

**Kings Hill**  
Kings Hill

**567360 155580 2 June 2014**

**TM/14/01929/CR3**

Proposal: Regulation 3 consultation for demolition of existing KCC commercial services building (see application reference 13/01535/OAEA and 14/01174/DEN); Construction of new access road between Gibson Drive and spur off Tower View (approved under KCC/TM/0386/2013); Construction of new two-storey, three-form entry primary school and associated vehicle and pedestrian access, car park and landscaping (KCC ref: KCC/TM/0149/2014)

Location: Land At 30 Gibson Drive Kings Hill West Malling Kent ME19 4QG

Applicant: Kent County Council Education Department

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**1. Description:**

- 1.1 At the time of the grant of permission, by the Secretary of State in late 2004, for the Phase 2 housing scheme of 750 dwellings, KCC had not anticipated an immediate need for further primary school provision at Kings Hill. KCC indicated to the Inquiry that should further provision prove necessary then that provision would be procured by the normal strategic education planning process. As Members will be aware, the level of primary school provision on Kings Hill has, over the last few years, become a key local issue. In part this application reflects KCC's response to the position it adopted in 2003/4 and the situation that has emerged since that time. The application is one for determination by KCC and the Borough Council is a consultee.
- 1.2 Many Members will be aware of the Kent Basic Needs Programme for schools that is partly funded by the Department of Education in the form of basic need capital grant and an additional and separate "Targeted Basic Need" programme. The provision of "Targeted" monies by Government is an indication that there are specific existing localised needs to be met.
- 1.3 As a result of the above factors, KCC is proposing a new primary school at Kings Hill which, in order to benefit from the "Targeted Basic Need" programme grant, must aim to be open to receive reception classes by September 2015. This will make provision for the "Targeted" need that has emerged since 2004. "Targeted Basic Need" monies must be used to provide either a free school or academy.
- 1.4 The KCC proposal is, therefore, to provide a third primary school at Kings Hill for September 2015. This will be an academy admitting 30 Reception aged pupils per year. The school will host a specialist resourced provision (SRP) for pupils who have greater difficulty learning as a result of behavioural, emotional and/or social difficulties. The SRP will be inclusive provision for up to 15 pupils. The latest forecast data indicates that the Local Authority, without the provision of the proposed new school, will be unable to provide Reception Year places in sufficient

numbers for children to be educated locally, resulting in children having to travel further for their education. This is stated as the only available option for the timely delivery of primary school places at Kings Hill.

- 1.5 Kent County Council Education department has secured a targeted basic need funding for building a new school; it will initially build 1FE (30 pupils per form entry, giving 210 over seven years). It will also accommodate up to 15 autistic spectrum pupils.
- 1.6 Phase 2 of the school is larger and would create a 3FE with up to 630 pupils. The design and access statement indicates that 1FE school is for the existing deficiency at Kings Hill/Mereworth generally taking into account committed but unbuilt dwellings. The 2nd and 3rd FE are intended to provide for the extra houses that may arise should the current planning application for the provision of 635 dwellings in lieu of commercial development be approved and implemented (a case which is as yet undetermined).
- 1.7 An existing office/warehouse on the site formerly occupied by Kent County Supplies will be fully demolished and a new access road from Tower View will form the main access point. The application now submitted by KCC includes the remainder of the new access through-road which is significantly traffic calmed. The existing access to Gibson Drive is shown to become left in-left out and is expected to be a secondary access.
- 1.8 The new school will be 7.9 m tall. It will be flat roofed and have a brick faced ground floor and white rendered upper floor. Louvered panel windows with bright primary colours are proposed to add visual interest. Phase 1 is longitudinal and phase 2, if added later, would convert it to a L-shape.
- 1.9 Parking will comprise 70 spaces in phase 1 and an additional 30 spaces is the intended final car park size. Therefore 100 spaces in total with 7 extra spaces to be used as drop off that will be in front of the school frontage on its south east elevation. Two pedestrian access routes from the new access road are shown but there is no pedestrian route to the actual door of the school.
- 1.10 Turfed playing pitches will be built within phase 1. There will be a covered seating area. Two MUGAs (multi use games areas) will also be built. There will be an area of soft play. This will be fenced with a hedgerow to the road frontage.
- 1.11 The car park will be built at the NE corner of the site. Where it abuts a line of mature trees, it will have a “no dig” form of construction and be permeable over the Root Protection Zones. A footway access also runs alongside the tree belt but again this be partially “no dig” construction and made permeable for similar reasons.
- 1.12 There is to be a cycle stand for 15 bikes for children and 3 bikes for adults.

- 1.13 There is proposed a 2m high weld mesh fence to the road with hedge to be planted. The MUGA will have 3m high weld mesh fence, part will be along the road frontage.
- 1.14 The new school will have a footprint of 185 8 m<sup>2</sup> and will be 7.9 m tall. It will be built to BREEAM standards “very good” but no on-site energy generation is proposed as this is an element that is not funded by the education grants.
- 1.15 An ecological survey was carried out in November 2013 - there has been no follow-up report regarding bats.
- 1.16 The flood risk assessment indicates there is no risk from flooding: surface water will go to deep bore soakaways using petrol interceptors when necessary.
- 1.17 In terms of contamination, a submitted report states that further studies were to be carried out: again these have not yet been received by TMBC.
- 1.18 In terms of noise, it is submitted in an acoustic report that there are no issues. Possible residential development opposite within phase 3 has been included into the assessment: any noise from the MUGA is said to be masked by the road noise.
- 1.19 The plans give no details as to external lighting but indicate lighting will be during opening hours only.
- 1.20 An archaeological desk top study has been carried out indicating the possible presence of airfield and related structures: the level of archaeological interest is low to moderate. Trial trenching is recommended.
- 1.21 An arboricultural report states that there are trees to the north and north-east boundaries, some of which may need removal but they would be of low quality.

## **2. Reason for reporting to Committee:**

- 2.1 The level of local interest and the relationship with the pending outline application TM/13/01535/OAEA.

## **3. The Site:**

- 3.1 The proposed site for the new school covers an area of approximately 2.7 ha and is situated on the eastern part of Kings Hill with an access off Gibson Drive.
- 3.2 This is an existing office/warehouse formerly occupied by Kent County Supplies to be demolished. This measures 128 m x 140 m and is 11.5 m high.
- 3.3 Kings Hill is a new settlement formed of business and residential areas. The proposal is located within the business section of the site. A range of office developments surround the site. There is a 6m drop on the north side of the site.

- 3.4 The units are two storeys and are screened from the site by trees edging the perimeter to the site. The site currently has a single vehicular entrance from Gibson Drive in the south western corner of the site that also provides pedestrian access. The access is gated and regulated by a gate house. Parking is provided around the entire perimeter of the depot.
- 3.5 This site is designated employment land within an urban area, subject to Policy E1 (r) of the DLADPD which safeguards the area for mixed use employment, including education.
- 3.6 There are no Listed Buildings, Conservation Areas or Tree Preservation Orders on the site.

**4. Planning History: update**

TM/77/11100/FUL No Objection 2 August 1977

County Supplies Department Complex and improvement to access road.

TM/90/10835/OLD No Objection 1 October 1990

Detailed submission under Reg 4: alterations to and use of existing accommodation for County Library Services Offices, workshop and storage.

TM/99/00302/CR3 Grant With Conditions 18 June 1999

change of use of parts of the building from warehouse/storage to office use, plus provision of 161 car parking spaces and retrospective permission of current office space(1045 sq.m.)(KCC ref: TM/99/Temp/C)

TM/11/00321/CR3 Approved 10 March 2011

Enlargement to car park and improvements to disabled access. KCC ref TM/10/TEMP/0039

TM/13/01535/OAEA

Outline Application (with all matters reserved except for means of access) for the demolition of existing buildings including the KCC Supplies depot and removal of a section of Kings Hill Avenue; the erection of up to 635 residential dwellings; a two form entry primary school with associated playing fields and land safeguarded for an extension to create a three form entry primary school; a multi-functional extension to the community hall; -a skate park; formalisation of car parking areas at the Community Centre and adjacent to Crispin Way; improvements to the highway network at Alexander Grove, Gibson Drive and Queen Street; and trim trails, woodland paths and green spaces

TM/14/01174/DEN Prior Approval Not  
Required

Demolition of Kent County Council Supplies Depot, ancillary buildings and  
hardstanding

**5. Consultees:**

5.1 Statutory consultations, including notification of local residents, are carried out by KCC.

**6. Determining Issues:**

6.1 This is a KCC application and it is KCC's role to assess the case in all policy and technical aspects.

6.2 This detailed full planning application for a primary school has come forward independent of the phase 3 residential application, TM/13/01535/OAEA, submitted to TMBC (and which itself promoted a 2FE school in outline). In the responses to TM/13/01535/OAEA received to date, much concern has been expressed that the third primary school was too close to Kings Hill School and would be better on the north side of Tower View, closer to the houses proposed in phase 3.

6.3 This KCC application is, however, different in that it now proposes a 1FE school intended to serve the existing community at Kings Hill, independent of the future housing application (albeit the second phase of the school application would allow for educational provision to support the future proposed residential scheme, should that obtain planning permission in due course). In this regard, its location south of Tower View makes sense, not least because the Education Authority has secured this site and is seeking to promote this approach to deal with an urgent and existing deficiency. Clearly it is intended that it could be enlarged to also deal with any need should Phase 3 be granted planning permission. Thus in those circumstances and bearing in mind the strong Government policy support for its new school programme as a whole, I consider that the location of the school within Kings Hill overall is an appropriate response to the circumstances as they currently exist.

6.4 Therefore the issues to be focused on are the principle of the development, the impact on Employment land and the impact on the local road network. The latter is important in this regard as there is a record in Kings Hill, as in many locations around Primary Schools, of problems caused by parental dropping-off and collection of children from the public highways in the vicinity of primary schools.

6.5 In terms of the principle, the Government has pledged its support for the development of schools by producing the Planning or Schools Development Policy Statement in August 2011. The Statement requires Local Authorities to apply a presumption in favour of the development of state-funded schools, as expressed in

the NPPF paragraph 72. Local authorities are required to give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions and it is confirmed that the Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining appeals that come before him for decision. The Policy Statement requires Local Authorities to make full use of their planning powers to support state-funded schools applications.

- 6.6 KCC as the Strategic Commissioner of Education Provision in the County is responsible for ensuring there are sufficient places of high quality for all learners. The existing and committed development at Kings Hill is expected to produce additional demand for primary school places that cannot be met locally.
- 6.7 For 2013/14 and 2014/15 the Local Education Authority has received a basic need capital grant of £38.6 million from the Department for Education (DfE), to fund additional school places. The DfE retained a further £982 million to allocate nationally under the 'Targeted Basic Need' programme. KCC has been successful in securing Targeted Basic Need funding to manage the increased demand in areas such as at Kings Hill: Phase 2 of the scheme is dependent upon the grant of a planning permission for that development.
- 6.8 The property lies within the E1(r) policy area which covers the existing built-up commercial area of Kings Hill. This safeguards this area of Kings Hill as a mixed use employment area suitable for offices, research and development and light industrial use (B1) as well as hotel, conference, education and training and commercial leisure uses. The policy seeks to safeguard the policy area for employment uses i.e. Class B2 General Industrial, Class B1 Business and Class B8 storage and distribution except where otherwise specified. In this case an exception is specified with regard to educational development. In addition the policy states that any new development or redevelopment within the policy area must not result in any unacceptable impact on residential amenity through impacts such as noise, dusts, visual intrusion or traffic generation. The policy preamble notes that it is essential to continue to maintain the quality of the Kings Hill development and that employment uses which would detract from the low density, high quality character of the area would be refused. This also states that the design of individual buildings will need to pay regard to the wider landscape setting of the site and should not intrude on the wider area through inappropriate building heights, colour of materials, inappropriate illumination or inadequate marginal screening.
- 6.9 The application site is located in a policy area safeguarded for employment (Class B1, B2 and B8) use under the Core Strategy. However the later and more detailed policy guidance of the Land Allocations DPD (adopted 2008) specifically allocates the site as part of a wider mixed use area: uses including educational development are considered suitable. In terms of policy reliance, it is considered that the Land Allocations DPD policy hold greater weight. In addition it needs to be borne in

mind that NPPF requires that Planning Authorities do not seek to retain employment land if there is no obvious market for that purpose. (It must be borne in mind that KCC, corporately, has detailed knowledge of the property market in respect of commercial use of this site as it is the underlying land-owner.)

- 6.10 It would appear from the documentation contained in the already submitted Outline Application for Phase 3 Kings Hill development, which currently promotes a primary school to support its residential proposal, that employment floorspace within Kings Hill has been slow on uptake, and not solely as a result of economic conditions since 2007/8 and the demand for the type of premises, available across Kings Hill as a whole, is low.
- 6.11 Policy SQ1 (Landscape and Townscape Protection and Enhancement) seeks to ensure that new development protects or enhances the distinctive setting of, and relationship between, the pattern of settlement, roads, and the landscape, urban form and important views. In terms of Policy CP24 which seeks to promote a high standard of design quality, the proposal has been designed in such a way as to minimise construction costs and time but still provide building form and materials in keeping with the locality and allow for a sensible approach to expansion should that prove necessary.
- 6.12 Paragraph 125 of the NPPF 2012 confirms that by encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The new school development will require external lighting, which will be designed to comprise low-level lighting to the primary external circulation areas, access ways and car park. It is not proposed to introduce floodlighting to the MUGA or any of the new external playing pitches and the lighting that is installed around the school will be the minimum necessary to allow safe access in the evenings.
- 6.13 NPPF Paragraph 32 states that a transport statement or Transport Assessment should support all developments which generate significant amounts of movement. Paragraph 36 of the NPPF recognises that the key tool in achieving its Highways Strategy is the completion, monitoring and management of a Travel Plan. Policy CP2 (Sustainable Transport) requires that new development that is likely to generate a significant number of trips should be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres; minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities; either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking; be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated; provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure and ensure accessibility for all.

- 6.14 Policy SQ8 (Road Safety, Transport and Parking) states that 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.
- 6.15 Parking will be provided to the south west of the school comprising a total of 70 then 100 parking spaces with 7 drop-off bays and includes disabled parking spaces. The level of car parking over-provides against Kent SPG4 Parking Standards (which is staff plus 10%) and this is to be welcomed in light of difficulties experienced at both Kings Hill School and Discovery School at various times. However, there are concerns that these standards do not allow for significant parental dropping off by car and further analysis on the appropriate level of parking has been carried out by the applicant's transport consultants.
- 6.16 Further assessment has been undertaken in the light of the prevailing pattern in Kings Hill where a significant proportion of parents drive their children to and from primary school. Generally the TS reports that Discovery School is 3FE and is thus a precedent for the 3FE proposed at this site. However, Discovery School has only been 3FE since 2010 and does not have the full 630 roll yet and so the actual pupil numbers there are needed in order to assess if their extrapolation is robust.
- 6.17 Statistics from the applicant's transport consultant indicate 33% of children will travel by car to the school and that, factoring in any siblings, they take this down to 25% actual vehicular attraction from parents. They convert this into saying that the 1FE school will attract 53 vehicles overall whereas 3FE school would attract 160 vehicles overall. The TA estimates a 20% reduction in this figure for after-school clubs. It estimates that 10% will arrive from the south via Gibson Drive; the remainder will all arrive from the north via Tower View. The transport statement states that 66% will all arrive at the same time - this gives an 84 maximum demand from parents in the car park, with 36 spaces estimated already being taken up by staff. The overall peak demand is given as 120. Whilst this is greater than the capacity of the car park, there is scope for parental vehicles to drop off in the circulatory area and thus be contained on site.
- 6.18 Vehicular and pedestrian access to the school will be new. The vehicle circulation will be one way to ease flow and avoid congestion at peak times. The main car-parking area also has a by-pass route, again to aid flow at peak times allowing parents who drop and go to exit swiftly.
- 6.19 The justification for the left in/left out change for the Gibson Drive junction is not clear and may simply encourage U-turns in Gibson Drive (or Churchill Square etc) and so not have the intended effect of stopping rat running but actually worsen conditions. KCC should be invited to review this notion, although as Highways Authority it has the final decision on any necessary Traffic Regulation Order (if one proves necessary).



- 6.20 Existing data sourced from 4 primary school Travel Plans has been averaged to determine the likely pupil mode split associated with the new school at Kings Hill. This approach is considered to accurately reflect local travel patterns. It is assumed that around 47.5 per cent of those pupils who travel by car would travel with a sibling.
- 6.21 The trip assessment concludes that parental traffic at 1FE capacity peak would be 115 and 112 vehicle trips in the morning/afternoon peak periods with 351 and 337 at 3FE capacity.
- 6.22 With regard to staff parking, standards would require 28 spaces for a 1FE School and 97 spaces for a 3FE. The proposals provide a total of 70 and then 100 spaces allocated to staff which would comply with the standards for a 3FE and exceeds the maximum for a 1FE by 14 spaces. There is no justification given in the report for over provision initially. There would be a tripling of pupil numbers but only a 35% increase in parking on site.
- 6.23 The proposals provide a total of 39 parking spaces on-site for staff use. With the school at 1FE capacity it is envisaged that the demand for staff parking would be for around 17 spaces and assuming a total of 25 staff. As the school increases to a 3FE the demand associated with 88 staff would be 36 spaces. The parking provision can therefore accommodate the likely staff parking demand without overflow onto the local highway.
- 6.24 It is proposed that parents will use the on-site facilities for pupil pick up and drop off and not have to rely on local roads to do so. A total of 64 'parking and stride' spaces and 7 drop off bays are provided within the car park to accommodate this.
- 6.25 It is concluded by the applicant consultant that once Travel Plan initiatives have been implemented this can be reduced to a level that can be fully catered for with the introduction of the pupil pick up and drop off facility proposed and would not result in severe transport impact upon the surrounding road network. It is claimed that the proposed new school would also meet with the requirements of MDEDPD policy SQ8 in that it provides for safe access and could not be detrimental to highway safety and can be adequately served by the highway network.
- 6.26 The proposals will lead to an increase in the number of those travelling to and from the site on foot. The new link road will be traffic calmed with 2m wide footways.
- 6.27 Pedestrian access is provided by two gates serving pedestrians approaching from either direction. From the west, entry is adjacent to the vehicle entry gates; from the east, entry is adjacent to the vehicle exit gates. This means that pedestrians do not need to cross vehicle entry points, although there is no segregation at these points which may need to be addressed.

- 6.28 In the context of the existing walking facilities surrounding the site, it is not considered that any further local infrastructure will be required to facilitate the development other than a controlled pedestrian crossing on Tower View if phase 3 were granted planning permission and resulted in a flow of children needing to access this school by foot or cycle. However, it is considered that a crossing is only effective and safe when actual road speeds are near 30mph. This part of Tower View is not due to be adopted and so traffic calming may be necessary to control actual speeds if a crossing is to be installed.
- 6.29 Bus services to Kings Hill use Tower View and, if phase 3 were to be granted planning permission, there would be a circular bus route to/from the site in the future as more of the residential development comes forward.
- 6.30 With regard to cycles, the standards provided in SPG4 require a minimum of one cycle space per 50 pupils. As with the mode shift towards walking, once the school is increased to a 2FE capacity, it is likely that there would be more opportunity for pupils to cycle to school once the surrounding residential development is complete. It is proposed that 18 cycle spaces (15 child and 3 adult) will be provided in accordance with the SPG4 minimum standards. However, the consultant do not appear to have taken account of empirical evidence from other local schools which have a lot more cycle use than that estimated.
- 6.31 In conclusion, the rationale for a new school is appreciated – there is a current unmet need and should phase 3 be permitted and go ahead then the 2/3 FE capacity will need to be commissioned (and any planning permission for Phase 3 will require a legal obligation to be placed on the developer to secure the provision of the necessary additional resources). KCC is the applicant and determining authority and will be obliged to fully consider all the material issues. No objections should be raised in the light of the current Government Schools policy but there are some issues which need to be highlighted which require further analysis.

## **7. Recommendation:**

- 7.1 **No Objections.** KCC should consider the following points:
- 1 Consideration should be given to provision of a segregated footway access all the way to the entrance from any potential walking routes.
  - 2 Consideration should be given to provision of more cycle/scooter racks based on evidence of likely use from similar schools in the Borough.
  - 3 A condition is needed regarding construction access and routeing arrangements.
  - 4 Follow up bat survey and contamination survey and review should be considered.

- 5 Transport Statement - the justification for the left in/left out change for the Gibson Drive junction should be reviewed as it may simply encourage people to U-turn in Gibson Drive (Churchill Square etc).
- 6 Consideration should be given to the opportunity to manage traffic speeds on Tower View near the site.

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