

**Alleged Unauthorised Development**  
**Tonbridge**                      **14/00193/COM**  
Castle

**558742 147587**

Location:                      Hilden Grange School 62 Dry Hill Park Road Tonbridge Kent  
TN10 3BX

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**1. Purpose of Report:**

- 1.1 To report works not in accordance with plans approved under planning reference TM/10/03506/FL insofar as the approved drop off area with visitor and disabled parking bays to the front of the main school building has not been provided. Instead, the area remains in use for general staff parking.

**2. The Site:**

- 2.1 The new school buildings granted planning permission in 2010 have been completed and are now in use.
- 2.2 The main access to the school is gained from Dry Hill Park Road through two entrance gates, one of which leads to the forecourt parking and the other allows access to the rear of the school.

**3. Planning History:**

TM/10/03506/FL              Approved                      4 April 2011

Erection of detached ground, first and second floor building at rear of the site to provide additional school accommodation

TM/11/01119/NMA        Approved                      25 May 2011

Non-Material Amendment to planning permission TM/10/03506/FL being addition of a condition to the decision listing the approved drawings

TM/11/01658/FL            Approved                      5 September 2011

Section 73 application to vary condition 13 of planning permission TM/10/03506/FL (condition added by Non Material Amendment TM/11/01119/NMA). Minor amendment to approved scheme that consists of alterations to the multi use games area (MUGA)

TM/11/01659/FL            Approved                      5 September 2011

Section 73 application to vary condition 13 of planning permission TM/10/03506/FL (condition added by Non Material Amendment

TM/11/01119/NMA). Minor material amendment to approved scheme that consists of removal of staff block and SEN rooms, removal of entrance ramp. Amendments to the roof form of the eastern wing, changes to the materials used on the west wing, reduction in the number of windows and roof lights within the new building, relocation of nursery entrance and alterations to parking and access arrangements

TM/11/02773/RD      Approved      10 January 2012

Details of construction phasing submitted pursuant to condition 14 of planning permissions TM/11/01658/FL and TM/11/01659/FL

TM/11/03163/NMA      Approved      24 November 2011

Non-Material Amendment to alter wording of conditions 2 and 8 of planning permission TM/11/01658/FL and TM/11/01659/FL

TM/11/03413/RD      Approved      8 March 2012

Geotechnical and environmental assessment submitted pursuant to parts A and B of condition 4 of planning permission TM/11/01658/FL

TM/11/03419/RD      Approved      8 March 2012

Geotechnical and Environmental Assessment Report submitted pursuant to parts A and B of condition 4 of planning permission TM/11/01659/FL

TM/11/03487/NMA      Approved      28 March 2012

Non material amendment altering the profile of the assembly hall roof and elevational changes

TM/11/03502/RD      Approved      30 March 2012

Details of materials, external decoration and joinery submitted pursuant to condition 2 of planning permission TM/11/01658/FL (Section 73 application to vary condition 13 of planning permission TM/10/03506/FL (condition added by Non Material Amendment TM/11/01119/NMA). Minor amendment to approved scheme that consists of alterations to the multi use games area (MUGA))

TM/11/03505/RD      Approved      30 March 2012

Details of hard and soft landscaping and tree management details pursuant to condition 8 of planning permission TM/11/01658/FL (Erection of a building within

the grounds of Hilden Grange School to provide additional school accommodation)

TM/11/03506/RD      Approved      30 March 2012

Details of hard and soft landscaping and tree management details submitted pursuant to condition 8 of planning permission TM/11/01659/FL (Erection of a building within the grounds of Hilden Grange School to provide additional school accommodation)

TM/11/03516/RD      Approved      30 March 2012

Details of materials, external decoration and joinery submitted pursuant to condition 2 of planning permission TM/11/01659/FL

TM/12/01091/FL      Approved      28 May 2012

Variation of planning condition 13 to increase height of eastern block on planning permissions TM/11/01658/FL and TM/11/01659/FL (erection of detached ground, first and second floor building at rear of the site top provide additional school accommodation) along with changes to landscaping and materials to eastern block to allow for wildflower planting on roof

TM/12/01766/RD      Approved      17 July 2012

Amended hard and soft landscaping scheme submitted pursuant to condition 7 of planning permission TM/12/01091/FL (amended scheme to that previously approved under TM/11/03505/RD and TM/11/03506/RD)

TM/12/02048/RD      Approved      17 September 2012

Details of biodiversity management plan submitted pursuant to condition 06 of planning permission TM/12/01091/FL (Variation of planning condition 13 to increase height of eastern block on planning permissions TM/11/01658/FL and TM/11/01659/FL (erection of detached ground, first and second floor building at rear of the site top provide additional school accommodation) along with changes to landscaping and materials to eastern block to allow for wildflower planting on roof)

TM/12/02703/RD      Approved      16 October 2012

Details of remediation scheme having been implemented and details of plant, machinery and equipment to be installed submitted pursuant to conditions 3 and 9 of planning permission TM/12/01091/FL

TM/12/02989/FL      Approved      23 November 2012

Installation of climbing frames and associated play equipment

TM/12/03076/NMA      Approved      18 October 2012

Non-Material Amendment to planning permission TM/12/01091/FL being retention of toilet block previously shown to be demolished

TM/12/03077/RD      Approved      4 February 2013

Details of external lighting submitted pursuant to condition 4 of planning permission TM/12/01091/FL

TM/12/03464/RD      Approved      29 January 2013

Proposal: Amended hard and soft landscaping scheme to allow the creation of a path along the western side of the main school building and an additional path to serve the car park

TM/13/01213/AT      Refuse      24 June 2013

Installation of signage to the front elevation of the new school building

TM/14/03412/FL      Withdrawn      09 April 2015

Variation of planning condition 11 to submit a revised Travel Plan on planning permission TM/12/01091/FL (Variation of planning condition 13 to increase height of eastern block on planning permissions TM/11/01658/FL and TM/11/01659/FL (erection of detached ground, first and second floor building at rear of the site to provide additional school accommodation) along with changes to landscaping and materials to eastern block to allow for wildflower planting on roof)

#### **4. Alleged Unauthorised Development:**

- 4.1 Works not in accordance with plans approved under planning reference TM/10/03506/FL insofar as the approved drop off/visitor/disabled parking area to the front of the main school building has not been provided.

#### **5. Determining Issues:**

- 5.1 Planning permission was granted for the construction of a new building to the rear of the historic school building to provide additional school accommodation under application reference TM/10/03506/FL. It should be noted that the original planning permission has been amended in various ways (as set out in Section 3) but the

forecourt area as described has remained a consistently proposed element of the scheme.

- 5.2 The planning permission was subject to a number of planning conditions controlling various aspects of the development, including parking and drop off arrangements within the grounds of the school. These were considered to be crucial to the acceptability of the scheme given that Dry Hill Park Road experiences high volumes of traffic, particularly at the beginning and end of the school day and that parent parking along Dry Hill Park Road and the surrounding roads is regularly problematic.
- 5.3 Condition 11 specifically required that, *'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 1995 (or any order amending, revoking and 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.'*
- 5.4 The approved plans indicated that a new staff car park would be provided to the north of the sports hall building, accessed via a vehicular access running along the eastern boundary of the school site. The plans also indicated that the area of hardstanding to the front of the school (historically used for staff parking) would be laid out to provide a forecourt area specifically to be used as a drop off point and for a small proportion of visitor and disabled parking. The new staff parking area behind the sports building is now in situ but the changes to provide the drop off area and associated parking bays have not been undertaken. Instead, staff continue to use this area to park their cars.
- 5.5 Hilden Grange School has been approached a number of times and requests have been made that the drop off area be provided as shown on the approved plans. They have advised that between the submission of the application in 2010 and the operation of the school in its extended form other arrangements have been made to manage pupil movements to and from the school as follows:
- Agreement with Tonbridge School which allows Hilden Grange parents to use the its 'Lower Fields Car Park' (assessed off B245 London Road – to the south of the school) as a Park and Stride location.
  - Agreement with Tonbridge Angels Football Club to use their car park as an alternative Park and Stride location for those parents coming from the North or who like to make use of the school run for a slightly longer walk, accessing the school through the rear playing fields.
  - As a result of these alternative measures, the school believes there is no need for the drop off area to be provided and therefore wishes to retain the area for additional staff parking.

- 5.6 In an attempt regularise this position, the school sought to vary the planning condition controlling parking provision last year (our reference TM14/03412/FL) and provided an alternative travel plan emphasising the new park and stride locations as a way of managing daily drop off at the school. However, shortly after the submission of this application, the Tonbridge School Park and Stride location became unavailable due to building works at Tonbridge School at which point Hilden Grange School suggested that alternative arrangements could be made using the car park at the Hilden Manor Restaurant. The application was however subsequently withdrawn.
- 5.7 It must be noted that since the original grant of planning permission, the policy context has shifted with the publication of the NPPF (2012) and with it the tests surrounding highway safety impact. Policy CP2 of the TMBCS, against which the original scheme was assessed, states that development should be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are *severe*. The NPPF also emphasises the importance of travel plans in facilitating opportunities for sustainable modes of transport.
- 5.8 Although the Park and Stride schemes should undoubtedly be encouraged and are in accordance with the requirements of the NPPF, there is no control that the Council as Local Planning Authority could put in place to *require* parents to utilise the schemes put forward by the school. Indeed, the evidence suggests that the pressure along Dry Hill Park Road and the surrounding roads remains as it was at the time the planning permission was originally granted and that there have been a number of incidents involving children which bring into question matters of safety, particularly when considering the nature of this particular area which is characterised by educational facilities.
- 5.9 It should also be mentioned that the retention of the 12 staff parking spaces in addition to the new car park behind the sports hall would not, in my view, meet the objectives in reducing traffic generated by the school and lowering levels of car trips outlined within the approved Travel Plan.
- 5.10 I therefore consider that, in these circumstances, the need for the provision of the forecourt area remains and that further action should be taken to secure its provision. As such, the following recommendation is put forward:

**6. Recommendation:**

- 6.1 An Enforcement Notice **BE ISSUED**, the detailed wording of which to be agreed with the Director of Central Services, requiring the provision of the forecourt area in accordance with the previously approved plans.

Contact: Paul Batchelor