be included within a Construction Management Strategy (required pursuant to condition and discussed later in this report). Highways and Transportation are also satisfied that the shared access arrangements are satisfactory, subject to the provision of 'Give Way' markings at the junction of the main car park to give priority to vehicles on the shared access road. Should permission be granted, I consider it appropriate to require the provision of the 'Give Way' markings pursuant to condition. Given that both the applicant and the depot operators are satisfied that safe access could be provided to both the depot and school in the event that permission is granted, and that Highways and Transportation have no objections subject to the provision of 'Give Way' markings, I consider the shared access arrangements to be acceptable in this instance.
72. Lastly, the safety of the access point needs to be considered. Currently, a 40mph speed limit extends along Brook Street/Upper Haysden Lane and ends to the immediate south of the existing access road into the application site, beyond which the speed limit becomes national. However, a Memorandum of Understanding was submitted with this application to confirm that the applicant would pay all reasonable costs to fund the relocation/extension of the existing 40mph speed limit. The applicant is proposing to fund an extension of the 40mph limit to the south of the A21 overpass, to an exact location to be agreed as part of a separate Traffic Regulation Order (TRO) process.

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Such a speed limit extension would improve the safety of the access considerably, and is supported by Highways and Transportation. In addition, a dedicated right turn lane, as requested by a local resident, would not be required or appropriate in this instance due to the limited width of the road to accommodate such infrastructure, and the reduced speed limit making right turns into the site both easier and safer.

73. Highways and Transportation raise no objection to this application subject to the applicant's further engagement with the Highway Authority to extend the 40mph speed limit, including implementation of an interactive speed limit sign and a side road ahead sign as advised in the Stage 1 Road Safety Audit. This work should be undertaken in accordance with the County's adopted 3rd party Traffic Regulation Order (TRO) procedure and carried out in parallel to construction of the development, should it be approved. I consider that, should permission be granted, a condition of consent should require the applicant to further engage with Highways and Transportation to ensure that their requirements are met. An informative would also advise the applicant on the TRO procedure.
74. The County Council's School Travel Plan Advisor suggests that the School complete a Travel Plan (via the County Councils Jambusters System) for submission 6 months from the date of occupation. Should permission be granted, this matter would be covered by planning condition. Tonbridge and Malling Borough Council consider that the County Council should require the extension of the 40mph speed limit and the submission of a School Travel Plan. The conditions outlined above would therefore also satisfy the requirements of the Borough Council.
75. In light of the above, and in considering the views of Highways and Transportation, I am of the opinion that the proposed development would not have a significantly detrimental impact on the local highway network. However, access (vehicular and pedestrian), car parking, pick-up and drop-off, vehicle loading/unloading, circulation and turning facilities on site should be provided prior to occupation of the building and thereafter be retained. In addition, should permission be granted, I also consider that a School Travel Plan should be submitted within 6 months of the date of occupation of the development, and that 'Give Way' markings should be provided and the 40mph Speed Limit extended. Subject to the imposition of conditions covering these matters, I am satisfied that the development would not have an unacceptable impact on the surrounding highway network.

Loss of playing field/ Open Space Policy

76. As outlined in paragraphs 1 and 3 of this report, the application site is currently used by The Judd School as playing field and, as a result, the site is designated as protected open space (Policy OS1) within Tonbridge and Malling Managing Development and the Environment Development Plan Document April 2010. Policy OS1 states that development which would result in the loss of designated open spaces would not be permitted unless a replacement site is provided which is equivalent or better in terms of quantity, quality and accessibility. The Borough Council, in commenting on this application, consider that the County Council should secure the replacement of protected open space with new sporting facilities which offer equivalent or better playing field provisions in a suitable location or alternative sporting provisions, the need for which clearly outweighs the loss of Yeoman's Field. The use of a development phasing restriction, to be agreed with Sport England, should ensure that the replacement open space is delivered by a key milestone. First, the need for this development, and the lack

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of suitable alternative sites, has been considered and accepted within the Green Belt section of this report, so we must now address the securing of replacement facilities.

77. As outlined in paragraphs 9 and 10 of this report, Members of the Planning Applications Committee considered an application for 'change of use from agricultural land to playing field to serve the Judd School, together with associated ancillary development including access, parking and hard landscaping works' at land off Lower Haysden Lane, Tonbridge, on the 8 April 2015. That application (KCC/TM/0435/2014) was subsequently granted planning permission, and the development is currently underway. That application covered a 10.5 hectare (26 acre) area of land so change of use to playing field is established for the whole site. However, the site was split into two, known as Vizard 1 and Vizard 2, and that application only proposed the physical development of Vizard 1. As part of the mitigation for the loss of playing field that would occur should this application (the subject of this paper) be permitted, an application has been submitted to develop the eastern half of the Lower Haysden Lane site (Vizard 2). That application (KCC/TM/0385/2015) is Item D3 on these papers and proposes to provide the following:
- 1 grass senior rugby pitch;
 - 1 grass junior rugby pitch;
 - 1 grass training pitch;
 - 1 floodlit synthetic pitch (with restricted non-school use);
 - 1 hammer cage;
 - 1 cricket square plus all weather wicket; &
 - a single storey changing room block.
78. Sport England have been consulted on both this application and application reference KCC/TM/0385/2015 (replacement and improved facilities at Lower Haysden Lane). Sport England support application reference KCC/TM/0385/2015 subject to conditions, as detailed within the report for Item D3 on these papers. The replacement and improved facilities proposed at Lower Haysden Lane would not only mitigate for the loss of the facilities available at Yeoman's (should permission be granted for the replacement Ridge View School), but would provide improved facilities including a floodlit all weather pitch and a changing room building. I am therefore more than satisfied that, subject to the approval of application reference KCC/TM/0385/2015, the requirements of Policy OS1 of Tonbridge and Malling Managing Development and the Environment Development Plan Document April 2010 would be met in that replacement facilities would be better in terms of quality, quantity and accessibility.
79. Further, Sport England are satisfied that the replacement sporting facilities to be provided at Lower Haysden Lane (subject to planning permission) would sufficiently mitigate for the loss of the pitches available at the Yeomans site and, therefore, raise no objection to this application. I am advised by the applicant that should permission be granted to relocate Ridge View School to the Yeomans site, works would commence in July 2016, at the end of the Summer school term. Upon the start of the Autumn term replacement sports facilities would need to be available for The Judd School. I therefore consider that, should permission be granted, a condition of consent should be imposed ensuring that this development (the development of the Yeomans site for the relocated Ridge View School) does not commence until the replacement sports facilities at Lower Haysden Lane have planning permission and funding is secured to start works. Should those facilities receive planning permission, a condition on consent reference KCC/TM/0385/2015 would require Phase 1 of the development (the floodlit pitch) to be completed by 1 September 2016 (with the remainder of the development (Phase 2) to be completed by 1 September 2018). The floodlit pitch is considered to more than

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compensate for the loss of the existing facilities at Yeomans, and I am further advised that the grass pitches at Vizard 1 would be available for use by September 2016 also. Subject to the imposition of this condition, namely that development at Yeoman's does not commence until such time as planning permission is granted for replacement sports facilities and funding secured, and in considering the conditioned phased provision of the replacement facilities, I am more than satisfied that this development would not result in a loss of sports facilities. Such a condition would also satisfy the terms of Sport England's required condition, in that Phase 1 of consent reference KCC/TM/0385/2015 would be complete and works on Phase 2 commenced prior to occupation of the replacement Ridge View School facilities.

Landscaping and Biodiversity

80. In addition to the wider landscape implications of the proposals, as discussed above, the localised impact of the proposals on existing trees and hedging needs to be considered. A Tree and Hedgerow Survey was submitted with this application, which confirms that one tree and a small section of the hedgerow adjacent to the site access is proposed to be removed to provide appropriate and acceptable access arrangements, including sight lines. The remainder of the site boundary planting would be retained and protected throughout the works, and should permission be granted such protection would be covered by a condition of consent. In addition, the hedgerows surrounding the site would be supplemented, and additional planting is proposed across the application site to soften the appearance of the development and for educational/amenity purposes. Should permission be granted, I consider that details of a landscaping scheme should be submitted for approval and, subject to that condition and appropriate tree protection of the retained boundary hedgerow and trees, am satisfied that the development would not have an unacceptable impact on existing hedgerows and trees. In addition, the 2 metre high green weld mesh boundary fencing proposed is considered acceptable, and a condition would require the fencing to be erected in accordance with the submitted details.
81. The County Council's Biodiversity Officer has been consulted on this application and has no objection, subject to the imposition of conditions. The submitted Ecological Scoping Surveys conclude that no further survey work is required, but make a number of recommendations which should be followed prior to and during construction works. Subject to the imposition of a condition requiring that the recommendations and precautionary mitigation methods detailed within the Scoping Survey be followed prior to and throughout the construction period, I do not consider that the development would have an adverse impact upon protected species. In addition, details of ecological enhancement measures, including the planting and management of the swale, would be required as part of the landscaping scheme which would be submitted pursuant to condition, should permission be granted. Subject to the imposition of these conditions, I see no reason to refuse the application on the grounds of ecology.

Drainage

82. With regard to drainage, the applicant advises that foul and surface water would be drained via separate systems within the curtilage of the site, and in both cases, would need to be pumped to the existing Southern Water sewer networks in Upper Haysden Lane. The applicant further advises that Southern Water records have indicated there are existing separate public foul and surface water sewer networks in Upper Haysden Lane which are available for the discharge of foul and surface water from the proposed

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development and that separate applications would be required for each connection from the development.

83. Southern Water raises no objection to this application, and confirm that they are happy to provide surface water disposal at the pumped flow rate proposed. The County Council's Flood Risk Team/SuDs Officer also raises no objection to the application subject to confirmation from Southern Water that they are happy to accept the proposed discharge rates and that the detailed design is verified by the submission of additional details pursuant to condition. Therefore, should permission be granted, conditions would require the submission and approval of a detailed Sustainable Surface Water Drainage Scheme and subsequent details of the implementation, maintenance and management of the approved Sustainable Surface Water Drainage Scheme. In addition, a further condition would ensure that there was no infiltration of surface water drainage into the ground other than with the express written consent of the County Planning Authority. Subject to the imposition of these conditions, I am satisfied that surface water drainage matters would be adequately addressed.
84. However, Southern Water confirm that with regard to sewerage additional local infrastructure would need to be provided by the applicant as the existing Southern Water network could not accommodate the needs of the application. The applicant has agreed to provide or fund, as appropriate, the necessary off-site foul and surface water infrastructure to connect the new site to the existing drainage networks, including any required capacity improvements. Southern Water require the submission of a drainage strategy detailing the proposed means of foul and surface water sewerage disposal and an implementation timetable to be submitted prior to the commencement of the development. Further informatives regarding agreements and applications between the applicant and Southern Water are also required. Subject to the imposition of the required condition, and subsequent agreement with Southern Water regarding the works to be provided, I am satisfied that the development would have acceptable sewerage disposal.

Community use

85. The applicant is proposing that a range of extended school facilities would be available for use by groups and individuals outside of the school including the playing fields, hydro therapy pool and school hall. Access would also be available to some of the classrooms for organised learning based courses which would also be available for groups to use outside of school hours. However, community use would not be extensive, and would be more associated with the wider use of the specialist facilities on site, such as the hydro pool. Tonbridge and Malling Borough Council considers that the County Council should require the submission of a community use agreement to set out the times and management regimes of such use, being mindful of local amenity. I also consider that further details of community use should be provided, but would not wish to impose the onerous requirement of a formal community use agreement (legal agreement between various parties) on the School, considering the limited levels of community use proposed. I therefore consider it appropriate that the school submit further details of community use pursuant to condition, setting out hours of use and levels of use expected (indoor and outdoor), but that a formal agreement is not necessary in this instance.

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Sustainability

86. As outlined in paragraph 25 of this report, sustainable design has been integrated into the building concept with low carbon emissions being a key aim. Although the development would not be formally assessed specifically under BREEAM, the proposed scheme has been designed to meet the equivalent of a BREEAM rating of 'Very Good'. An area on the roof plan has been identified for an array of photo-voltaics (PVs), and the applicant has incorporated passive ventilation and cooling into the design of the building, and electrical and water systems would be designed to limit wastage. All timber used in the building would also be sustainably sourced and Sustainable Drainage principles are proposed with the inclusion of a swale and filter drain. In considering the sustainable design credentials of the proposed building, including the provision of an array of PVs, I am of the opinion that the building design is sustainable and require no further details in that regard.

Construction matters

87. Local residents have expressed concern regarding disruption and noise resulting from the construction of the development. Unfortunately, construction activities can be disruptive, and there is a potential for some noise and other issues during the construction of the development. However, this is not a reason to refuse a development. Instead, controls should be applied to minimise the disruption and to protect as far as practicably possible the amenity of local residents.

88. Given that there are nearby residential properties and the adjacent Highway Depot, I consider it appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development. That 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 waiting and wheel washing facilities, details of how the site access would be managed to avoid conflict with the Highway Depot activities, and details of any construction accesses. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter need to be undertaken in accordance with the approved strategy.

89. In addition to the above, should permission be granted, conditions of consent would ensure that dust, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Conclusion

90. This proposal has given rise to a variety of issues, including the need for very special circumstances to justify inappropriate development in the Green Belt, the impact of the proposed development on the openness of the Green Belt, the provision of replacement playing field and sports facilities, and the impact of the development on the highway network, heritage assets and local amenity. I consider that very special circumstances have been demonstrated in this particular case for overriding Green Belt policy constraints. I also consider that the development has been designed to minimise the impact of the development on this part of the Green Belt, and its functioning. Further, the applicant has proposed replacement playing field provision (item D3 on these papers KCC/TM/0390/2015), and this development would not proceed until such time as the provision of those playing fields is secured and funds in place to enable that

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development commence. In addition, subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the local highway network or the amenity of local residents, and would accord with the principles of sustainable development as set out in the NPPF and Development Plan Policies. In addition, support for the provision of school places is heavily embedded within the NPPF and local planning policy, and this development would satisfy a required need for replacement and additional SEN places in the Tonbridge and Malling area. Therefore, subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF and the Policy Statement - Planning for Schools Development. Therefore, I recommend that the application be referred to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision, permission be granted subject to appropriate conditions

Recommendation

91. I RECOMMEND that the application BE REFERRED to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- the standard 5 year time limit for implementation;
- the development to be carried out in accordance with the permitted details;
- development not to commence until such time as replacement playing field provision is secured and funds in place to enable that development commence;
- development shall not be occupied until Phase 1 of permission KCC/TM/0385/2015 has been built and made operational for use; and development has commenced on Phase 2 of permission KCC/TM/0385/2015;
- the submission and approval of details of all materials to be used externally;
- the submission and approval of details of all external lighting, including hours of operation;
- Boundary fencing to be provided in accordance with the submitted details (2m high green weld mesh);
- the submission and approval of a scheme of landscaping, including details of additional tree planting, soft landscaping, hard surfacing, ecological enhancements, and planting and maintenance of the swale, and its implementation & maintenance;
- tree protection methods to be adopted to protect boundary hedgerows and trees to be retained;
- development to accord with the recommendations and precautionary mitigation methods detailed within the submitted ecological surveys/reports;
- the submission and approval of further details of community use relating to use of the indoor and outdoor facilities, including hours of use;
- the submission and approval of a Travel Plan within six months of occupation, and thereafter ongoing monitoring and review;
- provision and retention of car parking, access (vehicular and pedestrian), pick up/drop off, circulatory routes and turning areas;
- provision of 'Give Way' markings at the junction of the main car park and the shared access road;
- extension of the 40mph speed limit and ongoing engagement with the Highway Authority to provide the required signage etc;

New two storey Special Educational Needs School with associated car parking & landscaping at Upper Haysden Lane, Tonbridge - TM/15/3954 (KCC/TM/0390/2015)

- the submission and approval of a detailed Sustainable Surface Water Drainage Scheme and subsequent details of the implementation, maintenance and management of the approved Scheme;
- no infiltration of surface water drainage into the ground other than with the express written consent of the County Planning Authority;
- submission of a drainage strategy detailing the proposed means of foul and surface water sewerage disposal and an implementation timetable;
- the submission and approval of a construction management strategy, including details of the methods and hours of working, location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid conflict with the Highway Depot activities, and details of any construction accesses;
- measures to prevent mud and debris being taken onto the public highway.

92. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

- The applicant's attention is drawn to the letter from Highways and Transportation in which it is noted that it is the responsibility of the applicant to ensure that all necessary highway approvals and consents where required are obtained, including a Traffic Regulation Order.
- The applicant's attention is drawn to the letter from Southern Water in which details are provided with regard to the relevant approvals required by the applicant, in addition to general advice and guidance.

Case officer – Mary Green	03000 413379
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Background documents - See section heading
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