



Ministry of Housing,
Communities &
Local Government

Our ref: APP/U2235/W/17/3185916

Halah Al-Zamel
Trowers & Hamlins LLP
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London
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24 September 2018

Hal-Zamel@trowers.com

Dear Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY BAM CONSTRUCTION LTD
LAND AT VALLEY PARK SCHOOL, OFF NEW CUT ROAD, MAIDSTONE
APPLICATION REF: 17/501471**

1. I am directed by the Secretary of State to say that consideration has been given to the report of John Felgate BA(Hons) MA MRTPI who held a public local inquiry on 22 May 2018 into your client's appeal against the failure of Maidstone Borough Council to determine your application for planning permission for a 3 storey secondary school, with associated access, car parking and landscaping in accordance with application ref: 17/501471 dated 13 March 2017.
2. On 14 November 2017, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted, subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and agrees with his recommendation. He has decided to grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

4. On 27 July 2018 the Secretary of State wrote to the main parties to afford them an opportunity to comment on the publication of the new National Planning Policy Framework along with associated guidance on 24 July 2018. Responses were received from your Company on 2 August 2018 and from Maidstone Borough Council on 3 August 2018. These responses were circulated to the main parties on 6 August 2018. Copies of all correspondence referred to above may be obtained on written request to the address below.

Ministry of Housing, Communities & Local Government
Jean Nowak, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

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Policy and statutory considerations

5. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
6. In this case the development plan consists of the Maidstone Borough Local Plan (2017) (MBLP). The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR20-21.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Planning For Schools Development Written Ministerial Statement of August 2011. The revised National Planning Policy Framework was published on 24 July 2018, and unless otherwise specified, any references to the Framework in this letter are to the revised Framework.

Main issues

Traffic, parking and highway safety

8. The Secretary of State has considered the Inspector's consideration of the effects on traffic, parking and highways safety in IR84-90, and agrees with the Inspector's conclusions in IR89-90 that although the development would give rise to some minor local impacts, this would not amount to significant harm.

Effects on the former Vinters parkland

9. The Secretary of State notes that a small part of the application site together with the neighbouring Vinters Valley Nature Reserve were both included in the landscaped grounds of the former 'Vinters' manor house. This parkland was redesigned in the 18th Century by the renowned landscape architect Humphry Repton. For the reasons given in IR91-93, the Secretary of State agrees with the Inspector's conclusion in IR93 that the development would not adversely affect any historic parkland or other historic asset.

Landscape

10. The Secretary of State has carefully considered the Inspector's analysis in IR94-99 on the value of, and potential impact of the proposal on, trees. He agrees with the Inspector's conclusion in IR98-99 that the proposal does not conflict with MBLP Policies DM1 or DM3, and that the loss of trees would cause some harm which carries moderate weight against the development.

Ecology

11. For the reasons given in IR100-105, the Secretary of State agrees with the Inspector's conclusion in IR105 that overall, no significant harm to ecology or biodiversity would result from the proposed development.

Planning conditions

12. The Secretary of State has given consideration to the Inspector's analysis in IR109-135, the recommended conditions set out at the end of the IR and the reasons for them, and

to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex A should form part of his decision.

Planning balance and overall conclusion

13. For the reasons given above, the Secretary of State considers that the appeal scheme is in accordance with policies SP1 and DM20 and with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
14. The Secretary of State considers that the loss of trees would cause harm to the area's character and appearance, and that this harm attracts moderate weight against the proposal. He nevertheless considers that the need for the new school attracts significant weight in favour of the proposals, and that the proposed development's accordance with the development plan is not outweighed by other material considerations.

Formal decision

15. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex A of this decision letter for a 3 storey secondary school, with associated access, car parking and landscaping in accordance with application ref: 17/501471 dated 13 March 2017.
16. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

17. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
18. A copy of this letter has been sent to Maidstone Borough Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Except where these conditions require otherwise, the development shall be carried out in accordance with the plans hereby approved, as listed in the attached Schedule.
3. The premises shall be used for a school and for no other purpose, including any other purposes in Class D1 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
4. (i) No existing tree or hedge on the site shall be cut down, uprooted or destroyed, nor topped or lopped, other than in accordance with the details shown on the approved Tree Protection Plan, No TPP001 (sheets 3a and 3b) and listed in Appendix 3 of the 'Arboricultural Implications Assessment and Method Statement', by Thomson Ecology, dated March 2017. All other existing trees and hedges within the site shall be retained.

(ii) No development shall take place, and no equipment, machinery or materials shall be brought on to the site, until protective fencing has been installed around the trees and hedges to be retained, in accordance with Section 4.7 and Appendices 4 and 5 of the above-mentioned Arboricultural report. During the course of development, nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written approval of the Local Planning Authority. The protective fencing thus erected shall be kept in place until all equipment, machinery and materials have been removed from the site.

(iii) If, during the course of development or within 5 years from its first occupation, any retained tree or section of hedge is removed, destroyed or dies, it shall be replaced with a new tree or hedge, of a size and type to be approved in writing by the local planning authority.
5. No excavation or construction works shall take place within 5 metres from the Root Protection Area (RPA) of any retained tree, as defined on the approved Tree Protection Plan, No TPP001 (sheets 3a and 3b), until a Construction Method Statement for those works has been submitted to the Local Planning Authority and approved in writing. Thereafter, all such works within 5 metres of any RPA shall be carried out in accordance with the approved Construction Method Statement.
6. All tree felling operations permitted by these conditions shall be carried out using a 'soft fell' technique, in which sections of each tree will be removed in stages and lowered gently, and the felled sections shall then be left on the ground for at least 24 hours before being cut up or removed. All of these operations shall be carried out under the watching brief of a licenced ecologist.
7. The external surfaces of the new school building shall be constructed in accordance with the materials shown on the submitted schedule entitled External Finishes (Appendix 24 to Ms Fitzgerald's proof of evidence).
8. (i) Notwithstanding the submitted plans and details, no development shall take place until a detailed scheme of sustainable surface water drainage has been submitted to the local planning authority and approved in writing. The scheme shall demonstrate that the surface water generated by this development can be accommodated and disposed of at a rate not exceeding 3.9l/s, and that any pollution risk to receiving waters can be adequately managed. The scheme shall also include details of the proposed arrangements for the management and maintenance of the drainage system for the lifetime of the development.

- (ii) The development shall not be brought into use until the drainage system thus approved has been installed and is ready for use. Thereafter, the drainage system shall be managed and maintained in accordance with the approved details.
9. (i) Hard and soft landscaping shall be provided within the site in accordance with the following approved plans and schedules:
- General Arrangement – LP2073-FIRA-LA-WS-L-90-01 Rev K
 - Landscape Planting Plan - LP2073-FIRA-LA-WS-L-93-03 (Rev C)
 - Tree Schedule - LP2073-LA-SCH-L-90-01-Rev D
 - Shrub and Bulb Schedule - LP2073-LA-SCH-L-90-02-Rev C
 - Woodland Matrix Schedule - LP2073-LA-SCH-L-90-03-Rev B
- (ii) The development shall not be brought into use until:
- all of the proposed areas of paving, tarmac and other hard surfacing, including all proposed pathways, footways, cycleways and vehicular routes, have been completed in accordance with these approved details; and
 - a timetable for the implementation of all other landscaping works has been submitted to the local planning authority and approved in writing.
- (iii) The landscaped areas shall thereafter be managed and maintained in accordance with the submitted '25-Year Landscape Management Plan and Grounds Maintenance' (Revision A), dated 13 April 2018.
- (iv) Within a period of five years from the completion of the landscaping works, any tree or plant which dies or is removed, or becomes seriously damaged or diseased, and any seeding or turfing which fails to establish, shall be replaced in the next planting season with others of the same specification.
10. (i) Notwithstanding the submitted plans and details, no external lighting shall be installed anywhere on the site, except in accordance with a detailed lighting scheme, to be submitted to the local planning authority and approved in writing. The lighting scheme shall demonstrate that any impact on bats or other wildlife will be minimised.
- (ii) All external lighting shall be switched off between the hours of 22:00 – 07.00 hours on any day.
11. The new school shall not be brought into use until cycle parking facilities have been installed for 100 bicycles, with provision for future expansion to 180 bicycles, in accordance with Plan No. LP2073-FIRA-D1-ST-D-LA-D7. The cycle parking facilities thus installed shall be kept available for use by staff and pupils, and shall thereafter be retained throughout the life of the development.
12. The new school shall not be brought into use until the proposed car parking and drop-off/pick-up spaces have been constructed, in accordance with the approved General Arrangement Plan, No. LP2073-FIRA-LA-WS-L-90-01 Rev K. These parking and drop-off/pick-up facilities shall be kept available for use by staff and visitors, and shall thereafter be retained throughout the life of the development.
13. The new school shall not be brought into use until an electric vehicle charging point has been installed, in accordance with the details submitted in Appendix 35 to Ms Fitzgerald's proof of evidence. The charging point shall thereafter be kept available for use by staff and visitors, and shall be retained throughout the life of the development.
14. No oils, fuels or chemicals shall be stored at the site unless sited on an impervious base and surrounded by impervious bund walls, in accordance with details to be submitted to the local planning authority and approved in writing. Any such proposals should provide for the bunded area to have a capacity equal to at least 110% of the total volume of the stored materials.
15. The development shall incorporate the ecological enhancement measures shown on Plan No. LP2073-FIRA-LA-WS-L-90-09 Rev A. The new school shall not be brought into use until a timetable for the

implementation of these ecological measures has been submitted to the local planning authority and approved in writing. Thereafter, the said ecological measures shall be carried out in accordance with the approved details and timetable, and shall be retained throughout the life of the development.

16. The new school shall not be brought into use until a scheme for community use of the retained playing fields has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by a range of users, management responsibilities and a mechanism for review. The playing fields shall be made available for community use in accordance with the approved scheme, and the scheme shall be adhered to throughout the life of the development.
17. (i) The new school shall not be brought into use until the following facilities have been constructed and made available for use by pupils of the new school:
 - the first six courts of the sports hall permitted by planning permission 13/1687;
 - the access road and car parking to serve the permitted sports hall, and the replacement tennis court and long jump facility, all as shown on the approved Block Plan, No LP2073-FIRA-LA-WS-L-90-03.(ii) Thereafter these facilities shall be retained, and the sports hall, tennis court and long jump facility kept available for use by pupils, throughout the life of the development hereby permitted.
18. The new school shall not be brought into use until the proposed new access onto New Cut Road, together with the associated new roundabout junction and pedestrian crossing, and related highway works, have been provided in accordance with the following plans:
 - Stage 1 Roundabout Design Plan - 11408-H-01 Rev P3
 - Stage 1 Roundabout Design Proposed Geometry Plan - 11408-H-02 Rev P3
19. The new school shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation, provision for monitoring, review and improvement, and be based on the principles contained within the 'Interim Travel Plan' by DHA Transport, dated June 2017. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.



Report to the Secretary of State for Housing, Communities and Local Government

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date 19 June 2018

TOWN & COUNTRY PLANNING ACT 1990

MAIDSTONE BOROUGH COUNCIL

APPEAL BY BAM CONSTRUCTION LIMITED

PROPOSED NEW SECONDARY SCHOOL

AT NEW CUT ROAD, MAIDSTONE

Inquiry Held on 22 May 2018; and site visit carried out on 23 May 2018

Land at Valley Park School, off New Cut Road, Maidstone

File Ref: APP/U2235/W/17/3185916

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ABBREVIATIONS USED IN THIS REPORT

ADC	Appellants' Draft Condition
BPC	Boxley Parish Council
CD	Core Document
CDC	Council's Draft Condition
DfE	Department for Education
DoA	Deed of Agreement
EIA	Environmental Impact Assessment
ESFA	Education and Skills Funding Agency
FE	Form Entry
HE	Highways England
IDP	Infrastructure Delivery Plan
IRC	Inspector's recommended Condition
KCC	Kent County Council
MBC	Maidstone Borough Council
MBLP	Maidstone Borough Local Plan
MOVA	Microprocessor Optimised Vehicle Actuation
MSST	Maidstone School of Science and Technology
NE	Natural England
NPPF	National Planning Policy Framework
PINS	The Planning Inspectorate
RPA	Root Protection Area
SoS	Secretary of State (for Housing, Communities and Local Government)
SE	Sport England
TA	Transport Assessment
TP	Travel Plan
TPO	Tree Preservation Order
TRO	Traffic Regulation Order
UTC	Urban Traffic Control
VIAT	Valley Invicta Academies Trust
WMS	Written Ministerial Statement
YPTP	Young Persons' Travel Pass

File Ref: APP/U2235/W/17/3185916

Land at Valley Park School, off New Cut Road, Maidstone

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by BAM Construction Limited against Maidstone Borough Council.
- The application Ref 17/501471 is dated 13 March 2017.
- The development proposed is the erection of a 3-storey secondary school, with associated access, car parking and landscaping.

Summary of Recommendation: That the appeal be allowed, and planning permission be granted, subject to conditions

Procedural Matters

1. At a meeting on 5 October 2017, the Planning Committee of Maidstone Borough Council (MBC) resolved that, had the appeal not already been made, the Council would have granted planning permission for the proposed development, subject to conditions and a Section 106 agreement¹. The matters which the Council wished to see covered in such an agreement related to the implementation of a School Travel Plan, and the arrangements for monitoring of the development's transport impacts, and for contingency funding.
2. On 14 November 2017, the Secretary of State (SoS) directed that the appeal be recovered for his own determination. The reason was that the appeal involved development of major importance, having more than local significance.
3. On 5 April 2018, the Planning Inspectorate (PINS) issued a Screening Opinion, on behalf of the SoS, under the relevant Regulations². The proposed development was found not to require an Environmental Impact Assessment (EIA).
4. On 11 May 2018, Kent County Council (KCC), in its roles as both Education Authority and Highways Authority, indicated its willingness to enter into a Memorandum of Understanding with MBC with regard to the required transport mitigation measures. On 22 May 2018, the day of the inquiry, this position was consolidated into a Deed of Agreement (DoA)³ between MBC and KCC, under Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011.
5. The DoA commits KCC to a system of monitoring the development's transport impacts through a Steering Group, and to provide 'contingency funding' for a range of transport mitigation measures through a highways contribution, if surveys show these to be necessary. The DoA also requires KCC to carry out mitigation works at the junction of New Cut Road and the A20 Ashford Road, including improvements to the pedestrian crossing facilities and traffic signal systems.
6. As a result of KCC entering into the DoA, MBC presented no evidence at the inquiry, except with regard to the matter of conditions.

¹ Core Document (CD) 27.6

² The Town & Country Planning (Environmental Impact Assessment) Regulations 2017

³ Tabled Doc.3: the Deed of Agreement

7. The inquiry sat for a single day, on 22 May 2018, and the accompanied site visit took place on 23 May. With the agreement of the parties, closing submissions and further written submissions relating to conditions were accepted up to 25 May. The inquiry was formally closed in writing on 29 May 2018.

Background Matters

The appeal site and surroundings

8. The appeal site lies within the town of Maidstone, and forms part of the grounds of an existing schools campus, containing the Invicta Grammar School and the Valley Park Community School. The Invicta is a selective academy school, specialising in business, computing, mathematics and languages. The school is single-sex, for girls only, in Years 7-11, and has a mixed-sex sixth form for Years 12 and 13. Valley Park is an all-ability, mixed-sex, academy school for all secondary age groups, with a specialism in the arts. The two schools are jointly managed by the Valley Invicta Academies Trust (VIAT), and operate on an integrated basis, with shared use of teaching resources and infrastructure, including sports facilities.
9. The eastern part of the existing campus, within which the appeal site is located, comprises the schools' various shared playing fields, including an all-weather multi-use pitch and eight hard tennis courts. Within this area, the land slopes from north to south, and has been levelled into a series of terraces. In the south-western corner of the playing fields, there is planning permission for a 12-court indoor sports hall, to be built in two phases⁴.
10. The school campus as a whole lies about 1.0-1.5km to the east of the town centre. To the east and west are residential areas. The area to the east, which is closest to the appeal site, is known as Grove Green and Weaving. To the south of the campus is Mote Park, a Grade II registered historic parkland, and the Turkey Mill business park.
11. To the north of the school campus, separated by a public footpath, is the Vinters Valley Nature Reserve. Historically, what is now the nature reserve, together with part of the present school playing fields, were both included in the landscaped grounds of the former manor house, 'Vinters', whose parkland was redesigned in the late 18th century by the renowned landscape architect Humphry Repton⁵.
12. The playing fields and sports hall site are surrounded by woodland and tree belts on all four sides. Some of these, including the woodland along the eastern boundary, are subject to a Tree Preservation Order (TPO), made in October 2017, and confirmed in March 2018⁶.
13. The school campus is bounded to the south by Ashford Road, which forms part of the A20 route linking Maidstone with Ashford and the Channel ports, and connecting with the M20 motorway at Hollingbourne. On its eastern side, the campus has a frontage to New Cut Road, which is a well-used 'C'-class local

⁴ Planning permission 13/1687 and reserved matters approval 17/503510/REM

⁵ Tabled Doc. 6: Humphry Repton's 'red book' of his proposed scheme for VintersPark

⁶ CD 26.4: TPO

distributor road. All existing access, for pedestrians and vehicles, other than for maintenance vehicles, is from Huntsman Lane, at the western end of the campus.

The proposed development

14. The appeal proposal is to add a third secondary school within the existing campus, sited on the eastern part of the playing fields. The new school would be a 'Free School', directly funded by the Department for Education (DfE), through the Education and Skills Funding Agency (ESFA). It would be operated and managed by VIAT, as part of the Trust's existing schools group.
15. The school would be styled as the Maidstone School of Science and Technology (MSST), and would specialise in these 'STEM' subjects, together with engineering and mathematics. It would take up to 1,200 pupils across the 11-18 age range, equivalent to 6-form entry (6FE), and catering for both sexes and all abilities. Although the new school would have its own identity, it would work in partnership with the existing schools on the site, with reciprocal access to teaching and sports facilities across the campus.
16. The main entrance to the site would be from a new access in New Cut Road. This would take the form of a four-arm roundabout, which would also incorporate the existing junction with the residential road Grovewood Drive South, on the opposite side. All vehicular access to the new school would be from this new entrance. Pedestrian and cycle access would be available at three points: one alongside the new roundabout; the second at the site's south-eastern corner, connected by a new pathway within the site; and thirdly from Huntsman Lane and through the western part of the existing campus. 'Puffin' crossings would be provided in connection with both of the first two of these options.
17. The school would be housed in a single new building on three storeys, with a height of 12.6m and a total floorspace of around 3,000 sq m. The building would be arranged in a U-shape, around a central courtyard. The style would be contemporary, with a flat roof and elevations of light grey facing brick and dark grey render.
18. Alongside the proposed new building would be a new car park with 104 parking spaces for staff and visitors. A further 18 drop-off spaces would be provided, which would also provide for service vehicles outside peak hours. Cycle parking is proposed for 30 bicycles, with provision for future expansion for up to 172, depending on demand.
19. The application also includes an extension of the new access road, to serve the already approved sports hall, together with eight parking spaces related to that development. The access road is intended to be used for service and emergency vehicles only, and is said to be needed to enable the sports hall to comply with Building Regulations.

Planning policy

20. In the Maidstone Borough Local Plan (the MBLP), adopted in October 2017, the appeal site is within the boundary of the Maidstone urban area. The plan's Spatial Vision seeks to deliver sustainable growth and regeneration whilst protecting and enhancing the Borough's natural and built assets⁷. Policy SP1

⁷ MBLP, p.8

aims to focus development within the urban area, and identifies a need for additional secondary school capacity as a key infrastructure requirement⁸. In this context, the supporting text notes the DfE's funding approval for a new school at the appeal site⁹.

21. In addition, MBLP Policy DM20 provides general support for the provision of community facilities, including schools, within planned residential development¹⁰. Whilst the policy itself is not directly relevant to the present appeal, the accompanying text¹¹ refers to the role of the Infrastructure Delivery Plan (IDP) in identifying the key social infrastructure projects needed to support the level of development planned in the MBLP. The IDP identifies the appeal scheme for a 6FE secondary school adjacent to Valley Park School, and classifies it as 'essential' to the MBLP's strategy¹².
22. The Written Ministerial Statement (WMS) on planning for schools¹³ states that the Government wishes to see sufficient provision in state schools, so as to meet growing demand, to increase choice and opportunity, and raise standards. The WMS emphasises that the planning system should operate in a positive manner towards school-related developments. In the case of state-funded schools, there should be a presumption in favour, and the need for such developments should be given significant weight. The information required to support applications should be kept in proportion, and conditions should only be imposed where absolutely necessary. The main points of this advice are also reflected and re-emphasised in paragraph 72 of the National Planning Policy Framework (NPPF).

Relevant Statutory Consultations

Department for Education

23. In a letter to PINS¹⁴, referencing this appeal and one other, the Parliamentary Under-Secretary of State for the School System draws attention to the WMS, and urges that all Free School appeals are determined as a matter of urgency, in accordance with that policy.

County Education Authority

24. In a letter dated 20 September 2017, KCC's Area Education Officer states that the proposed new school is needed urgently, to meet a predicted shortfall of school places in Maidstone Borough. Without it, there is a significant risk of the Education Authority being unable to fulfil its statutory obligations¹⁵.

Highways England

25. In its consultation responses to the planning application, Highways England (HE) commented that the development would have a severe impact on the strategic road network, due to increased congestion at Junction 7 of the M20¹⁶.

⁸ MBLP, p.22

⁹ MBLP, para 4.33

¹⁰ MBLP, p.269

¹¹ MBLP, para 6.94

¹² Tabled Doc. 13: the IDP, para 3.45 and Schedule B, p.59

¹³ CD 36.5: WMS 'Planning for Schools Development', August 2011 (DCLG)

¹⁴ Letter from Lord Agnew, dated 16 April 2018 (red folder)

¹⁵ Letter from KCC's Children, Young People and Education Service, 20 Sept 2017 (within CD 25.3)

¹⁶ CD 25.1: Highways England consultation responses, dated 10 and 23 May 2017

26. Subsequently, discussions and correspondence took place between HE and KCC, MBC and the appellants. As a result of those discussions, it appears that HE verbally withdrew its objection, and agreed not to seek any funding for planned improvements at Junction 7, subject to securing a travel plan, with contingency provision. MBC's understanding of this position was conveyed to HE in two emails sent in July and August 2017¹⁷, and in the officers' reports to the relevant Planning Committee meetings in August 2017¹⁸, and September/October 2017¹⁹.
27. HE has not contradicted MBC's account of its position. Subsequently, HE has been advised of the appeal and the inquiry arrangements²⁰, but has made no further comment. Based on the information available, I am satisfied that HE's revised position is correctly represented in the above statements by MBC.

County Highway Authority

28. KCC's consultation response as Highway Authority, in June 2017²¹, confirmed that the assumptions and forecasts set out in the appellants' Transport Assessment (TA)²², and subsequent Technical Notes²³, are accepted. On this basis, it did not object to the application, subject to securing highway works at the New Cut Road/A20 junction, and a travel plan with a contribution towards additional bus capacity.
29. Subsequently, KCC has entered into the DoA, in its roles as both Education Authority and as Highway Authority, and presented no evidence against the proposed development at the inquiry, save in respect of conditions. The Highway Authority's position now is therefore that it accepts the proposed development and the mitigation measures within the DoA, subject to conditions.

Natural England

30. Natural England's (NE's) consultation response²⁴ states that the proposal is unlikely to affect any protected species, and confirms that in this respect NE raises no objection. The letter identifies the possible presence of priority habitat, and refers to the relevant advice contained in NPPF paragraph 118.

Sport England

31. Following discussions with the appellants, Sport England (SE) has confirmed that it does not object to the proposed development²⁵. The development would result in the loss of three existing playing fields, but this is considered to be compensated for by the enabling of the consented sports hall, together with the previously provided all-weather pitch. One existing tennis court and a long-jump pit would be displaced, but would be re-provided within the site, and this is seen as acceptable. On this basis, the development is considered to comply with SE's

¹⁷ emails from J Bailey on 31 July 2017, and from R Jarman on 1 August 2017 (within Ms Fitzgerald's Appendix 4)

¹⁸ CD 27.1 (report to meeting on 17th/24th August 2017: paras 6.40, 6.48); and CD 27.2 (addendum report, 24 August: foot of 4th page)

¹⁹ CD 27.4 (report to meeting on 28 September/ 5 October 2017: para 4.5)

²⁰ Notification letters sent by MBC on 22 November 2017 and 23 April 2018

²¹ KCC Highways letter, 16 June 2017 (within CD 25.2)

²² CDs 5.1 – 5.8: the TA

²³ CD 33.7: Technical Note in response to HE, May 2017; and Appendix D to Mr Lulham's proof

²⁴ Letter from NE, 20 April 2017 (within CD 25.3)

²⁵ Email from D Greetham of SE, dated 26 June 2017 (within CD 25.3)

relevant policies, subject to conditions to secure the provision of the first 6-court phase of the sports hall and its access road, and subject to arrangements being made for community use.

The Case for the Appellants

32. The Appellants highlight the acknowledgement by KCC that the proposed new school is urgently needed, to meet a forecast shortfall of secondary school places. KCC's 'Commissioning Plan for Education in Kent, 2018-22'²⁶ indicates that since 2014, secondary school rolls across the county have been rising, and are forecast to continue to do so. By 2024, the demand for places will have grown by 23% in 10 years, due to demographic trends and new housing development²⁷.
33. In Maidstone Borough, the Commissioning Plan identifies a shortage of places, starting with the Year 7 age group, from the academic year 2018-19 onwards, and steadily worsening thereafter. Across all secondary school age groups, spare capacity is expected to fall below the minimum operational level of 5%, by the year 2019-20. By 2021-22 this will have moved into deficit, and by 2023-24 the overall shortfall of secondary school places in the Borough is forecast to exceed 1,100 places. The only other sources of new provision at this level are from much smaller, 1FE-sized, expansions at two other existing schools. The appeal scheme is therefore relied on by the Education Authority to make up the majority of the Borough's future needs²⁸.
34. The MBLP identifies a requirement for new housing to be delivered at a sustained high level, with around 14,800 dwellings needed in the period 2016-2031²⁹. New housing on this level needs to be supported by adequate social infrastructure, including schools, and a failure to provide that infrastructure in a timely manner could put at risk the delivery of the wider planning strategy.
35. The appellants regard the appeal site as an ideal location at which to provide the new school that is needed. The site is already within the ownership of VIAT, which is a willing and capable provider. The existing campus has sufficient space to accommodate the scale of building required, plus adequate car parking, circulation and other necessary facilities. The site's proximity to the Invicta Grammar and Valley Park Schools offers the opportunity for economies, due to sharing of facilities and costs, and also extra synergy in terms of a wider range of expertise and resources. In addition, the site benefits from existing public transport services, and is within walking distance from connecting routes at the bus station in the town centre. No other site has been identified that has all these advantages.
36. The existing Invicta and Valley Park Schools have proved popular and successful. Valley Park is currently the most over-subscribed secondary school in Kent, with a waiting list of 170 pupils, and 90 admissions appeals yet to be decided³⁰. This is not only a measure of its good reputation, but also of the need for more places in the area, and the location's acceptability to pupils and parents.

²⁶ Ms Fitzgerald's Appendix 6: KCC Commissioning Plan

²⁷ As above, Tables 12.7 and 12.8 (pp.65-66)

²⁸ As above, pp.108 and 115-116

²⁹ MBLP, para 4.8 and Table 4.1 (pp.12-13)

³⁰ Oral evidence of Mr Lulham

37. The DfE, through the ESFA, has approved VIAT's funding application, subject to planning permission. KCC, as Education Authority, also supports the scheme. This indicates that all of these bodies are satisfied as to the need for the development, the suitability of the site, and the ability of the proposed operator.
38. In the appellants' view, the proposed development has been planned and designed to the highest standards. The technical studies carried out demonstrate that the development can be carried out without significant harm in respect of character and appearance, traffic congestion, highway safety, neighbours' amenity, ecology, biodiversity, landscape, flood risk, contamination, heritage or archaeological interests³¹.
39. Some of the TPO-protected trees would be removed, in order to create the new roundabout and site access. However, this loss would be more than compensated for by the proposed landscaping and planting scheme, which would include more than 90 replacement trees. The proposed landscaping is shown in detail in the submitted plans and planting schedules³².
40. The loss of existing sports pitches would be compensated for by building the first phase of the already approved sports hall. On this basis, the remaining pitches and other sports provision on the campus would together be sufficient to serve all three schools, as agreed by SE³³. VIAT are willing to commit to allowing community use of the retained sports pitches, and have tabled a draft agreement to that effect³⁴.

The Cases for the Interested Persons

Councillor Tony Harwood

41. Councillor Harwood represents the Grove Green area on MBC and on Boxley Parish Council (BPC). He is a member of MBC's Planning Committee and a lifelong local resident. He is not opposed to the proposed new school in principle, but he believes the present scheme falls short in a number of aspects.
42. In Cllr Harwood's view, the scheme as now proposed would require an excessive loss of trees from the New Cut Road frontage. Thirty-two individual trees, and part of a woodland group, all within the TPO, would be removed. These include a number of large Oaks, which are of considerable age, and are amongst the best trees in this belt of woodland. There is also a very old Holly (T38³⁵), which may fall within the definition of an 'aged' tree, and should therefore be protected in line with NPPF paragraph 118. All of these trees are believed to have been part of Humphry Repton's design for the Vinters Park, and are thus of historic as well as visual importance. The loss of trees and woodland in this part of the site would damage the integrity of the historic parkland, and erode the sylvan character of the area as a whole, contrary to MBLP Policies DM1 and DM3.
43. It is further argued that the loss of woodland habitat would also adversely affect wildlife and biodiversity. The severance of the woodland belt by the new access road would fragment the existing green corridor, disrupting movement patterns

³¹ CDs Nos 2.1 – 24.1: submitted technical reports

³² CDs Nos 1.11, 1.12, 1.59 (landscaping plans), and 8.2 – 8.5 (plant schedules and management plan)

³³ Sport England letter dated 26 June 2017 – part of CD 25.3

³⁴ CD 14.2: draft Community Use agreement

³⁵ As numbered in the Arboricultural report (CD 17.1)

and changing the ecological balance of the remaining areas. Inadequate survey information has been submitted with regard to the ecological impacts.

44. It is suggested that all of these impacts could be avoided or reduced, by choosing a different location for the site entrance, or alternatively a less intrusive form of access, such as a signal-controlled junction. In any event, the new landscaping should be designed to replace more of the lost woodland habitat, and to better retain some connectivity between the remaining woodland belts.
45. With regard to the site access, Cllr Harwood contends that the roundabout as currently proposed is over-sized, and wrongly prioritises vehicular traffic over pedestrian and cycle movements. As well as increasing the impact on the woodland, this would also have the effect of encouraging higher traffic volumes and faster speeds, and making conditions for pedestrians less convenient and less safe.
46. It is argued that the likely traffic generation has been underestimated, being based on too narrow a catchment area. Concerns are raised about pedestrian safety on the route from the town centre, alongside the A20, especially at the railway bridge to the west of Huntsman Lane. The quality of the building design is also questioned, in general terms.

Councillor Bob Hinder

47. Councillor Hinder spoke on behalf of local residents, as a member of both MBC and BPC. Like Cllr Harwood, he does not oppose the development in principle, and indeed he supports the need for a new school in Maidstone.
48. The issues voiced by Cllr Hinder relate mainly to traffic, safety and parking. New Cut Road already experiences heavy traffic flows, partly because it is used as a rat-run by through traffic, bypassing the designated main routes. There is concern that the proposed school would add significantly to the volume of traffic, especially as its specialist status would attract pupils from far and wide, and residents see this resulting in gridlock.
49. Grovewood Drive South and other residential streets nearby already suffer overspill parking from pupils of the existing schools. This gives rise to problems of access for buses and emergency vehicles, and for pedestrians trying to cross between vehicles. The proposed new school would have inadequate parking, and none would be available for pupils. There would therefore be increased pressure on local roads, both for dropping-off or collecting and for all-day parking. This would exacerbate the existing congestion and safety problems.

Mr Allan Adams

50. Mr Adams spoke as a local resident. He accepts the need for a new school. His concerns, relating mainly to traffic and parking, largely echo those set out above. In addition, he is concerned about the possible impact on air pollution.

Written representations - Objectors

51. At the application stage, 35 objection letters were received by the Council from local residents, plus one from BPC. Two further objection letters have been received by PINS since the commencement of the appeal.

52. By far the most frequently raised grounds for objection are matters relating to traffic, including congestion, safety, and on-street parking. Most of these concerns broadly correspond to those covered in the oral submissions set out above. Some of the written objections question various aspects of the assumptions and methodology in the appellants' Transport Assessment report, including the trip generation rates, trip distribution, modal split, the accuracy of survey data, and the effectiveness of the proposed Travel Plan. A number raise issues as to cumulative impact and whether other planned developments in the area have been taken into account. Several objectors query the location of the proposed site access, and some suggest alternatives, including a possible southern entrance, opposite the Turkey Mill development.
53. In addition, many of the objectors raise issues relating to residential amenity, including noise, air pollution, lighting, and construction impacts. Others raise environmental issues relating to on-site impacts on trees and ecology.

Written representations - Supporters

54. Supporting representations were received by the Council from 36 individuals. The reasons most frequently given are the need for more school places, and more choice in secondary education in the area, with some other local schools being over-subscribed. Some respondents also cite the potential benefits to the local and national economy, from increasing the availability of specialist training in engineering and technology. Others refer to the local benefits of the jobs that would be created for teaching and support staff at the new school itself.

The Appellants' Response to the Objections

Traffic and highways issues

55. The appellants' response to the objectors' traffic arguments is drawn from the submitted TA³⁶ and Technical Notes³⁷, and KCC Highways' consultation response to the planning application³⁸.
56. The trip generation rates, trip distribution and modal split assumptions for the proposed development are all based mainly on the patterns observed at the existing Valley Park School. This is because the new school would have similar admissions criteria, and thus would be likely to draw pupils from a similar catchment area. It is accepted that over time the catchments of both schools may tend to become wider, as a result of planned new housing developments on the edges of the town, but this is allowed for in the forecasting process.
57. The surveys of existing traffic flows on the network were carried out using accepted best practice. Some of the existing junctions in the area are already either at or near capacity in the peak hours, and it is not disputed that the proposed development would add to traffic flows and congestion at these. However, the TA forecasts for these local junctions represent a worst-case scenario and, as such, are likely to over-state the development's impact.

³⁶ CDs 5.1 – 5.8: The TA

³⁷ CD 33.7: Technical Note – Response to HE; and Mr Lulham's Appendix D: Technical Note – Response to KCC Highways

³⁸ KCC Highways letter, 16 June 2017 (within CD 25.2)

58. The number of school-related journeys on the network is dictated not by the number of schools, but by the rising number of school-age children in the Borough. Providing additional school capacity in this location would affect the pattern of trip destinations, but would not add to the number of journeys that have to be accommodated overall. Given the site's highly accessible location, putting the development here would help to minimise the total number and length of car journeys, bearing in mind that over 50% of pupil journeys to Valley Park are on foot, and 20% are by bus³⁹, the latter being incentivised by KCC's Young Persons' Travel Pass (YPTP) scheme. Consequently, while the development would worsen congestion in the vicinity of the appeal site, this would be a localised impact, which ignores the potential benefits to the transport network as a whole.
59. In addition, at the New Cut Road/A20 junction, the DoA provides for the introduction of 'Microprocessor Optimised Vehicle Actuation' (MOVA) and 'Urban Traffic Control' (UTC) signal control systems. These would have the effect of smoothing out traffic flows between junctions and minimising delays, whilst still ensuring adequate priority for pedestrians. Together, these would help to offset the development's potential effects on the junction in question. Even in the worst-case scenario presented by the TA, in no case would the proposed development's net effect on any existing junction reach the NPPF paragraph 32 threshold of 'severe'.
60. The position and design of the proposed site access on New Cut Road have been chosen after having regard to a number of factors, including trees, landscape views, and the impact on the existing sports pitches, as well as highway and pedestrian safety⁴⁰. In terms of traffic flows, the proposed design has been tested in the TA and is shown to operate satisfactorily⁴¹. A roundabout is regarded as preferable to signal controls, because it reduces the likelihood of queuing traffic interfering with the A20 junction. The design chosen is the smallest permissible for the type of road, although meeting all the relevant highway standards.
61. Pedestrian movements would be satisfactorily catered for by the proposed puffin crossings at both the new roundabout and the A20 junction, and by the proposed new and upgraded paths within the site and the wider campus. The accident statistics for the most recent 3-year period do not suggest any significant safety issues⁴². The pedestrian route from the town centre is already used by large numbers of pupils, and there is no reason why this could not cope with the increase in usage. The scheme has been subjected to a full safety audit⁴³.
62. The proposed car parking provision would provide for staff and visitor parking in accordance with the Highway Authority's maximum standards⁴⁴. For dropping-off and picking-up, as well as the 18 designated drop-off spaces, the internal road loop would accommodate up to 32 further vehicles setting down passengers

³⁹ CD 5.1: The TA, Table 5-5

⁴⁰ CD 22: Access Options report

⁴¹ TA, sections 3.2.5 and 3.2.14 (CD 5.1)

⁴² TA, section 2.5 and Appendix C (CDs 5.1 and 5.2)

⁴³ TA, section 3.2.8 and Appendix H (CDs 5.1 and 5.5)

⁴⁴ Technical Note in response to KCC Highways (Mr Lulham's Appendix D), para 1.17.1

without obstruction⁴⁵. If there is any overspill, this could easily be accommodated in nearby residential streets, without danger, or alternatively restrictions could be imposed through a Traffic Regulation Order (TRO).

63. The appellants have submitted a draft Travel Plan (TP)⁴⁶, the aims of which are to promote sustainable modes of travel, and consequently reduce car use and associated impacts. The TP remains to be finalised, in discussion with MBC and KCC, to ensure that local requirements are taken into account. The appellants are willing to be bound by the finally agreed TP document. When the TP is combined with the DoA entered into by KCC and MBC, the traffic and transport-related issues are all now resolved.

Former Repton parkland

64. The boundaries of Humphry Repton's master plan for Vinters Park, and their relationship to the present appeal site, are made clear in the submitted report entitled 'Response to Landscape Issues'⁴⁷. From the overlay plan in that report, it can be seen that the great majority of the appeal site is outside the original parkland. Indeed, the only part of the appeal scheme that is within the Repton plan area is the western section of the proposed access road, and the related group of parking spaces, serving the sports hall site. There is no evidence that the remainder of the appeal site ever formed part of Vinters Park, or had any association with Humphry Repton.
65. The appeal site has long since lost any traces of parkland character that it may once have possessed. Its character now is that of a school playing field, with levelled pitches, courts and associated paraphernalia. The consented sports hall will reinforce this present-day character.
66. The site is severed from the remainder of the original Park, by a public footpath. The path is fenced on both sides, and the land on the northern side is now heavily wooded. There is no remaining visual or physical link of any kind between this and the appeal site.
67. During the last half-century, large parts of the original Vinters Park have been lost to development, including a housing estate, a business park, and a crematorium. The remainder, which is now a nature reserve, has been allowed to grow wild. None of the former Park has therefore retained its original parkland character. No part of it is designated as a Registered Historic Park or Garden.
68. The proposed development would therefore not result in any loss of, or harm to, Humphry Repton's former parkland, or to any historic interest derived from his association with the area.

Trees and woodland

69. Although 32 individual trees and part of one woodland group would need to be removed, these losses should be viewed in the context of the need for the development, and the desirability of creating a new access which is both convenient and safe. The trees to be removed would represent only a small

⁴⁵ TA, Section 4 (CD 5.1); and Technical Note – response to KCC (Mr Lulham's Appx D), sect 1.16

⁴⁶ CD 6.1: draft Travel Plan

⁴⁷ CD 31.1: 'Response to Landscape Issues' – FIRA, March 2018

proportion of the trees on the site. In total, the tree survey identifies 152 individual trees, and 19 further tree groups of varying size⁴⁸. The great majority of these trees would remain, and would either be unaffected by the development, or could be adequately protected. None of the alternative access options considered would avoid tree losses⁴⁹.

70. In the appeal proposals, only one of the trees to be removed is assessed as a Category A tree, being of high quality and having a long remaining life. The majority are placed in Category C, as low quality or relatively young trees, and two are in Category U, being either dead or unsuitable for retention⁵⁰. In Group G4, which would also be partly affected, the trees are assessed as having poor structure and being forced upwards, due to excessive competition for light⁵¹. In the context of the site as a whole, the trees that would be lost are of no more than average value.
71. The Holly tree T38 has been assessed in detail⁵². Although the tree in question is over 160 years old, this represents only about half of the average life span for the species. The tree is unremarkable in terms of its size and other physical characteristics, and does not have any exceptional value in terms of wildlife, landscape or cultural associations. As such, it does not fall within the NPPF's definition of aged or veteran trees. In addition, the tree has a structural defect and leans over the road, making it a potentially serious safety hazard.
72. None of the trees proposed for removal lie within the area of the Repton landscape plan. Although some are of considerable age, none has any historic significance.
73. In both quantitative and qualitative terms therefore, the proposed tree losses would represent a proportionate and acceptable sacrifice, in order to gain the benefits of the proposed development.
74. Furthermore, the tree losses would be compensated by new planting at a ratio of around three to one. The new trees would be native species and would be positioned to recreate the lost woodland and promote connectivity of habitats. The new trees would take some years to mature, but in doing so, they would help to secure a long term pattern of succession and continuity for the existing woodland. The submitted management plan shows how the new woodland and other planting would be cared for over the long term⁵³. Overall therefore, the effect on the area's tree cover would be positive.

Wildlife and biodiversity

75. The ecological survey report submitted with the application⁵⁴ identified the trees on the eastern boundary as semi-natural mixed woodland but concluded that the majority of this could be retained and protected, and that the relatively small area to be lost could be replaced within the scheme. Slow-worm had been

⁴⁸ CD 17.1: the Arboricultural report, Appendix 1

⁴⁹ CD 22: Access Options report

⁵⁰ CD 17.1: the Arboricultural report, Tables 2 and 3

⁵¹ CD 17.1: the Arboricultural report, Appendix 1

⁵² CD 31.2: Letter from Thompson Ecology, 12 March 2018

⁵³ CD 8.5: Landscape Management Plan

⁵⁴ CD 19.1: Preliminary Ecological Appraisal, March 2017

recorded on the site, in the past, and parts of the site could potentially provide suitable habitats for these and other reptiles, and for bats, breeding birds, amphibians, invertebrates and hedgehog. In the case of bats and reptiles, further surveys were recommended. In all cases however, potential mitigation measures were identified. Opportunities for further enhancements were also possible, to ensure that the net effect on biodiversity would be beneficial.

76. A separate report in January 2017, following a ground-level assessment⁵⁵, reported that only one of the trees proposed for removal, T29, had moderate potential for roosting bats. A climbing inspection of this tree was recommended. Twelve other affected trees had low potential for bats, and the risks in this respect could be adequately mitigated. A climbing inspection was subsequently carried out, and T29's potential was downgraded from moderate to low⁵⁶. This re-assessment was conveyed in an email dated 2 May 2017⁵⁷. A separate follow-up assessment relating to reptiles⁵⁸ found that the areas of the site to be developed were unsuitable for reptile habitats, and that further surveys were likely to be ineffective.
77. After considering all this material, KCC's ecological officer gave her formal consultation response to MBC on 12 May 2017⁵⁹. With regard to reptiles, she found no need for any further surveys, subject to incorporating an area of new reptile habitat, in the form of a rough grassland margin to the northern playing field. This has subsequently been added to the relevant plans. Regarding bats, the letter confirms that no further surveys are required prior to the grant of planning permission. Outstanding matters, mainly relating to external lighting and ecological enhancements, can be dealt with by condition. No other issues or objections were raised.
78. Subsequently, in June 2017, the appellants carried out a bat activity study⁶⁰, with a view to informing their proposals for a lighting scheme. The report outlines measures that can be taken with regard to the lighting design and times of use, to reduce any impact on bats to an acceptable level.
79. In addition, the appellants have prepared a scheme of proposed ecological enhancements⁶¹. These include a number of nesting boxes for both birds and bats, and cordwood piles to provide habitat for invertebrates. These are proposed in anticipation of a requirement for such provision, by way of conditions.
80. In light of the above, the appellants contend that it has been fully demonstrated that the effects on wildlife and biodiversity would be minimised, and that any residual impacts can be adequately mitigated by conditions.

⁵⁵ CD 21.1: Ground-Level Tree Assessment for Bats, 31 January 2017

⁵⁶ CD 21.2: Bat Roost Feature Inspection (climbing survey), February 2017

⁵⁷ Email from A Duranel, 2 May 2017 (within CD 25.3)

⁵⁸ CD 21.3: Hone Ecology briefing note, 9 May 2017

⁵⁹ Letter from KCC Ecological Advice Service, 12 May 2017 (within CD 25.3)

⁶⁰ CD 21.4: Bat Activity Survey, June 2017

⁶¹ Ms Fitzgerald's Appendix 32: Ecological Enhancements Plan

Inspector's Conclusions⁶²

General considerations

81. In terms of compliance with the development plan, the most relevant policy is MBLP Policy SP1 [20]. The appeal proposal is in general accordance with the aims of that policy, in that it would help to meet an identified requirement for additional secondary school capacity, whilst also focussing development in the urban area. The proposed development should therefore be approved unless the accordance with these development plan provisions is outweighed by other considerations.
82. In addition, both the general need for a new school, and the present proposal itself, are supported by specific references in the MBLP text, and in the IDP, and in the Commissioning Plan [21, 32-33]. This is reflected in the fact that both MBC and KCC (the latter as both Education Authority and HA) support the development [1, 4, 6, 24, 28-29]. Further general support for new state schools is also given by the NPPF and WMS [22, 23]. The appellants' case on these matters, relating to the need for the development and the educational benefit arising from it [32-37], is not challenged by any party. Nor has any alternative location been identified. All of these material considerations weigh in favour.
83. The main issue in the appeal is therefore whether any harm caused by the development would outweigh the combined weight of the educational need and the development plan support identified above.

Effects on traffic, parking and safety [25-29, 46, 48-49, 50, 52, 55-63]

84. There is little doubt that the proposed development would cause an increase in traffic on some local roads, including New Cut Road and the A20 Ashford Road. These and other roads already suffer heavy traffic flows at peak times. However, it is clear from the evidence that additional school places must be provided in the Borough, to meet current and future needs. Wherever the new provision is located, it is likely to have some localised adverse impacts.
85. The appeal site has the merits of being served by existing public transport routes, and within walking distance from the main bus interchange, as well as being close to nearby residential areas. This would allow a high proportion of pupils and staff to have the choice of travelling by sustainable modes. This is borne out by the modal split observed at the existing Valley Park School, which shows that in this location the proportion of trips that are made by car can be kept relatively low [56, 58]. In addition, the co-location of the new school with both the Valley Park and Invicta schools would offer additional opportunities for car trips to be shared. There would also be the opportunity to promote non-car modes still further, through the proposed TP [63]. None of these factors would save the development from adding to some degree to congestion in the site's immediate vicinity, but this would be partly offset by the introduction of 'MOVA' and 'UTC' signal systems [59].
86. Overall, the evidence suggests that the effect on congestion would be limited in extent and duration. In particular, any such additional congestion would be confined primarily to New Cut Road and Ashford Road, which are main roads,

⁶² In this section, the numbers in square brackets [] refer back to earlier paragraphs of this report

designed to carry traffic. These are therefore roads of a suitable type and standard to accommodate some of the traffic increase that is likely to come with population growth, and with the facilities that are needed to serve the town.

87. Although there have been some recorded accidents in the area, the evidence does not suggest that any of the local roads or footways are unduly dangerous [61]. The proposed development has been subject to a safety audit. Puffin crossings would be provided in both the key locations. There is no evidence that the development would adversely affect either pedestrian or vehicular safety.
88. I saw on my visit that some apparently non-residential parking takes place in Grovewood Drive South. The development now proposed would be likely to add to the demand for such parking, and also possibly also for drop-off and pick-up stops, even though these would also be catered for within the site itself. But Grovewood Drive South is a relatively quiet road at most times, with ample width, and few if any properties fronting onto it. I see no clear reason why this street should not be able to accommodate some additional parking and traffic movements without detriment, either to safety, or to amenity or to the passage of vehicles. However, if significant problems were to arise in any of these respects, it would be within the powers of the HA to consider some form of parking controls at a later date.
89. In none of these respects, is there any evidence to suggest that the impacts of the proposed development could be described as severe. Neither is there anything that suggests that an alternative, hitherto unidentified, suitable site could readily be found, elsewhere within the urban area, which would avoid similar traffic and parking issues.
90. I conclude that although the development would give rise to some minor local impacts in terms of added congestion and parking pressures, these would not amount to significant harm.

Effects on the former Vinters parkland [11, 42, 64-68]

91. From the evidence available, only the access road to the sports hall, and the eight associated parking spaces, would be within the area covered by Humphry Repton's master plan for Vinters Park [64]. Given the nature of the existing use, and the permission for the sports hall itself, the addition of the access road and parking area would have little further effect on this former historic landscape [9, 19, 65].
92. It is possible that the remainder of the appeal site was also at one time associated with Vinters Park, despite not being within the Repton plan area. The woodland belt on the eastern boundary is broadly consistent with the principles of Repton's plan, and some of the trees in it may be of a similar age. But no evidence of any such connection has been produced.
93. In any event, apart from the boundary trees, no part of the appeal site now resembles parkland, or bears any visual reminder of any parkland character that it might once have possessed [9, 65]. Moreover, no part of the appeal site, or indeed any part of the Repton site, has ever been designated as a registered historic park. All in all, I am satisfied that the development would not adversely affect any historic parkland or other historic asset.

Effects on trees [12, 39, 42-45, 53, 69-74]

94. The development would result in the loss of 32 largely healthy, mature or semi-mature trees, and part of the group G4. All of these form part of an attractive, long-established woodland belt, protected by the TPO [12, 39, 42, 44, 69]. The woodland is not ancient, and there is no evidence that any of the trees are aged or veteran as defined in the NPPF [71]. But the woodland belt as a whole contributes positively to the street scene in New Cut Road, and consequently the loss of some trees from it would cause some harm to the character and appearance of the area.
95. In this context, I note that MBLP Policy DM1 seeks to encourage high quality designs which, amongst other things, incorporate natural features such as trees worthy of retention. Likewise, Policy DM3 seeks to ensure that new development protects and enhances the natural environment, including trees with significant amenity value.
96. However, in this case the loss of trees is one element in a complex proposal, where a large number of competing factors have had to be considered. The alternative options for access to the site have been fully evaluated [60]. To be workable in highway terms, it is clear that any alternative access location, or junction design, would still involve a significant loss of trees. In the position and form now proposed, the new access would achieve the optimum combination of impacts in terms of traffic flow, highway safety, visual amenity and sports provision. The loss of trees has to be weighed against these considerations.
97. In addition, the present proposals would also incorporate 3-for-1 replacement planting, using native species, designed and laid out to include the creation of new woodland, contiguous with that which would be retained [39, 74]. The replacement planting would form part of a coherent landscape plan for the site as a whole, and would be subject to a long-term management plan. Apart from those around the new access, the great majority of the existing trees throughout the site would be unaffected by the development.
98. In all these respects, the proposed scheme has evidently been conceived with considerable skill and care. I see no reason to doubt that the solution now proposed achieves the best overall balance available between protecting valued trees and creating a high-quality scheme for a needed community facility. In this respect therefore, I find no conflict with the aims of Policies DM1 or DM3.
99. Nevertheless, the loss of trees would cause some harm, and this carries moderate weight against the development.

Effects on ecology and biodiversity [30, 43, 53, 75-80]

100. The development would cause the loss of a section of the existing boundary tree belt, which is classified in the ecological report as semi-natural mixed woodland [75]. In the light of NE's consultation response [30], and in the absence of any further evidence on the point, I have treated this as possibly falling within the categories of priority habitat which are covered by Section 41 of the Natural Environment and Rural Communities Act 2006. However, for the reasons that I have already identified, it seems to me that for the development to proceed, some loss of woodland habitat is inevitable. In the

present proposals, the majority of the woodland would be unaffected, and the lost habitat would be replaced with an equivalent or greater area of new woodland [39, 74].

101. The existing woodland corridor is used by bats, as a commuting and foraging route. But there is no evidence of any roosts, and none of the trees to be removed has more than low to moderate potential in this respect [75-78]. Although there would be some disturbance during construction, that would last for a relatively short time. In the longer term, providing the external lighting was carefully designed and controlled, the weight of the evidence suggests there need not be any permanent harmful effects on the bat population.
102. Although slow-worm have been recorded in the past, the most recent assessment is that the part of the site where development would take place does not presently offer suitable habitat for these or other reptiles [75-76]. Suitable new habitat for reptiles and other species would, however, be created within the development as a whole. Whilst the site also has some potential for other species, including birds and invertebrates, the evidence suggests that the effects on these species need not be significant, subject to appropriate conditions [30, 77].
103. Biodiversity enhancements are proposed, and there is no reason to doubt that these would provide a net benefit. Looking at the proposed development as a whole, I am satisfied that the scheme would minimise the adverse effects on habitats and wildlife as far as it is reasonably practical to do so, and that the compensatory and enhancement measures proposed would be likely to be successful in offsetting any residual impacts.
104. Having regard to NPPF paragraph 118, whilst some harm would be unavoidable, that harm would be adequately mitigated where possible. Compensatory measures would also be required, but the measures proposed represent an appropriate and policy-compliant response in this situation.
105. Overall, I conclude that no significant harm to ecology or biodiversity would result.

Planning balance

106. From the above discussion, it is apparent that on the one hand the proposed development would accord with development plan aims and provide an urgently needed community facility. Whereas, on the other hand, it would cause harm to the area's character and appearance due to the loss of trees. None of the other types of harm suggested by objectors stands up to detailed scrutiny in the light of all the evidence, and given also the benefit of the DoA, and the scope for mitigation through conditions.
107. The harm due to the loss of trees would be significant, and I have given it moderate weight. But based on the evidence, the need for the new school is more compelling. The proposed development's accordance with the development plan is therefore not outweighed by other material considerations.
108. I have taken into account all the other matters raised, but for these reasons I conclude that the appeal should succeed, subject to conditions.

Matters relating to Conditions

109. At the inquiry, matters relating to conditions were debated at considerable length. The Council proposed 28 conditions, as set out in Document 8⁶³. These are referred to below using the prefix CDC (Council's Draft Condition). The appellants also produced an alternative list of 26 conditions, set out at Document 9⁶⁴, and these are referred to with the prefix ADC (Appellants' Draft Condition). A small number of these conditions are common to both lists, and these are accordingly agreed as matters of common ground⁶⁵.
110. In total, 19 of the CDCs are disputed. In most of these cases, the differences between the parties relate to various items of further information and further details, which were submitted by the appellants in January 2018. This information was not available to the Council at the date when the appeal was made. However, the Council provided a comprehensive response regarding these matters in a letter dated 23 March 2018⁶⁶, and I have taken this into account.
111. In all cases, I have considered the Council's draft conditions against the tests set out in NPPF paragraph 206. In those cases where I recommend that conditions should be imposed, I have also applied my own editing where necessary, for the purposes of clarity and consistency, and to reflect matters raised during the inquiry. The resulting conditions that I recommend are set out in Annex 3 to this report. Where these are referred to below, they are given the prefix IRC (Inspector's recommended Condition).
112. CDC 1 is the standard time limit for commencement. This accords with the relevant statutory provisions, and is accordingly recommended (IRC 1).
113. CDC 2 restricts the use of the development to use as a school. Such a condition is justified because, although I have found that the impacts of the present proposal are outweighed by the proven educational need, this would not necessarily apply to any other use, including other uses within the same use class. The draft condition is therefore recommended (IRC 3).
114. CDC 3 would require a phasing strategy. The condition would impose a level of detailed control over the practical arrangements for carrying out the development that would go beyond what is normally required. There is no evidence as to why such a condition is necessary or reasonable. I therefore recommend that it is not imposed.
115. CDCs 4 and 5 both relate to trees. I agree that conditions in this respect are needed, to preserve the area's character, appearance and biodiversity. CDC 4, regarding protective measures, is not disputed. However, in the light of the inquiry discussions, I have amended the proposed wording, to make it clear that all of the existing trees are to be retained during the development unless otherwise approved (IRC 4). CDC 5 requires, in addition, a method statement for any construction works close to the retained trees and their Root Protection

⁶³ Tabled Doc. 8: the Council's list of draft conditions

⁶⁴ Tabled Doc. 9: the Appellants' list of draft conditions

⁶⁵ Tabled Doc. 2: the Statement of Common Ground

⁶⁶ Ms Fitzgerald's Appendix 21: Council's letter of 23 March 2018

- Areas (RPAs). The method statement submitted by the appellants⁶⁷ relates only to works within the RPAs, and therefore does not fully satisfy this requirement. I recommend that this draft condition is imposed in much the same form as proposed by the Council (IRC 5).
116. CDC 6 relates to external materials. I agree that control over these is needed, to ensure a satisfactory appearance. However, it is not necessary to require further details or samples, as it is now agreed that those submitted are acceptable⁶⁸. I have amended the draft condition accordingly (IRC 7).
117. CDC 7 would also require further details of all window and door openings. I note that the appellants have subsequently submitted a series of 26 large-scale sectional details of these features⁶⁹, and that these are not objected to by the Council. To my mind this draft condition requires a level of detail that is unnecessary in this location. I consider that it should not be imposed.
118. CDC 8 relates to surface water drainage. I agree that a detailed scheme is needed, to avoid risks of flooding or pollution. In this regard the appellants have submitted some further details⁷⁰, but there is no accompanying evidence as to how these would satisfy the requirements of the Lead Local Flood Authority, as set out in their earlier consultation response⁷¹. A management and maintenance plan has also been submitted⁷², but this is premature while the details of the drainage system remain to be determined. I therefore recommend that both these requirements need to stay in place (IRC 8).
119. CDCs 9 and 10 relate to landscaping. CDC 9 would require further details, but amended details have now been submitted⁷³. The Council's remaining criticisms of these relate to minor details only. I therefore consider the submitted landscape proposals to be acceptable, and recommend that the draft condition be amended accordingly (IRC 9). CDC 10 would require all of the landscaping to be completed prior to the development being brought into use but, given the constraints on the timing of planting operations, this could potentially delay the opening of the school for a whole academic year. I agree that this would be unreasonable. However, the same constraints do not apply to the hard landscaping, which includes pedestrian and vehicular circulation areas, and there are sound reasons for requiring these operations to be completed in advance. I have amended this draft condition accordingly, and combined it with IRC 9, in the interests of brevity.
120. CDCs 11 and 12 relate to external lighting. I agree that some controls over such lighting are necessary, to minimise the impact on bats and other wildlife. In response to CDC 11, which requires a lighting scheme, the appellants have submitted some further details⁷⁴, but there is no ecological evidence as to how far these proposals would meet the draft condition's aims. The requirement for satisfactory details therefore needs to remain part of the condition. There

⁶⁷ Ms Fitzgerald's Appendix 23: 'General site precautions and works within RPAs'

⁶⁸ Ms Fitzgerald's Appendix 24: Schedule of External Finishes

⁶⁹ CDs 1.32 – 1.57: construction detail plans

⁷⁰ Ms Fitzgerald's Appendix 26: 'Below Ground Drainage Strategy Layout'

⁷¹ Letter from KCC Flood and Water Management, 30 May 2017 (within CD 25.3)

⁷² Ms Fitzgerald's Appendix 26: SUDS Management Plan

⁷³ CDs 1.58 and 1.59, and 8.2 – 8.4: revised landscape details

⁷⁴ CD 1.62: External Lighting and Power Layout, dwg SSTEM-BMD-BG-XX-DR-E-49000-C01

is no need however for the condition to require submission within a 3-month period as suggested. I have amended the draft wording accordingly (IRC 10). CDC 12, regarding the hours during which the lighting should be extinguished, is not in dispute. In this case I have made a minor revision to the wording, and combined this with IRC 10, for clarity and consistency.

121. CDC 13 relates to cycle parking. I agree that such provision is necessary, to ensure that a choice of sustainable transport modes is available. However, the details submitted by the appellants⁷⁵ are now accepted by the Council, so there is no need for further details. I have therefore amended the draft condition accordingly (IRC 11).
122. CDC 14 would require further details regarding the management of the landscaping. This is needed, to ensure that the site's visual appearance and biodiversity are maintained in the longer term. However, the appellants have now submitted acceptable proposals in this respect⁷⁶. I have amended the draft condition to refer to these details, and combined this with the recommended landscaping condition, IRC 9.
123. CDC 15 would require amended details of car parking, with a reduction in spaces. At the inquiry however, this suggestion was not supported by the HA. To my mind there is a risk in this location that any reduction in on-site provision would add to pressures for parking and dropping-off in local streets, including New Cut Road, whereas there is no clear evidence of any beneficial effects. It is not disputed that the parking proposed by the appellants accords with the relevant local standards. Consequently, whilst I agree that a condition is justified in the interests of highway safety, I see no need to require any departure from the details already submitted. I have amended the draft condition accordingly (IRC 12).
124. CDC 16 relates to storage of hazardous materials. Although no requirement for such materials is currently envisaged by the appellant, I agree that a condition is justified, to prevent ground pollution and risks to human health, should that situation change. In line with the discussion at the inquiry, I have amended the draft condition to ensure that the details of any necessary structures are subject to further approval (IRC 14).
125. CDC 17 would require further details of measures to enhance the site's ecology and biodiversity. I accept that such a requirement is justified in principle, to meet the aims of NPPF paragraph 109. However, the proposed enhancement scheme submitted by the appellants⁷⁷ provides for a number of measures, including bird and bat boxes, cordwood piles, and an unmown grass margin. There is no dispute that these measures would be beneficial. I can see no basis for judging them to be inadequate, or for simply seeking to extract more. There is therefore no justification for the condition to require any further details, and I have amended the draft wording accordingly (IRC 15).
126. CDC 18 would require further bat surveys. However, a bat activity survey was carried out and reported on in June 2017⁷⁸. This survey appears to me to

⁷⁵ CD 1.63: Cycle shelter details

⁷⁶ CD 8.5: Landscape Management Plan

⁷⁷ CD 1.64: Ecological Enhancements Plan

⁷⁸ CD 21.4: Bat activity survey

provide an adequate basis to inform the design of the necessary lighting scheme, and also to rule out any need for mitigation in relation to the removal of the collapsing oak tree T135. I see little to be gained by repeating or extending this survey, and I therefore recommend that this draft condition is not imposed.

127. CDC 19 would require an archaeological watching brief. However, the appellants have already carried out a trial trenching evaluation across most of the site, in accordance with a brief approved by the County Archaeologist⁷⁹. No evidence was found of any significant remains, and little sign of any archaeological interest of any kind. These results therefore do not justify any further work. Consequently, I find no need for this proposed condition.
128. CDC 20 relates to noise from ventilation or air conditioning systems. However, there is no reason to expect such equipment to be unduly noisy. The nearest dwellings are around 150m or more from the proposed school, and the acoustic report⁸⁰ shows relatively high background noise levels due to road traffic. It is therefore unlikely that neighbouring occupiers would suffer any significant disturbance from mechanical plant within the development. Any noise impacts within the site itself would not be a matter for planning controls. I again see no reasonable justification for this draft condition.
129. CDC 21 would require further details in respect of on-site charging facilities for electric vehicles. I accept that such a condition is reasonable, in the interests of encouraging more sustainable modes of travel. However, the Council has now confirmed that the details submitted by the appellants⁸¹ are acceptable. There is therefore no longer any need for further details, and I have amended the draft condition accordingly (IRC 13).
130. CDC 22, as drafted, seeks some form of agreement in respect of community use of the school playing fields. At the inquiry however, it was agreed that in this case a formal legal deed is not necessary, and that the same purpose could be achieved more simply, by way of a scheme, to be submitted for approval. I accept that some form of requirement for community use is reasonable, as a contribution towards compensating for the loss of existing pitches. I have edited the draft condition accordingly, and also incorporated some further amendments to make it less prescriptive (IRC 16).
131. CDCs 23 and 24 require the prior completion of the first phase of the previously approved sports hall, plus its access road, and the replacement tennis and long-jump facilities which are proposed as part of the present development. The reasonableness of these conditions is not disputed and, in the light of the advice given by SE, I agree that they are necessary to ensure that adequate sports provision remains available. I have edited and combined these into a single condition for clarity and simplicity (IRC 17).
132. CDC 25 lists the approved plans. Such a condition is necessary to define the permission and give certainty as to what is approved. Notwithstanding the contents of the parties' respective draft versions, it seems to me that the list of

⁷⁹ CD 9.3: Archaeological Evaluation report, April 2018

⁸⁰ CD 16.1: Noise report

⁸¹ Ms Fitzgerald's Appendix 35: electric vehicle charging proposed details

plans to be included in this draft condition now requires some revision, to reflect the position arrived at as a result of the evidence tabled at the inquiry, and my conclusions on the matters discussed above. For clarity and ease of reference, I have re-ordered the condition, to be IRC 2. The plans which I consider should now be approved, and referenced by way of IRC 2, are listed separately at Annex 4.

133. CDC 26 requires that where trees are to be removed, this be carried out using a technique known as 'soft-felling'. I accept that a condition to this effect is necessary in this location, to ensure minimum disturbance to wildlife. However, the draft condition as proposed is vague, and I have therefore amended the wording to clarify what is meant by soft-felling, in the light of discussions at the inquiry. In addition, I see no clear ecological benefit in the further requirements suggested in relation to the Holly tree, particularly since provision for cordwood is already made through another condition. I also see no need for the condition to refer only to trees of low/medium potential for bats, since the same requirements would be applicable to any other trees. I have amended the draft condition accordingly, and also re-ordered it to relate better to the other conditions relating to trees. The condition is therefore recommended as IRC 6.
134. CDC 27 relates to highway works. I agree that the new site access, roundabout, and pedestrian crossing all need to be put in place before the new school opens, for reasons of highway safety. However, the suggested contingency provision for a possible shared footway/cycleway on New Cut Road is unacceptable due to the lack of certainty or clarity, and the requirement to enter a Section 278 agreement is a matter for other legislation. With regard to the question of parking controls and a reduced speed limit, these would require TROs, and the outcome of those procedures could not be guaranteed; the proposed requirements in respect of these matters are therefore unreasonable. I have amended the draft condition to delete these elements (IRC 18).
135. CDC 28 requires the approval of a Travel Plan. The main principles set out in the revised version⁸² are no longer in dispute. I agree that the condition is justified in the interests of promoting sustainable transport modes. I have made minor amendments for the purposes of clarity and precision (IRC 19).

Formal Recommendation

136. For the reasons set out above, I recommend that the appeal be allowed, and planning permission be granted, subject to the conditions set out in Annex 3 to this report.

John Felgate

INSPECTOR

⁸² Inquiry Doc 10: Council's post-inquiry email dated 24 May 2018

ANNEX 1: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Giles Atkinson, of Counsel	Instructed by Ms Cheryl Parks, Mid-Kent Legal Services
Assisted by: Neal Thompson BSc MSc MRTPI Brendan Wright BA(Hons) MCIHT Stephen Pay MILT	Robinson Escott Planning Principal Transport & Development Planner, KCC Public Transport Planning and Operations, KCC

FOR THE APPELLANT:

Lisa Busch, QC	Instructed by Ms Halah Al-Zamel, Trowers & Hamlins LLP
She called: Elizabeth Fitzgerald BA(Hons) DipTP MRTPI Paul Lulham BA(Hons) MA(Oxon)	Barker Parry Town Planning DHA Transport

INTERESTED PERSONS:

Cllr Tony Harwood	Maidstone Borough Council and Boxley Parish Council
Cllr Bob Hinder	Maidstone Borough Council and Boxley Parish Council
Allan Adams	Local resident

ANNEX 2: DOCUMENTS TABLED DURING THE INQUIRY

- 1 List of Core Documents
- 2 Statement of Common Ground, agreed on 21 May 2018
- 3 Deed of Agreement between Maidstone Borough Council and Kent County Council, dated 22 May 2018
- 4 CIL compliance statement by Maidstone Borough Council
- 5 Plans showing location of secondary and other schools in Maidstone
- 6 Extract from Humphry Repton's 'red book' on the Vinters estate
- 7 Closing submissions on behalf of the appellants
- 8 The Council's list of proposed conditions, submitted 18 May 2018
- 9 The Appellants' list of proposed conditions, submitted 25 May 2018
- 10 Post-inquiry email from the Council, dated 24 May 2018
- 11 Post-inquiry letter from the Appellants, dated 25 May 2018
- 12 Post-inquiry email from the Council, dated 25 May 2018
- 13 Maidstone Infrastructure Delivery Plan, May 2016 (extract)

ANNEX 3: RECOMMENDED CONDITIONS

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Except where these conditions require otherwise, the development shall be carried out in accordance with the plans hereby approved, as listed in the attached Schedule.
3. The premises shall be used for a school and for no other purpose, including any other purposes in Class D1 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
4. (i) No existing tree or hedge on the site shall be cut down, uprooted or destroyed, nor topped or lopped, other than in accordance with the details shown on the approved Tree Protection Plan, No TPP001 (sheets 3a and 3b) and listed in Appendix 3 of the 'Arboricultural Implications Assessment and Method Statement', by Thomson Ecology, dated March 2017. All other existing trees and hedges within the site shall be retained.

(ii) No development shall take place, and no equipment, machinery or materials shall be brought on to the site, until protective fencing has been installed around the trees and hedges to be retained, in accordance with Section 4.7 and Appendices 4 and 5 of the above-mentioned Arboricultural report. During the course of development, nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written approval of the Local Planning Authority. The protective fencing thus erected shall be kept in place until all equipment, machinery and materials have been removed from the site.

(iii) If, during the course of development or within 5 years from its first occupation, any retained tree or section of hedge is removed, destroyed or dies, it shall be replaced with a new tree or hedge, of a size and type to be approved in writing by the local planning authority.
5. No excavation or construction works shall take place within 5 metres from the Root Protection Area (RPA) of any retained tree, as defined on the approved Tree Protection Plan, No TPP001 (sheets 3a and 3b), until a Construction Method Statement for those works has been submitted to the Local Planning Authority and approved in writing. Thereafter, all such works within 5 metres of any RPA shall be carried out in accordance with the approved Construction Method Statement.
6. All tree felling operations permitted by these conditions shall be carried out using a 'soft fell' technique, in which sections of each tree will be removed in stages and lowered gently, and the felled sections shall then be left on the ground for at least 24 hours before being cut up or removed. All of these operations shall be carried out under the watching brief of a licenced ecologist.
7. The external surfaces of the new school building shall be constructed in accordance with the materials shown on the submitted schedule entitled External Finishes (Appendix 24 to Ms Fitzgerald's proof of evidence).

8. (i) Notwithstanding the submitted plans and details, no development shall take place until a detailed scheme of sustainable surface water drainage has been submitted to the local planning authority and approved in writing. The scheme shall demonstrate that the surface water generated by this development can be accommodated and disposed of at a rate not exceeding 3.9l/s, and that any pollution risk to receiving waters can be adequately managed. The scheme shall also include details of the proposed arrangements for the management and maintenance of the drainage system for the lifetime of the development.
- (ii) The development shall not be brought into use until the drainage system thus approved has been installed and is ready for use. Thereafter, the drainage system shall be managed and maintained in accordance with the approved details.
9. (i) Hard and soft landscaping shall be provided within the site in accordance with the following approved plans and schedules:
- General Arrangement – LP2073-FIRA-LA-WS-L-90-01 Rev K
 - Landscape Planting Plan - LP2073-FIRA-LA-WS-L-93-03 (Rev C)
 - Tree Schedule - LP2073-LA-SCH-L-90-01-Rev D
 - Shrub and Bulb Schedule - LP2073-LA-SCH-L-90-02-Rev C
 - Woodland Matrix Schedule - LP2073-LA-SCH-L-90-03-Rev B
- (ii) The development shall not be brought into use until:
- all of the proposed areas of paving, tarmac and other hard surfacing, including all proposed pathways, footways, cycleways and vehicular routes, have been completed in accordance with these approved details; and
 - a timetable for the implementation of all other landscaping works has been submitted to the local planning authority and approved in writing.
- (iii) The landscaped areas shall thereafter be managed and maintained in accordance with the submitted '25-Year Landscape Management Plan and Grounds Maintenance' (Revision A), dated 13 April 2018.
- (iv) Within a period of five years from the completion of the landscaping works, any tree or plant which dies or is removed, or becomes seriously damaged or diseased, and any seeding or turfing which fails to establish, shall be replaced in the next planting season with others of the same specification.
10. (i) Notwithstanding the submitted plans and details, no external lighting shall be installed anywhere on the site, except in accordance with a detailed lighting scheme, to be submitted to the local planning authority and approved in writing. The lighting scheme shall demonstrate that any impact on bats or other wildlife will be minimised.
- (ii) All external lighting shall be switched off between the hours of 22:00 – 07.00 hours on any day.
11. The new school shall not be brought into use until cycle parking facilities have been installed for 100 bicycles, with provision for future expansion to 180 bicycles, in accordance with Plan No. LP2073-FIRA-D1-ST-D-LA-D7. The cycle parking facilities thus

installed shall be kept available for use by staff and pupils, and shall thereafter be retained throughout the life of the development.

12. The new school shall not be brought into use until the proposed car parking and drop-off/pick-up spaces have been constructed, in accordance with the approved General Arrangement Plan, No. LP2073-FIRA-LA-WS-L-90-01 Rev K. These parking and drop-off/pick-up facilities shall be kept available for use by staff and visitors, and shall thereafter be retained throughout the life of the development.
13. The new school shall not be brought into use until an electric vehicle charging point has been installed, in accordance with the details submitted in Appendix 35 to Ms Fitzgerald's proof of evidence. The charging point shall thereafter be kept available for use by staff and visitors, and shall be retained throughout the life of the development.
14. No oils, fuels or chemicals shall be stored at the site unless sited on an impervious base and surrounded by impervious bund walls, in accordance with details to be submitted to the local planning authority and approved in writing. Any such proposals should provide for the bunded area to have a capacity equal to at least 110% of the total volume of the stored materials.
15. The development shall incorporate the ecological enhancement measures shown on Plan No. LP2073-FIRA-LA-WS-L-90-09 Rev A. The new school shall not be brought into use until a timetable for the implementation of these ecological measures has been submitted to the local planning authority and approved in writing. Thereafter, the said ecological measures shall be carried out in accordance with the approved details and timetable, and shall be retained throughout the life of the development.
16. The new school shall not be brought into use until a scheme for community use of the retained playing fields has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by a range of users, management responsibilities and a mechanism for review. The playing fields shall be made available for community use in accordance with the approved scheme, and the scheme shall be adhered to throughout the life of the development.
17. (i) The new school shall not be brought into use until the following facilities have been constructed and made available for use by pupils of the new school:
 - the first six courts of the sports hall permitted by planning permission 13/1687;
 - the access road and car parking to serve the permitted sports hall, and the replacement tennis court and long jump facility, all as shown on the approved Block Plan, No LP2073-FIRA-LA-WS-L-90-03.(ii) Thereafter these facilities shall be retained, and the sports hall, tennis court and long jump facility kept available for use by pupils, throughout the life of the development hereby permitted.
18. The new school shall not be brought into use until the proposed new access onto New Cut Road, together with the associated new roundabout junction and pedestrian crossing, and related highway works, have been provided in accordance with the following plans:

- Stage 1 Roundabout Design Plan - 11408-H-01 Rev P3
- Stage 1 Roundabout Design Proposed Geometry Plan - 11408-H-02 Rev P3

19. The new school shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation, provision for monitoring, review and improvement, and be based on the principles contained within the 'Interim Travel Plan' by DHA Transport, dated June 2017. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

ANNEX 4: PLANS RECOMMENDED FOR APPROVAL

Location Plan - 16777-KSS-00-Z0-DR-A-00001 Rev P4

Block Plan – LP2073-FIRA-LA-WS-L-90-03

Ground Floor Plan - 16777-KSS-00-00-DR-A-01001 Rev P7

First Floor Plan - 16777-KSS-00-01-DR-A-01001 Rev P7

Second Floor Plan - 16777-KSS-00-02-DR-A-01001 Rev P7

Roof Plan- 16777- KSS-00-03-DR-A-01001 Rev P3

Elevations - 16777-KSS-00-ZZ-DR-A-03010 Rev P11

Sections AA, BB, CC - 16777-KSS-00-ZZ-DR-A-02001 Rev P3

Sections DD EE - 16777-KSS-00-ZZ-DR-A-02002 Rev P3

General Arrangement (Landscaping) – LP2073-FIRA-LA-WS-L-90-01 Rev K

Landscape Planting Plan - LP2073-FIRA-LA-WS-L-93-03 (Rev C)

Planting Strategy LP2073-FIRA-LA-WS-L-93-01

Ecological Enhancements – LP2073-FIRA-LA-WS-L-90-09 Rev A

Stage 1 Roundabout Design Plan - 11408-H-01 Rev P3

Stage 1 Roundabout Design Proposed Geometry Plan - 11408-H-02 Rev P3

Bin Store – LP2073-FIRA-D1-ST-D-LA-D4

Cycle Shelters – LP2073-FIRA-D1-St-D-LA-D7

External Security Layout - SSTM-BMD-BG-XX-DR-E-49050-P03