

Tabled Update for Item 2.2 – Land and East Of Holywell Primary School, Forge Lane, Upchurch (ME9 7AD (ref. 24/504410/OUT))

Three additional representation has been received which raises an objection to the proposal on the following grounds:

- The proposal would represent the unsustainable growth of Upchurch.
- The proposal would give rise to unacceptable impacts on infrastructure, highway safety, flood risk and public services. These impacts would not be adequately mitigated.
- The primary school has been fully subscribed and additional pupil demand would not be able to be accommodated locally. There is, therefore, likely to be displacement of local children to other schools, increasing the need to travel.
- An access would be adjacent to the forest area of the school which has not been addressed.
- There is potential overflow from inadequate infrastructure which could have environmental and public health impacts.
- Increased risk of surface water flooding. This could affect quality of life and cause an increase of insurance costs.
- The increased use of the rural road will be to the detriment of pedestrian and cyclist safety and there would be a cumulative risk if other developments occur.
- There is no scope to improve roads within the area due to heritage constraints.
- Congestion already occurs and would be worsened and the local highway network is inadequate and in the case of Lower Road, Rainham, often closed.
- The village GP is oversubscribed. To seek medical services, there would be a need to travel. Hospital and doctor services are already strained and this would add pressure.
- The development would alter the rural character, sense of community and village identity of Upchurch.
- The proposal would set a precedent for further developments.
- The inclusion of “dead ends” within the development indicates that more development is to follow.
- The planning balance indicates that planning permission should be refused.

Southern Water have provided generic guidance relating to soakaways not connecting to a public sewer and the potential for SuDS features to be adopted if they accord with guidance. Alternatively, they should be maintained.

A critique of the Officer Report has been provided by the appellant’s agent which has identified the following matters as errors. An officer response is provided.

Paragraph	Applicant Comment	Officer Response
3.4	The layout been designed based on car ports not garages to provide the necessary parking but this would be addressed at Reserved Matters stage.	It is the case that the plans show the provision of 8 car barns and two integral garages. At that paragraph the officer report refers to both garages and car barns.
3.5	A larger car parking spaces is shown on the plans rather than a mini-bus	Comments noted. The car parking area at the northernmost part of the

	space as suggested within the Officer Report. The space was shown as a mini-bus space, but this was amended when the school objected to the application.	site would feature 10 regular parking spaces and one larger parking space. The reference to the use of this by a mini-bus can be amended to address larger vehicles (albeit it is noted that the list of relevant plans submitted to the Planning Inspector includes a plan labelled "Minibus Swept Path Analysis" which labels the space accordingly).
4.1	Three rounds of public consultation were undertaken rather than two.	The Case Officer initially handing the application who would be best placed to respond to this point has left the Council. However, the records available indicate that letters were sent to neighbouring properties on two occasions.
6	The Kent Parking Standards 2025 should have been relied upon as they supersede the Swale Parking Standards 2020	This is not agreed. The Kent Parking Standards have not been adopted by Swale Borough Council.
7.2.10	The report does not clarify that the Local Plan is out-of-date. Footnote 8 of the NPPF is applicable and the key policies that re relevant to the proposal are out-of-date. Therefore, the NPPF should take precedence.	As set out at paragraphs 7.2.1 and 7.20.1, there is a statutory requirement to determine planning applications in accordance with the development plan unless there are material considerations (including the NPPF) that indicate otherwise. Paragraph 11 of the NPPF is referenced at 7.2.3 and 7.20.3 and, whilst not specifically reference, the effect of Footnote 8 and Paragraph 11 of the NPPF is applied through paragraphs 7.2.4, 7.2.10, 7.20.3, 7.20.4 and 7.21.1.
7.11.4	The retention and availability of the car parking at the frontage of the site will be for community use and will have no connection to the school	At 7.20.5, the provision of community parking is afforded some weight as a benefit of the proposal. The comments of the applicant in relation to the school are noted.