

MC/24/0221

Date Received: 1 February 2024

Location: Land to east of Woodlands Cemetery, Cornwallis Avenue, Gillingham, Medway

Proposal: Construction of a Special Education Needs and Disabilities (SEND) Secondary Free School together with associated hard/soft landscaping, including multi-use games area (MUGA), car/cycle parking, secure line fence/boundary enclosures and associated means of access.

Applicant Department for Education
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Ward: Watling

Case Officer: Amanda Barnes

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 11th July 2024.

Recommendation – Approval subject to:

A. The application being referred to the Secretary of State pursuant to Town and Country Planning (Consultation) (England) Direction 2021: and

B. The imposition of 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:

Received 28 May 2024

- o FS0267-UBU-00-00-D-L-2006 Rev P03 - Acoustic Fence Details

Received 23 May 2024

- o FS0267-UBU-00-00-D-L-1000 Rev P08 - General Arrangement Plan

Received 3 May 2024

- o FS0267-JMA-01 ZZ-T- A-0803 Rev C02 - 3D External Views - Parking Area

Received 1 May 2024

- o FS0267-JMA-01-00-D-A-0801 Rev C03 - GA Floor Plan - Ground Floor
- o FS0267-JMA-01-01-D-A-0801 Rev C03 - GA Floor Plan - First Floor
- o FS0267-JMA-01-RF-D-A-0801 Rev C03 - GA Roof Plan
- o FS0267-JMA-01-ZZ-T-A-0801 Rev C02 - 3D External View - Southeast
- o FS0267-JMA-01-ZZ-T-A-0802 Rev C02 - 3D External View North-West
- o FS0267-JMA-00-00-D-A-0806 Rev C06 - Whole Site Plan
- o FS0267-JMA-00-ZZ-D-A-0811 Rev C03 - Site Sections
- o FS0267-JMA-01-ZZ-D-A-0811 Rev C03 - GS Sections 1
- o FS0267-JMA-01-ZZ-D-A-0812 Rev C03 - GA Sections 2
- o FS0267-JMA-01-ZZ-D-A-0821 Rev C03 - GA Elevations 1
- o FS0267-JMA-01-ZZ-D-A-0822 Rev C04 - GA Elevations 2
- o FS0267-JMA-01-ZZ-D-A-0823 Rev C03 - GA Building Elevations 1
- o FS0267-JMA-01-ZZ-D-A-0824 Rev C04 - GA Elevations 2

Received 26 April 2024

- o FS0267-UBU-00-ZZ-D-L-5000 Rev P04 - Site Sections

Received 24 April 2024

- o FS0267-UBU-00-00-D-L-1001 Rev P06 - Circulation Plan
- o FS0267-UBU-00-00-D-L-1002 Rev P06 - Fencing Plan
- o FS0267-UBU-00-00-D-L-1003 Rev P06 - Kerbs Plan
- o FS0267-UBU-00-00-D-L-3000 Rev P06 - Planting Plan

Received 5 March 2024

- o FS0267-ARB-XX-D-0-0001 Rev C02 - Arboricultural Impact Assessment
- o FS0267-VTP-00-XX-D-H-0025 Rev C01 - Proposed Bus Stop Location

- o FS0267-VTP-00-XX-D-H-0026 Rev C01 - Proposed Bus Stop (Existing Utilities)

Received 5 February 2024

- o FS0267-JMA-00-00-D-A-0804 Rev C01 - Site Location Plan

Received 1 February 2024

- o FS0267-CPW-XX-XX-D-E-0833 Rev C02 - Proposed External Lighting Plan
- o FS0267-ARB-00-XX-D-0-0002 Rev 01 - General Arrangement Green Infrastructure Plan

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

- 3 No development shall take place above slab level until details and 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 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure (including knee high rail around reptile protection area), car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), tree grilles, minor artefacts, and structures (e.g., signage board for reptile protection area, seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
 - ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape, raised planters etc.), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
 - iii. Detailed information should be provided for the design and specification of green roofs. Including drainage and soil build up, planting plans &

plant schedules, the treatment for any tree planting (including tree pit details and tree supports), all paving and hard surfacing, minor artefacts, and structures.

- iv. Detailed information for the design and specification of climbing systems, including planting selection, specification, and details of irrigation systems.
- v. A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and 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.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 5 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including play space, and green roofs for a minimum period of five years, with arrangements for implementation and future review. The document shall also include an appendix incorporating product specification sheets for all street furniture and play equipment, covering installation and maintenance requirements. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 Notwithstanding the submitted information, no development shall commence on site (including vegetation clearance) until an amended Arboricultural Impact Assessment that evaluates the direct and indirect impact of level changes, the erection of fences and acoustic barriers, the installation of services, and works to alter provision for footpaths and a bus lay-by to the south of the site, on existing trees growing on and adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority. The result of this Arboricultural Impact Assessment, which where necessary, recommends mitigation, will be used to inform the Arboricultural Method Statement, Tree Protection Plan, any need for access facilitation pruning, and the provision of tree and hedge planting on and adjacent to the site.

Reason: Required prior to commencement to ensure no irreversible damage is caused to retained trees on and adjacent to the site in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 7 Notwithstanding the submitted information, no development shall commence on site (including vegetation clearance) until an amended Arboricultural Method Statement that provides a methodology for the implementation of all aspects of development, including level changes, the erection of fences and acoustic barriers, the installation of services, and works to alter provision for footpaths and a bus lay-by to the south of the site, that are within the root protection area of trees growing on and adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: Required prior to commencement to ensure no irreversible damage is caused to retained trees on and adjacent to the site in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 8 Notwithstanding the submitted information, no development shall commence on site (including vegetation clearance) until an amended Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan must clearly show trees for retention on and adjacent to the site and the precise location and type of protective barriers (fencing) to be erected to form a construction exclusion zone around the retained trees on and adjacent to the site. It must also show the extent and type of any ground protection and any additional physical measures needed to protect retained trees on and adjacent to the site. These measures must be indicated on the plan (with any necessary phasing) and be accompanied by descriptive text as required. The approved tree protection measures shall be put in place prior to commencement of development, including ground clearance, and retained in accordance with any phasing until the approved development is complete.

Reason: Required prior to commencement to ensure no irreversible damage is caused to retained trees on and adjacent to the site in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 9 No development shall take place above ground floor slab level until details for the provision of the electric vehicle charging points (20% active and 80% passive) has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 111(e) of National Planning Policy Framework 2023.

- 10 Prior to first occupation of the school, a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall include provision of the arrangements for the appointment of a School Travel Plan Coordinator and working group, SMART targets and initiatives for promoting sustainable transport with particular emphasis on walking and bicycle use with details of future monitoring and update

procedures. The School Travel Plan shall be implemented upon first use of the school hereby approved and shall be kept in place, and updated, thereafter.

The approved school travel plan shall be continually monitored with the results of the monitoring and any recommended actions submitted to and approved in writing to the Local Planning Authority on an annual basis starting from the date of the approval of the first School Travel Plan submitted pursuant to this condition, with the approved recommendations implemented as agreed as part of the annual review.

Reason: In the interests of promoting safe and sustainable development and to accord with Policy T14 of the Medway Local Plan 2003.

- 11 Prior to first occupation of the school, the area shown on the submitted layout as vehicle parking, loading and off-loading and turning space shall be surfaced, drained and laid out in accordance with the approved drawings. Thereafter that parking and manoeuvring area shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 12 Prior to first occupation of the school details of secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before the building is brought into use and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 13 No development above ground floor slab level shall take place until details of the following highway improvement have been submitted to and approved in writing by the Local Planning Authority:

- o Section 278 Highway works in relation to the proposed access layout (drawing no FS20267-VTP-00-XX-D-H-0025 rev C01).
- o Section 278 relating to the Landscaping improvements along Yokosuka Way (A289) and Cornwallis Avenue.

The approved details shall thereafter be implemented in full prior to first occupation of the development.

Reason: to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

- 14 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and timetable which has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved specification.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 15 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Energy Statement (January 2024), prepared by CPW. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 159 the National Planning Policy Framework 2021.

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 17 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 18 Prior to first occupation a signed verification report carried out by a qualified drainage engineer (or equivalent) to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans must be submitted to and approved in writing by the Local Planning Authority. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 168 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 19 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has been submitted to and approved in writing by the Local Planning Authority.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk.

The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 20 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required prior to commencement to prevent harm being caused to the amenity of the area in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 21 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans) and nearby residential properties. Commentary will be provided to demonstrate how the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23: Bats and Artificial Lighting at Night' (or subsequent updates) has been considered in the lighting design. It will be clearly demonstrated that areas to be lit will not impact protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

Reason: To limit the impact of the lighting on the landscaping of the site, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, and BNE39 of the Medway Local Plan 2003.

- 22 Prior to first occupation of the development hereby permitted, a scheme to minimise the transmission of noise from mechanical plant, shall be submitted and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (L_{Ar,Tr}) emitted from the development shall be at least 10dB below the background noise level (L_{A90,T}) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 23 Notwithstanding the submitted details, prior to first occupation a detailed specification for the acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority. This shall include the use of neoprene isolators located between panels and posts. The barrier shall be installed in accordance with the approved details prior to first occupation of the building.

Reason: In the interests of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 24 Prior to the first use of the school herein approved, a Community Use Agreement (CUA) shall be submitted to and approved in writing by the Local Planning Authority. The CUA shall describe all the facilities included in the agreement and shall include details of pricing policy, access by non-educational

establishment users, management responsibilities and a mechanism for review. Following the first use of the school, the school facilities shall thereafter be used in accordance with approved CUA.

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 Policy L8 of Medway Local Plan 2003.

- 25 The facilities to be used for community purposes as outlined in the Community Use Agreement (CUA) to be approved under condition 24 shall not be used outside of the following hours:

17:00 to 22:00 Monday to Friday for internal spaces
08:00 to 22:00 on Saturday and Sunday for internal spaces
17:00 to 20:00 on Monday to Friday for the external pitches
09:00 to 20:00 on Saturday for the external pitches
10:00 to 18:00 on Sunday for the external pitches

Reason: In the interests of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) the school herein approved shall be used for education and community purposes only and shall not be used for any other purposes, including any other use that would fall within Use Class F1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of the amenities of the local residents and highway safety, and in accordance with Policies BNE2 and T1 of the Medway Local Plan 2003.

- 27 No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall provide full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost value calculated as part of the approved air quality assessment, revision P03, dated June 2024. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: Required prior to commencement in the interests of amenity and minimising air pollution in accordance with policy BNE24 of the Medway Local Plan 2003 and paragraph 109 of the NPPF.

28 Prior to commencement of the development (including site clearance), a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP will be based on the recommendations in section 4.0 of the Arbtech Preliminary Ecological Appraisal report dated 28th September 2023, section 4.2 of the RSK Reptile Survey Report dated July 2022, section 3.0 of the Arbtech Reptile Mitigation and Enhancement Plan dated 23rd May 2024 and UBU Design Ltd General Arrangement Plan FS0267-UBU-00-00-D-L-1000 P08, and shall include the following:

- o Description and evaluation of features to be managed.
- o Constraints on site that might influence management.
- o Aims and objectives of management.
- o Appropriate management prescriptions, fencing (e.g., knee-high post and rail fencing) and signage (information boards) for achieving aims and objectives.
- o Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- o Details of the body or organisation responsible for implementation of the plan; and
- o Ongoing monitoring and remedial measures.

The LEMP will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: Required prior to commencement to prevent harm being caused to biodiversity in the area in accordance with paragraphs 180 and 186 of the National Planning Policy Framework 2023.

29 Prior to commencement of development (including site clearance), a construction ecological management plan (CEMP - biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP - biodiversity will be based on the recommendations in section 4.0 of the Arbtech Preliminary Ecological Appraisal report dated 28th September 2023, section 4.2 of the RSK Reptile Survey Report dated July 2022, section 3.0 of the Arbtech Reptile Mitigation and Enhancement Plan dated 23rd May 2024 and UBU Design Ltd General Arrangement Plan FS0267-UBU-00-00-D-L-1000 P08, and shall include the following:

- o Purpose and objectives for the proposed works.
- o Risk assessment of potentially damaging construction activities.
- o Identification of 'biodiversity protection zones' shown on scaled plans.
- o Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (should be

- provided as a set of species or habitat-specific method statements and scaled plans).
- o The location and timing of sensitive works to avoid harm to biodiversity features and demonstration that works are aligned to the construction timetable.
 - o The times during construction when specialist ecologists need to be present on site to oversee works.
 - o Details of any necessary protected species licences and reference to or inclusion of a detailed arboricultural method statement to protect retained trees/hedgerows.
 - o Reference to the measures required to protect reptiles and maintain their presence onsite.
 - o Responsible persons and lines of communication.
 - o The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (including the times during construction when such a person will need to be present onsite to undertake/oversee works), and;
 - o Use of protective fences, exclusion barriers and warning signs.

The approved CEMP - biodiversity will be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: Required prior to commencement to prevent harm being caused to biodiversity in the area in accordance with paragraphs 180 and 186 of the National Planning Policy Framework 2023.

30 The school shall not be used outside of the following hours:

07:00 to 22:00 Monday to Friday for internal spaces
 08:00 to 22:00 on Saturday and Sunday for internal spaces
 09:00 to 20:00 on Monday to Friday for the external pitches
 09:00 to 20:00 on Saturday for the external pitches
 10:00 to 18:00 on Sunday for the external pitches

Reason: In the interests of residential amenity in accordance with Policy BNE2 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 application is for the construction of a Special Education Needs and Disabilities (SEND) Secondary Free School together with associated hard/soft landscaping, including multi-use games area (MUGA), car/cycle parking, secure line fence/boundary enclosures and associated means of access.

The Inspire Special Free School will be developed on land adjacent to Cornwallis Avenue and Yokosuka Way the A289 in Gillingham. The proposal is for a new build

two-storey SEND Secondary School for Social, Emotional and Mental Health Difficulties (SEMH) and Autism Spectrum Disorder (ASD) pupils aged 11-18 years old.

The proposal is to deliver a new 160 place school, with 90 SEMH places and 70 ASD places.

The school will be approx. 3,691sqm in size set in the centre of the site. To the front there will be an area of soft landscaping together with a Multi-Use Games Area (MUGA) and grass pitch. There will also be an ASD play space, SEMH play space and sensory garden.

To the rear there will be provision for 112 car parking spaces (including 6 accessible parking spaces) and 4 mini-bus parking spaces. Photovoltaic (PV) panels are proposed over the middle rows of parking spaces. A number of the parking spaces are proposed to have electric charging available. 24 cycle spaces are proposed.

Internally on the ground floor will be a sports hall, main hall, dining area, together with classrooms, staff rooms, WCs, changing rooms, meeting rooms, kitchens, calming rooms and storerooms. On the first floor are classrooms, storerooms, staff room, calming rooms, social space and group rooms.

The flat roof will contain the plant including an air handling unit, air source heat pump and plant room. The plant will be screened from wider views by areas of soft landscaping in the form of planters on 2 sides of the equipment.

Access to the site will come from a new road formed to the west of the site which will lead past the site into the area of Council owned land to the rear. A continuous footpath will allow for pedestrian access to the site. Three entrances to the school are proposed comprising one for the main reception with a further two separate accesses for ASD and SEMH pupils.

Around the eastern boundary of the site with Yokosuka Way a 3m high timber anti climb acoustic fence is proposed. Along the northern, southern and western boundaries a 3m high secure line anti climb fence is proposed - this will continue internally to ensure the safety of pupils. A 3m high sports fence will surround the MUGA.

Three trees are proposed to be removed to facilitate the development. Soft landscaping is proposed around the site which will include wildflower planting, native hedges, trees, amenity grass and climbers.

Due to the differences in site levels, the site will be built up to the north by approx. 1.9m, with a 1:3 slope set on the retained Council land to the north outside the red line to soften the difference in land levels.

108 full time equivalent employees will work at the school.

Relevant Planning History

MC/19/0140 Construction of a Special Educational Needs (SEN) School with residential accommodation and life skills house, associated parking, access, infrastructure and landscaping works.
Withdrawn

Representations

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

EDF Energy, Southern Gas Networks, Southern Water Services, Environment Agency, Kent Police, Natural England and Sport England have also been consulted.

Two letters of objection have been received raising concerns relating to:

- Speed that people come across from Cornwallis Avenue into Canadian Avenue is frightening.
- Canadian Avenue is used as a rat run.
- Concerned that Canadian Avenue will become even more heavily congested, it is a narrow road and will become very dangerous and overused. There are very few passing spaces. It is an accident waiting to happen.
- If this application gets the go ahead, then need speed bumps installed, 20 mph limit and regular checks on the flow of through traffic.
- Getting off our driveway is already an issue.
- The road is not suitable for the heavy traffic use (2060 additional cars).
- Design and appearance of the proposed school building is not in keeping with the street. It is more suitable for an Industrial Park.
- The proposed planning application is on a green site which I believe has been a green site since the 1900's to 1920's, reserved for Gillingham Woodlands Road Cemetery, to use when space ran out in the current cemetery site.
- Undeniable that a new SEND school will drastically have an effect on homes, regarding outlook, privacy and noise.
- 394 extra vehicle journeys in the immediate area, not including weekend visitors using the site or large delivery vehicles. Traffic that currently is not in the area, adding a higher level of noise and pollution whilst invading residents' privacy, especially as all vehicles will be using the new road created to allow entrance to the proposed school.
- New road will run alongside the terraced houses in Cornwallis Avenue, where currently they have a green outlook and privacy and no noise created from the green space, other than the occasional dog barking as they are exercised in the area. It will totally change the landscape of the area, for the worse.
- The building will be lit up. The 3-metre fence will be lit up. The police report states that it must be lit up at all times to deter criminal activity. The local residents will be affected by this all night long, affecting their outlook and privacy.
- Proposed school will have an added impact to the vehicles on the surrounding roads in the area, increasing the chances of accidents, to motorists,

- pedestrians, and cyclists.
- Concern about increased accidents.
 - At the consultation event was advised that the site had been chosen because of its ease of additional transport options, to encourage less use of cars the reports contradict this stating that most students will arrive by taxi.
 - Proposed development has not been the subject of a full and robust technical assessment aimed at ensuring that the immediate and wider impacts of the proposal (including to existing residents) would not result in any unacceptable harm and with the benefit of appropriate mitigation where identified.
 - Concern that there will be traffic congestion.

KCC Ecology have advised that sufficient ecological information has been provided. However, reptiles have not been considered within the design of the development, and they therefore recommend that the proposed soft landscaping plan (UBU Design Ltd Planting Plan FS0267-UBU-ZZ-ZZ-D-L-3000 C04) is not approved in its current form.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, they advise the conditions with regard to a construction ecological management plan; and for an ecological design strategy, including landscape and ecological management plan and updated soft landscaping plan(s) with planting schedule(s).

Reptiles:

The submitted information indicates that mitigation/compensation is required for populations of reptiles (slow worm and common lizard) found using suitable vegetation around the edges of the site. According to the preliminary ecological appraisal carried out in September 2023, there appears to be suitable vegetation along the western, southern and eastern boundaries (scrub and longer grassland).

From reviewing proposals, the current planting plan is not suitable for the retention of reptiles on-site and should not be approved as part of the planning permission, if granted. However, there are opportunities to retain and create reptile habitat to the south and east of the site. The habitat retained/created for reptiles should be long, tussocky grassland and scrub. The grassland should be cut on a three-to-five-year rotation, with no more than one third of the grassland/scrub cut in any one year.

As part of proposals, and in line with the recommendations set out in the submitted reptile survey report, suitable habitat should be retained as far as possible and protected during construction, then managed into the future for the benefit of reptiles. If suitable reptile habitat needs to be removed to facilitate the development, then compensatory habitat should be provided elsewhere on the site.

Lighting and Biodiversity:

The boundaries of the site have suitability for commuting and foraging bats and provide a link to habitats in the surrounds. Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting

Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night' (or subsequent updates) should be consulted in the lighting design of the development.

They advise that the incorporation of sensitive lighting design for biodiversity is secured via a condition with any planning permission.

Biodiversity Net Gain:

The submitted information indicates that a biodiversity net gain in line with the NPPF 2023 is possible. We have now reviewed the submitted biodiversity metric calculation tool spreadsheet in excel format. We note that a biodiversity net gain at the site relies upon the removal of no trees, and the inclusion of green roofs, rain gardens and green walls, as well as additional tree planting, mixed scrub and improved grassland habitat within plans. The submitted biodiversity metric does not account for the retention of any grassland which will be important to protect reptiles during construction and retain them at the site post-construction.

Areas of habitat used for protected species mitigation/compensation can only contribute towards biodiversity net gain up to no net loss¹. Where additionality rules need to be considered, we advise that two different metrics are submitted, with one detailing the 'compensation measures being included only' – to clearly show what has been included but not beyond the equivalent of no net loss.

We consider that the submitted landscaping plans need to be altered to better protect reptiles within the development. As such, we do not consider the submitted biodiversity metric will be a valid reflection of the biodiversity net gain or loss at the site. We also note that there are trees for removal. Nevertheless, we consider that despite this, a small biodiversity net gain is possible at the site.

Sport England have advised that the proposal will result in the loss of approximately 1.86 hectares of playing field.

The applicants in their Planning Statement in paragraph 2.1 state that this is former playing field. They do not accept that the site is no longer used or needed for sport.

The adopted Medway Playing Pitch Strategy, which is coming to the end of its life, identifies a shortfall across a number of playing pitch typologies from 5 v5 pitches through to rugby pitches.

They advise the applicants to look at the adopted Medway playing pitch strategy to see how they could mitigate the loss of the playing field.

Given the above, Sport England raises a statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

Sport England recognises the need for the school, however there is a need to protect the playing field. If the applicants were to provide suitable mitigation in line with the adopted playing strategy, which would meet their planning policy exception E4 and the NPPF paragraph 103 bullet point 2, then Sport England would withdraw its objection.

Should the local planning authority be minded to approve this application contrary to Sport England's statutory objection, then the Town and Country Planning (Consultation) (England) Direction 2021 requires the application to be referred to the Secretary of State, via the National Planning Casework Unit.

SNG have written to advise of a low/medium/intermediate pressure gas main near to the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system.

UK Power Networks have sent a copy of where any electrical lines and/or electrical plant is located.

Kent Police have advised that the applicants/agents should consult their Designing out Crime Officers (DOCO's) to address Crime Prevention Through Environmental Design (CPTED) and incorporate Secured by Design (SBD) as appropriate. They advise the following:

- Due to the proposed use of the site, we would recommend the applicant review current site security and boundary treatments. We advise boundary treatments to be a minimum of 2m in height with support beams facing inwards, any gates to a rear/ side access must also be securely lockable from both sides. It is essential that there is no unauthorised access to the rear of the site either via the side access route or via neighbouring premises.
- We strongly recommend external doors and windows meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Existing rear doors and windows that are not being replaced may require limiters/ restrictors to help maintain security.
- We recommend the use of the Secured by Design (SBD) principles for this proposal to show commitment to crime prevention and community safety.
- Vehicle mitigation barriers are recommended for wide pedestrian areas and near the main entrance to avoid conflict and to safeguard pedestrians.
- SBD prefers one entrance area at the perimeter of the site serving both vehicles and pedestrians or separate entrances that are located in close proximity to one another to aide mutual supervision. The entrance should be gated and when the school is closed and unoccupied, the gates must be locked. Access control of these gates is essential, and a full audio-visual access control system should be installed. CCTV coverage to monitor access and egress.
- Formal recreation spaces such as multi-use games areas and external all-weather sport facilities may encourage trespass outside of normal school hours. Perimeter security is paramount as previously discussed.
- Secure storage for play and sports equipment, including seasonal storage for goalposts etc, should, where possible, be provided within the main building, with ready secured access from outside.
- Regarding renting out facilities or community use, the layout of the building must allow visitors access to be restricted to those areas only preventing any further access. Door access control may be required.
- From a security and child safety aspect, we recommend that all fire exits are alarmed to alert staff should these be opened.

- A security alarm system should be installed and utilized when the building is not in use.
- Landscaping. Trees should be pruned so that they do not provide climbing aids, which may compromise the secure boundary. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
- Waste bins should be kept in a secure enclosure, ideally away from the building as bins can be used as a means to commit crime, be a climbing aid or even an arson hazard.
- Lighting. Appropriate lighting will be required. Please refer to the SBD guide.
- We recommend CCTV coverage of the main entrances/exits and remote areas that tend to be unsupervised due to the lack of natural surveillance and can potentially attract anti-social gathering. We recommend lighting to cover entrances and the parking area to aid in natural surveillance.
- Secure cycle racks are required as previously discussed, and ideally covered by CCTV to prevent cycle theft. We strongly advise SBD and Sold Secure standard certified cycle storage that has passed testing as they offer additional security. In addition, we advise the inclusion of SBD and Sold Secure standard certified wall or ground anchors.

If approved, site security is required for the construction phase. There is a duty for the principal contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

Natural England have advised they have no objection to the development.

The Environment Agency have advised that they have screened the application and have no objection in relation to groundwater and contaminated land. However, they have the following comments to make.

They recommend the applicant reviews their groundwater position statements in ‘The Environment Agency’s approach to groundwater protection’.

They recommend that the applicant should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination.
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

- Refer to the contaminated land pages on gov.uk for more information.

They set out recommendations relating to drainage and infiltration.

If piling is proposed, a Piling Risk Assessment should be undertaken to confirm the proposed design does not pose risks to the groundwater.

They set out recommendations regarding excavated material.

Southern Water have advised that they can facilitate foul sewerage disposal to service the proposed development and that they require a formal application for a connection to the public sewer to be made by the applicant or developer.

They set out recommendations and comments regarding the use of sustainable urban drainage systems.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul public sewerage system, this will have to be designed and constructed to the specification of Southern Water Services Ltd.

Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

Active Travel England (ATE) recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.

Assessment - The proposed development would facilitate the relocation of the Inspire Special Free School, a special education needs and disabilities school for pupils aged between 11-18 years old, from its temporary accommodation in Chatham. The school would have an overall capacity of 160 pupils. It is noted that given the nature of the school, all pupils are anticipated to travel via either taxi/ private hire vehicle or car, therefore, active travel modes or travelling by bus is unlikely to be a viable option for pupils travelling to or from school. ATE welcomes that the School Travel Plan promotes travel by non-car modes for staff and visitors that live locally, as well as use of the proposed on-site cycle parking facilities. In addition, ATE considers that staff and visitors that live locally would benefit from the bus services available and nearby bus stops to the school. ATE fully supports the principle of the proposed development, and it is accepted that a development of this type and in this location will engender a high number of motor vehicular trip rates. Notwithstanding, ATE recommends appropriate conditions and Informatives.

Following receipt of amended plans the following representations have been received:

Active Travel have advised that they have no additional comments on the revised information.

Southern Water have advised that their comments in their response dated 26 February 2024 remain unchanged and valid for the amended details.

KCC Ecology have advised that insufficient ecological information has been provided. Reptiles have still not been considered within the design of the development. Further, the areas that could be used as a reptile receptor area on-site are stated on plans for use as PE or informal areas. It should be made clear that reptiles can be accommodated within designs, or an off-site receptor site may need to be found. Review of plan 'BB104 Areas' indicates that the use of the site may be inconsistent with both the results of the biodiversity net gain metric, and the ability of the site to support reptiles' post-construction.

They recommend that following plans are NOT approved in their current form:

- BB104 Areas (FS0267-UBU-00-00-D-L-1004 P02)
- Planting Plan (FS0267-UBU-ZZ-ZZ-D-L-3000 P02)

Biodiversity Net Gain

The submitted information indicates that a biodiversity net gain in line with the NPPF 2023 is possible. They note that a biodiversity net gain at the site relies upon the removal of no trees, and the inclusion of green roofs, rain gardens and green walls, as well as additional tree planting, mixed scrub and improved grassland habitat within plans.

The submitted biodiversity metric does not account for the retention of any grassland, which will be important to protect reptiles during construction and retain them at the site post-construction.

Areas of habitat used for protected species mitigation/compensation can only contribute towards biodiversity net gain up to no net loss¹. Where additionality rules need to be considered, we advise that two different metrics are submitted, with one detailing the 'compensation measures being included only' – to clearly show what has been included but not beyond the equivalent of no net loss.

As stated below, they consider that the submitted landscaping plans need to be altered to better protect reptiles within the development. As such, they do not consider the submitted biodiversity metric will be a valid reflection of the biodiversity net gain or loss at the site. They also note that there are trees for removal. Further, the value of the grassland will be lower where the site is used for recreation. The use of the grassland as a PE zone appears incongruous with its management as a wildflower meadow and will lower its achievable condition status. They note that the agent for the application has indicated that the area stated for use as both a wildflower meadow and 'soft outdoor PE' would be expected to grow to knee length. They consider that the use of the area for soft outdoor PE is highly likely to need short grassland during the growing

season. The area would therefore be very unlikely to achieve a grassland enhancement on-site and would not be possible for use as a reptile receptor area.

It is currently not clear that the stated biodiversity net gain is achievable. They do not consider the stated 17.85% biodiversity net gain a valid reflection of the biodiversity changes to the site post-construction.

Reptiles

The submitted information indicates that mitigation/compensation is required for populations of reptiles (slow worm and common lizard) found using suitable vegetation around the edges of the site. According to the preliminary ecological appraisal carried out in September 2023, there appears to be suitable vegetation along the western, southern and eastern boundaries (scrub and longer grassland).

From reviewing proposals, the current planting plan is not suitable for the retention of reptiles on-site and should not be approved as part of the planning permission, if granted. However, there are opportunities to retain and create reptile habitat to the south and east of the site. The habitat retained/created for reptiles should be long, tussocky grassland and scrub. The grassland should be cut on a three-to-five-year rotation, with no more than one third of the grassland/scrub cut in any one year.

As part of proposals, and in line with the recommendations set out in the submitted reptile survey report, suitable habitat should be retained as far as possible and protected during construction, then managed into the future for the benefit of reptiles. If suitable reptile habitat needs to be removed to facilitate the development, then compensatory habitat should be provided elsewhere on the site. If reptiles cannot be retained on-site, then an off-site receptor site may need to be considered.

Following further discussions and the receipt of an amended plan and reptile report **KCC Ecology** have suggested conditions to ensure that the reptiles are protected during and following construction and that long term biodiversity enhancements are secured on the site. Subject to these conditions they have no objection.

Environment Agency reiterate their previous response.

Sport England have advised that following the Department for Education (as applicant) and Parallel Learning Trust (as school operator) agreement to enter into a community use agreement (CUA) that would facilitate the extended use outside of school hours of the MUGA, playing field, sports hall and changing rooms forming part of the proposed development, that they welcome the offer of the community use agreement. However, that on its own does not meet any of the tests in paragraph set out 103 of the National Planning Policy Framework for the loss of playing field. Nor does it on its own satisfy our planning policy exceptions. That said they would urge Medway planning authority to attach a community use condition should it decide to grant planning permission.

If there were off-site contributions towards addressing one or more items on the playing pitch strategy action plan, then they could reconsider their position.

Unfortunately, despite there being the need for the school, they have no flexibility within the NPPF as currently worded to do anything but object to this application.

Given the above, Sport England maintains a statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

Should the local planning authority be minded to approve this application contrary to Sport England's statutory objection, then the Town and Country Planning (Consultation) (England) Direction 2021 requires the application to be referred to the Secretary of State, via the National Planning Casework Unit.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2023 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Background and Principle

The proposed scheme comprises an educational use as a SEND school. The project is a Department of Education (DfE) funded scheme for Inspire Free School.

Inspire Special Free School is currently in temporary accommodation on an existing site in Chatham, where it opened in September 2014. It is currently a special school for pupils with SEMH problems aged 11-18. The existing temporary building is reaching the end of its useful life. Medway Councils need for this type of schooling currently cannot be met within its own area. The current lack of SEMH and ASD places is resulting in Medway pupils having to travel outside the area at a cost to Medway Council. This also increases SEND transport costs as well as causing very high journey time for pupils. A new school will provide the much-needed close working environment between home and school possible.

The proposed scheme falls inside the urban area of Gillingham, but within an area allocated in the Local Plan for cemetery extension under policy CF8. This policy states that the land at Cornwallis Avenue, Gillingham, as defined on the proposals map, is allocated for an extension to the existing cemetery and not for any other purpose. In normal circumstances the proposal would in principle be unacceptable due to the proposed use being contrary to policy CF8. However, due to the age of the Local Plan there is a requirement to reassess the need for which Policy CF8 was created. Therefore, in this instance if a reduction in the need for the cemetery extension has been created then part of the site could be released for other uses. In 2017 Medway Council Bereavement & Registration Services undertook a reassessment of the need for cemetery space. The resulting findings calculated that a proportion of the site covered by CF8 could be released as long as some was retained for cemetery usage. Therefore, in principle the site could be developed as long as the area assessed to be

required is retained. An area to the north of the proposed site will be retained by the Council which could be used for this purpose.

The NPPF outlines the importance of maintaining access to a network of high-quality open spaces to maximise the opportunities for sport and physical activity, which is considered important for the health and well-being of communities and can deliver wider benefits for nature, whilst supporting efforts to address climate change (Paragraph 102). To this end, existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use (Paragraph 103).

Historically, the wider site has been used as playing fields. The Playing Pitch Strategy (PPS) was undertaken in 2018-19, at that time, only the northern area of the site was being used for football by Rainham Eagles youth team (outside the red line boundary), the site the subject of this application is currently used for informal dog walking and in the past has been used periodically as a venue for boot fairs.

The youth club (Rainham Eagles) who used the pitch to the north of the field have since relocated to another site in 2019 at Rookery Fields (off Woodlands Road, Gillingham). At the time of the PPS, Rookery Fields was not being used for football and was not included in the assessment. So, it could be considered that an alternative pitch has been created.

In addition, any sports use has only been permitted on a temporary basis based on the allocation in the Local Plan for a cemetery extension. If a need for the cemetery extension had come forward, any sports or leisure use of the field would have needed to cease in compliance with that Policy.

Sport England have, however, raised a statutory objection to the application because it is not considered to accord with any of the exceptions to their Playing Fields Policy or paragraph 103 of the NPPF.

The proposed new school would be providing a new 7 a-side grass pitch and a ballcourt/MUGA. During the course of the application the Department for Education (as applicant) and Parallel Learning Trust (as school operator) have agreed to enter into a community use agreement (CUA) that would facilitate the extended use outside of school hours of the MUGA, playing field, sports hall and changing rooms forming part of the proposed development. The details of the pricing policy, hours of use, access by non-educational establishment users and general management responsibilities can be secured under the terms of the CUA pursuant to the recommended planning condition.

Despite this agreement Sport England still object because the applicants have not provided suitable mitigation in line with the adopted playing strategy, which would meet their planning policy exception E4 and the NPPF paragraph 103 bullet point 2 (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). The Department for Education are not agreeable to the request for an off-site sports pitch uplift, as such should the Local Planning Authority be minded to approve this application contrary to Sport England's statutory objection, the Town and Country Planning (Consultation) (England) Direction 2021 requires the application to be referred to the Secretary of State, via the National Planning Casework Unit.

In this respect it should also be restated that any sports use on site has only been permitted on a temporary basis based on the allocation in the Local Plan for a cemetery extension. If a need for the cemetery extension had come forward, any sports or leisure use of the field would have needed to cease in compliance with Policy CF8.

Policy CF7 (Further and Higher Education) in the preamble states that facilities should be provided in readily accessible locations, it highlights town centres, in particular Chatham. Due to the nature of this school with pupils coming from all parts of Medway and being largely bused in or brought in by taxi, it is considered the location is acceptable.

Paragraph 10 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 Planning policies and decisions should aim to achieve healthy, inclusive and safe places and requires planning to "take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community...ensure an integrated approach to considering the location of ...community facilities and services" (paragraph 97).

More specific support for the principle of proposed new schools can be found in paragraph 99 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 proactive, 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 school promoters to identify and resolve key planning issues before applications are submitted.

Despite the concern raised by Sport England it is considered that the temporary nature of the leisure uses that have existed on site due to the Local Plan policy, along with the CUA that has been agreed by the applicants (and subject to condition), together with the extreme demand for this type of school in Medway, that the benefits outweigh the loss of the historic and temporary use of the land as a playing pitch and the principle of the change of use of the land for use by a SEND school is considered to be acceptable.

Layout and Design

The NPPF attaches great importance to the design of the built environment. Paragraphs 131 and 135 of the NPPF emphasise the importance of good design and Policy BNE1 of the Local Plan is a general, criteria-based policy for all development.

It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

The site, is approximately 1.6 hectares in size, forming the southern half of a green field site.

The site is bounded by Cornwallis Avenue to the South and the dual carriageway of Yokosuka Way to the East. There is a fairly continuous tree line along both of these sides. It is bounded to the West by Woodland's cemetery, which also has several trees along its boundary.

The site itself is green open land and slopes down from the southwest corner to northeast corner with a drop of around 8m. The site is entered by a gate for pedestrians and gate for maintenance vehicles, located off Cornwallis Avenue.

The building layout has been developed in conjunction with the DfE and the Inspire Academy. They required the building to encompass the following main principles:

- 1) The building is divided into three clear sections – general teaching blocks for the ASD and SEMH parts of the school at each end with the facilities shared between the two (sports, main hall, dining, specialist teaching) situated between the ASD and SEMH parts of the school. The three zones are separated by access control so that movement between them is managed by staff.
- 2) The ground floor part of the central area contains facilities that could be used by the community, i.e. sports (including the MUGA), main hall, dining hall, parents' room and rooms for consultation.
- 3) There should be a main entrance for shared and community uses and separate pupil entrances for the ASD and SEMH blocks.
- 4) Dead end corridors and hidden corners present a safeguarding risk and, therefore, all teaching rooms should be off one main corridor.
- 5) There should be a staff presence in each of the separate blocks on each floor.
- 6) The ground floor classrooms should all have enclosed outdoor teaching space.

The building has been developed using these principles and utilises an L-shape configuration which enables the building to fit neatly onto the site and generates a relatively sheltered outdoor area for a sensory garden and external dining.

The building has been orientated so that there are relatively few south facing classrooms. The three main entrances all have lobbies with access control, waiting areas and adjacent staff areas to ensure supervision.

The main entrance, controlled from the reception desk, is used by visitors and for community access. The SEMH and ASD entrances are for pupil access at the start and end of the school day.

There are three staircases, which serve the three parts of the building, with the central stair having a wheelchair accessible lift.

The internal floors are all on one level with no ramps within the building.

The sports hall has male and female changing rooms as well as a separate wheelchair accessible changing rooms. The changing rooms also provide direct access to the MUGA through the SEMH play area.

The facade materials have been chosen to meet the DfE brief for schools both in terms of cost and robustness. In particular, a highly robust material is required at ground floor level. For this reason, the ground floor level is proposed to be clad in concrete bricks, whilst the first floor is clad in a cladding system comprising of different coloured panels that are fire resistant. The colours chosen to depict the different areas of the school - ASD area, SEMH area and shared areas.

The windows are in a light grey that complements both the brick and cladding.

The site is positioned between brick residential buildings to the north and west and clad industrial buildings to the east. As such the choice of materials is considered acceptable and will provide a link between the two.

To make the main entrance more prominent striped panels will be used in alternating colours to direct the eye to the entrance, together with the introduction of an entrance canopy that is a larger solid bespoke item, utilizing a blue glazed brick surround to the entrance doors and forming a pattern in the paving from dark grey slabs to direct the eye to the entrance.

The nature of the building has dictated a large solid mass. However, due to the location of the building within the site, the use of materials and soft landscaping it is considered to be an acceptable development.

The use of 3m high fencing around the site is unfortunate especially the acoustic fence along Yokosuka Way. However, due to the nature of the end users this is entirely appropriate to maintain the safety of the pupils. Where possible soft landscaping has been used to try and soften the appearance and as such it is considered acceptable within this very special project.

Soft landscape has been proposed throughout the site, which is welcomed. However, it is considered that proposed tree planting does not comply with best practice due to the close spacing of trees. This is likely to lead to long term problems with viability due to the canopy spread at maturity which may restrict some of the smaller stature trees from flourishing due to over shadowing from the larger trees. A condition requiring further landscape details to be submitted is recommended to ensure that a scheme is achieved that will be successful in the long term.

While it would have reduced the bulk on the roof to place the plant on the ground level it is acknowledged that it needs to be placed out of reach of pupils. Due to its size the plant will have a presence on the roof. However, through the use climbing plants in planting beds to the external faces of the plant, this aspect is considered acceptable.

The flat roof also incorporates a green roof and solar PV array to maximise the overall sustainability and energy resilience credentials of the proposed development.

The siting of the bin store, sprinkler tank and sub-station are not attractive features, but it is understood that their location on the site is one of functional need. Where possible they have been screened with soft landscaping which will go a long way to help screen them.

The site and type of development has a number of development constraints which have led to the location and design of the building, this is acknowledged and on balance the development of the site in this manner is considered to be acceptable and in accordance with the provisions of Policy BNE1 of the Local Plan and Paragraphs 130 and 135 of the NPPF.

Amenity

Policy BNE2 of the Local Plan requires all development to protect those amenities enjoyed by nearby and adjacent properties. It states that the design of development, should have regard to: (i) privacy, daylight, and sunlight; and (ii) noise, vibration, light, heat, smell and airborne emissions consisting of fumes, smoke, soot, ash, dust and grit; and (iii) activity levels and traffic generation.

The site is bounded to the North by a large area of green space, to the South by Cornwallis Avenue, to the East by Yokosuka Way and to the West by Woodland's cemetery and an area of amenity grass land. To the West of this grass land are residential houses that front onto Cornwallis Avenue. The closest residential property is some 30m away from the site boundary and in excess of 75m from the school building itself. Due to the distances involved it is considered that there would be no new issues with regard to loss of daylight, privacy, sunlight or outlook.

There will be additional vehicle movements along the proposed access road into the site which could create additional noise and disturbance to the residents adjacent to the site. However, it should be noted that these residential properties already front onto a busy road which itself creates noise and disturbance, while the proposed movement will be limited to certain times of the day, week and year. As such the amenity impact of the use of the new access is not considered to be so significant as to refuse the application.

The construction of the development will have an impact on the surrounding properties. In order to reduce the potential for nuisance caused by works a Construction Environmental Management Plan condition is recommended. Subject to this condition no objection is raised, and the application is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 135(f) of the NPPF.

Noise

To ensure that the use of the MUGA/grass pitch does not create issues with regard to noise appropriate conditions are recommended.

The noise modelling undertaken for the assessment of noise from the MUGA, and grass pitch includes a 3m acoustic barrier on the eastern perimeter of the site, with a specification provided for the construction. A condition is recommended requiring further details of the acoustic barrier specification.

With the acoustic barrier in place, it is predicted that average noise levels at noise sensitive properties will be comfortably below the World Health Organisation (WHO) guidelines, and there should be no increase to current noise levels.

The noise assessment has considered transient noise impacts, such as from whistles and ball impacts. To control ball impact noise on the fence surrounding the MUGA it is recommended that resilient neoprene isolators are located between panels and posts, and an appropriate condition is recommended.

The assessment of noise from the ADS playground has predicted noise levels well below the WHO guidelines and there should be no increase to current noise levels.

The modelling of vehicles accessing the site also shows that predicted levels are likely to be below the WHO guidelines with no increase on current noise levels.

In order to control noise from mechanical plant on the school site, a condition is recommended.

Subject to these conditions no objection is raised with regard to Policy BNE2 of the Local Plan and paragraph 135(f) of the NPPF.

Air Quality

In accordance with the Medway Air Quality Planning Guidance, a condition is recommended requiring the submission of an Air Quality Emissions Mitigation Statement providing details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. Subject to this condition the application is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 192 of the NPPF.

Contamination

This site has been the subject of a previous application (MC/19/0140) and a Phase 1 & 2 Geo-Environmental Assessment by Ecologia (Ref. EES 18.335.1 Dated 21 December 2018) was carried out. A further Phase 2 Ground Investigation Report has been submitted (Curtins Consulting Ltd January 2024) as part of this application which is in line with current guidance. Based on the results of the investigations, it is considered that land contamination remediation is not required, and the application is considered to be in accordance with Policy BNE23 of the Local Plan and paragraph 189 of the NPPF.

Trees

The NPPF outlines the important role of trees in contributing to the character and quality of urban environments and helping mitigate and adapting to climate change.

Planning policies and decision-making is expected to ensure that opportunities are taken to incorporate trees in new developments and that existing trees are retained wherever possible (NPPF136).

Policy BNE43 of the Medway Local Plan advises that development should seek to retain trees, woodlands and hedgerows and other landscape features that provide a valuable contribution to local character.

The tree survey recorded a total of 24 trees and 7 tree groups overall, with the majority located beyond the red line boundary of the proposed development site and adjacent to the west, south and east site boundaries. None of these trees are subject to a TPO. 4 of the identified tree groups have been classified as Category B (with the remaining Category C). 18 of the individual trees have been classified as Category B (with the remaining either Categories C or U).

5 trees would need to be removed to facilitate the proposed development (referenced T1, T2, T13, T19 & T21 on the Tree Constraints Plan and comprising 2 x Category B, 2 x Category C and 1 x Category U trees). 1 tree group (G07 – Category C) would similarly need to be removed.

11 trees and 5 tree groups/hedges would have incursions into their respective root protection areas, requiring the installation of a cellular confinement system or other no-dig engineered system to minimise impact according to more detailed site investigation.

10 trees would require pruning as would 5 tree groups/hedges.

The identified impacts are largely dictated by a need to facilitate the construction of the new vehicular means of access into the site and the erection of an acoustic fence along the eastern boundary.

To compensate for the loss of the trees, new trees are proposed to be planted on the site and an appropriate condition to secure this is recommended. To ensure that the retained trees are protected during construction a condition requiring the submission of a revised Arboricultural Impact Assessment, a revised Arboricultural Method Statement and a Tree Protection Plan is recommended.

Subject to these conditions it is considered that the proposed development would not have an unacceptable tree impact subject to appropriate mitigation and tree protection measures in accordance with Policy BNE43 of the Local Plan.

Ecology

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system. As such, and based on the information and details submitted, KCC ecology recommend conditions with regard to a construction ecological management plan; and for an ecological design strategy, including landscape and ecological management plan and updated soft landscaping plan(s) with planting schedule(s).

Reptiles - Reptiles are protected through the Wildlife and Countryside Act 1981 (as amended). All British reptiles are also listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006) and Local Planning Authorities are required to have regard for the conservation of Section 41 species (priority species) as part of planning decisions under their biodiversity duty. Paragraph 84 of the ODPM Circular 06/2005 states that "...The potential effects of a development, on habitats or species listed as priorities... ...are capable of being a material consideration in the ... making of planning decisions".

As part of proposals, and in line with the recommendations set out in the submitted reptile survey report, suitable habitat should be retained as far as possible and protected during construction and managed into the future for the benefit of reptiles. An area is shown on the proposed plans to be retained for reptiles and this will be secured by condition.

Lighting and Biodiversity - Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individual bats. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF.

The boundaries of the site have suitability for commuting and foraging bats and provide a link to habitats in the surrounds. Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night' (or subsequent updates) should be consulted in the lighting design of the development.

An appropriate condition is recommended to secure sensitive lighting designed for biodiversity.

The application came in prior to 12 February 2024 when Biodiversity Net Gain became mandatory. However, the submitted information indicates that a biodiversity net gain in line with the NPPF is possible and biodiversity enhancements have been shown on the plans. To ensure successful establishment and retention of the proposed enhancements through appropriate long-term management and monitoring, a condition is recommended for a Landscape, Ecological and Monitoring Plan (LEMP). The LEMP will show how management will ensure that the proposed habitat types and target condition values are to be achieved and maintained.

Subject to the imposition of the recommended conditions the application is considered acceptable and in accordance with Policy BNE39 of the Local Plan and paragraphs 180 and 186 of the NPPF.

Flood Risk

The site is within Flood Zones 1 (Low Risk) according to the Environment Agency Mapping.

Paragraph 80 presents a hierarchy of drainage options to follow with the aim being to discharge surface runoff as high up the hierarchy as possible. This is also reiterated within Part H of the Building Regulations. The options are:

- 1 Into the ground.
- 2 To a surface body.
- 3 To a surface water sewer, highway drain, or another drainage system.
- 4 To a combined sewer.

This is reflected also of Part H3 of (Part H) of the Building Regulations.

As shown within the submitted documents the proposed strategy includes attenuation storage and unrestricted infiltration into the strata.

It is recommended that the use of rainwater harvesting, grey water recycling and water butts are utilised where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies. Permeable paving should be utilised on the site where practicable. Conditions are recommended to secure details of a SUDs scheme and a Construction Surface Water Management Plan.

Subject to these conditions the application is considered to be in accordance with Policy CF13 of the Local Plan and paragraphs 165 and 166 of the NPPF.

Access and Parking

A new 6m wide access road from Cornwallis Avenue School is proposed, running along the western boundary of the site via a new bell mouth junction (left turn egress only). The visibility splays at the proposed junction have been produced based on the acceptable Manual for Streets requirements for roads with a 30mph speed limit. Automatic Traffic Count surveys on Cornwallis Avenue outside the proposed school confirmed the existing average vehicle speeds on the road to be 28.3mph.

The access road leads to the proposed internal gate access point and a separate access to a substation. A 3m wide footway will also be provided along the eastern side of the access road.

The proposed access design should be undertaken through a Section 278 agreement and the on-site access road undertaken through Section 38 agreement, with a view to it becoming publicly adoptable highway, both of these are recommended to be a condition.

Road Safety Audit – A Stage 1 Road Safety Audit (RSA1) has been submitted which identified a number of recommendations in relation to the Preliminary Highway Design resulting in the following amendments to the scheme:

- Cornwallis Avenue bus stop has been partially inset to improve the eastbound traffic alignment and improve visibility to the signalised crossing.
- The visibility splays have been checked to confirm that the existing parking bays are not affected.

- 'School keep clear' markings and associated signage have been added.
- Blister tactile paving added to indicate the proposed pedestrian crossing point at the access.
- Corduroy tactile paving and 'Cyclists dismount' signage added to illustrate how the extended footway will connect with the segregated cycleway route.
- 'No through road' signage added at the junction with Cornwallis Avenue.

Several discussions have taken place regarding the relocation of the existing eastbound bus stop on Cornwallis Avenue. The latest proposal includes the bus stop relocated to the east, with a partial inset to improve the eastbound traffic alignment and improve visibility to the signalised crossing. This arrangement enables the trees to be retained. The bus stop relocation will require a new raised bus boarder kerb installed, pole, flag and timetable case should be moved, this will need to be achieved as part of the S278.

Parking – A total of 116 parking spaces are provided within the on-site car park, including 106 regular parking spaces, 6 disabled parking spaces and 4 minibus spaces. A total of 12 Sheffield stands (accommodating 24 bikes) to the west of the school building is proposed.

The preliminary assessment indicates that on-site parking demand will be highest between 08:30 – 09:15 and 15:30 – 16:00, during the drop-off and pick-up periods. The car park is designed to accommodate 112 vehicles within parking bays, however, there is also stacking capacity for 74 vehicles on the spine roads. Therefore, based on available stacking capacity, it is considered that there will be sufficient capacity to accommodate the additional demand that arises during pupil drop-off/pick-up.

Trip Generation – Given the nature of the proposed school, it is anticipated that no pupils will arrive by active travel modes or public transport. Pupil drop-off/pick-up would be undertaken by a combination of taxis, cars, and minibuses. The proposal will generate a total demand for 88 vehicles during pupil drop-off and pick-up times which will need to be accommodated on-site. It is expected that 90% (144) of pupils will arrive by taxi, with 10% (16) by parent/carer car, with no minibus service provided for this purpose. On the basis that average taxi/private hire vehicle occupancy is for two pupils per vehicle, the forecast vehicle demand equates to 72 vehicles. Given an average occupancy of one pupil per parent/carer vehicle, the forecast vehicle demand equates to 16 vehicles.

The majority of staff are forecast to travel by car as a driver (64%), therefore generating demand for 69 vehicles to be accommodated within the staff car park, based on FTE staff numbers. The majority of remaining trips are likely to be undertaken by active travel modes (24%).

The school will generate a peak daily demand for 197 vehicles associated with staff (69 vehicles), pupil drop-off/pick-up (88 vehicles) and visitors (40 vehicles).

Junction modelling has been undertaken of the proposed bell mouth junction and Cornwallis Roundabout. The results indicate that both junctions have capacity to accommodate the proposal. However, it is noted in the modelling assessment that the Beechings Way arm of the Cornwallis Roundabout operates at capacity during the AM

peak period-only (with and without the development) and operates suitably below capacity in all other scenarios. This indicates that the proposed development would not lead to a significant impact of the highway network.

Travel Plan – Due to the specialist nature of the school, it is anticipated that the majority of pupils will arrive to school by car or taxi/ private hire vehicle. However, it is noted that there are good walking and cycling facilities in proximity to the site to encourage the uptake of active travel by staff and visitors. In addition, three bus services are available near the site as well as Gillingham Station which is accessible via bus. This will facilitate travel to the school by non-car modes for staff and visitors.

The NPPF has put sustainable development as a central core and Paragraph 116E outlines that development should provide electric charging facilities and an appropriate condition is recommended.

For the reasons above the proposal is not considered to conflict with Policies T1 and T13 of the Local Plan, or paragraph 115 of the NPPF.

Archaeology

The desk-based assessment notes that the proposed development site is located in an area where Prehistoric and Romano-British archaeological remains have previously been recorded. The applicant's assessment suggests that there is a low potential for further archaeology of this date to extend into the application site. However, it is suggested that the site's potential is greater than the assessment contends. It is considered that the site has the potential to contain buried remains associated with WW2 anti-invasion defences which once ran between Woodlands Redoubt to the north-east and Fort Darland to the south-west. Also, in addition to the WW2 anti-aircraft battery identified by the assessment to the east of the site, there was also the site of a WW2 rocket battery just to the south. It is possible that ancillary structures associated with these batteries extend into the proposed development site. Furthermore, there may be evidence for earlier military practice trenching at the site. Nevertheless, it is agreed that the significance of any archaeology that might be present is unlikely to be of a level sufficient to prevent development of the site. It is, therefore, considered that a programme of archaeological works is secured by means of an appropriately worded planning condition.

Subject to this condition the application is considered to be in accordance with Policy BNE21 of the Local Plan.

Climate Change and Energy Efficiency

The project is required to comply with the DfE Net Zero Carbon in Operation requirements equalling 52kWh/m² for an SEN school and includes the following elements:

- Ventilation via a hybrid mixed-mode ventilation system consisting of a passive cross ventilation combined with local mechanical ventilation and heat recovery. The combined strategy would offer energy savings during winter whilst maximising ventilation during summer to limit internal temperature and mitigate

the risk of summertime overheating.

- Air Source Heat Pumps placed on the roof of the building.
- A green roof will be used throughout.
- The proposed development has a PV array designed to maximise the roof area as much as feasibly possible.
- Initial calculations indicate that the roof can accommodate circa 600m² of PVs which equates to approximately 35kWh/m² of yield, resulting in a shortfall of 17kWh/m² to achieve NZCiO. The additional 17kWh/m² required to achieve NZCiO will be located on an array placed on a canopy over the central reservation in the car park.
- Windcatchers to provide ventilation to the main hall and sports hall.

A condition is recommended to ensure that the measures set out above are included in the development. Subject to this condition the development is considered to be in accordance with paragraph 159 of the NPPF.

Local Finance Considerations

There are no local finance considerations due to the extent of works proposed.

Conclusions and Reasons for Approval

Due to the great need for this type of school in Medway, the highly sustainable location, together with the support in both local and national policy. it is considered that the need for the development and the public benefits that would result outweigh the objection from Sport England.

The plans show a high-quality building set amongst soft landscaping that enhances the setting and ensures that it fits into the site without causing demonstrable harm to the character of the local area, amenity or issues with regard to the highway network and as such is in accordance with Policies in the Local Plan and the NPPF.

It is therefore recommended that planning permission is granted subject to conditions and referral to the Secretary of State.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the objection from Sport England expressing a view contrary to the recommendation.

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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>