

- No analysis has been undertaken as to the impact upon the character of the area.
- No analysis has been undertaken as to why this site has been chosen when the school could remove some of the older ugly buildings.
- The design of the building is basic and utilitarian and not of a high quality.
- The community use of the hall would add to the existing traffic congestion already present in the area.

6. Determining Issues:

- 6.1 Current Government guidance concerning development within the Green Belt is contained within Section 9 of the NPPF. It states at paragraph 79 that its openness and permanence are its essential characteristics. Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate development unless they fall within certain stipulated exceptions. The NPPF goes on to state that inappropriate development should not be approved except in very special circumstances and that such very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.2 Policy CP3 of the TMBCS states that development within the Green Belt has to comply with national Green Belt policy.
- 6.3 The proposed sports hall does not fall within any of the exceptions set out at paragraph 89 of the NPPF and therefore constitutes inappropriate development, which is considered to be harmful to the Green Belt by definition. Additionally, the overall footprint, height and associated bulk of the sports hall building would have a clearly material impact on levels of openness of the Green Belt at this point.
- 6.4 With these factors in mind, it is necessary to give careful consideration as to whether any very special circumstances exist that outweigh the harm caused to the Green Belt by virtue of its inappropriateness (by definition) and the material physical impact the building would have on openness.
- 6.5 In this regard, a key material consideration is the Government's "Policy Statement – Planning for Schools Development" - a joint statement issued by the then Secretaries of State for Education and Communities and Local Government. It is the clear intention of Government to support the development of state funded schools. It states:

"The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both

demographic needs and the drive for increased choice and higher standards.” (My emphasis.)

6.6 It goes on to state:

“The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- *There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.*
- *Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision...*”

“A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.”

6.7 Paragraph 72 of the NPPF states that LPAs should take a positive and proactive approach to development that will widen choice in education and should give great weight to the need to create, expand or alter schools.

6.8 The rationale for the development is that the existing sports facilities within the school are inadequate for the school to use when bad weather prevents the use of the outdoor pitches/facilities. The number of pupils has increased over the years from 400 when the school was originally built to over 1100 now. It is not the school that sets the number of pupils that it receives each year but the local education authority. The school cannot, therefore, control how many pupils it has to plan for during each academic year. The school considers that pupil numbers will increase over time based on current trends. The existing arrangements do not comply with Ofsted’s requirements for PE provision. There is also no provision for sixth form PE/games. The proposed sports hall would enable the school to provide a broader range of sports than is currently available (including cricket, volleyball, basketball, gymnastics, tennis etc). It is clearly apparent that the school does not have an adequate provision of indoor PE/sports facilities to cater for the current number of pupils it has and that, with pupil numbers forecast to increase in line with recent trends, this situation will only get worse over time.

6.9 The school has considered several options as alternatives to the current proposal. One option that has been considered and discounted is to extend the existing

gymnasium. However, there is insufficient room to do this. Another option is to pursue an alternative position for the new sports hall building, which was the subject of a planning permission granted in 2010 by the County Council. This development was, like the current proposal, within the Green Belt but very special circumstances were considered to be present which gave rise to the grant of planning permission.

- 6.10 It has been suggested by one of the local residents that consideration should be first given to replacing some of the existing older buildings within the site to make way for the new building. However, if this was a viable option, the school would have considered this instead of the proposed development. The school is not proposing such a scheme and as such, irrespective of whether some might *prefer* an alternative solution, the scheme put forward must be assessed on its own merits.
- 6.11 The school has also stated that it has a partnership with the Weald of Kent Gymnastics Club. The Club would make use of the proposed building outside of school hours. The club currently operates between 4.30 pm and 9.30 pm Mondays to Fridays and between 8am and 5pm on Saturdays and Sundays. Further information is currently being prepared by the school in order to further explain how it envisages this being managed in a suitable fashion, details of which will be set out in a Supplementary report.
- 6.12 It is apparent that a need exists to improve the inadequate sports facilities within this school and that an opportunity exists to enable the building to be used by community groups when the school is not using it. With regard to the latter point, it is another aim of Government policy to create healthy communities. The NPPF states at paragraph 70 that planning decisions should plan positively for the provision of shared space, community facilities and other local services to deliver social, cultural and recreational facilities that the community needs.
- 6.13 The siting of the proposed building undoubtedly assists in the building appearing as part of the established existing school campus rather than as a remote satellite building. Furthermore, regard must be had to the fact that the proposed development is of a similar scale to a sports building granted planning permission by the County Council in 2010.
- 6.14 In light of these considerations, I consider that there is a clear, demonstrable need to provide additional sports facilities for the school to enable it to deliver a curriculum that complies with Ofsted's requirements and which would provide essential facilities for all pupils attending the school. Coupled with this is the clear policy support from Government regarding the improvement and expansion of existing state funded schools and the provision of community facilities.
- 6.15 It should also be noted that the onus is not on the applicant to demonstrate that very special circumstances exist; such circumstances simply must be present and

I consider that, in this particular case, very special circumstances do exist that outweigh the identified harm to the Green Belt.

- 6.16 Turning to other matters, the site is located within an open space to which policy OS1 of the MDE DPD applies. This policy seeks to protect a range of open spaces across the Borough including the outdoor sports facilities identified at the Weald of Kent Grammar School. The policy states that development that would result in the loss of or reduce the recreational value of this land will not be permitted unless a replacement site is provided of equal or better quality.
- 6.17 The proposed development seeks to improve the recreational facilities within the school and to enable community groups to make use of the facility as well. Part of the rationale for the development is that the outdoor sports fields cannot be used during bad weather which limits the range of sports/PE activities that the school can currently provide to its pupils. The development would require the existing running track in this playing field to be reduced in size, but it would still be provided and the other (lower) playing field located to the east of the proposed building would not be affected by this development. The proposed building would be located right on the periphery of the existing playing fields and would not result in the loss of useable sports pitches. It would not, therefore, result in the loss or reduction in the recreational value of the existing playing field. By contrast, the development would actually increase the range of sports/recreation activities that the school can provide albeit on an indoor basis. Consequently, I do not consider that the proposed development would conflict with the requirements of policy OS1 of the MDE DPD.
- 6.18 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings. Policy SQ1 of the MDE DPD supports this and states that developments should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.19 As has been discussed earlier in this report, the building would be sited in relatively close proximity to the existing complex of school buildings. The size of the building is dictated by its intended use as a sports hall. The form and detailed design of the building are quite typical for modern sports centre buildings. It would be of brick construction with contrasting panels of cladding used at first floor level, which would help to break up the visual mass of the building. The building would have the scale, form and appearance of an institutional/sports building that would respect its location within recreational school land. The school currently contains a range of buildings that vary greatly in terms of size, form, design and external appearance given that the complex to some extent has evolved over the years. The land within the wider school site contains a series of terraces that descend in height from west to east along Tudeley Lane. The proposed building would stand at a level that is significantly lower than the terrace where the existing buildings

are located and would, therefore, appear significantly lower than the existing group of buildings which, in addition to reducing its prominence in Green Belt terms, also assists in allowing the building to be seen against the backdrop of the main school complex. For all of these reasons the proposed development is considered to fit comfortably within the immediate and wider surroundings, ensuring there would be no harmful visual impact arising from the proposed development.

- 6.20 The existing group of trees and shrubs that stand between the site of the proposed building and the bus layby are proposed to remain, which would help to soften the appearance of the proposed building. This retention can be secured by planning condition.
- 6.21 Given the particular siting of the building, well separated from the nearest residential properties, it would not appear unduly overbearing or cause any harm to residential amenity.
- 6.22 Concern has been expressed by residents regarding the community use of the proposed building and its impact upon highway safety. It has been suggested that the school presently does not allow the use of its car parks outside of school hours when the existing facilities are being used by external groups.
- 6.23 The development includes the provision of 14 additional car parking spaces within the lower car park located to the east of the existing school building. The creation of the sports facility for use by the school in itself does not generate a need to provide additional car parking spaces and the highway authority has not objected to the development for this use.
- 6.24 It is evident from the submissions received from third parties that traffic congestion is an issue that affects the local area and there are concerns that this would simply get worse under the proposal, were community groups allowed to use the proposed facilities. Current Government guidance contained within paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the cumulative impacts of the development are severe. The use of the sports facilities by external groups outside of school times (week day, evenings and weekends) would introduce more trips to and from the site, but these are unlikely to coincide with peak school traffic movements. (There may be some overlap in the afternoon.) However, it is apparent that the local highway authority does not consider the development to cause a severe impact upon highway safety.
- 6.25 The community use of the facility would, by its nature, occur outside of school opening times and is likely to be used on weekday evenings and at the weekend. This, of course, has the potential to cause disturbance to local residents, particularly those living in Tudeley Lane, depending upon how many people are using the facility at any one time and what time of the day/night it is used, as a result of increased activity, noise or disturbance that might be attributed to general comings and goings or activities on the site itself. However, the building itself is

set well back from the Tudeley Lane frontage, over 70m away from the nearest residential properties. I consider it unlikely that activities within the building would cause unacceptable noise disturbance to local residents. A condition can be used to require the community use of the building to cease at a particular time of the day.

6.26 Traffic movements to and from the site outside school hours could potentially cause disturbance to local residents. The Weald of Kent Gymnastics Club, which is looking to use the proposed facilities, currently operates between 4.30pm to 9.30pm Monday to Friday and 8am to 5pm during the weekends. The advantage of having such an agreement in place is that the local planning authority already knows the identity of this community group and when it is likely to make use of the facilities. Using the facilities at these times would avoid the majority of school traffic movements. Given the separation between the intended parking spaces to be used by the community groups and the nearest residential properties on the north side of Tudeley Lane, I consider it unlikely that such an out of school hours use would cause unacceptable disturbance to local residents at unsociable hours. However, whilst I support the principle of community use, I consider it would be entirely appropriate to seek a detailed strategy from the school as to how it would manage the use of the proposed facility by third parties. A condition can be used to achieve this.

6.27 In conclusion, the development is one that would provide the school with a much needed facility that would improve the range and amount of physical education and sports activities available to its pupils. It would also provide a new recreational facility that could be utilised by community groups when the school is not using it. The provision of such a facility for both education and community uses is greatly supported by current Government guidance as explained earlier in this report and all of these factors lead me to conclude that very special circumstances exist that outweigh the identified harm to the Metropolitan Green Belt that would be caused by this proposal. The location of the building has been carefully considered to minimise its impact upon the Green Belt, avoid the loss of valuable sports pitches, and to minimise its impact upon residential amenities meaning that there would be no other harm arising from the proposal. The development would deliver a valuable asset that, for the reasons set out in this report, should be supported and I recommend accordingly.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement received 12.12.2014, Proposed Roof Plan 22202A/06 received 12.12.2014, Section 22202A/09 A-A _ B-B received 12.12.2014, Supporting Information received 06.02.2015, Email received 13.03.2015, Supporting Information received 13.03.2015, Location Plan 22202A/01 Rev A received 13.03.2015, Site Survey 22202A/02 Rev A received 13.03.2015, Site Plan 22202A/03 Rev A received 13.03.2015, Proposed Floor

Plans 22202A/04 Rev A received 13.03.2015, Proposed Floor Plans 22202A/05 Rev Az received 13.03.2015, Proposed Elevations 22202A/07 Rev A received 13.03.2015, Proposed Elevations 22202A/08 Rev A received 13.03.2015, subject to the following conditions:

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 3 No development shall take place until details of the finished floor level(s) in relation to existing ground levels within the site have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 4 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 5 The building shall only be used by the applicant until such time as details of how the community use of the approved building would be managed have been submitted to and approved by the Local Planning Authority, and the use shall be carried out in strict accordance with the approved details. Specifically, the details shall include the identities of all community groups using the building, the times of the day and the days of the week when they will be using the building and

measures to be used by the school to control access by the approved community groups to and from the site.

Reason: To ensure that the development does not harm the amenities of neighbouring residential properties or the safe and free flow of traffic in the locality.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 7 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 8 No external lighting shall be attached to the building hereby approved or installed within its curtilage without first being approved in writing by the local planning authority.

Reason: In the interest of residential amenity.

- 9 No development shall take place until details of surface water drainage have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that an adequate drainage system is installed in the interests of flood prevention.

- 10 The use of the building by community groups shall not be carried out outside the hours of 08.00 to 22.00 Monday to Friday and 08.00 to 18.00 on Saturdays, Sundays, Bank and public holidays.

Reason: To ensure that the development does not harm the amenities of neighbouring residential properties.

Informatives:

- 1 With regard to condition 5 above the applicant is advised that, when submitting the necessary details, these should include the documentation to demonstrate that the Traffic Regulation Order relating to the layby located in Tudeley Lane to the north of the application site has been amended to enable it to be used for car parking outside of normal school operating hours.
- 2 With regard to condition 9 above, the applicant is advised to first consider a SUDS system to deal with surface water drainage arising from this development.

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