

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Section 73 Application to vary Conditions 2 (approved plans), 3 (external materials) and 7 (access and parking) of planning permission MA/16/507143 at The Lenham School (formerly Swadelands School), Ham Lane, Lenham, Maidstone, Kent ME17 2LL - 18/504729/COUNTY (KCC/MA/0457/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 7th November 2018.

Application by Kent County Council Infrastructure Division for Section 73 Application to vary Conditions 2 (approved plans), 3 (external materials) and 7 (access and parking) of planning permission MA/16/507143 at The Lenham School (formerly Swadelands School), Ham Lane, Lenham, Maidstone, Kent ME17 2LL - 18/504729/COUNTY (KCC/MA/0457/2018)

Recommendation: Permission be granted subject to conditions.

Local Member: Mrs Shellina Prendergast

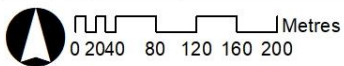
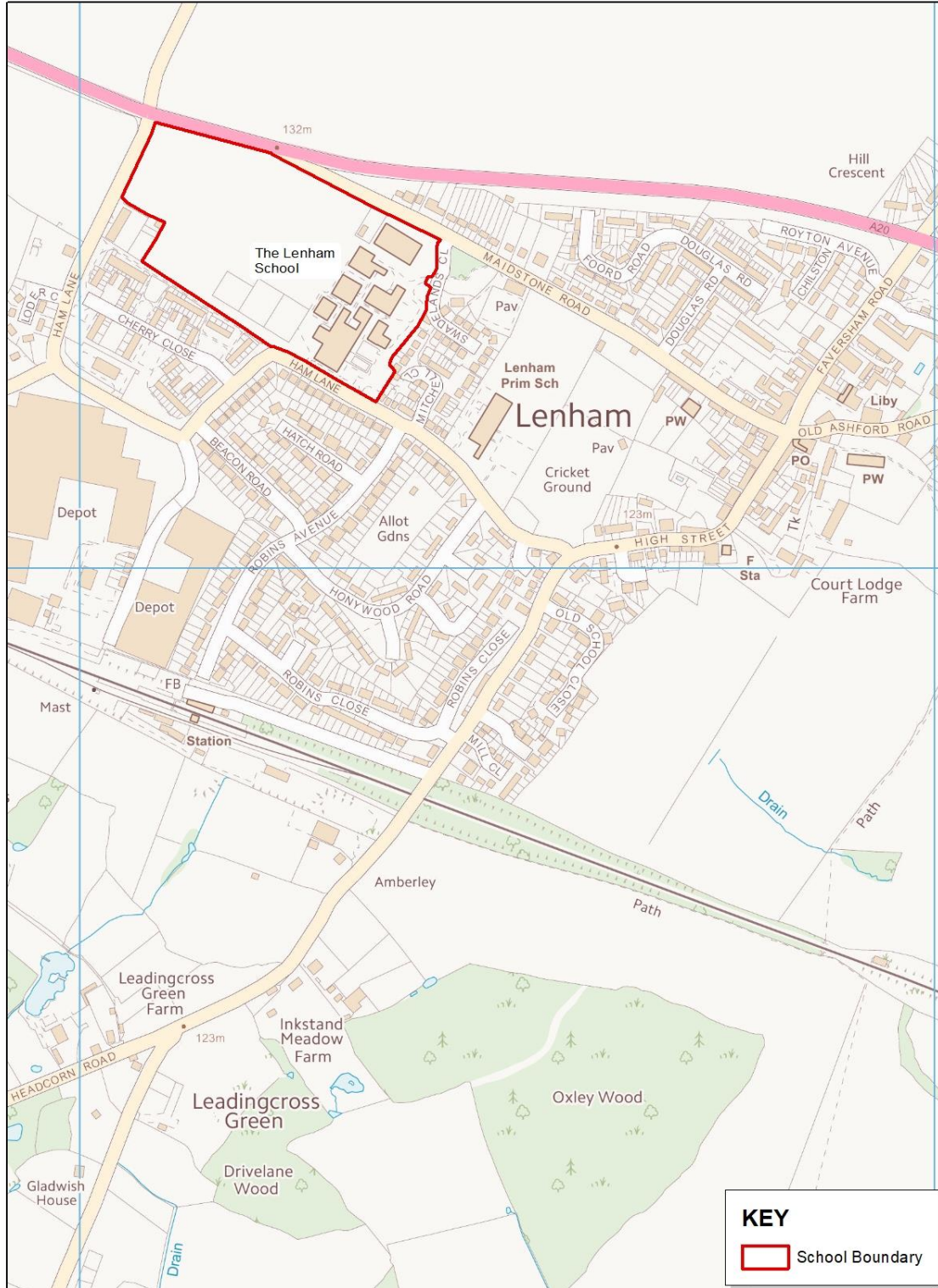
Classification: Unrestricted

Site

1. Located on the northern side of Ham Lane, The Lenham School (formerly known as Swadelands School) is a secondary school which comprises a complex of 8 buildings of single and two storey construction. The buildings lie at the eastern end of the site, with the playing fields and outdoor space extending to the west. There is residential development to both the south and east of the school, and ribbon development along Maidstone Road to the north. Beyond this runs the A20 and on the northern side of the A20 the area is designated as the Kent Downs Area of Outstanding Natural Beauty. The school sits within the built confines of the Rural Settlement of Lenham. There is a MUGA in the grounds of the school with an all-weather surface added in 2010, and the old hard surfaced courts lie along the southern boundary of the site.
2. There are three access points into the school – two from Ham Lane along the southern boundary and one from Swadelands Close to the north-east – with pockets of car parking dotted around the site. Zig-zag keep clear markings are provided along Ham Lane. The school playing fields are well screened from Ham Lane to the south with a mixture of mature trees and hedges.

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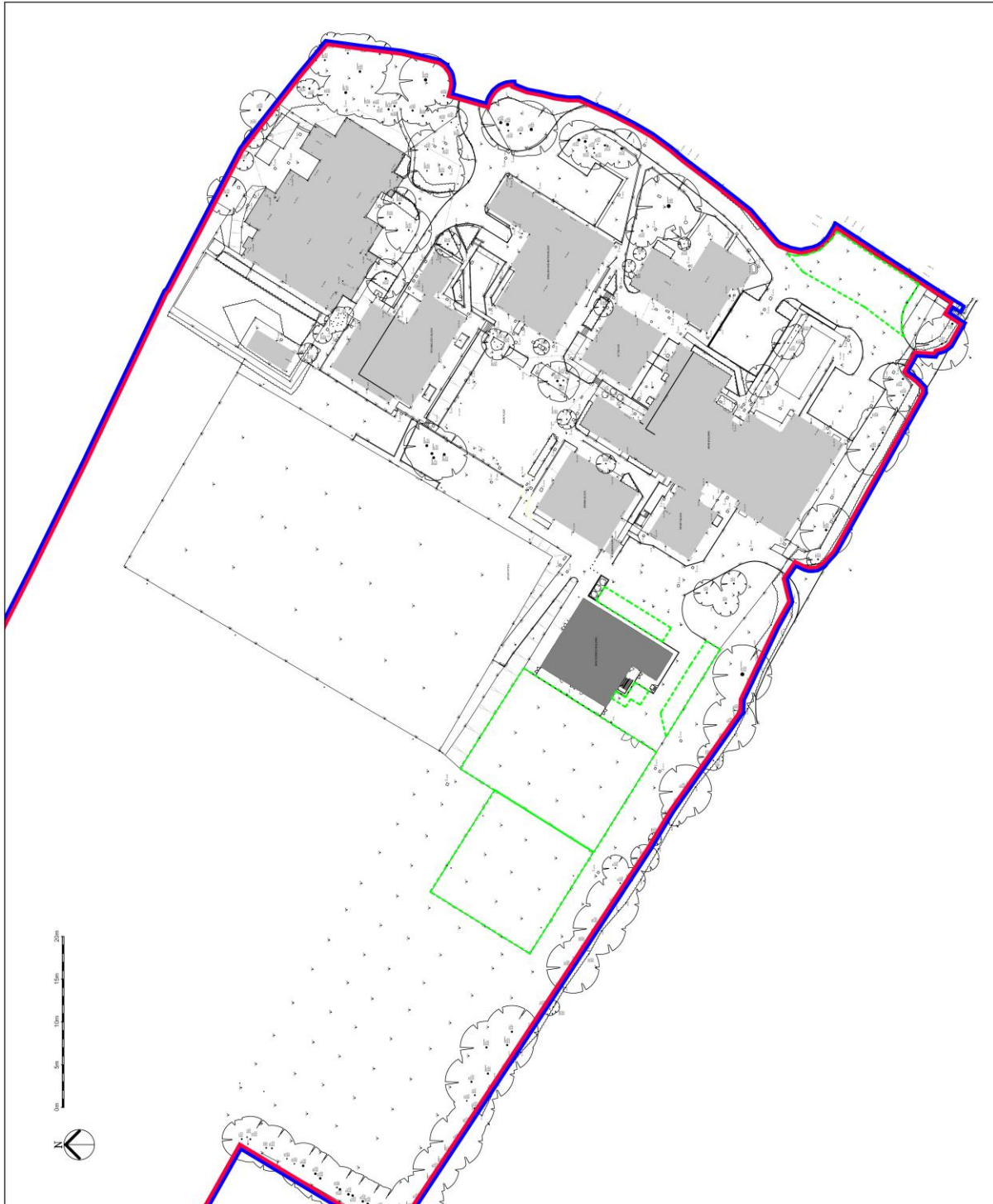
General Location Plan



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Site Location Plan

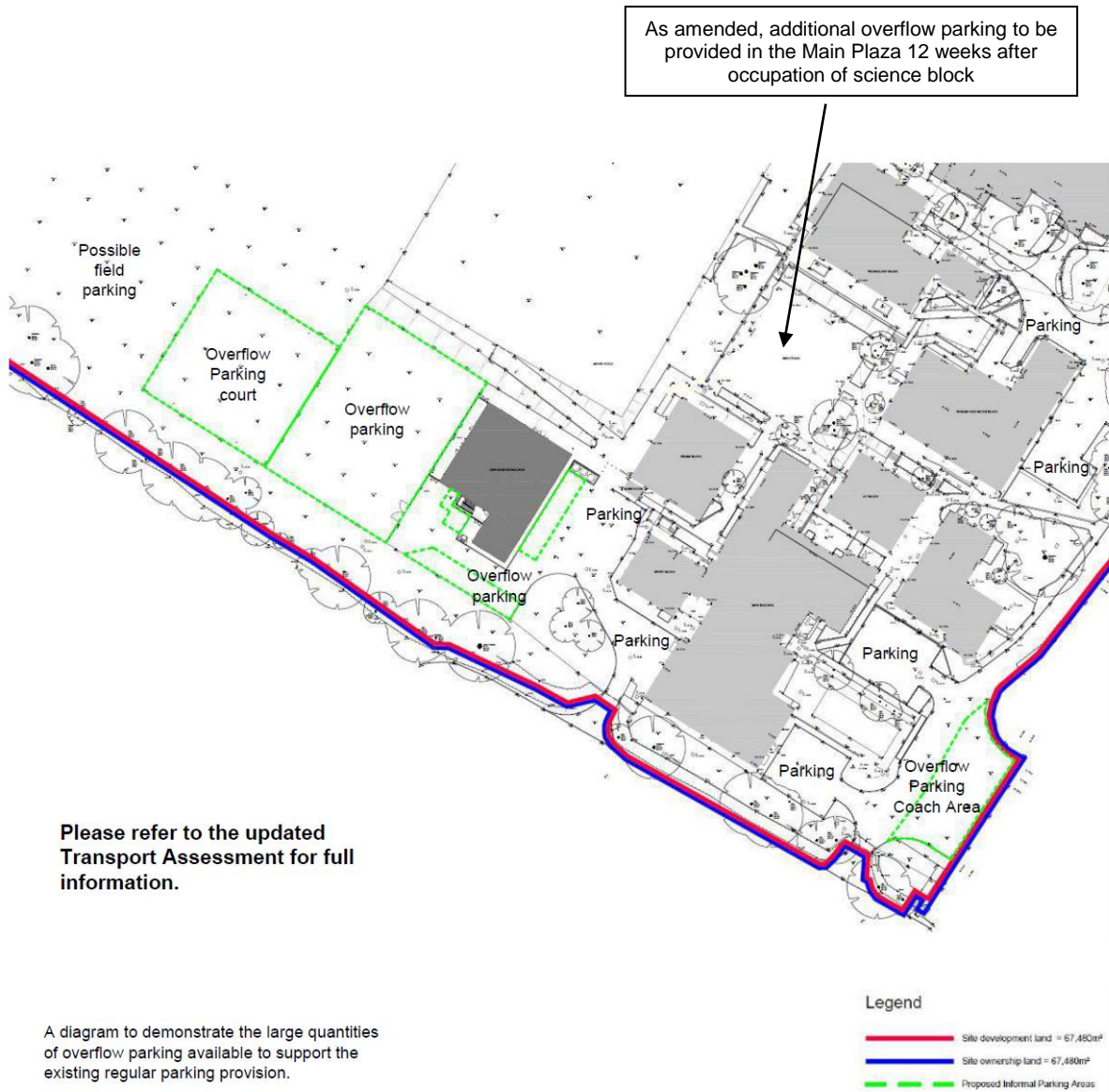


Legend:

- Site Development Land
- Site Ownership Land
- - - Proposed Informal Parking Areas

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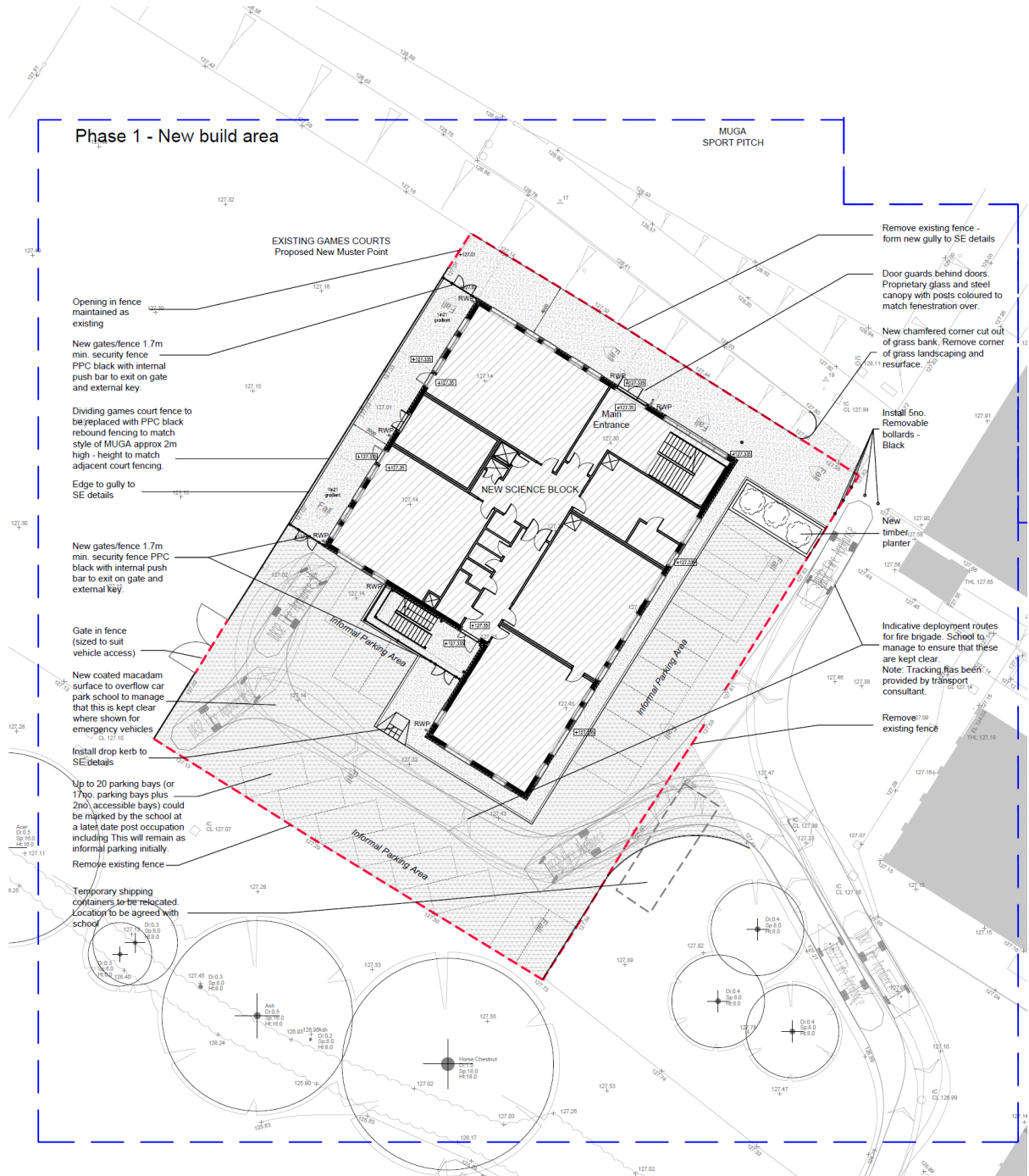
Plan of School Parking areas and Overflow Parking



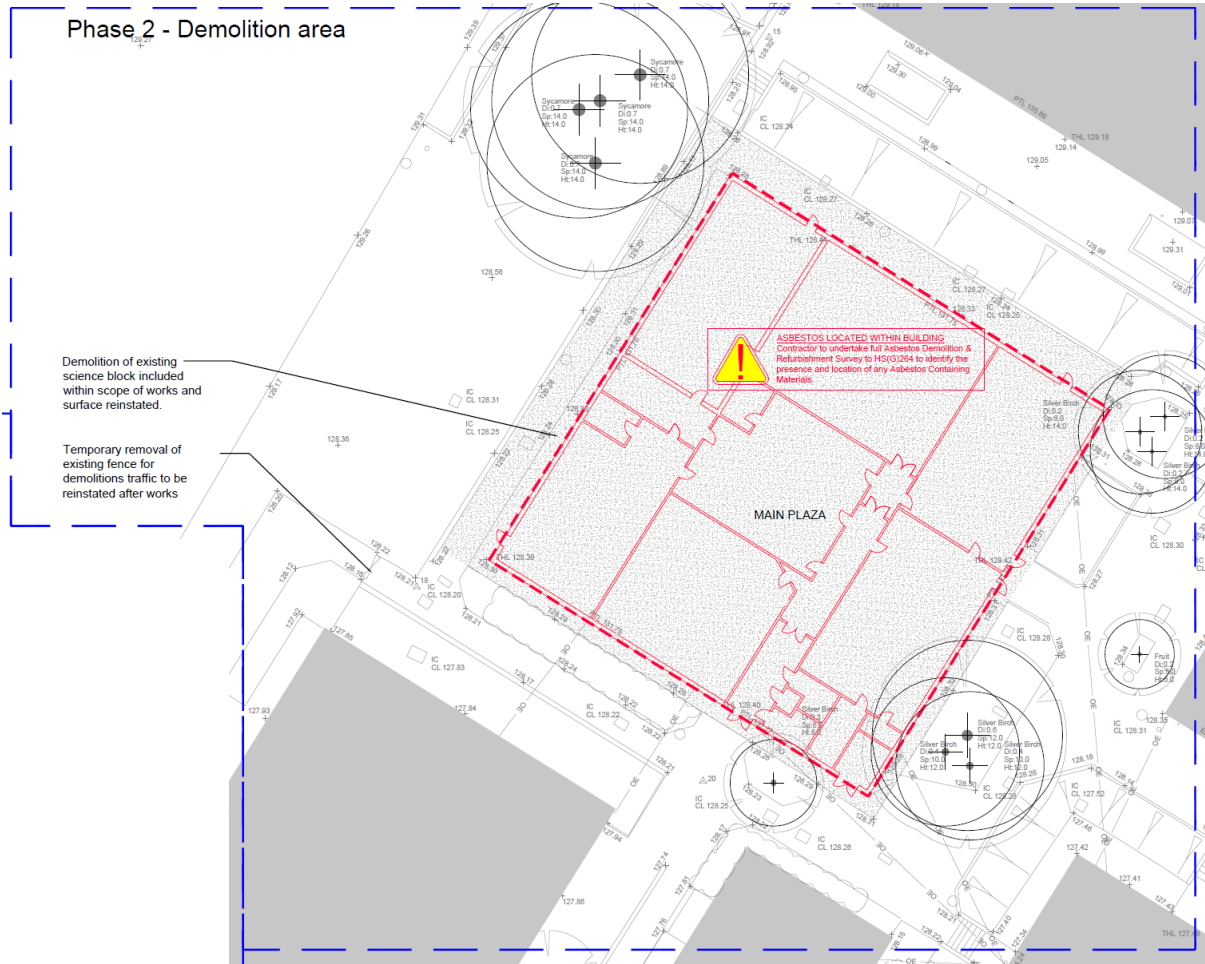
Extract from Design and Access Statement, Bailey Partnership

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External Works Plan



Item D1
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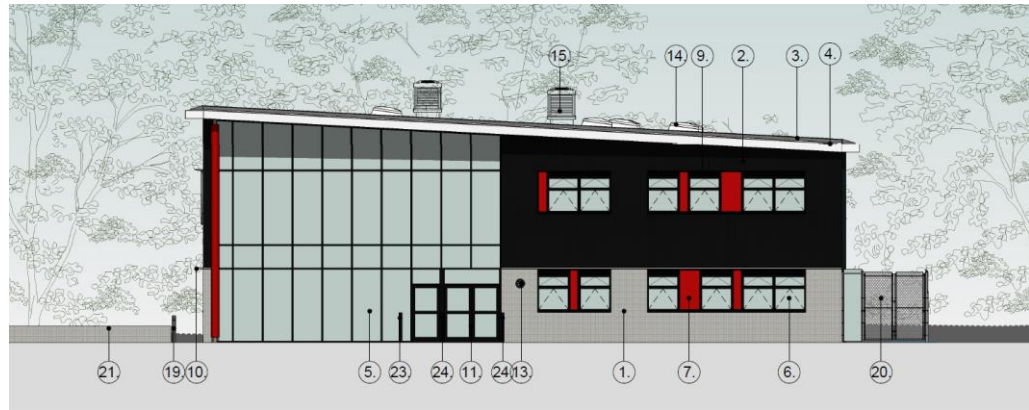


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Proposed Elevations



Proposed Northern Elevation



Previously Approved Northern Elevation



Proposed Southern Elevation

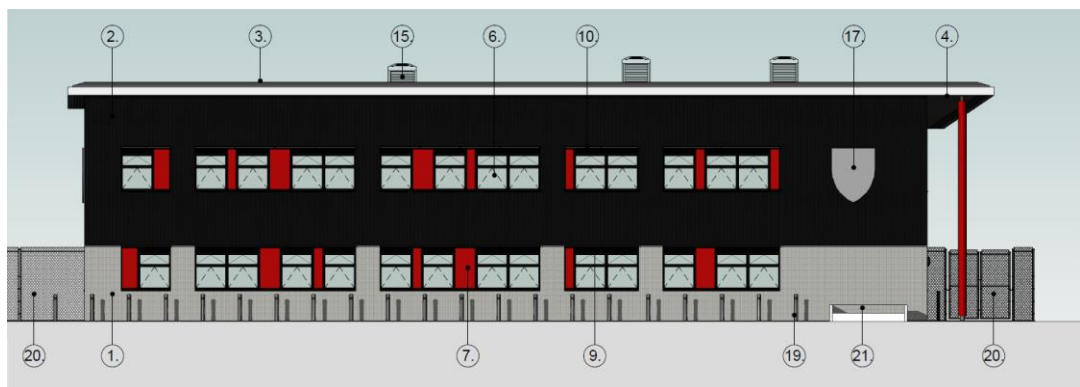


Previously Approved Southern Elevation

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Proposed Eastern Elevation



Previously Approved Eastern Elevation



Proposed Western Elevation



Previously Approved Western Elevation

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Background & Recent Site History

3. In November 2016 conditional planning permission was given for the demolition of the existing science block at Swadlands and the construction of a new two storey science block built along the southern boundary of the site on the current location of one of the old hard play courts, to the west of the access along Ham Lane used for the Activate Gym (MA16/507143). The scheme also showed the setting out of 22 additional car parking spaces around the new science block, with 2 spaces for disabled drivers. On the site of the old science block, the approved scheme showed the creation of a central plaza which would double up as an overflow parking area, where an additional 26 cars could be accommodated.
4. Since this approval the school has been acquired by the Valley Invicta Academies Trust (VIAT) and the school has been renamed 'The Lenham School'. This has resulted in the need to amend the approved scheme as set out below.
5. We have also recently received an application to discharge four of the other conditions imposed on the original planning permission, and this application has been given the reference KCC/MA/0497/2018/RVAR. The processing of the discharge of these conditions (numbers 5: Construction Management Plan, 6 & 9: Drainage Strategy and 12: Written Scheme of Investigation for Archaeological Evaluation) will not affect the determination of this Section 73 application, which solely relates to conditions 2, 3 and 7.

Proposal

6. As recently amended, this Section 73 application seeks to alter three of the conditions imposed on the original planning consent.

Condition 2 – This condition stated:

The development hereby permitted shall be carried out only in accordance with the details, plans and specifications referred to in Schedule 1 and/or as otherwise approved pursuant to this permission and there shall be no deviation from these without the prior written approval of the County Planning Authority.

The applicants wish to make some amendments to the approved plans therefore this condition needs to be varied. The alterations are in part due to the acquisition of the school by the VIAT, which require changes to the logo of the school, previously shown on the approved plans. In addition, there are proposed changes to the colour scheme for the building, which again had been reflected on the approved plans. Finally, in relation to this condition, the current proposal seeks to amend the design of the elevations and roof structure as follows:

- The area of curtain glazing has been reduced in size by approximately one third;
- Additional windows and doors are to be located in the extended area of wall as a result of the reduction in glass;
- The windows would be positioned deeper within their recesses so that they benefit from passive shading which would therefore negate the need for the originally proposed Brise Soleil;

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- The ground floor brickwork would be extended above the height of the ground floor windows;
- The oversailing roof design has been amended so that it would now only frame the reduced size of the curtain glazing;
- A new fence is proposed around the external escape stairs to prevent loitering; and
- Two additional doors are to be included in the western elevation for fire safety.

7. Condition 3 – This condition stated:

Before the development hereby permitted is commenced, details of all materials to be used externally, including colour finishes, shall be submitted for the written approval of the County Planning Authority and, once approved, the development shall be carried out using the approved materials.

As noted above, the colour and material choices for the new building are to be amended following the acquisition of the school by the VIAT as follows:

- The first-floor metal cladding that was originally proposed in black, would be changed to a mid-dark grey render;
- Where ceramic coated glass in bright red had been proposed, this would be replaced with a cherry red render which would more closely reflect the Invicta Academy brand colours;
- The ground floor walls were proposed to be constructed with textured blockwork and it is now proposed that this would be replaced with grey coloured brick;
- The internal and external stair features and the feature post for the overhanging roof would be colour matched to the same choice of red proposed to be used for the render; and
- A single ply and less industrial material would now be used for the roof, which retains the seamed profile aesthetic but has a less industrial appearance.

8. Condition 7 – This condition stated:

Prior to the development hereby permitted being occupied, or first brought into use, the areas shown on the submitted drawings, specifically figure 3 of the Transport Assessment and external works plan SWBP00XXDRAR900001, for the parking (and overflow parking) of cars, shall be completed, surfaced, drained, and operational, and thereafter used for or kept available for those purposes at all times and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown, or in such a position as to preclude vehicular access thereto.

In the original permission the area surrounding the new science block was laid out with 22 parking spaces (including 2 disabled spaces), and the area where the old science block was sited was proposed to be surfaced such that it could have been used for overflow parking, accommodating an additional 26 parking spaces. The above condition sought to ensure that these spaces were to be provided prior to the occupation or use of the new science block.

9. Originally the applicants were not proposing to surface the main plaza with a material suitable for vehicles, therefore the overflow parking in this area would not have been

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able to be provided. The applicants advised that this was due to funding constraints whereby the Education and Skills Funding Agency (ESFA) will not provide funding for formal parking spaces. In light of this the parking surrounding the new science block would now be referred to as 'informal parking' and would not be laid out as previously shown, in that there would be no surface markings. However, in the light of the objections received the applicants have now advised that they have secured additional funding that would enable the central plaza overflow parking to be provided, but not in accordance with the trigger date originally imposed on the earlier planning permission. This asked for all the parking provision to be in place prior to occupation of the new science block. This would not be possible due to the phasing of the work, therefore the applicants have asked to vary condition 7 so that the parking as originally set out would be provided within 12 weeks of occupation of the new building.

Planning Policy

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

- (i) **National Planning Policy Framework (NPPF) July 2018** and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

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

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

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Whether impacts from the development on the transport network (in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;
- That development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

In addition, Paragraph 94 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,*

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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.

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

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

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.
- Local authorities should make full use of their planning powers to support state-funded schools applications. This should include engaging in preapplication discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95. Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants.
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.

- (iii) The adopted **Maidstone Borough Local Plan (2017)**

Policy SS1 **Maidstone Borough Spatial Strategy.** Paragraph 5 states that Lenham as a rural service centre will be the secondary focus for housing development with the emphasis on maintaining and enhancing their role and the provision of services to meet the needs of the local community. Suitably scaled employment opportunities will also be permitted.

Policy SP8 **Lenham Rural Service Centre.** This states that key services will be retained and supported.

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- Policy SP23 Sustainable Transport.** The policy aims to mitigate the impact of development, where appropriate, on the local road networks.
- Policy DM1 Principles of Good Design.** Covers the principles of good design which proposed development should accord with, including reference to permeable layouts; responding to local natural or historic character and incorporating a high quality, modern design approach; high quality public realm; respecting the amenities of occupiers of neighbouring properties; respecting natural features such as trees and hedges; high quality design which responds to surrounding areas; maximising opportunities for sustainable development; protecting on-site biodiversity; safely accommodating vehicle and pedestrian movements; incorporating security measures to design out crime; avoiding areas at risk of flooding; incorporating adequate storage of waste and recycling; and providing adequate vehicle and cycle parking; and being flexible towards future adaptation in response to changing life needs.
- Policy DM2 Sustainable Design.** Where technically feasible and viable, non-residential developments should meet BREEAM very good standards addressing maximum water efficiencies under the mandatory water credits and energy credits.
- Policy DM20 Community Facilities.** The adequate provision of community facilities, including social, education and other facilities is an essential component of residential development. Where appropriate the dual use of education facilities (new and existing) should be encouraged for recreation and other purposes.
- Policy DM21 Assessing the transport impacts of development.** Proposals must demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts; provide a satisfactory Transport Assessment and a satisfactory Travel Plan; and comply with the requirements for the policy for air quality.
- Policy DM23 Parking Standards.** Vehicle parking for non-residential uses will need to take into account the accessibility of the development and the availability of public transport; the type, mix and use of the development proposed; whether development proposals exacerbate on street car parking to an unacceptable degree; and the appropriate design and provision of cycle parking facilities.

Consultations

11. **Maidstone Borough Council** raise no objection to the proposal.

Lenham Parish Council comments on the original proposal to remove condition 7: The planning committee noted that the removal of condition 7 would mean there would be additional parking problems on Ham Lane which is part of a bus route (10X). The route is often clogged by vehicles especially at the beginning and end of school

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hours. In addition, the sports facilities such as the 3G football pitch is rented by non-school users, outside of regular school hours, which generates extra parking requirements, which should be provided on the school site. The site offers ample grounds for parking facilities and it was resolved to therefore object to the removal of condition 7 (this in support of comments from local residents).

Lenham Parish Council comments on the amended proposal to vary condition 7: We continue to object, as the school has sufficient ground to offer alternative parking facilities on site during construction and prior to occupation of the new building. Ham Lane is already at capacity for parking and often excess vehicles cause problems for the coaches serving the school and the 10x bus service for the village.

KCC Highways and Transportation Officer raises no objection to the application, subject to a suitable condition requiring the hard court to the west of the new science block being available for overspill parking, and the imposition of other conditions considered appropriate as before.

In relation to the amended proposal KCC Highways and Transportation Officer confirms that there is no objection to the proposal.

Local Member

12. The local County Member for Maidstone Rural East, Mrs Shellina Prendergast was notified of the application on 7 September 2018. She has commented as follows:

“As the local Member, the single biggest item in my postbag about Lenham centres around the issues of parking and congestion, particularly on Ham Lane and Maidstone Road. This situation is unlikely to improve over the years as the pupil numbers at the school increase and with the addition of over 1000 homes in Lenham over the Maidstone Borough Council adopted Local Plan period.

I don't wish to repeat all the comments made by residents and the parish council as I expect that these will be covered in the Committee report to Members on 7th November but I would request that attention is paid to the well-constructed submission by local residents – particularly with regard to the outdated and, in my view, misleading Transport Assessment which was conducted in July 2016 at a time when a significant portion of the pupil numbers were missing from the school and prior to the school being taken over by VIAT. Since that time, the demand for school places and the popularity of Lenham School has grown considerably and the base line figures from the 2016 study do not accurately reflect the current and future numbers at the school.

Whilst I welcome the revision to vary rather than remove Condition 7, I remain extremely concerned about the 12-week delay in providing this following occupation of the new building. Any increased parking and traffic during that period, whether school or construction related, will cause significant inconvenience to other road users and will be detrimental to local amenity – by way of example, the 10x bus service which travels down Ham Lane, despite timetable changes earlier this year, fails to deliver children to the Oakwood schools' site in time for their first lesson of the day. This situation, known to the KCC Transport Team, is unacceptable as it stands and I'm sure you, and Members, would agree that this must not be further exacerbated.

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In conclusion, any variation to Condition 7 must come with a cast iron assurance that there will not be any overspill on the surrounding roads at any time and all related vehicles will be accommodated on the school site during the construction periods – a request I do not consider too onerous given the scale of the school estate. Without such assurances, the variations of Condition 2 (planning control) and Condition 7 must be resisted.”

Publicity

13. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 39 nearby properties.

Representations

14. In response to the publicity, 5 letters have been received objecting to the application, with a further 1 letter commenting on the application. No letters of support have been received.

Please note these were received prior to the proposal being amended to vary the timing of the parking provision rather than remove the condition completely.

The key points raised objecting to the application can be summarised as follows:

- The Transport Statements (September 2016 and updated August 2018) are incomplete, inaccurate and incorrect;
- They do not take account of the fact Ham Lane is a bus route and buses are often obstructed by inconsiderate on-street parking;
- They do not take account of the increased use of the 3G pitches (MUGA) during the football season;
- The original statement was based on figures for a day when the school wasn't operating to its full capacity (years 11-14 were away and an additional 43 were on a school trip);
- Concerned that the survey was carried out on a day when the school had approximately half the number of people (staff, pupils and sixth formers) on site compared to the maximum school roll it could accommodate;
- There is frequent use of the sports pitches during the evening and weekends, therefore overspill parking is required more than just occasionally as suggested;
- Do not believe lift sharing is normal at the school – the majority of parents have only one child in the car, and evening and weekend users are generally the sole occupants too;
- No details about the school's Travel Plan and how it would minimise inconvenience in the local area;
- The available kerbside space is insufficient for any additional school parking;
- Concerned that photographic evidence submitted is misleading;
- If the only on-site parking spaces available for sixth formers is those surrounding the new science block, there could be lots of students parking on surrounding roads, for the whole day;
- Far from a reduction in parking spaces, what is required is an increase in on-site

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parking;

- Given the science block will be located on a hard court that currently provides overspill parking (100 spaces) resulting in the loss of these spaces, the plaza should definitely be kept for parking purposes as originally intended;
- Don't consider that people will park in the main school parking areas during the evening and weekends (if the gates are open), as it is further away from the pitches – believe they will park on Ham Lane instead;
- Parking along Ham Lane causes traffic congestion as it is on a bus route, and emergency vehicles could be affected as well;
- If school pupil numbers increase the number of buses will also increase, causing further congestion.

In response to the amended application to vary rather than remove the condition, one additional letter has been received raising the following points:

- Suggest 3 months is an excessive amount of time to demolish the old science block and re pave the area;
- This should be done first before the new building is constructed so it would be available straight away, along with the access to the tennis courts;
- Concerned that during the construction period there will be no overflow parking on the tennis courts for evening sports club users or for special events;
- Concerned about where contractors vehicles will park;
- See no reason why this condition should be amended as nothing has changed since it was originally imposed – in fact traffic problems in the village have got worse.

15. The letter of comment sought clarification that the trees along the edge of the site fronting Ham Lane would not be removed as part of the development. Confirmation was provided to this resident that the boundary treatment would not be affected in any way.

Discussion

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 10 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
17. This application is being reported for determination by the Planning Applications Committee due to the objections raised by the Parish Council, Ward Member and the neighbour representations received. In my opinion, the key material planning considerations in this particular case are the alterations to the design of the building and choice of materials compared to that previously approved, and the implications of the timing of the provision of the overspill parking area in terms of highway and transportation implications and impact on residential amenity.

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Variation of condition 2 and 3

18. The proposed alterations to the design of the science block, the choice of materials and colour scheme as set out in paragraphs 6 and 7, would have a minimal impact on the overall appearance of the new building. That said the changes are more substantial than could have been accepted as non-material amendments, hence the need to alter the permission in this way. The proposed materials and amendments to the colour choices to reflect the Academy branding would still be in keeping with the surrounding school buildings. The change in roof design and glazed walling, although funding led, would still be acceptable and the change to the design would not diminish the overall appearance of the building. In relation to these conditions the variation to condition 2 and 3 is considered to be acceptable, and indeed no objections have been received to these proposed alterations.

Variation of condition 7

19. The supporting information accompanying the application explained that the new science block is being undertaken as part of the Education Skills Funding Agency Priority School Building Programme 2 (PSBP2) and that funding delays had resulted in the project being set back to the 2018-19 period. Such funding brings with it constraints in that the ESFA will not fund the provision of formal parking spaces. However, as set out in paragraph 8, the applicants have secured additional funding to be able to provide the overflow parking in the central plaza but they cannot complete this in accordance with the original 'pre-occupation' trigger in the condition. Consequently, it needs to be considered whether the provision of this parking within the later timeframe of 12 weeks after the new building is occupied would make the scheme unacceptable or not.
20. The proposed replacement of the science block would improve the facilities at the school but would not in itself bring with it an increase in the school roll. Any parking issues that are currently being experienced by the residents of the surrounding area would not be exacerbated by the replacement science block, and therefore from a planning point of view the development would not require the provision of additional parking. However, there was an opportunity to provide some additional parking spaces which the previous scheme set out, and because they were shown on the plans, they were conditioned to be provided.
21. Some of these could still be provided in an informal way under the current proposal. Up to 20 parking bays would be available surrounding the new science block, whilst still retaining space for emergency vehicles to turn, and the access to the disused hard court beyond, which is proposed for overspill parking. On the site of the old science block, a new plaza would still be created and under the revised proposal would be available for overspill parking within 12 weeks of the occupation of the new science building. Such parking provision would not be available for the day to day drop off and pick up times of the school, given its location amongst the school buildings and the conflict that would occur between cars and children congregating, but would be used as an overspill facility on occasions when many visitors to the school are expected such as whole school events or open days. In this regard the overspill facility would have no impact in addressing the concerns and objections received regarding general parking problems at the school, and therefore the later provision of this facility would in my view, be acceptable.

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22. The application proposes the use of the disused hard court to the west of the proposed new science block as overspill parking, which has the capacity to accommodate more vehicles than the new central plaza, and would be available immediately, thereby overcoming any concerns about a lack of overspill parking facilities in the short term.
23. In addition to this area, the other existing parking areas within the school site are to be made available for parking outside of school hours, including the coach area. Whilst the objections received suggest that those using the football pitches would not park here as it is too far away from the pitches, it would be additional to the off-street parking and the clubs must be encouraged to ask their members to utilise these spaces first before resorting to on street parking.
24. The school is not currently operating at full capacity due to a previously poor reputation but is working hard to improve this, which is to be welcomed. The provision of a good quality secondary school for pupils in the area should be a shared aim of all involved. The result of this improvement will inevitably lead to an increase in pupils choosing to attend the school, but this would only be up to the approved and established school roll figure. The residents' concern is that the traffic and parking situation is already difficult at this reduced school roll number, and that this will only get worse if the pupil numbers increase. The applicants have stated that the School, with the backing of the Education Authority, will do everything they can to minimise the impact of the school (and other on-site users) on residents in relation to on street parking.
25. In response to the objections received and following my request for clarification on these issues, the school have provided some additional information. They state that the disused tennis courts are currently used for large open evenings and are marshalled due to the number of cars attending (to the extent that they also spill onto the grass field) and the chain link fencing has to be amended to allow cars to enter and then be re-fitted afterwards. In the current proposal a permanent vehicle gate to these courts would be provided thus allowing for more regular use. The current arrangement for evening and weekend parking is within the existing school grounds and the plan remains for those attending football or sports events on evenings and weekends to park within the school's existing parking spaces and have access to the tennis courts as the main parking overflow. The School are committed to having the main entrance gates open for evening and weekend activities, but they recognise that there have been some occasions where issues have prevented the gates being opened, or opened in sufficient time ahead of an event, with the result that parents have already started parking on the main road. They state that these occasions are unintentional, and they will be working to ensure such occurrences remain at a minimum. Finally they state that the coach parking bays within the school, which are kept free after 2.30pm to allow for coach access at the end of the school day, will now be made available for cars after 4pm, providing an additional 13 parking spaces out of school hours.
26. The Highways and Transportation Officer has considered the application to originally remove, and as revised, to amend condition 7. He has stated that provided the disused tennis court is made available for overspill parking there would be no objection to the variation applied for. In my view, given the fact the originally proposed overspill facility will now be available 12 weeks after the new science block is occupied; that the disused tennis court will have a permanent vehicle gate allowing more regular use of this as an overflow facility; and the School's intention to ensure the grounds are available for

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evening and weekend parking, would mean the variation to this condition would have a limited impact on the surrounding residents and would be acceptable.

Conclusion

27. In my view the key determining factors for this proposal are the planning policy aspects in relation to the highways and transport related issues that would arise from the variation of the previously imposed condition requiring parking at the school as part of the scheme to demolish and replace the science block. The proposal is for the provision of a replacement science building which in itself would not result in any increase in school roll at the school. Under the revised proposal to vary condition 7 the school would provide the same parking provision surrounding the new building, plus they would also be able to provide overspill parking on the disused tennis courts and (at a later date than originally required) on the central plaza. Given the considerations set out above, I am of the opinion that the variation of condition 7 would not have a detrimental affect on the residents near the school.
28. The alteration of conditions 2 and 3 in relation to revised plans for amendments to the design of the building and choice of materials has attracted no objections and from a planning point of view the amendments are considered acceptable.
29. Weight should be given to the NPPF's clear policy support for ensuring that a sufficient choice of school places be available to meet the needs of existing and new communities, and the need to create, expand or alter schools. Subject to the imposition of the original conditions and the additional condition requested by Highways securing the use of the disused hard courts as overspill parking, I consider that the development would not give rise to any demonstrable harm as explained in the discussion above, and would meet the aims of the NPPF in relation to the guidance for school provision, and development plan policies DM20, DM21 and DM23 of the Maidstone Local Plan.

Recommendation

30. I RECOMMEND that the Section 73 application be approved and that conditions 2, 3 and 7 be varied and the PERMISSION BE GRANTED SUBJECT TO the imposition of conditions previously set out on planning permission 16/507143 and the additional condition requested by Highways and Transportation, as follows:
 - the development to be commenced no later than 28th November 2021;
 - the development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted details, documents and plans which amends the details approved under application MA/16/507143;
 - the development shall be carried out using the external materials as detailed within the submitted documents and plans which amends the details approved under application MA/16/507143;
 - hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
 - the submission of a Construction Management Plan to be approved in writing prior to the commencement of development;
 - the submission of a surface water drainage scheme to prevent discharge of surface

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water onto the highway, prior to the commencement of development, and its approval in writing;

- the disused tennis court to the west of the new science block shall be made available for overspill parking and thereafter kept available for such use;
- the areas shown for parking and overflow parking be provided within 12 weeks of the occupation of the new building;
- Prior to the development being occupied, the provision of the areas shown on the approved plans for vehicle loading/unloading, and turning facilities being provided and thereafter kept available;
- Prior to the commencement of development, the submission of a surface water drainage strategy relating to flood risk, details of the maintenance and management of the drainage scheme and that there should be no surface water drainage into the ground without the express written consent of the County Council;
- Prior to occupation, details to be submitted of the location of bat boxes, bird boxes and the sparrow terrace;
- Prior to commencement of development, the applicant to secure and implement archaeological field evaluation works in accordance with a written specification and timetable agreed in writing by the County Council;

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

- Advice regarding infiltration drainage systems such as soakaways;
- EA advice that there should be no discharge into land previously identified as contaminated or 'made' ground, and that infiltration systems will not be supported that enable pollutants to create new pathways into groundwater, or mobilise contaminants already in the ground;
- Waste management legislation regarding the handling, transport, treatment and disposal of contaminated soil;
- That precautions to avoid discharges or spills of oil, fuel or chemicals into the ground must be taken;
- That all necessary highway approvals and consents where required are obtained in order to avoid any enforcement action being taken by the Highway Authority.
- That 'The Lenham School' be asked to ensure that all Clubs using the school site out of hours ask their members to utilise all on-site parking spaces before parking on the surrounding roads.

Case Officer: Mrs Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading
