

MC/16/1845

Date Received: 26 April, 2016

Location: Land To The West Of The Hundred Hoo Academy, Main Road,  
Hoo St Werburgh, Rochester, ME3 9HH

Proposal: Construction of a one form entry primary school and associated  
open space and infrastructure

Applicant: Medway Council

Agent: Mr G Edwards Edwards Planning Consultancy 83 Clock House  
Road Beckenham BR3 4JU

Ward Peninsula

Case Officer Paul Ives

Contact Number 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 27 July 2016.**

**Recommendation** - Approval, subject to;

A) The applicants entering into agreement under Section 106 of the Town and Country Planning Act to secure land appropriate for use as playing fields for use by both Hoo Academy and Hoo Primary School

B) And the following conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawings 0006 Rev P3;0010 Rev P2;0011 Rev P3; 0012 Rev P1; 012 Rev P1; 013 Rev P4;016 Rev P1; 0020 Rev P3;0021 Rev P3; 0022 Rev P3; 0030 Rev P3; 0031 Rev P3 received on 27 April 2016 and supporting/additional information letter and Plan 1827 SK013 and Aboricultural report (Fellings - dated 7 June 2016) received on 5 July 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development above ground floor slab level shall take place until samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 Notwithstanding the submitted information, no development shall take place until full details of the proposed means of foul sewerage disposal have been submitted to and approved in writing by the Local Planning authority. The development shall be carried out in accordance with the approved details and thereafter maintained.

Reason: In the interests of amenity and sustainable objectives of the National Planning policy Framework 2012

- 5 Notwithstanding the submitted information no development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To manage surface water during and post construction and for the lifetime of the development and in the interests of amenity and sustainable objectives of the National Planning Policy Framework 2012

- 6 No development above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatment shall be completed before the building is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 7 The school building shall not be occupied until there has been submitted to

and approved in writing by the Local Planning Authority a full scheme of landscaping (both hard and soft and including replacement trees for those lost as part of the development as identified on the submitted plans and within the Arboricultural report) . All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 9 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars as shown in the submitted Arboricultural report by Fellings (dated 7 June 2016) ; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be

stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 No development above slab level shall take place until details of the surfacing and drainage of the vehicle and pedestrian highway circulation route and parking areas have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details before these areas are brought into use and shall be so retained at all times thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of amenity and highway safety in accordance with Policies BNE2 and T1 of the Medway Local Plan 2003.

- 11 No development above ground floor slab level shall take place until full details of the drainage and management of the playing field area (to the north west corner of the Academy) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the playing field is brought into use and prior to occupation of the proposed school building and shall be so retained at all times thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of amenity and educational need in accordance with Policies T1, CF2 and BNE2 of the Medway Local Plan 2003.

- 12 Prior to the commencement of the development hereby permitted, a construction code of practice covering noise, dust, air quality and lighting for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved construction code of practice.

Reason: In the interests of the amenities of nearby properties and impact on wildlife habitat in accordance with Policy BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 13 Prior to the first occupation of the school building full details of the refuse storage arrangements for that building, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. Except with the prior written approval of the Local Planning Authority, the building shall not be occupied until the approved refuse storage arrangements for that building are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, development must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme prepared. The detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development on the area identified. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development. The verification report shall provide details of the data that will be collected in order to demonstrate that the works set out in are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 15 The proposed parking arrangements, access and circulation routes throughout the school for both pedestrians and vehicles shall be implemented prior to the occupation of the proposed school building in accordance with the submitted Transport Assessment and Road Safety Audit details submitted. The arrangements shall be maintained following occupation of the building.

Reason: In the interests of highway safety and efficiency and amenity considerations in accordance with the objectives of Policy T1,T2,T3,T4 and BNE2 of the Medway Local Plan 2003

- 16 The proposed underutilised playing field area and additional acquired land as identified in the supporting/additional information letter and Plan 1827 SK013 received on 5 July 2016 shall be secured for use as formal playing field purposes in accordance with the terms set out in the applicants letter dated 5 July 2016 and shall be formally prepared, drained (where necessary) and managed in accordance with details to be submitted to and approved in writing by the local Planning Authority. The playing fields shall be brought into use prior to commencement of the development of the proposed school building and maintained thereafter in accordance with any subsequent details approved.

Reason: To ensure that the development permitted does not prejudice conditions of amenity and educational need in accordance with Policies T1, CF2, L3 of the Medway Local Plan 2003.

- 17 Prior to the occupation of the school building, a full landscape plan and details of management of the proposed balancing pond that demonstrates how the pond will benefit biodiversity shall be submitted to and approved in writing by the local planning authority . The development shall be carried out in accordance with the approved details and maintained.

Reason: In the interests of wildlife habitat enhancement and mitigation in accordance with Policies BNE 37 and BNE39 of the Medway Local Plan 2003.

- 18 Prior to occupation of the proposed school building, full details of the ecological enhancements for the application site and means of management shall be submitted to and approved in writing by the local planning authority the development shall be carried out in accordance with any subsequent details approved and thereafter maintained.

Reason: In the interests of wildlife habitat enhancement and mitigation in accordance with Policies BNE 37 and BNE39 of the Medway Local Plan 2003.

- 19 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy BNE2 and T1 of the Medway Local Plan 2003.

- 20 Prior to commencement of the development, details of a pedestrian access from Main Road shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian access shall thereafter be constructed and made available for use prior to first occupation of the

development.

Reason: to provide safe and convenient pedestrian access in accordance with Policy T3 of the Medway Local Plan 2003.

- 21 Prior to commencement of the development, details of the vehicular egress on to Main Road, including surfacing materials, speed restraint measures and crossing facilities where it bisects the existing footpath, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be constructed and made available for use prior to occupation of the development.

Reason: to provide a safe means of egress for vehicles and pedestrians, in accordance with Policy T2 of the Medway Local Plan 2003.

- 22 Prior to first occupation of the development, a Travel Plan for the school shall be submitted to, and approved in writing by, the Local Planning Authority. This Plan shall include an assessment of the implications of the introduction of a nursery on the site, details of monitoring travel characteristics of staff and pupils, initiatives to encourage trips to and from the site by sustainable travel modes, a timescale for implementation and a monitoring and review regime. The approved measures shall be implemented in accordance with the approved details and shall continue in operation for the life of the development, as monitored, reviewed and updated in accordance with the approved Plan.

Reason: To promote sustainable means of travel in accordance with Policy T14 of the Medway Local Plan 2003.

- 23 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to indoor and outdoor sports facilities at the existing secondary school and proposed primary school and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Paragraph 74 of the NPPF and Policies CF2 and L3 of the Medway Local Plan 2003.

- 24 Within six months of the date of this planning consent, a scheme for the improvement and maintenance of playing field drainage in relation to the existing 0.71 hectares of under- utilised playing fields in the north-west corner of the playing fields, based upon an assessment of the existing playing field

quality and including an improvement and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The playing fields shall thereafter be improved and maintained in accordance with the approved scheme, and an agreed timetable for implementation, and shall be laid out with sports pitch/es in accordance with a submitted and approved plan as part of the approved scheme.

Reason: To ensure the quality of pitches is satisfactory and that they are available for use before completion of development (or alternative agreed timescale) and to accord with the objectives of Paragraph 74 of the NPPF and Policies CF2 and L3 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

## **Proposal**

This proposal relates to the construction of a 1FE primary school and associated open space and infrastructure. This school would form part of an all through academy in conjunction with the neighbouring Hundred of Hoo Academy. The academy would provide education for children aged between three and nineteen with the proposed development planned to accommodate 26 Nursery places, 30 reception places, 180 infant and Junior school places as part of the overall objective.

The building and associated external areas are proposed to be located towards the eastern side of the site, west of the main school and within the current playing fields in front of rising land topped by existing trees and shrubs. The proposed school building has been set back in order to avoid an existing gas main that crosses the site and would be of two storey form. The building would measure 9m approx high; 39m approx wide by 34m approx. deep. It would include four classrooms, w/c's, circulation stairs; administration offices, reception area, hall, kitchen and servery and multi sensory room at ground floor level and four classrooms; w/cs; stairway circulation areas; plant storage and staff rooms and library/specialist teaching area at first floor level. The building would broadly have an "L" shaped footprint which would allow for good connectivity between the entrance/administration area, the hall, the classrooms and the shared teaching resource spaces. The layout includes an enclosed early years play space and covered area to the south of the proposed building. Slate cladding is proposed to the walls of shared resources block and main hall; ribbed cladding sheet to stair enclosures; buff brick work piers to classrooms; and bronze finished metal panels and window frames. The development has been designed to facilitate the potential expansion of the school to 2FE in the future if required but this aspect is not part of this submission and is shown for illustrative purposes only.

The proposal would also incorporate a multi-use games area. This would be located to the west of the proposed school building in proximity to the northern boundary of the site. It is anticipated that it would be used solely by the school. No floodlights or similar lighting are proposed to serve the multi-use games area. The applicants also propose a shared use of 0.44 hectares of land with Hoo St Werburgh Primary School to the north east of the site and plan to utilise an area of 0.71 hectares of land west of



the site for play area facilities through improved drainage and management of the surface to enhance existing facilities on site. They also intend to intensify the use of the school for community purposes for both indoor and out door activities in addition to the existing situation.

A parking/drop-off area would be located to the south-east of the proposed school and to the south of the existing Hundred of Hoo Academy. This would be reached via an access from Main Road which currently serves the existing school. It is proposed that a run off lane would be provided to this access point. This would facilitate easier and safer access for vehicles. The parking/drop-off area would be located to the west of an existing parking area which serves the Hundred of Hoo Academy and would accommodate 22 parking/drop off spaces. A separate exit would be created onto Main Road. A one way system would operate for vehicles using the parking/drop off facility. In addition a separate car park for staff would be located to the east of the proposed school building. This would accommodate 20 car parking spaces and an area for service vehicles. This would be accessed via the same one-way system as the parking/drop off facility.

A balancing pond would be provided within the south-east corner of the lower playing field. This would provide surface water attenuation. It is anticipated that access to this feature would be restricted in the interests of safety. However, it would be utilised as an outside learning resource.

### **Relevant Planning History**

While there are a number of planning applications for the wider school site there are none relevant to this application

### **Representations**

The application has been advertised on site, and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Four representations** have been received objecting to the proposal on the following grounds:

- The existing drainage pipes within the locality are inadequate to accommodate additional surface water flow from the development and it is unclear where the water will discharge from the balancing pond which is already level with the water table;
- There is a Flooding risk to nearby properties as the development will increase the chances of flooding and spillage of raw sewage as the existing drainage system is unable to cope;
- Potential further increase in raw sewage spillage due to blocked drains within the vicinity and a larger school will potentially exacerbate this problem;
- Adverse impact from traffic congestion resulting from increasing the size of the school at peak times and highway verge parking / unauthorised parking on private drives will increase. The proposed parking and management system will not alleviate the existing problems associated with the school in terms of queuing traffic, cars overtaking the queue, parking on highway verges,

- obstructing the highway close to the nearby swimming pool;
- The siting of the development would be better built closer to sites generating the demand for school places east of Bells Lane;
  - Increasing the use of transport to meet pupil needs would add to carbon footprint and school costs; and
  - A walking bus system will not work in particular when the weather is poor and traffic intensity will be increased along with unauthorised parking in the vicinity to the detriment of highway safety and residential amenity.

Other non material matters have been raised in that the use of the site will result in increased danger to children if the brook is not fenced off and there is a covenant on the land preventing the school from building on the land.

**Natural England** raise no objection in terms of potential impact on statutory nature conservation sites; draws attention to published standing advice in terms of wildlife habitat and protected species; encourages Biodiversity and landscape enhancements and Green infrastructure.

**Southern Water** advice that the development would need connection to a public sewerage system and an assessment of foul network is required to establish the point with adequate capacity in foul network. The applicant will also need to ensure that arrangements exist for the long term maintenance of suds facilities and good management will avoid flooding from the proposed surface water system which may result in the inundation of the foul sewerage system. They recommend that a condition is attached to any planning permission to address the implementation of a suds scheme and foul and surface water sewerage disposal and draw attention to the location of existing drainage networks within the vicinity.

**Southern Gas Network** advise that although there is a high pressure gas pipeline in the vicinity, the safety and integrity of their asset will not be affected by the development and no objection is raised.

**Sport England (SE) originally raised objection** to the proposal as it will result in the loss of existing playing fields without meeting any of the exceptions identified in its adopted policy or Paragraph 74 of the NPPF. SE's policy is to oppose the granting of planning permission for any development which would lead to the loss of or prejudice the use of ,all /part of a playing field unless one or more of the five exceptions stated in its policy apply. The exemptions are as follows:

E1 A carefully quantified and documented assessment of current and future needs has been demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment and the site has no special significance to the interests of the sport;

E2 the proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use;

E3 the proposed development affects only land incapable of forming ,or forming part of a playing pitch and does not result in the loss of or inability to make use of any playing pitch(including the maintenance of adequate safety margins),a reduction in the size of the playing area of any playing pitch or the loss of any other sporting /ancillary facility on the site;

E4 the playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of equivalent or better quality and of equivalent or greater quantity in a suitable location and subject to the equivalent or better management arrangements prior to the commencement of development;

E5 the proposed development is for an indoor or outdoor facility the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

SE advise that google earth evidence indicates that the 1.78 hectare site has been in recent use for the siting of both winter and summer sports pitches for the school. It is not known whether there is any community use of the sports pitches on this site. The proposal needs to be considered against the policy exceptions above.

They advise that In the context of E1, this exception is not applicable as there is no current up to date playing pitch strategy for Medway Council which assesses playing pitch supply and demand in the local area using current Sport England Methodology. E2 is not applicable(it only relates to ancillary development); E3 is not applicable as it only relates to land that could not be used for sports pitches;E4 is not applicable as there is no proposal to replace the 1.78 hectares of playing field lost; and E5 is not applicable as the primary use of the development will be educational. Whilst there will be an element of sports facilities provided in particular the MUGA and soft play area, the benefits would not outweigh the significant loss of playing field serving the secondary school.

*Following consideration of the mitigation proposals put forward by the applicants,* **Sport England** advise that whilst the application site for the new primary school measures approximately 1.78 hectares, the applicant makes the point that only 0.26 hectares will be lost to playing fields (the area taken by proposed buildings, access road, parking etc.) with the rest of the land will be retained for playing fields, a MUGA and soft play in association with the new primary school.

Whilst they accept this, they also note that the whole of the site will be lost to the Secondary School, as the smaller site will not be capable of accommodating senior pitches such as the rugby pitch marked out on that part of the site for use by the secondary school pupils.

Therefore the impact of the loss is significant in terms of playing field provision to serve the existing secondary school, and therefore this factor needs to be taken into account in the overall assessment of policy with regard to impact on the playing field.

Sport England identify the key mitigation package to compensate for the loss of part of the existing secondary school's playing fields as follows:

- The applicant states that an area of land to the north-east of the secondary school (0.44 hectares) will be shared by the secondary/primary school following the completion of the new academy. However, evidence from [www.bing.com/maps](http://www.bing.com/maps) indicates that this land is already in use for the siting of a mini –soccer pitch, and the land is too narrow to accommodate any pitches that would benefit the secondary school pupils. It is not therefore

accepted that the sharing of this land will offer any significant mitigation for the loss of the existing secondary school playing field, though there will be an operational benefit to the schools in having a more flexible access arrangement to this part of the playing field.

- It is proposed to bring into use 0.71 hectares of playing field in the north-west corner of the playing field, which currently suffers from poor drainage and is therefore not used for much of the academic year. It is proposed to install drainage works to allow this area to be used for additional pitches. This has the potential to compensate for the loss of the existing playing field subject to a condition requiring a drainage improvement scheme to be approved and implemented and the area to be marked out for pitch use in accordance with a scheme to be submitted to and approved in writing by the local planning authority, in conjunction with Sport England.
- The applicant states that the provision of a new Multi-Use Games Area (MUGA) on the new primary school site can be classed as double an equivalent area of grass pitches and therefore helps to mitigate against the loss of playing field. This guidance however comes from BB103 which is Department of Education guidance relating to playing field provision in schools. It is not part of Sport England adopted policy or NPPF guidance and therefore cannot be taken into account in the consideration of this planning application against Sport England policy.
- It is accepted by the applicant that the existing secondary school has limited community use of indoor and outdoor sports facilities, including playing fields, synthetic turf pitch and netball/basketball/tennis courts. There is no formalised community use agreement, and therefore the school would be willing to prepare and implement a Community Use Agreement (CUA) to cover not only the existing secondary school facilities referred to above but also facilities within the new primary school, specifically the MUGA and indoor hall, which will be of sufficient size to accommodate badminton as well as other indoor activities such as keep fit, martial arts, dance classes, yoga, pilates etc. This would be a significant benefit for the local community in terms of having access to existing and proposed sports facilities on this site.

Sport England therefore considers that the bringing back into use the area of 0.71 ha of playing field in the north-west corner of the site, in accordance with an approved drainage scheme, together with the submission and approval of a Community Use Agreement to cover existing and proposed facilities on both school sites, **would constitute sufficient mitigation** against the loss of playing field to accommodate the new primary school. **The proposal would therefore be considered to partly meet exception E4 of our playing fields policy (replacement playing fields policy) and exception E5 (provision of new indoor/outdoor sports facilities, as well as improved access to them).**

Sport England would therefore **wish to support** this application, subject to the imposition of the planning conditions securing a community use agreement prepared in consultation with Sport England which shall apply to indoor and outdoor sports

facilities at the existing secondary school and proposed primary school to secure the effective community use of the facilities. Secondly, that within six months of the date of this planning consent, a scheme for the improvement and maintenance of playing field drainage in relation to the existing 0.71 hectares of under-utilised playing fields in the north-west corner of the playing fields shall in consultation with Sport England shall thereafter be improved and maintained in accordance with an agreed timetable for implementation, and shall be laid out with sports pitch/es.

Sport England also welcomes the sharing of the additional land (0.44 ha) in the north-east corner of the existing playing fields, between the secondary and proposed primary schools, though as this is an operational matter it is not considered necessary to secure this via the planning consent.

Subject to the above planning conditions, being imposed on any grant of planning permission, **Sport England is able to support this application**, for the reasons set out above, as it would be considered to meet a combination of exceptions E4 and E5 of our playing fields policy.

**The Health and Safety Executive (HSE)** standing advice has been checked and the site is identified through its protective marking checks as **officially sensitive**. The proposals lie within the consultation distance of at least one major hazard site and or major accident hazard pipeline and the HSE needs to be consulted on any developments on the site. The HSE advise that **there are sufficient reasons on safety grounds for advising against the granting of planning permission** in this case as the major pipelines through the site are subject to the requirements of the Health and Safety at Work Act 1974 which specifically includes provisions for the protection of the public. The possibility remains that a major accident could occur at an installation and could have serious consequences for people in the vicinity. Whilst the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider such risk.

*Officer comment - a meeting is being arranged with the HSE on site to discuss the proposals and the necessary measures required to mitigate health and safety concerns*

## **Development Plan**

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 (NPPF) and are considered to conform.

## **Planning Appraisal**

The main issues that result from this development relate to balancing projected increased demand for school places in the vicinity against the loss of school playing field provision, the impact on the natural environment, ecology, residential amenity and highway safety and efficiency. There is also the need to consider health and safety issues during construction due to the proximity of an important pipeline to the construction area.

## *Principle of Development*

Paragraph 14 of the NPPF endorses a presumption in favour of sustainable development that underpins both plan-making and decision-taking. The principle of new school provision finds strong support at a national level in the NPPF where one of the 12 core planning principles requires planning to “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs” (paragraph 17). More specific support for the principle of proposed new schools can be found in paragraph 72 of the NPPF where 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. It requires that Local planning authorities should take a pro active, positive and collaborative approach to meeting this requirement that will widen choice in education. Great weight should be given to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.

Parallel to this, the NPPF recognises that “access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities” (paragraph 73). This is reflected in the requirements set out in paragraph 74 where existing open space, sports and recreational buildings and land, including playing fields, are encouraged to be preserved unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The Government also attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. (paragraph 56). Section 11 of the NPPF sets out the Government’s current planning policy in relation to conserving and enhancing the natural environment.

Paragraph 109 requires that the planning system should contribute to and enhance the natural and local environment. Paragraph 118 of the NPPF requires that 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”.

The application site is defined in the Local Plan as lying within a rural area of protected open space. Its lawful use is as a school playing field linked closely to the western boundary of the existing academy separated only by a farmers access track which the applicants have a right of way over. The site is mainly grassed with a tree line to the north of the field and to the southern side of the school frontage. A brook runs along the southern most boundary with neighbouring dwellings and a high pressure gas main exists through the site. The main school comprises a mix of

building heights of various designs to three storey in height with an entrance to the school from Main road on the southern side of the school. A primary school also exists east of the Academy within the educational complex as a whole.

### Need

Policy CF2 of the local plan states that new community facilities will be permitted subject to:

- the size and scale of development being appropriate to the site;
- the development having no detrimental impact on the countryside, residential amenity, landscape or ecology; and
- accessibility to the local population by a variety of means of transport, including public transport, cycling and walking.

Policy BNE25 of the Medway Local Plan states that development in the countryside will only be permitted if it satisfies one of a number of specified criteria including “a public or institutional use for which the countryside location is justified and which does not result in volumes of traffic that would damage rural amenity”. In this particular case the development would be defined as “a public or institutional use”. In addition the location can be justified for the reasons stated above in that a school is required to meet a need for school places within this locality and there is no suitable alternative option for such development. Such justification is also essential where Policy L3 of the Local Plan seeks to restrict development unless it satisfies one of a number of specified criteria including “in the case of educational establishments, the development is required for educational purposes and adequate areas for outdoor sports can be retained or provided elsewhere within the vicinity”.

In terms of needs identified which underpin this application for development, Medway Council’s Cabinet on 13 May 2014 considered a report titled “Expansion of Primary School Places in Hoo St Werburgh” requesting authorisation from Cabinet for the establishment of an all-through academy in partnership with the Williamson Trust on the Hundred of Hoo Academy site, in order to provide sufficient primary school places in Hoo St Werburgh from September 2015. Demand for primary school places in Hoo St Werburgh was identified as increasing with an expectation to continue to do so over the coming years due to increases in the population in Hoo and further development planned for the future, which will further increase demand for school places. Should a school be allowed, the additional capacity will be provided on a phased basis to meet demand. This means that the new 1FE will start with reception intake and expand annually for seven years into reception until the school is full. The current primary school is 2 Form Entry, which means that it admits 60 pupils into each year group. The school is currently full, and first preference applications for places in the September 2014 intake into reception class exceeds the number of places available, although a number of these preferences are from parents living outside of Hoo.

The “Area guidelines for mainstream schools – Building Bulletin 103” (BB103) (July

2014) sets out simple, non-statutory area guidelines for mainstream school buildings and sites for all age ranges from 3 to 19. Part B of BB103 sets out how to establish the site area requirements for a school. The proposed total site area of the new school (1.78 hectares) exceeds both the minimum total site area (0.9149 hectares) and maximum total site area (1.1415 hectares) recommended by BB103. In this respect the application site is considered sufficient to accommodate the proposed primary school. Although the total site area of the new school would exceed the recommended maximum total site area, this proposal has been designed to facilitate expansion to a 2FE school in the future if required but this does not form part of this application for development. Using the method of calculation set out in BB103, the 2FE school would have a minimum total site area of 1.61 hectares and a maximum total site area of 2.02 hectares. Therefore the application site would be of sufficient size to accommodate the proposed new school. Furthermore it would also be of sufficient size if the school were to be expanded to a 2FE entry in the future. In such a situation the size of the site would sit comfortably between the minimum and maximum total site area recommended by BB103. In respect of the Hundred of Hoo Academy, the existing site area measures 14.95 hectares and if the proposed new school were to be provided, the remaining site area for the Academy would measure 13.17 hectares. This significantly exceeds the minimum and maximum total site area recommended by BB103 (ie 7.25 hectares and 9.11 hectares respectively) This demonstrates that the land (upon which the new school would be provided) can be considered to be “surplus to requirements” and that “adequate areas for outdoor sports” for the existing Academy would be retained albeit on a different form.

The proposal would meet the government guidance objectives for both secondary and primary school education whilst meeting the demand locally for schooling places.

#### Loss of school playing field

Sport England comments above are critical to consideration of this aspect. Initially they raised objection based on the loss of playing fields, but having considered the further information submitted regarding mitigation, have removed that objection BUT subject to conditions being imposed to secure the community gains set out. These conditions are recommended.

Overall the site is considered the most appropriate location for a new school to meet predicted demand on land surplus to requirements and this out ways the restrictive policy objectives of discouraging development of open space where the education need is considered justified. The proposal would satisfy the requirements of paragraph 74 of the NPPF and Policies L3 and BNE25 of the Local Plan.

#### *Street Scene, Design and Character of the Area*

The proposed school building has been located towards the eastern end of the site partly due to the constraints imposed by the presence of the existing High Pressure gas main. The siting and design of the building would minimise the area of the playing field that would be developed. Furthermore, the proximity of the proposed building to the existing complex at the Hundred of Hoo Academy would ensure that the impact upon the open character of the area to the north and west would be minimised. It is considered that the design of the building and use of materials is of a high quality.



Furthermore the main building has been sensitively sited in response to the constraints within the site and to minimise impacts within the wider locality. The development will have greater presence than the existing playing fields and increased hard surface will be necessary to facilitate parking and access for staff and pupils. However, the design of the layout would utilise existing areas of hardstanding and with an appropriate landscaping strategy, objection is raised on design grounds. As such it is considered that this proposal would meet the requirements set out in the NPPF and Policies BNE1 and BNE6 of the Medway Local Plan.

### *Amenity Considerations*

The proposed school building has been sensitively sited in order to minimise any impacts upon nearby residential properties. The nearest dwellings are located beyond the southern boundary of the application site. The proposed school building would be sited in excess of 50m from this boundary and due to the siting of the proposed access road serving staff parking spaces, it is considered that in view of the separation distance, the proposed development would not result in a significant loss of privacy, sunlight, daylight or outlook to neighbouring properties. The proposed multi-use games area would be located to the north-west of the proposed school building in proximity to the northern boundary of the site. As such it would not be located in proximity to neighbouring residential properties. It would not involve the provision of floodlights or similar lighting. This would ensure that any impact upon nearby residents would be minimised. In addition, it is considered that the general activities associated with the proposed school would not result in undue noise or disturbance to nearby residents even if intensified for greater use by the community. In these respects it is anticipated that the proposal would be acceptable in terms of its impact upon residential amenity and would meet the requirements set out in the core principles of the NPPF and Policy BNE2 of the Medway Local Plan.

### *Trees*

Paragraph 118 of the NPPF requires that 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”. Furthermore, Policy BNE43 of the Medway Local Plan requires that development “should seek to retain trees, woodlands, hedgerows and other landscape features that provide a valuable contribution to local character”.

The application has been accompanied with an Arboricultural report for the site which assessed the condition of the tree resource, categorised the trees and provided the Root Protection Area (RPA) information according to the BS5837:2012 “Trees in relation to design, demolition and construction –Recommendations”. There are no Tree Protection Orders on site and the proposal will involve the removal of several trees, both due to poor condition and to facilitate the development. The primary vegetation on site consists of mixed species, consisting of individual trees, groups and two areas of woodland. The trees which host the highest amenity value are located on the boundaries of the site providing a treescape within the localised landscape. The trees on the site contribute to a moderate amenity value in their overall form/location. Trees with the greatest amenity value are the woodland areas

bordering the North and East of the proposed development, creating an effect on the distant landscape and treescape of the area. These trees will remain unaffected by the proposed development.

Overall, no objection would be raised to the proposed works provided that trees identified to be retained are protected by planning condition and appropriate mitigation planting is secured through planning condition.

### *Ecology*

Policy BNE37 and BNE39 seek to protect wildlife habitat unless there is an overriding need for development that outways its loss, there is no reasonable alternative site location for such development; the proposal is designed to minimise loss and appropriate compensatory measures are provided to balance against the loss. Where necessary, conditions will be sought to safeguard and maintain habitat. The proposed development will have an impact on wildlife habitat. A bat activity survey has been carried out as part of this planning application and recorded species of bats foraging/commuting across the site and the findings reveal presence of bats which may be affected by the development overall. Whilst there would be the removal of some trees along the southern boundary to enable access in to the site car park, the roosting areas would not be materially affected. However, foraging patterns would be to the extent that lighting during the construction process would need to be managed to ensure the local bat population are not adversely affected. This can be protected by condition as part of the construction management plan condition recommended. The site also represents opportunity for biodiversity improvements as part of the proposed balancing pond works and also across the site. Planning conditions are recommended to be imposed that demonstrate how the pond will benefit biodiversity and detail ecological enhancements to be provided elsewhere within the site. With such measures in place, the development would comply with the objectives of Policies BNE37 and BNE39 of the Local Plan.

### *Flood risk*

A Flood Risk Assessment (FRA) accompanies this application in consideration with the Planning Practice Guidance (2014).

The areas around and adjacent to the Hoo Stream (known locally as “the Brook”) are at significant risk of surface water flooding, as indicated by the Environment Agency’s Risk of Flooding from Surface Water mapping. The submitted FRA states that surface water runoff will be discharged to the brook as close to the Greenfield runoff rate as possible.

The scheme should be designed taking into account the Non-Statutory National Standards for SuDs. Standard S2 states that for Greenfield developments the peak runoff rate from the development to any surface water body for the 1 in 1 rainfall event and the 1 in 100 year rainfall should never exceed the peak Greenfield runoff rate for the same event. This is also in line with EA advice referenced in 5.3 of the FRA.

The Brook reacts very quickly to rainfall and therefore is very sensitive to increases in flow, however small. The proposals could result in an increase of runoff over the existing of up to 1 litre a second. Whilst this is not a significant amount when

considered at a site level, any further increases across the catchment could cumulatively impact the stream in the future. For this reason, it is recommended that where possible, other measures to decrease the load on the surface water drainage system are employed to mitigate the increases. This might include for example the use of rainwater or grey water recycling or the use of water butts, which may offer a small benefit, as well as reducing the use of potable water supplies.

Section 5.6 of the submitted statement suggests that the network will be designed to hold a 1 in 2 year storm necessitating a total volume of 247.5m<sup>3</sup>. Standard S8 of the National Standards states that the drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of a building (including a basement). Standard S9 states that the design of the site must ensure, so far as reasonable practicable that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

The FRA states that overland flows will be directed to the south of the school and that any flow along the east boundary will be kept to the roads and car parking and flow southwards into the brook. However this should be reviewed at a detailed design stage. Typically for this type of development, an increase of 20% rainfall intensity is included to allow for climate change, however, updated planning guidance "*Flood Risk Assessments: climate change allowances*" published in March 2016 includes revised peak rainfall intensity allowances within Table 2: *Peak rainfall intensity allowance in small and urban catchments* and states that both the central and upper end allowances included should be assessed to understand the range of potential impact. Therefore, assessment of the +40% rainfall intensity should be assessed to ascertain if additional resilience can be built into the system to accommodate the increased runoff (in addition to the +20% rainfall intensity).

The Flood and Water Management Act 2010 establishes a Sustainable Drainage (SuDs) Approving Body (the "SAB") at county and unitary local authority levels. The SAB will have responsibility for the approval, adoption, and maintenance of proposed drainage systems in new developments and redevelopments, subject to exemptions and thresholds. The relevant schedule has yet to be formally enacted therefore consideration needs to be given to the future maintenance of any SuDs structures which would not be adopted by the relevant water authority. Therefore, it should be demonstrated that any SuDs structures provided on site will be maintained for the lifetime of the development and this can be managed by Planning condition.

### *Environmental Protection*

The site is not known for potential contaminated land but in the interests of amenity protection a condition is recommended to manage any contaminants that may be found on site. In view of the impact of the development within the vicinity of residential properties, a construction management plan is recommended to be submitted and approved by the local authority and secured by planning condition.

### *Highways*

The proposed parking/drop off area would be provided to the south-east of the proposed school and to the south of the existing Hundred of Hoo Academy. It would incorporate a one-way circulation route and 23 parking/drop off spaces. It has been designed to provide a safe area away from the public highway for parents/carers to drop off children. In addition 20 car parking spaces for staff would be provided to the east of the school building and a cycle storage area provided for staff/pupils east of the school building. A Traffic Assessment and a Road safety Audit have been submitted to accompany these works and are considered acceptable .

### Trip Generation

The Transport Statement uses travel data from an existing primary school in Hoo to estimate that 59 pupils would travel to the proposed development by car, generating 236 trips per day. This is greater than the number of movements predicted by the TRICS trip generation database, and is therefore considered robust. Based on survey data, this would increase traffic flows on Main Road at beginning and end of the school day by between 12% and 17%. Assessments of the existing access junction and the proposed egress junction indicate that this additional traffic would not result in capacity issues at peak times and, overall, it is considered the impact of the development would not be severe. The Transport Statement predicts that 136 pupils would walk to the school, and therefore it is important that the development provides good pedestrian access from the surrounding area. The plans as submitted do not show a dedicated pedestrian access linking the school with the Main Road, however. The logical place for this would be between the balancing pond and the existing farm track. In order to comply with Policy T3 of the Local Plan, it is recommended this be secured by planning condition. The proposed vehicular egress bisects the Main Road footpath, at which point indicative zebra markings are shown. These markings are likely to fade and present a maintenance burden to the Local Highway Authority. It is therefore requested that consideration be given to providing dropped kerbs and tactile paving at this point instead, with a traffic calming feature installed just before the crossing point. These details could also be secured by planning condition.

### Parking

The Council's Parking Standards indicate a provision of one space per staff member, 10% visitor parking and a drop-off area. The development would employ 16 members of staff and therefore the proposal for 20 spaces is acceptable in respect of Policy T13 of the Local Plan. A drop-off zone for around 22 vehicles is also proposed. Swept path analysis indicates that the proposed site layout would accommodate manoeuvring requirements of a refuse vehicle.

### Travel Plan

It is recommended that a School Travel Plan is produced and submitted to the Local Planning Authority for approval. This can be secured by planning condition.

In consideration of the submitted evidence and site circumstances, no objection is raised to the development and the proposal is considered in accordance with Policy T1, Policy T2, Policy T3, Policy T4 and Policy T13 of the Local Plan.

### *Other matters*

The proposed development would need to mitigate against the existing siting of a high pressure gas pipeline that runs through the school site and mitigation may be possible through upgrading the pipeline specific to the works.

The applicants have been encouraged to liaise with the HSE in view of this advice and this is ongoing. **Should this not be resolved** prior to determination, the objection in principle would, in the event of the Local Planning Authority resolving to approve the scheme, require **the application to be referred to the HSE** to give them 21 days from the notice to consider whether to request that the secretary of State calls in the application for their own determination

### *Local Finance Considerations*

None relevant to this application

### **Conclusions and Reasons for Approval**

The application has shown that there is demonstrable need for additional primary school places within this locality and although other potential sites have been considered, this is the most suitable. It has also shown that the principle of the development of a new school finds strong support at a national level in the NPPF. Although the proposal would result in the loss of an area of existing playing fields relating to the Hundred of Hoo Academy, this has been fully justified with detailed reference to BB103. It has been demonstrated also that the proposal would satisfy the requirements of current National Planning Policy and the Local Development Plan Policies and the proposal is considered to be in accordance with paragraphs 14, 17, 18, 56, 72 and 74 of the NPPF and Policies BNE1, BNE2, BNE25, BNE37, BNE39, BNE43, L3, CF2, T1, T2, T3, T4, and T13 of the Medway Local Plan 2003.

This application is being reported to planning committee for determination due to more than two objections having been received against officer recommendation.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>