

Tonbridge Higham **560834 148676** **18 July 2014** **TM/14/02529/CR3**

Proposal: New two storey Special Educational Needs School with associated car parking and landscaping
Location: Land South Of Kerromoor Higham Lane Tonbridge Kent
Applicant: Kent County Council

1. Description:

- 1.1 This proposal is a planning application made by Kent County Council and, in accordance with regulations, will be decided by the County Council itself. Tonbridge and Malling Borough Council is a consultee. Planning permission is sought for the construction of a two storey building to accommodate facilities for up to 182 pupils between the ages of 2 and 19. The building is to be set over two floors and is proposed to comprise a series of teaching classrooms, resource rooms, medical, sensory and therapy rooms, a pool, an assembly hall, a dining area and ancillary office, staff and storage facilities. A separate life skills 'house' is also proposed for use by the 16+ pupils. A mixture of facing brickwork and timber cladding are proposed to be used in the construction of the building.
- 1.2 Additionally, a series of playgrounds and hard courts are proposed to the sides and rear of the school building, along with a wheelchair accessible sensory garden and an area designated for allotments.
- 1.3 A new car park with 163 car parking spaces is proposed to be provided to the west of the new school building. Access to the site is to be provided off Higham Lane at the southern edge of the site, adjacent to the boundary shared with 148 Higham Lane.
- 1.4 The submission explains that the current Ridge View School (which shares a site with Cage Green School and adjoins Hugh Christie) provides for pupils with profound and severe needs, many of whom have mobility issues and/or are wheelchair bound. It also explains that the school currently shares facilities with two mainstream schools and is operating at maximum capacity. The application is submitted on the basis that the existing site is no longer able to meet the needs of the pupils in terms of numbers or their particular requirements and, as a result, relocation with a new purpose built facility is required. The applicant also states that the facility would be able to provide more school places for pupils with such needs.

- 1.5 The submission also states that the applicant's Brief for the school requires the building to provide for up to 182 pupils aged between 2 and 19, all of whom have 'complex, profound and severe needs'. The Brief goes on to state:

"The driving force behind the design solution of the new build school is to create a building that motivates the children and teachers and consolidates strong links with the wider community, whilst providing a coherent and seamless flow between primary and secondary environments.....To create an inspirational place for learning that is a functional, refreshing, modern and exciting design solution whilst stimulating both pupils and teachers in a safe, secure and self-learning environment."

- 1.6 The applicant shows a plotting of the current locations of pupils. The position is:

Percentage of pupils and journey radius from the current school.

- 3 miles – 29.5%
- 5 miles – 19%
- 7 miles – 17%
- 10 miles – 15%
- 10+ miles – 15%

- 1.7 This means that currently pupils come to the school from this Borough, Tunbridge Wells, Sevenoaks and Maidstone Boroughs (and possibly one or two from East Sussex). Nearly a third of pupils live locally, as would be expected for a local Primary School.

- 1.8 The application includes submissions on the need for a school in a green belt location, transport, ecology, noise, flood risk, community involvement and archaeology.

2. Reason for reporting to Committee:

- 2.1 Called in by Cllr Edmonston-Low in light of significant public interest and Departure from the Development Plan.

3. The Site:

- 3.1 The site lies within the Metropolitan Green Belt, to the north of the urban confines of Tonbridge. It is currently in agricultural use. To the immediate south and west of the application site is a residential area, with Higham Lane running through.

4. Planning History:

TM/92/10753/FUL Refuse

22 May 1992

Residential development for special needs housing (as defined by policy 2.8 of the Tonbridge & Vicinity Local Plan - 32 units).

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 scheme in all policy and technical aspects and to determine the application. The key issues in this case are the principle of the development, the impact on Green Belt, implications for the local road network and the impact on the amenity of nearby residents.

- 6.2 The Government has pledged its support, in general, for the development of schools by producing the Planning for 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, which reads:

"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*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted."*

- 6.3 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.

- 6.4 The application site lies within the Metropolitan Green Belt, outside the defined settlement confines of Tonbridge, the boundary of which follows the rear garden boundaries of the properties in Barchester Way to the immediate south of the application site.

6.5 The play areas and allotments proposed to serve the new school would be located behind the school itself, in the eastern end of the site. The NPPF indicates that the provision of appropriate facilities for outdoor sport and agriculture is *not* considered to be inappropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. I am satisfied that this particular element of the scheme alone does not constitute inappropriate development.

6.6 The NPPF indicates that new buildings within the Green Belt are considered to be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6.7 The built elements of the school development would not fall within the limited exceptions and as such are inappropriate development within the Green Belt, by definition, for the purposes of the NPPF. The NPPF states that "*inappropriate development is, by definition, harmful to the Green Belt*" and such development should not be approved, except in very special circumstances. In view of the presumption against inappropriate development, substantial weight is attached to the harm to the Green Belt when considering any planning application concerning such inappropriate development. NPPF reads, at paragraph 88:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to the harm to the Green Belt. 'Very special circumstances' will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

6.8 Having identified that the proposed school building constitutes harm by virtue of inappropriateness, it is necessary to also establish whether any other harm would arise to the Green Belt as a result of the proposed development. There is no doubting that this would be a significant building, with a substantial footprint, height and massing, on currently undeveloped land. As such, the proposed development of the application site would have a demonstrably harmful visual impact on the open nature and function of the Green Belt.

6.9 In order to meet the requirements of the NPPF, KCC will therefore have to consider whether there are "very special circumstances" which are considered to be of sufficient weight as to outweigh the important Green Belt considerations. The following matters *might* be considered to constitute 'very special circumstances' that cumulatively outweigh any policy Green Belt objection:

- The need for the new school to address current and future specialist educational need (bearing in mind the '*great weight*' to be given to the need to create, expand or alter schools by the NPPF);
- The benefits of the new school to the wider community;

- Whether there are any available alternative sites that would fall outside the Green Belt, or other less harmful sites within the Green Belt, which would offer a better practical and policy alternative.

6.10 In making their justification for very special circumstances, the applicant puts forward the following case:

Need for additional SEN provision in Tonbridge:

“The Commissioning Plan for Education Provision 2013 – 2018 identifies the need to expand Ridge View School in order to meet the requirements for profound severe and complex (PSC) learning difficulties in the Tonbridge area. This need has also been recognised by the Government in allocating Targeted Basic Need funding to enable places to be provided by September 2015.

There has been a sustained rise in demand for special school places across Kent, with a 17% rise in the rolls of Kent’s 10 PSC schools from 2009 to 2013. As Ridge View School has been unable to meet this increased demand on its existing site, this has resulted in some pupils having to travel long distances or be accommodated in expensive out of County provision. This justifies the search for new sites for the Ridge View School.”

6.11 In support of this, the submission is accompanied by a KCC Education Statement which explains the need for the expansion of the school and the subsequent requirement to relocate.

6.12 In this respect, the applicant goes on to list three potential scenarios for the future: do nothing; on site expansion; or redevelopment or relocation to an alternative site. The ‘do nothing’ option is argued to be inadequate to ensure a sufficient standard for the educational needs and well-being of the pupils, given the substandard nature of the current facilities. It is also argued that the existing site is physically constrained and does not have the capacity to accommodate an extended or redeveloped facility that would meet the necessary standards, thus leaving the need to find an alternative site for development of a new facility the only ‘available’ option.

6.13 There is no doubt that despite or possibly because of the very valuable educational work carried-on at the site, the existing site has reached capacity and is no longer fit for purpose. It can be readily recognised that the County Council’s efforts should be targeted at supporting, enhancing and expanding these very important educational facilities that provide such a valuable asset for the community in Tonbridge and also the surrounding areas.

6.14 However, it does not automatically follow that this identified need, *of necessity*, should be met in a new standalone school in the Green Belt or indeed on the site at Higham Lane. Clearly all options including expansion of existing schools, especially those within urban areas, need to be investigated before it could be

accepted in principle that any such new facilities should be located in the Green Belt. The County Council will have to give serious consideration to the way in which such important facilities are re-provided and it will be for KCC, as Planning Authority in this case, to adjudicate on such matters,

Need for a Green Belt location at Higham Lane and alternative sites:

- 6.15 Whilst not part of any expressed requirement set out in the NPPF, the applicant has sensibly and appropriately sought to establish whether there are other sites within the identified catchment area, which includes parts of Sevenoaks and Tunbridge Wells in light of the specialist facilities envisaged, that might perform better in terms of harm to the Green Belt than the application site.
- 6.16 The site selection process involved an 'extensive process of site search and selection' by agents working on behalf of KCC Education. The basis of the potential site selection process was an analysis of sites that were commercially available, those sites allocated and emerging within the Development Plans of the Districts within a 5 mile catchment area and sites that had been assessed for their feasibility already by KCC (land at Princes Christian Farm, land at Weald of Kent School and land adjacent to Tonbridge Cottage Hospital in the TMBC area). An evaluation of all other property within the ownership of KCC but outside TMBC area was also undertaken. The submitted report then explains at some length the various caveats and restrictions that further focused the site selection process.
- 6.17 In terms of sites within the Borough of Tonbridge and Malling, the process discounted sites outside the Green Belt at Upper Hayesden Lane (safeguarded land and therefore discounted for that reason); land at Shipbourne Road (allocated for protection as outdoor sports pitches and falling within flood zone 2).
- 6.18 A number of Green Belt sites across Tonbridge, Hildenborough, Hadlow and East Peckham were analysed and discounted by the applicants for a variety of reasons. Their position within the Green Belt would mean that, as with the application site, very special circumstances would need to be demonstrated in all these instances and the question would arise as to whether developing any of those sites would cause more or less harm to the Green Belt in terms of openness.
- 6.19 A number of other sites within Pembury, Southborough and Tunbridge Wells, both outside and within the Green Belt, were also discounted, by the applicant, for various reasons. As these sites lie outside the Borough of Tonbridge and Malling, it is not possible to verify the reasons why they were discounted or make any useful comparison of attributes to establish accurately whether an alternative, preferable site, outside or within the Green Belt, exists. This is an exercise that KCC planning will need to undertake in order to establish whether any very special circumstances exist sufficient to allow the school to be developed on this site. That will inevitably require assessment, by KCC planning, of sites both within and outside TMBC area on something of a comparative basis.

6.20 What can be established is that the applicant submits that there were no available/suitable sites outside the Green Belt that would be suitable for development of this nature. The applicant argues that the application site offers the most suitable location for the school, when comparing against all others shortlisted within the Green Belt, for the following reasons:

- It has the necessary capacity to accommodate the proposed development;
- It is available for development;
- Access would be afforded from Higham Lane which is restricted to 30mph;
- It lies immediately adjacent to an existing urban area and is thus well defined by enclosing features, allowing for an urban extension of the town and therefore would have a less significant impact on the openness of the Green Belt than if it were to be located in isolation;

6.21 I appreciate there does appear to be some benefit logistically in siting the new facility in close proximity to the existing school, particularly when considering the very specific and acute needs of the pupils attending the school. Inevitably a site within the Borough will be most readily accessible to residents of the Borough. In the event that KCC accepts that such a facility cannot be provided other than in a Green Belt location, KCC will have to consider the extent to which the application site could form a logical extension to the immediately surrounding urban environment which could limit the impact on openness to any degree. More particularly KCC will have to assess if this site performs better or worse than any of the discounted sites whether or not these lie in TMBC area.

6.22 These Green Belt considerations are set out at paragraph 80 of the NPP as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.23 Notwithstanding this observation, and as I explained earlier in this report, KCC will need to satisfy itself that there are no alternative sites available that would comprise a preferable site, outside or within the Green Belt and thus that very special circumstances exist to allow the development of the Higham Lane site to proceed.

6.24 In addition, KCC will also need to assess the proposed development in all other respects, to ensure that the detail of the proposal in terms of specific site location and design are sufficiently well developed themselves to override aspects of harm such that the Green Belt location may be accepted.

6.25 Turning firstly to transport impact, paragraph 32 of the NPPF states that: *“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. [Plans and] decisions should take account of whether.*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

6.26 Paragraph 34 of the NPPF goes on to state that planning “decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximise. However this needs to take into account of policies set out elsewhere in this Framework, particularly in rural areas.”

6.27 Policy SQ8 of the MDE DPD states that before proposals for development are permitted they will need to demonstrate that any necessary transport infrastructure, the need for which wholly or substantially arises from the development, is in place or is certain to be provided. Development proposals will only be permitted where they will not significantly harm highway safety.

6.28 Parking will be provided to the west of the school, between the building itself and Higham Lane. It will comprise a total of 163 parking spaces including provision for 5 mini bus parking spaces. The layout has been designed, according to the applicant, to allow for up to 40 vehicles to use the queuing system during the morning drop off and afternoon pick up times. Drop off spaces in front of the school are also proposed to be provided. A total of 78 cycle spaces are also to be provided.

6.29 Adequate provision needs to be made for pupils and staff to be transported by various means in a safe fashion with adequate facilities to access these modes of travel safely. If this is not achieved and the adverse impact of traffic is assessed as severe (the test set in NPPF) then this would amount to an indication of unmitigated harm arising from the proposal.

- 6.30 The level of car parking that would be required to comply with Kent SPG4 Parking Standards, which is adopted for DC purposes, equates to the number of staff plus 10%. Given the particular needs of the pupils that would be attending the proposed school, staffing levels are high with a total of 148 full time members of staff and 37 part time members of staff. According with SPG4 on that basis would require a total of 204 spaces to be provided. The submitted TA states that although there is a recognised shortfall in the proposed number of parking spaces, the 163 proposed is considered to be sufficient to address the operational needs of the school whilst keeping the area required for car parking to a minimum.
- 6.31 The TA also provides evidence on existing travels patterns of pupils and staff. It states that presently 71 of the 105 pupils (67.6%) would be transported to and from the school by Local Authority provided vehicles (mini buses and taxis). A further 28 of the pupils are driven in by parents (26.7%). These are assumed to travel in alone with no car sharing. The remaining 6 pupils walk to school accompanied by a parent. The TA states that it is known that a total of 27 Local Authority vehicles transport the 71 pupils each day.
- 6.32 A staff travel questionnaire was undertaken by 87 members of staff at Ridge View School including a range of full and part time employees and a mix of teaching, administration, after school and other staff (this equates to 74% of the total number of staff employed at the school presently). The survey concluded that 75% of staff drive themselves to and from school, 6.3% car share and 15.6% walk.
- 6.33 Of course it should be acknowledged that staff and pupil numbers are intended to increase following the relocation of the school but the TA submits that the figures provided above are adequately representative of the patterns of travel.
- 6.34 In terms of trip attraction, the TA goes on to explain that the application site in existing agricultural use has a current trip attraction of 0 vehicles and no trip offset value. It also explains that:

“Although a wealth of data has been obtained with regard to the existing Ridge View School, it simply provides an indication of the total number of vehicle trips associated with staff and pupils separately. The data therefore does not provide a distribution of trips across an average school day and therefore the potential impact of the school at specific times of the day.

A traffic count survey could not be undertaken due to it sharing a site with the Cage Green Primary School and the knowledge that some vehicles associated with both schools are required to park or wait along Thorpe Avenue and Cage Green Road before collecting pupils. The local roads are also used by local residents and parents of the adjacent Hugh Christie Technology College. It would therefore be unfeasible to accurately count the number of vehicles specifically associated with the Ridge View School.”

- 6.35 With this in mind, the TA uses a traffic count survey undertaken in connection with the Foxwood School in Hythe, which is argued to be relatable to the Ridge View School particularly as it is “entirely self-contained”. I would however mention that the comparison table provided highlights that Foxwood School has a total number of staff of 151 (Ridge View School is proposed at 185) and a total number of pupils of 143 (Ridge View School is proposed at 184). Furthermore, it also highlights that a slightly higher proportion of children attending the Foxwood School travel by minibus or taxi rather than with their parents than the existing children attending Ridge View School. Notwithstanding this, the submitted TA states that the two schools are comparable and data collected in respect of Foxwood School can therefore be applied in the case of the Ridge View School. The conclusions drawn indicate that the school’s arrival and departure profile across the morning and afternoon peaks extends over a relatively long period of time, with a ‘steady’ number of arrivals and departures. The TA states that this is different to what is normally observed at primary and secondary schools whereby a lot of people arrive and depart in far shorter periods of time.
- 6.36 The application is also accompanied by a draft travel plan which explains that KCC is reviewing its school travel plans to allow communication between schools and KCC to ensure suitable targets are met and appropriate initiatives are put in place. An online resource created by ‘Jambusters’ will also be available for use by the school and will include tools designed to encourage sustainable modes of transport by staff and pupils. The travel plan also notes that school staff will be required to comply with all new KCC initiatives and protocols. There is however no detail provided regarding what these might be or what they have consisted of in the past.
- 6.37 At the time of writing this report, I am not aware of whether KHS has made representations to KCC on the content of the submitted TA and draft travel plan. Careful consideration will need to be had as to how the proposed development would affect the local highway network but that assessment will need to take place with the requirements of the NPPF clearly in mind – that the development could only legitimately be resisted on the grounds of highway safety if the impact of traffic were to be assessed as severe (see paragraph 6.27 above).
- 6.38 In respect of design and visual impact (aside from the impact on the openness of the Green Belt), the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development and is indivisible from good planning (paragraph 56). It also stresses the need for development to respond positively to local character, reflecting the identity of local surroundings whilst not discouraging appropriate innovation (paragraph 58).
- 6.39 Policy CP24 of the TMBCS requires that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the

MDE DPD (2010) which states that all new development proposals should protect, conserve and where possible enhance:

- *the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;*
- *the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.*

6.40 If it were to be accepted by KCC that, after due consideration, *the development of this site was acceptable in principle* I am satisfied that the school building *in itself*, meets the tests of NPPF, CP24 and SQ1 in respect of design.

6.41 TMBC has been asked by a number of local residents to seek to protect a number of trees across the site, particularly the trees on the site frontage, by serving a Tree Preservation Order. My view has been that the trees are not under any immediate threat that would warrant the serving of a TPO, and this remains the case. Indeed, the trees along the frontage are shown to be retained and we have sought the reassurance of KCC that this will remain the case. Nevertheless, these are important trees that contribute to the visual quality of Higham Lane at this point and I would therefore suggest that in making representations to KCC, that view be expressed formally.

6.42 Tonbridge and Malling residents live in close proximity to the proposed development, most notably Kerromoor to the immediate north and 148 Higham Lane to the immediate south, and adjacent to the proposed vehicular access to the site. The rear gardens of the properties located within Barchester Way abut the southern boundary of the application site. These residents will, without doubt, experience a significant change in the nature of their immediate environs, from an undeveloped agricultural field providing an essentially rural setting to the edge of the urban confines of Tonbridge, to a large scale development, with far more daily activity akin to an urban area.

6.43 Matters that should be addressed by KCC in reaching their decision relate to impacts on residential amenity arising from potential noise and disturbance (most notably from the increased level of activity within the site and from vehicular movements within the car park), potential loss of privacy and the built development to cause a loss of daylight/sunlight to neighbouring houses and private garden areas.

6.44 In respect of the intensification of activity arising from the proposed school use, I would suggest that KCC needs to carefully consider what level of community use the applicants intend to incorporate once the school becomes operational (in the event that KCC finds the development acceptable in all other respects and grants planning permission). Members will be aware that schools often make their facilities available for hire to community groups in order to raise additional funds and that such community use, along with school held functions, outside normal

school hours, can have enormous implications for the surrounding neighbours, particular in terms of use of the car park and school grounds at what could be considered to be more unsociable hours than those in which a school tends to operate within. I would suggest that KCC seek to ascertain exactly what the aspirations of the applicant are in this respect and, if an element of community use is required, a management plan should be sought to secure an element of control over such matters. School events such as parents' evenings and charity events for example would also need to be carefully managed and further information should also be sought from KCC in this respect.

6.45 Given that the new school building would be sited north of the residential properties in Barchester Way, and some 30m (approximately) from the boundary shared with these properties, there would not, in my view, be an unacceptable loss of light arising from the development. Similarly, the development would not be unduly overbearing on these neighbours.

6.46 In terms of the neighbour to the immediate north (known as Kerromoor), the building itself is set back within the proposal site meaning that the most direct relationship with this property is with the rear half of the private garden. There would however be a bank of 20 parking spaces, a refuse area and a drop off/turning space for deliveries to take place all in close proximity to this neighbouring dwelling. Similarly, a bank of 9 parking spaces along with the only access to the site would be located in close proximity to the dwelling to the immediate south of the application site (148 Higham Lane). The activities arising from these areas could cause noise and disturbance which have the potential to adversely affect the enjoyment of these neighbours. I understand that 1.8m high acoustic fencing is proposed at certain points within the site but the exact position and extent of such fencing is not clear from the plans submitted. I would suggest that KCC seek further clarification on this aspect of the development.

6.47 Turning to matters of trees, ecology and biodiversity, key causes for concern amongst local residents, paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

6.48 It goes on to say (paragraph 118) that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

6.49 Policy NE4 of the MDE DPD states that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations. It also states that development that would result in the net loss or deterioration of woodland will only be permitted if all of the following tests are met:

- development cannot reasonably be located on an alternative site;
- the need for development clearly outweighs any harm which may be caused to the ecological, archaeological and landscape value of the woodland; and
- harm can be reduced to acceptable limits through the implementation of positive environmental mitigation measures within the site or by replacement planting elsewhere or enhanced management.

6.50 Policy NE2 of the MDE DPD states that the biodiversity of the Borough and in particular priority habitats, species and features will be protected, conserved and enhanced. It also states that the restoration and creation of new habitats will be pursued where these promote permeability and contribute to the UK and Kent Biodiversity Action Plan targets. Policy NE3 states that 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. Policy NE4 states that the extent of tree cover and hedgerow network should be maintained and enhanced.

- 6.51 An ecological appraisal has been prepared by The Landscape Partnership in support of the planning application. The report was informed by a desk top study and Phase 1 habitat survey, which was used to identify potential for protected species to occur on and in the vicinity of the site. The conclusions of the survey state that overall the habitats on site are assessed as having a lower value due to the agricultural nature of the site although the hedgerows and boundary vegetation provide potential habitat and foraging opportunities for certain species. The report suggests that the retention, restoration and strengthening of the hedgerows and boundary vegetation will ensure any development is not harmful to the existing green infrastructure.
- 6.52 I would suggest that the conclusions of this report appear entirely logical given the largely managed present condition of the land. I agree that it is important to retain and enhance the hedgerows and boundary vegetation as the report suggests. KCC will have reference to NE and KWT in assessing matters of ecology and biodiversity. Whilst I am not aware at the time of writing this report whether any representations have been made by either body, it would be advisable for TMBC to highlight the importance of this aspect to KCC.

Conclusions

- 6.53 In considering applications in the Green Belt, and particularly in larger scale proposals such as this, KCC must address three key factors: whether inappropriate development is involved; whether there are very special circumstances to be taken into account; and whether these very special circumstances are of sufficient weight to overcome the harm arising from the proposal.
- 6.54 I have explained that I consider that the school is inappropriate development but that aspects of national Policy, both in the NPPF and the Planning for Schools Development Policy Statement, identify considerable policy in favour of the building of new state schools. The latter document does not focus on matters related to the Green Belt, but must be seen by KCC as a material consideration and be given appropriate weight in the overall decision.

7. Recommendation:

- 7.1 TMBC recognises that the replacement and reinforcement of the beneficial educational facilities at the existing school merits support.
- 7.2 TMBC formally requests that KCC considers the following points:
- 1 Kent County Council must be satisfied that the proposed development accords with the requirements of the National Planning Policy Framework (2012) 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.

- 2 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 sites considered in the alternative sites study submitted by the applicant or other site considered by KCC as planning authority)* if the application is to be approved, and that any resulting impacts by way of traffic generation and potential environmental issues are adequately assessed where necessary.
- 3 In the event that Kent County Council consider that very special circumstances do exist that outweigh the degree of harm caused to the Metropolitan Green Belt in this locality and on this site and the scheme is found to be acceptable in all other respects, KCC should:
 - Be satisfied that 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 National Planning Policy Framework (2012);
 - Have due regard to any representations received from Natural England and Kent Wildlife Trust. Appropriate measures should be taken to ensure the recommendations set out in the submitted Ecological Appraisal are fully integrated into any detailed landscaping scheme and that local biodiversity is afforded suitable protection as part of an ongoing scheme of management.
 - Seek the retention of the important trees on the site frontage and include adequate provision to protect the trees, including their roots, during and after construction;
 - Have consideration for the control of external lighting operation hours to minimise impact on the Green Belt and residential amenity;
 - Require full details of how the school would be managed during school events (both during school times and out of hours) and how the school is intended to be used by community groups, including a scheme for managing such use in the interests of residential amenity;
 - Require full details of the proposed acoustic fencing, including details of its precise location, extent, height and design in the interests of residential and visual amenity.

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