

**PLANNING COMMITTEE – 21 MAY 2015**

**PART 4**

Report of the Head of Planning

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Swale Borough Council’s own development; observation on County Council’s development; observation of development by Statutory Undertakers and by Government Departments; and recommendations to the County Council on ‘County Matter’ applications.

<b>4.1 REFERENCE NO - 15/502829/COUNTY</b>			
<b>APPLICATION PROPOSAL</b>			
Regulation 3 (KCC) Planning renewal of existing PTA store, double and single mobile classroom and proposed single mobile classroom and temporary playing surface, which is required to accommodate the additional reception class from September 2015. The retention of the mobile buildings are required until the school relocates to the new school site and the site is restored by the end of May 2016.			
<b>ADDRESS</b> Tunstall Church Of England Primary School Tunstall Road Tunstall Kent ME9 8DX			
<b>RECOMMENDATION</b> – No objection			
<b>WARD</b> Woodstock	<b>PARISH/TOWN</b> Tunstall	<b>COUNCIL</b>	<b>APPLICANT</b> Tunstall C Of E School <b>AGENT</b> Planning Applications Group
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>KCC Decision</b>	<b>Date</b>
SW11/1451	Temporary classrooms and PTA store until 28 February 2014	Approved	March 2012
SW/12/1317	Staff car park adjoining school	Refused	March 2013
SW/14/0192	Renewal of classrooms and PTA store until 31 December 2015	Approved	June 2014
SW/14/0153	New primary school	Approved	May 2014

**1.0 DESCRIPTION OF SITE AND PLANNING HISTORY**

1.01 The main school building is a grade 2 listed building, greatly extended and on a very small site, all of which lies within the Tunstall conservation area. The popularity of the school has led to the grounds being exploited to their maximum with playgrounds, mobile classrooms and buildings occupying the entire grounds. The lack of space for car parking has led to staff parking on the attractive front lawn of the school directly in front of the façade of the listed building. A 2013 planning application for a staff car park on adjoining agricultural land to address this situation was rejected by KCC.

- 1.02 A 2011 application for a further temporary period for the stationing of mobile classrooms etc resulted in the Borough Council raising objection and seeking a longer term solution to the school's future needs. The application was approved by the County Council on the basis that the school examined a strategy for meeting the future development of the school. This resulted in the school looking at a number of options including a complete relocation of the school to a site close to the junction of Tunstall Road with Woodstock Road.
- 1.03 In 2014 planning permission was sought both for the building of this new school nearby on agricultural land with an additional class entry (approved by KCC in May 2014), and for the retention of the mobile classrooms and PTA store whilst the new school was built. The Borough Council did not object to the renewal of temporary permission for the mobile classrooms and PTA provided that they were removed from the site by 17 March 2016 (a period of 2 years from our comments). The renewal was approved by KCC, but only until 31 December 2015.

## **2.0 PROPOSAL**

- 2.01 Construction of the new school nearby has now begun (23 March 2015) but the original completion date of September this year will not now be met. Instead it is anticipated that the new school will be opening after the Easter holiday 2016. This requires retention of the existing mobile classrooms and PTA store beyond the current deadline of 31 December this year. In addition it is proposed to station a single mobile classroom to accommodate the extra September 2015 reception class intake, and to temporarily provide a small area of artificial surfacing at the rear of the site. The single mobile classroom would be joined to the existing single mobile unit to the rear of the school building. All mobiles, the PTA store and the temporary artificial surface would be retained until 31 May 2016, five months longer than the current temporary permission provides for, and just over two months longer than the Borough Council originally recommended in 2014. Restoration of the grounds would be completed by the end of August 2016.
- 2.02 The application is supported by a Planning Statement, a Design and Access Statement, a Heritage Statement and a lengthy report on the transport implications of the proposal. The applicants recognise that the delay in removing the mobile classrooms is disappointing but they argue that the harm must be weighed against the benefits of seeing them completely removed shortly thereafter.
- 2.03 One additional teacher and two teaching assistants would be engaged at the site, with 30 additional pupils for the period September 2015 to Easter 2016. It is suggested by the applicants that the additional traffic which would result from this proposal will not be severe and should not present a reason to refuse this application.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- 3.01 The NPPF was released on 27<sup>th</sup> 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.”*

- 3.02 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 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.
- 3.03 The NPPF, amongst other things, 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.
- 3.04 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.
- 3.05 With regard to school development the NPPF 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.”*
- 3.06 In August 2011 the Secretary of State for Communities & Local Government and the Secretary of State for Education issued a specific 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”.
- 3.07 This statement has not been cancelled by the NPPF (March 2012) or the newer National Planning Practice Guidance (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.

3.08 The Development Plan comprises the saved policies of the adopted Swale Borough Local Plan 2008. The following saved Local Plan policies are most relevant to this proposal:-

E1 (General Development Criteria)

E6 (The countryside)

E14 (Development Involving Listed Buildings)

E15 (Development Affecting a Conservation Area)

E19 (Design)

T1 (Highway Safety)

T3 (Vehicle parking)

T4 (Cyclists and Pedestrians)

T5 (Public Transport)

C1 (Existing and New Community Services and Facilities)

3.09 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 then 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.

3.10 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.

3.11 Policy C1 encourages new or improved community facilities.

3.12 The emerging Swale Borough Local Plan Bearing Fruits 2031 Publication Version has recently been submitted for examination and as such it can be afforded additional weight. However, in terms of the policies at stake here the Plan very much continues the approach of the adopted and saved Local Plan policies.

#### **4.0 LOCAL REPRESENTATIONS**

4.01 The County Council has forwarded four letters of objection to this application which contain the following summarised points;

- I object in the strongest possible terms
- The additional pupils are reception class children whose parents will have to take them onto the site from their parked cars and not be able to drop and leave

- Mobile classrooms are not acceptable or appropriate in the 21st Century and more should not be added, but this results from the decision to approve the new school and retain the mobile classrooms
- The Memorial Hall car park does not belong to KCC or SBC and the terms of its use were clearly laid down when the hall was built. The school's use of the car park needs to be controlled as it and increased by four times since the drop off facility was designed 15 years ago
- With only 30 of the 420 pupils living in or near the local community the school should never have built in Tunstall. The school should be returned to half form entry like all other village schools, with the new school built in north Sittingbourne, reducing cross town traffic
- The Planning delays excuse is simply not true and it was dishonest of KCC to offer additional places to parents when it was known that the places would not be available, let alone any increase in the role
- This was all foreseeable and expected as a result of the decision to approve the new school in Tunstall when most pupils live in north Sittingbourne
- The contract to build the new school has not yet been awarded, only groundworks.
- There is no guarantee that the new school will be completed by May 2016
- The current school cannot even accommodate its existing role in terms of sanitation, teaching conditions and parking

4.02 One letter of support has also been received. This is from a Governor of the school who refers to delays in building the new school, and saying that the school has no realistic option other than to continue operating from the existing site with the additional classroom until the new school is ready for occupation next year.

4.03 I have also received letter stating support for the proposal, as it is seen as clearly necessary to permit continuity of education, despite some people having clear reservations about the consequences

## **5.0 CONSULTATIONS**

5.01 The County Council has not yet received any comments from the Parish Council in relation to this application; the closing date for comments is 8 May 2015.

## **6.0 BACKGROUND PAPERS AND PLANS**

6.01 Application papers for applications SW/11/1451, SW/12/1317, SW/14/0153 and SW/14/0192.

## **7.0 APPRAISAL**

7.01 The Borough Council raised objection to the 2011 application for renewal of mobile classrooms when no plans to resolve the overcrowding of the site were in sight. However, in 2014, the Borough Council did not object to the further renewal (until 17 March 2016) on the basis that the new school would soon be built. This application seeks only to meet the objectives of the latest renewal, and to deal with the consequences of the delay in construction of the new school.

7.02 Now that the new school is under construction there is a clear end to the issue of mobile classrooms on the site, which I very much welcome. Whilst it is regrettable that the new school will not be ready by September this year and that the school role

is being increased anyway, I see no reasonable alternative to the retention of the mobiles etc. and to the stationing of another for a few extra months. The date now suggested is in fact only a few weeks after this Council originally requested removal of the existing mobile classrooms and PTA store, and as such I consider that it would be unreasonable of the Council to object to this application now

## **8.0 CONCLUSION**

8.01 Whilst retention of the existing mobile classrooms, and the addition of a further mobile classroom, is clearly harmful to the setting of the listed building and to the character and appearance of the conservation area, it will allow continuity of education at the school, and I conclude that the Council should not raise objection to the application. I suggest that we ask KCC to require that the mobile classrooms and PTA store are removed by the end of May 2016 with the school grounds restored by the end of August 2016.

**9.0 RECOMMENDATION** – No objection be raised subject to the following conditions:

### **CONDITIONS**

1. The mobile classrooms and PTA store hereby permitted shall be removed from the site by 31 May 2016, and the temporary playing surface be removed and the site restored to its previous condition by 31 August 2016.

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.