

PLANNING COMMITTEE – 2 FEBRUARY 2017

DEFERRED ITEM

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 REFERENCE NO - 16/507183/FULL			
APPLICATION PROPOSAL Classroom Extension, as amended by drawings received 3 January 2016.			
ADDRESS Milstead Primary School School Lane Milstead Kent ME9 0SJ			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL Proposal is broadly in line with National and Local Planning Policy			
REASON FOR REFERRAL TO COMMITTEE Objection from Parish Council and Local Residents			
WARD West Downs	PARISH/TOWN COUNCIL Milstead	APPLICANT Mrs Katherine Baker AGENT Ian Titherington	
DECISION DUE DATE 28/11/16	PUBLICITY EXPIRY DATE 28/10/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/14/0524	Single storey extension to rear of existing school building to accommodate reception class	SBC approval	17/06/2014
SW/00/0286	Classroom extension and provision of access ramp	KCC approval	24/05/2000

DEFERRED ITEM

Introduction

Members will recall that at the 8th December 2016 meeting the Committee resolved to defer this item pending the receipt of accurate drawings, as the drawings submitted were a mirror image of what is actually proposed.

Accurate drawings have now been received, and the original report for the item follows below.

1.0 DESCRIPTION OF SITE

1.01 The school comprises of a Victorian building with later extensions together with a playground to the front and a smaller area of hardstanding to the rear. The building itself is of brick and flint construction.

- 1.02 The school is approached by a narrow lane which ends shortly after the school has been reached. The lane itself is reached from Frinsted Road. The school is situated in a rural area and within the Kent Downs Area of Outstanding Natural Beauty.
- 1.03 The school is now an academy school and, in 2014, the Borough Council approved a flat roofed single storey infill extension at the rear of the building to accommodate a new reception classroom. This has been completed.

2.0 PROPOSAL

- 2.01 This application proposes a single storey extension to an existing classroom, (measuring 17sqm.) The extension would comprise of brick and flint facings under a pitched tiled roof to match the existing building. White timber windows and a white coloured aluminium glazed door are also proposed. The classroom to be extended is already 43sqm in area and would be increased to 60sqm – a 39.5% increase in floor area.
- 2.02 A new external access ramp to the proposed extension is also shown, along with a black handrail and balustrade.
- 2.03 The extension will be at the rear corner of the school building away from any immediate neighbouring properties.

3.0 APPLICANT'S SUPPORTING INFORMATION

- 3.01 The Head Teacher has responded to local representations about possible increase in pupil numbers arising from the extension by saying that;

"I can confirm the proposed small extension is to increase the space in one of the main classrooms in the school, making use of what is effectively dead space. The extension is needed to enable efficient delivery of the curriculum to the existing children in the existing classroom and the storage of necessary school equipment."

"We currently have 96 children on roll split over 4 classes. We have maintained pupil numbers over the last few years and we are not looking to increase the planned admission numbers. The proposed new extension will not increase staffing levels and will not affect parking or traffic management arrangements."

4.0 PLANNING CONSTRAINTS

- 4.01 Area of Outstanding Natural Beauty KENT DOWNS

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The NPPF was released on 27th March 2012 with immediate effect, however, para 214 states *"that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework."*
- 5.02 The 12 month period noted above has expired. As such, it is necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This was carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All saved policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

- 5.03 The NPPF sets out that sustainable development should be approved, that the natural environment should be protected, and that Local Planning Authorities should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Sustainable development is defined in relation to three key roles – economic, social and environmental.
- 5.04 The NPPF specifically encourages plan-led development providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. It also seeks that planning be creative and support infrastructure necessary for thriving local places, protecting the countryside whilst preferring use of land of lesser environmental value and making the fullest possible use of public transport, walking and cycling. Paragraph 115 of the NPPF seeks to protect the natural beauty of Areas of Outstanding Natural Beauty.
- 5.05 The guidance encourages sustainable transport patterns and choice of travel modes, minimising journey lengths, and specifically suggests that where practical (particularly within large-scale developments) primary schools should be located within walking distance of most properties.
- 5.06 With regard to school development the NPPF (paragraph 72) is very clear. It states that:
- “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *give great weight to the need to create, expand or alter schools, and*
 - *work with school promoters to identify and resolve key planning issues before applications are submitted.”*
- 5.07 In August 2011 the Secretary of State for Communities & Local Government and the Secretary of State for Education issued a policy statement on planning for schools development which took immediate effect, designed to facilitate the delivery and expansion of state-funded schools through the planning system. This statement makes clear that the Government is firmly committed to ensuring sufficient provision to meet growing demand for state schools, increasing choice and opportunity and raising educational standards. The Government’s view as stated is that the creation and development of state-funded schools is in the national interest and that planning decision-makers should support that objective; with the answer to proposals for such development being “yes”.
- 5.08 This statement has not been cancelled by the NPPF (March 2012) or the newer National Planning Practice Guidance suite (March 2014) and remains live on the DCLG website. It contains the following points;
- The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals.
 - Local authorities should engage in pre-application discussions with promoters of school development.
 - The Secretary of State will be minded to consider refusal of permission for a state-funded school development as unreasonable conduct, unless supported by clear and cogent evidence.

- Any refusal may result in the appeal being dealt with by the Secretary of State himself.

5.09 The Development Plan comprises the saved policies of the adopted Swale Borough Local Plan 2008. This Plan was intended to cover the period to 2016 so is not out of date. It is soon to be replaced by the emerging Plan Bearing Fruits; although the emphasis of relevant policies has not changed.

5.10 The following saved Local Plan policies are relevant to this proposal and whilst it is important to remember that the Local Plan should be read as a whole, without focussing on any individual policy, I have highlighted below those policies most directly relevant to consideration of the application in bold type and which I will discuss these in more detail below.:-

SP1 (Sustainable development)

SP2 (Environment)

SP7 (Community Services and Facilities)

TG1 (Thames Gateway Planning area)

SH1 (Settlement hierarchy)

E1 (General Development Criteria)

E6 (The countryside)

E9 (Landscape)

E10 (Trees and hedges)

E19 (Design)

T1 (Highway Safety)

T3 (Vehicle parking) and

T4 (Cyclists and Pedestrians)

T5 (Public Transport)

C1 (Existing and New Community Services and Facilities)

5.11 Saved policy SP7 seeks to meet the social needs of the Borough by, amongst other things, ensuring that services and facilities (including schools) are provided in as timely a fashion as possible.

5.12 Saved policy E6 seeks to protect the countryside from development but has exceptions. Put simply land outside the defined urban area boundary, as the application site is, only those developments necessary for maintaining and enhancing landscape character, biodiversity, community, social and economic needs of the countryside will be considered appropriate. The specific exceptions to policy E6 include necessary community infrastructure.

5.13 Saved policy E9 seeks to protect the natural beauty of AONBs whilst encouraging suitably located and designed development necessary to facilitate the economic and social well being of their communities.

5.14 Saved policy T1 requires that new development should not generate volumes of traffic in excess of the capacity of the highway network, or result in a decrease in safety on the highway network.

5.15 Saved policy C1 encourages new or improved community facilities.

6.0 LOCAL REPRESENTATIONS

6.01 I have received six letters of objection raising the following summarised grounds;

- Any extension potentially implies scope for increased pupil numbers, all of which arrive by car
- The ever-increasing pupil numbers do create infrastructure difficulties locally, especially adding to pressure on the narrow roads with speed, inconsiderate driving, parking, noise and pollution issues getting worse
- Access difficulties for emergency services at school times
- The school's kitchen and play area are too small to cater for additional pupils
- The school seeks an extension to increase classroom space every 18 months or so
- The school has previously said pupil numbers will not increase above 84 but now the numbers are around 100
- Objection to any further expansion of the school without a clear and enforceable limit on pupil numbers
- Lack of communications with/from the school
- The drawings are inverted and create confusion

7.0 CONSULTATIONS

7.01 Milstead Parish Council has objected to the application, saying in summary that;

- Previous planning applications have always been sought for reasons other than increasing pupil numbers and yet the numbers have steadily increased
- There are currently 96 pupils at the school but the published admission figures pre-academy status was for only 70 pupils, an increase on 30% over the past seven years. The school's current published admission number is 105 pupils, a 50% increase
- This has been done without any public consultation
- The impact and risks to residents from so many parked cars on such narrow roads without footpaths, as well as risks from the road being impassable to emergency services are already untenable
- Parking problems will only get worse with extra pupil numbers, blocking access for large farm or goods vehicles and causing traffic congestion and people having to walk in the middle of the road
- So far, luckily, nobody has been hurt
- The need for more space is a direct result of this steady increase in pupil numbers; the only way to limit numbers seems to be to limit classroom space

8.0 BACKGROUND PAPERS AND PLANS

8.01 All papers submitted with application 16/507183/FULL

9.0 APPRAISAL

9.01 In my view the main issues for consideration in this application are the principle of development, design issues, impact on residential amenity and whether or not the concerns over increasing pupil numbers are material to the merits of the application.

The Principle of Development

9.02 In this case I am satisfied that the principle of the expansion of an existing school is acceptable even in a rural area. Policy for rural areas allows for community facilities and the Government's policy stance is clearly to support investment in state funded schools. I see no conflict with national or local policies in the expansion of schools to provide better quality educational facilities. Having said that, I can fully appreciate

potential concerns over the expansion of schools where this might have adverse environmental consequences. I will examine these potential consequences

Design

- 9.03 One obvious potential consequence of any expansion of a school is that its architectural quality or appearance might be harmed. Earlier extensions to the school are less than well designed going back to the year 2000 and beyond. The 2014 extension is not a good piece of design but it is sandwiched between existing wings of the school and has no public presence. Refusal might have been unreasonable. In contrast, this extension has all the hallmarks of a sympathetic addition to the school in matching materials. It will be modest and relatively well concealed from public views. I consider that it meets the Council's aspirations for good design in this sensitive AONB setting albeit the drawings do appear to be reversed and I am seeking clarification from the applicant.

Residential Amenity

- 9.04 The school has one immediate residential neighbour and another very close nearby. In neither case do I consider the extension likely to be prominent or at all harmful to their amenity. It is set on the far end of the school from the immediate neighbour and at the back boundary of the site from the next nearest neighbour.

Highways

- 9.05 In this case all the concerns over the extension relate to the potential for the school role to be increased. I am aware of the acute parking and access problems of this remote and isolated site, and can appreciate concern over any increase in pupil numbers. However, the number of pupils is not currently controlled by planning conditions and an increase in numbers would not constitute development requiring planning permission. Furthermore, the Head Teacher has confirmed in writing since submission of the application that the purpose of the extension is not to allow for an increase in pupil numbers. Accordingly, I am firmly of the view that this is not a material consideration for Members to consider when determining this application.
- 9.06 Members will be aware that planning applications should be determined on their own planning merits and the number of objections is not of itself a reason to refuse an application. Ultimately I am aware of six objections as well as the Parish Council's objection but they are all overtly based on concern over a potential increase in pupil numbers, not the actual building works involved. I do not consider that these objections would withstand the scrutiny of an appeal Inspector, and that the Council would not have a tenable case to defend should refusal be contemplated on this ground. I conclude that the matter of potential increase in pupil numbers should not be a factor in decision making here, and thus no additional impact on highway safety can be alleged.

10.0 CONCLUSION

- 10.01 I am not aware of any objections to this application on material planning grounds related to the actual impact of this very small and well designed extension and I can see no reason to refuse the application.

11.0 RECOMMENDATION – GRANT Subject to the following conditions;

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) Prior to the commencement of development, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure that these details are approved before works commence

- (3) Detailed drawings at a suggested scale of 1:5 of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings shall be submitted to and approved by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure that these details are approved before works commence

Council’s Approach to the Application

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.