

Hildenborough **TM/12/02640/FL**
Hildenborough

Demolition of the former school buildings (part of which are currently occupied by the Raphael Centre for Class C2 care use and part of which are vacant) and redevelopment with a two storey building (plus ancillary basement) to provide a 44 bedroom specialist care facility together with associated landscaping and car parking provision at Raphael Medical Centre Coldharbour Lane Hildenborough Tonbridge Kent TN11 9LE for Raphael Medical Centre

Additional Information: Since publication of the Committee report, the applicant has submitted an additional statement in support of his claim of the need for this facility in this location. This is in the form of a letter that has been circulated to all Committee members.

Cllr Smith has sent his apologies but would like the Committee to note that he *“fully supports the Officers recommendation to refuse planning permission for the reasons set out in 7.1.1 /7.1.2/7.1.3 on page 21 of the Agenda.*

Despite the need for beds as mentioned in the enclosed letters, which I am very aware of through another authority, I cannot support this application as it is totally in the wrong place (green belt), is far too big for the site and is thus overdevelopment, would have an enormous effect on the local population, both adjacent and surrounding area and has the potential to cause traffic problems on a quiet country lane. I am of the opinion, having read the report, that this is just not suitable for the proposed site.”

DPHEH: I note the further submission by the applicant. While it may well be possible to accept that there is an unmet requirement for the facilities set out in the letter nothing in the letter demonstrates that such provision is *needed* at this site in general or at the scale proposed or indeed in the scale or form of building identified in this application. As such I do not consider that the letter adds any further information that would lead to the conclusion that very special circumstances have been proven to exist that justify the grant of planning permission.

RECOMMENDATION REMAINS UNCHANGED

Alleged Unauthorised Development

Hildenborough 12/00284/COM
Hildenborough

Former School Building at Raphael Medical Centre Coldharbour Lane
Hildenborough Tonbridge Kent

The full report is attached as an Annexe to this Supplementary Report. It is recommended that an Enforcement Notice be served.

Hadlow (Hadlow) TM/13/01482/FL
Hadlow, Mereworth
And West Peckham

Relocation of existing lambing shed and erection of two storey school building together with car parking, vehicle circulation area and landscaping at Faulkners Farm Ashes Lane Hadlow Tonbridge Kent TN11 9QU for Hadlow College

KCC (Education): *In respect of secondary school demand in West Kent, the application from DHA Planning dated May 2013 correctly quotes the Kent Commissioning Plan for Education Provision 2012-2017 ('the 2012 Plan'). At the point of writing the 2012 Plan, it was anticipated that there would be a deficit of up to 80 places in Tonbridge and Malling from 2016/17 to 2019/20. It is also correct that the planning for secondary school provision in Tonbridge and Malling needs to take into account the anticipated demand within Maidstone, Tunbridge Wells and Sevenoaks, as this is considered to be the travel to school distance for the secondary sector.*

KCC are currently in the process of revising the Commissioning Plan for Education Provision for the period 2013-2018 ('the 2013 Plan'). It is anticipated that the 2013 Plan will be published in autumn 2013. The revised projections for the 2013 Plan indicate that there is a growing pressure for secondary school provision in West Kent. It is anticipated that there will be a deficit of up to 103 Year 7 places in Tonbridge and Malling within the period 2018/19 to 2022/23. The corresponding figures for Tunbridge Wells and Maidstone indicate deficits of up to 70 and 149 respectively. However the projections for Sevenoaks indicate a surplus of up to 89 Year 7 places within the same period. The figures referred to above do not allow for a surplus of places as indicated by Bold Steps for Education.

The objection from Ibbett Mosely dated 10 June 2013 correctly refers to the potential for two new secondary schools within the West Kent area; a new grammar school within Sevenoaks and the Trinity Free School. Each of these school proposals is subject to their own planning applications and consultation processes. As I understand it, the long term building solution has not currently been resolved for any of these three schools. It would

therefore be incorrect to assert that the proposed Hadlow Rural Community School would not be required due to the two other proposed secondary schools. In the same way it would be incorrect to draw a conclusion at this stage that either the proposed new grammar school or the Trinity Free School would not be required, because there is a proposal to open the Hadlow Rural Community School.

Private Reps: 4 further letters received making the following objections:

- Continue to object to the school being built here in the Green Belt as it is a degradation of the Green Belt and urban 'creeping', other locations are more appropriate;
- Hadlow College access is the only viable entrance as it has considerably better sight lines onto the A26, is capable of being further enhanced to suit increased traffic and would keep children safe – the application has all the appearances of taking the cheapest and softest option for the College;
- Very few, if any, oppose the basic concept of the Free School being erected and managed by Hadlow College – alternative site may not be so convenient to the College but common sense should prevail and the school should be sited here instead;
- Potential hazards and traffic congestion which are likely to occur in Ashes Lane and the junction with the A26. Also the proposed exit point in Ashes Lane does not have a clear view to the right after approximately 30 yards;
- Concerned that the proposed changes to the highway were only discussed for the first time at the Members Site Inspection and that the changes would involve removal of hedges and other features of the Green Belt landscape;
- Changes to the highway will result in the area becoming more suburban in character
- Pupils will have to cross a public route into the AMU and dog grooming parlour and then follow a convoluted route onto an unsafe exit onto the public footpath near Blackmans Lane – this makes a nonsense of the safeguarding argument which seeks to reject other sites;
- Questions whether route of footpath through the AMU falls within the application site;
- Visibility splays are inadequate;

- How will footpath be surfaced and lit?
- Proposed footpath is inadequate in terms of safety and impracticality of sustained efficient policing in all weathers and conditions;
- Point at which pupils are expected to emerge onto the A26 is dangerous;
- Large farm vehicles and equipment constantly use the Ashes Lane junction;
- Confirmation should be sought that coaches and buses will not damage the canopies of trees;
- No reference has been made to the subterranean High Pressure Gas Main which is very adjacent to the proposed site for the main Free School building;
- One correspondent has suggested that as there now exist recently introduced “permitted development” rights to create state-funded schools in existing buildings and their curtilage, so that option should automatically take precedence over the use of the Green Belt;
- Several letters have been received amplifying and reinforcing the view of local residents set-out in the main report.

DPHEH:

At the Members Site Inspection, question was raised by local residents as to whether or not the route the planning agent led Councillors through the AMU car park fell within the application site defined by the red line. Since the Inspection, the agent has provided an updated plan which clearly shows the area walked falling within the application site. However, in doing so, they do acknowledge that the exact route of the footpath for the permanent school has not been specifically identified on the submitted plans. They have asked that this be the subject of a condition should Members be minded to grant planning permission for the permanent school. This would also allow the Council to seek details of how the footpath will be enclosed and consider whether adequate safe and provision is made on the detailed aspects of that facility. An additional condition can be added to control this matter.

Also at the site inspection it became clear that Members were very keen to understand what the improvements to the A26 would specifically entail. The applicant has only very recently agreed to the package of highway improvements *in principle* and, as such, these have not been worked up into a detailed design at this stage. The Recommendation set out within the main Agenda includes a condition requiring details of the highway improvements (condition 11). These details would need to be subject of detailed discussions between the applicant, this Council and Kent Highways and Transportation

(whose separate consent would be required for works in the highway) to ensure an appropriate solution emerges.

Members also noted, at the site inspection, that the proposed footpath route across the field from the school to the A26 would be in darkness during winter months at the beginning and end of the normal school day. Condition 9 (as recommended) states that external lighting to be used in connection with either the building or footpath cannot be installed until any such details have been submitted and approved. It seems inevitable that some form of external lighting will be required in connection with the footpath. Given the designation of the land as Metropolitan Green Belt and the rural characteristics of the locality generally, any such lighting would need to be sensitively designed to ensure there would be no harmful impact on the appearance of the open countryside whilst achieving a safe walking route.

Simply because new “permitted development” rights exist to allow state-funded schools to be established without the need for a planning application does not automatically mean that other options such as that made in this case are automatically unacceptable in the Green Belt – the particular facts of the case must be considered in the round.

Residents have highlighted that certain works undertaken within the AMU site were not complete or were at the time unauthorised. I can confirm that the parking areas and scheme of landscaping have not been implemented in accordance with conditions 3 and 5 imposed on planning permission TM/07/00482/FL. Part of the approved parking scheme is located on land *now* found to be outside the college’s ownership. This was not identified by the *then* owner of the land at the time of the application and the College is not now able to implement the approved scheme and have proposed that an alternative parking scheme is utilised (a combined solution with the current application scheme). In itself this appears to be a pragmatic approach given that the approved solution cannot be implemented – however that solution does rely on the outcome of the consideration of the permanent school.

AMENDED RECOMMENDATION:

Additional Conditions:

16. Prior to the commencement of the development hereby approved, other than the demolition and relocation of the existing lambing shed, details of the precise route the footpath will take through the site along with any associated means of enclosure shall be submitted to the Local Planning Authority for formal approval. Thereafter, the details shall be implemented and monitored to ensure strict compliance with the approved scheme.

Reason: In the interests of highway and pupil safety.

17. Prior to the commencement of the development hereby approved, other than the demolition and relocation of the existing lambing shed, a Travel Plan covering both staff and pupils shall be submitted to the Local Planning Authority for formal approval. Thereafter, the Travel Plan shall be implemented and monitored to ensure strict compliance with the approved scheme.

Reason: In the interests of highway and pupil safety.

**Hadlow (Hadlow) TM/13/01705/FL
Hadlow, Mereworth
And West Peckham**

Demolition of existing stores; external alterations to existing classroom building; provision of a new temporary building; play area; perimeter fence; associated parking and pedestrian path to form a Free School for a temporary period at Faulkners Farm Ashes Lane Hadlow Tonbridge Kent TN11 9QU for Hadlow College

At the time of the submission of the application the temporary school was not formally functioning and not all of the facilities comprised in this application were complete or intact. The school is now open and pupils are attending classes. The revised recommendation reflects this latest position.

Private Reps: 3 further letters received making the following objections [insofar that they relate to the temporary school]:

- Pupils will have to cross a public route into the AMU and dog grooming parlour and then follow a convoluted route onto an unsafe exit onto the public footpath near Blackmans Lane – this makes a nonsense of the safeguarding argument which seeks to reject other sites;
- How will footpath be surfaced and lit?
- Confirmation should be sought that coaches and buses will not damage the canopies of trees;

DPHEH:

At the time of the drafting of the main Committee report, part of the proposal was already being created and the case had to be dealt with on a part retrospective basis. Members will be aware that the temporary school has now opened and therefore it is now necessary to consider the application as a whole on a retrospective basis.

One correspondent, acting on behalf of a local resident, contends that the school use itself should not be considered to be lawful because the use of the AMU complex is agricultural and not educational. I cannot share this contention and indeed the application for the new AMU described the previous use of the site as “*educational/agricultural*”. The Design and Access Statement for the AMU indicates that “*the site forms part of the College Campus....*” I am satisfied that the use of the land for the temporary school does not require planning permission in its own right as it falls within the same Use Class as the previous College use.

As a consequence of the temporary school now being in existence it also enjoys “permitted development” rights for extensions and new buildings as enjoyed by any educational establishment. The new classrooms in this application cannot be created under those provisions because they exceed the floorspace tolerances and are closer to the site boundary than the “permitted development” rights allow. However it has to be recognised that additional facilities could be provided under “permitted development” rights and that factor needs to be considered in the decision on this application. It cannot be assumed that no new facilities would be provided if this application were not to be approved.

One of the main issues arising from the Members’ Site Inspection in respect of the temporary school was the way in which traffic would be managed within the site, which areas of the site would be used for staff parking and which would be used for pupil drop off/pick up (and whether this would largely be by dedicated mini-buses or by individual parents). The agent has since provided plans explaining how traffic is managed on site and these are available for Members to view. Additionally, the agent has explained that:

“Staff Parking – *on site 8 No. spaces, with staff accessing at beginning and end of the day past the rear of 1-4 Ashes Lane.*

Minibus – *there are normally 4 minibuses and these will drop off right by the school gates. At this time, staff cars will already be parked. Please note that the minibus turning area is actually greater than shown as it includes the area up to the fence line, shown on the topographical survey as grass. What we show is not a submission for highways purposes but is simply for the purposes of what you asked us to produce for Committee.*

Cars: Parent Drop-Off – *to occur in the area at the rear of the College’s accommodation at 1-2 Ashes Lane where there is circulation (tracked) for cars. Only disabled car access will be allowed up to the staff car park and school gates.*

Coaches (occasional) – *for any school trips etc. the temporary school will have the coach park alongside the Lambing Shed and pupils will walk to or from the school using the path we walked with members. Coaches have been separately tracked round the main AMU circulation zone (not shown on the attached) so they enter and leave as per current car movements.*

Clear Access to AMU Maintained – *none of these arrangements stop students from accessing the Animal Management Unit, as after one enters the main gate of the site the*

width available widens dramatically, allowing vehicles to pass and move into the main car park with ease.

Control of this System – *I noted with regret that during the first 2 days of opening a resident had taken the trouble to photograph pupil drop-offs on Ashes Lane in order to make a point but it is fair to say that control of drop-off and collection will only happen with signage and supervision, whereupon it should settle down. The parents and pupils are all new, so whilst information has been given out to them, we are in a formative phase. The system being operated is as follows:-*

- a) The College have a marshal at the Ashes Lane frontage directing cars into the site to avoid drop off on the public highway and to educate parents on how to use the site*
- b) Signage is being installed inside the site*
- c) The School will soon take over from the marshal and will supervise from then on – their name and contact number will be made available so that residents can raise any problems with the school direct.”*

Another aspect of the scheme which triggered some level of discussion was the final surfacing of these areas whilst the temporary school is in operation, and when this surfacing will be completed given that the use has already commenced. The agent has stated that:

“As this will only be on site for a temporary period the surface will be taken up in a matter of a year or so. In the interests of sustainable construction the scalplings will be rolled to a firm surface sufficient to cater for access to the 8 staff parking spaces, minibuses and for deliveries. As for the circulation loop for the parent drop-off, this has been used for visitor parking etc., for a number of years. It also will only need changing when the lambing shed is removed and the new large area for permanent school use is then formed as a marked tarmac circulation zone. For the time being, the surface as it stands is durable and useable in all weathers.”

Clearly this approach has been adopted under the assumption that planning permission for the permanent school will be forthcoming in light of the recommendation included within the main report. However, as stressed in the main report, this application for the temporary school must be considered independently and the nature of the surfacing was clearly a cause for concern amongst Members and residents alike. As such, I would therefore recommend that should Members be minded to grant planning permission, a condition be imposed requiring more comprehensive details of surfacing of these areas within a stipulated time frame.

In terms of the use of the new footpath across the field by pupils attending the temporary school, the agent has asked that it be stressed that the A26 exit from the new path across the field will be inset into the hedge and have space for movement and a lockable gate. There will be a lock at the Farm end too. The Transport Addendum recently submitted confirms that five pupils will be walking this route and as such, the agent submits that the path is thus available for use as an exception to the normal rule of vehicle drop

off/collection will always be under full supervision by staff and will be locked when not in use.

AMENDED RECOMMENDATION:

The application is amended by the email of 11 September and two accompanying drawings showing car and minibus circulation and parking.

Also *amend* Conditions 2 & 7:

2. The development hereby approved shall be used solely as a Secondary School providing a land-based curriculum in association with the facilities available at Hadlow College.

Reason: To enable the Local Planning Authority to regulate and control the future use of the site in the interests of preserving the open nature and function of the Metropolitan Green Belt and in the interests of highway safety.

7. The number of pupils shall not exceed that set out in the Design and Access Statement.

Reason: In the interests of pedestrian and traffic safety.

Additional Conditions:

9. The site shall be operated fully in accordance with email and vehicle circulation plans received on 11 September 2013.

Reason: In the interests of highway and pupil safety.

10. Within one month of the date of this permission, full details of the materials used for the surfacing of the parking areas and associated hard standings shall be submitted to the Local Planning Authority for approval, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

11. Within one month of the date of this permission, a Travel Plan covering both staff and pupils shall be submitted to the Local Planning Authority for formal

approval. Thereafter, the Travel Plan shall be implemented and monitored to ensure strict compliance with the approved scheme.

Reason: In the interests of highway and pupil safety.

Alleged Unauthorised Development

Hildenborough **12/00284/COM** **557182 149050**
Hildenborough

Location: Former School Building at Raphael Medical Centre
Coldharbour Lane Hildenborough Tonbridge Kent

1. Purpose of Report:

- 1.1 This report provides further information to amplify the position set out on the main agenda. This is a report into the failure to comply with condition 3 of planning permission TM/98/02236/FL which required the unit comprising two classrooms to be removed and the land restored to its former condition on or before 31.03.2004. The unit comprises two classrooms, two storerooms and a central cloakroom.

2. The Site:

- 2.1 The site lies within the Metropolitan Green Belt although the village confines of Hildenborough are located to the south of the site.
- 2.2 The Raphael Centre and its associated housing (St Michaels Court and Raphael Court) occupy a substantial area of land on the western side of Coldharbour Lane.
- 2.3 Residential properties in Hardwick Road are located to the south west of the site and to the north east there are a number of detached residential properties in substantial plots. To the south east is open countryside.
- 2.4 The site is subject to an extensive TPO.

3. History:

- 3.1 The site has an extensive planning history most of which relates to works to trees. The most relevant planning applications are set out below.

TM/02/01789/FL	Approved	8 November 2002
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Change of use from educational to residential institution and single storey extension

TM/98/02236/FL	Approved	26 March 1999
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Two prefabricated classrooms
[Contained within a single unit]

TM/12/02640/FL Pending Determination

Demolition of the former school buildings (part of which are currently occupied by the Raphael Centre for Class C2 care use and part of which are vacant) and redevelopment with a two storey building (plus ancillary basement) to provide a 44 bedroom specialist care facility together with associated landscaping and car parking provision

4. Alleged Unauthorised Development:

- 4.1 The failure to comply with condition 3 of planning permission TM/98/02236/FL which required the twin classroom unit to be removed and the land restored to its former condition on or before 31.03.2004.

5. Determining Issues:

- 5.1 When planning permission was granted for the unit under planning reference TM/98/02236/FL, it was recognised that the unit went beyond the definition of small scale development as set out in PPG2: Green Belts and therefore it was concluded that the unit constituted inappropriate development within the Green Belt. The associated case for very special circumstances submitted and accepted at that time rested on the fact that it was considered to be unreasonable to prevent the school from providing additional facilities to achieve its dual aims of providing both a proper primary school facility catering for all age ranges and a reduction in class sizes.
- 5.2 The decision was taken to allow the unit only for a temporary period. Condition 3 was specifically imposed because it was considered that granting a permanent permission would have committed the Council to additional permanent visual mass on this site. This resulted in a harmful effect in maintaining the openness of the Green Belt in this locality but was accepted on a temporary basis, although never assessed as a feature for permanent retention. There was a general concern that should any subsequent proposal for redevelopment of the site come forward, had the classroom been a permanent feature, it could subsequently be taken into account in any footprint allowance. I would suggest that the stance adopted at the time has been wholly vindicated by the fact that in the case of planning application TM/12/02640/FL, the applicant has, in part, attempted to use the footprint of this building to seek a much larger building on site than the existing *permanent* buildings or facilities on site (as discussed at length elsewhere on this Agenda).
- 5.3 Although the policy framework documents governing development within the Green Belt has changed since the decision was made in 1999, the general thrust and overall level of control has *not* changed.

Although specific exceptions to this are provided for within paragraph 89 of the NPPF, the building on site does not fall within any of these exceptions and therefore remains inappropriate development within the Green Belt.

- 5.4 I can confirm that the unit is no longer in use and that it was not included as part of the application site when the use of a proportion of the permanent school buildings was changed from educational to residential institution (in connection with the Raphael Centre).
- 5.5 Given the fact that the school, following the grant of various educational permissions, has now vacated for educational use I consider the approach adopted in 1999 was entirely justified . Since that time and as the educational use has ceased these temporary features are no longer needed or justified. This position cannot be allowed to persist as to do so would effectively allow the temporary classroom to remain in the Green Belt contrary to policy and unjustified by any very special circumstances. As such, I believe it is now expedient to take enforcement action to require the removal of the unit and to seek appropriate measures to ensure the land is restored to an acceptable condition.
- 6. Recommendation:**
- 6.1 An Enforcement Notice **BE ISSUED**, the detailed wording of which to be agreed with the Director of Central Services.

Contact: Richard Edmonds