

**Tonbridge
Castle**

19 August 2016

TM/16/02521/FL

Proposal: Change of use from C3 to D1 to provide classrooms and new staff facilities
Location: 36 - 36A Dry Hill Park Road Tonbridge Kent TN10 3BU
Applicant: The Trustees of Hilden Oaks School
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1. Description:

- 1.1 This application seeks planning permission to change the use of an existing pair of semi-detached dwellings and their associated residential curtilages for use as part of the adjoining Hilden Oaks School. It is not proposed to alter the exterior of the existing buildings or extend them under this scheme. It is also not proposed to alter the access arrangements serving the application site (or those serving the existing school site) as part of this application.
- 1.2 The applicant has confirmed that it is not proposed to increase the number of pupils or teachers within the existing school (or those attending the associated nursery and pre-school). Rather, it is proposed to provide more room for the existing pupils and teachers. The applicant considers that the development is required to meet a number of challenges that the school currently faces, which include:
- Lost class room space (through the necessary amalgamation of class rooms into larger ones);
 - Loss of library;
 - Lack of music and music practice rooms;
 - No dedicated space for Art, which has to currently share space with science;
 - Lack of one to one learning;
 - Lack of staff changing rooms ;
 - Cramped staff rooms; and
 - Lack of a dedicated medical room.
- 1.3 The floor plans submitted as part of this application show the buildings to be used for the following purposes:
- 5 no. class rooms;

- Library;
- Staff room;
- Head's study;
- PPA;
- Meeting room;
- PE office; and
- Cloakroom and a W.C.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Branson due to the amount of local interest the application has received.

3. The Site:

3.1 The site is located within the urban confines of Tonbridge, on the north side of Dry Hill Park Road. The site is currently occupied by a pair of semi-detached dwellings and their residential curtilages which share a driveway with access from Dry Hill Park Road. The existing school site adjoins the site to the west and north. Residential properties in Dry Bank Road adjoin the site to the east. The site lies within the Tonbridge Conservation Area.

4. Planning History (relevant): None relevant

5. Consultees:

5.1 Private representations (including responses to site and press notices): 22\2X\12S\43R. A petition has also been submitted objecting to the proposed development which has been signed by 30 people. The reasons for objecting to the application are:

- Loss of residential properties;
- Pupil numbers will expand causing further congestion in the street at picking up and dropping off times;
- Harm to the Conservation Area in terms of noise generation, the continued parking of minibuses and placing of bins outside the front of the existing school building;
- Harm to residential amenity due to increase in noise from use of the property and its rear garden in particular;

- Do not wish to see further screening/buildings placed on the boundary with neighbouring dwellings;
- Loss of privacy to neighbouring residential properties;
- 36 and 36a Dry Hill Park Road should be added to the locally listed buildings register;
- There is an intention to convert the existing rear gardens to a playground; and
- Previous experience shows that once change of use is granted, several further applications will be made for further works to the site.

5.2 The letters supporting the application do so for the following reasons:

- The school is current cramped and working conditions for staff are currently challenging;
- The additional facilities would enable the school to provide additional teaching and support services that are common in other schools;
- The expansion of the school will not be a burden on the area as it is not the intention to take in a greater number of pupils; and
- Incorporating the site into the school will provide a more discreet location to store bins.

6. Determining Issues:

6.1 Current Government guidance contained within the NPPF states at paragraph 14 that at its heart is the presumption in favour of sustainable development. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework; or
 - specific policies in this Framework indicate development should be restricted.

6.2 Paragraph 72 of the NPPF 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 schools promoters to identify and resolve key planning issues before applications are submitted.

- 6.3 The site is located within the urban confines of Tonbridge where the principle of development is acceptable under policy CP 11 of the TMBCS. The site is not the subject of a specific designation/allocation that safeguards its use as residential properties. Consequently, the principle of changing the use of this site from residential to educational use as part of the adjoining Hilden Oaks school is acceptable *in principle*.
- 6.4 The main issues with this change of use application relate to residential amenity and highway safety. Consideration must also be given to how the current proposal would impact upon the character and appearance of the Tonbridge Conservation Area as well.
- 6.5 Policy CP 1 of the TMBCS states at paragraph 3 that when considering development proposals residential amenity will be preserved and, wherever possible, enhanced. Much concern has been expressed by local residents that the use of the site by the Hilden Oaks School would be detrimental to their amenity in terms of loss of privacy and additional noise disturbance. Several key factors have to be considered when assessing the potential harm in this particular case:
- The development does not seek to create additional buildings within the site, but make use of existing ones instead.
 - Pupil numbers would not be increased as part of this proposal.
 - It is not proposed to create additional hard standings within the gardens of 36 and 36A as part of this application (for use as an additional playground, for example).
- 6.6 A significant level of concern has been expressed by local residents as to the future use of the site and a lack of confidence in the school's intention not to increase pupil numbers as part of this proposal. They also consider that further applications will be submitted in due course to further develop the site should permission be granted for the proposed change of use. As Members will be aware, each application has to be considered on its own merits, against the planning policies in force at the time. The Local Planning Authority simply cannot consider what may or may not happen in the future. In this particular case the applicant has agreed, should planning permission be granted, to have conditions imposed relating to the use of the site as part of the wider Hilden Oaks School. One would be a condition to prevent an increase in the pupil roll without first agreeing this with the Local Planning Authority. Another would be that the garden of 36 and 36A Dry Hill Park Road will only be used during school hours and term

times. This would prevent the use of the gardens by the school in the evenings, weekends and school holidays.

- 6.7 The change of use would extend the school's boundary to two additional residential properties located at 32 Dry Hill Park Road and 3 Dry Bank Close. Whilst the use of the garden by children attending the school will be noticeable to local residents, this would be confined to times of the day during term times when noise would be least detrimental to residents' amenity. Any additional noise arising from the external use of this site also has to be considered in the context of the existing Hilden Oaks site that adjoins the application site. Noise is readily discernible in the neighbouring residential properties from the playground within the existing school site.
- 6.8 Furthermore the garden of the application site will not be turned into a new playground under the current proposal. The submitted landscaping scheme shows that the layout and topography of the site would remain very much in its current condition. The site slopes down from the back of the buildings to the north. This results in a 4m drop from the southern end of the rear garden to the northern end. To create a level playground in this site would require significant land levelling which itself would require planning permission. A condition can also be used to remove permitted development rights relating to the creation of hard standings within this site.
- 6.9 The use of conditions referred to above and the need for planning permission to reform the rear garden to provide a level base for further hard-standings would enable the Local Planning Authority to control the further use/development of the site. Such conditions would ameliorate further detriment being caused to the amenity of local residents in terms of noise disturbance arising from the use of the gardens and general comings and goings to and from the site. A condition can also be used to prevent external lighting being installed without first being approved by the Local Planning Authority, again to ensure that it would not cause unacceptable detriment to the amenity of neighbouring properties.
- 6.10 Concerns have been expressed regarding overlooking of neighbouring properties from the rear gardens of the site. There is a level change between the eastern boundary of the application site and the neighbouring properties at 3 Dry Bank Road and 32 Dry Hill Park Road. It will be possible for pupils and teachers to look towards the rear elevation and garden of 3 Dry Bank Road and across the driveway of 32 Dry Hill Park Road, but these inter-actions currently occur at the moment with the residential use of the application site. It is acknowledged that the site's use as part of a school could result in more people using the rear garden than at present. The applicant is proposing, within the submitted landscaping strategy, to reinforce the existing planting along this part of the boundary. This will include evergreen shrubs, small trees (including Holly, Viburnum, Magnolia and Pittosporum) and climbing plants to be grown up trellis to be attached to the boundary wall adjacent to 32 Dry Hill Park Road. This additional boundary

treatment will help to provide a greater degree of privacy to both the neighbouring residential properties and the school, without causing an unacceptable loss of light to them.

- 6.11 Turning now to matters of highway safety, many local residents have stated that the existing school causes significant congestion during school dropping off and pick up times and they fear that the situation would be made worse by the expansion of the school site. The relevant test for assessing highway safety impacts is set out in paragraph 32 of the NPPF. This states that development should only be refused on transport grounds if the impacts are *severe*. Policy SQ 8 of the MDE DPD requires developments to comply with the adopted car parking standards.
- 6.12 As has been stated above, pupil numbers will not increase as part of this proposal and it is also not proposed to change the access or parking arrangements serving the site or the existing school. As there are no plans to increase pupil or teacher numbers as part of this proposal, no additional car parking is required to serve the site under the adopted car parking standards. It must, therefore, follow that the development will not result in a *severe* impact upon highway safety in the locality. On this basis, there are no justifiable grounds to refuse these proposals on highway or parking grounds. There is also no opportunity to require the applicant to undertake additional traffic survey or mitigation work that has been suggested by some residents, on the basis of these proposals.
- 6.13 With regard to the Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when exercising powers within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.14 The development itself does not propose to alter the form or external appearance of the existing buildings or the boundary features fronting onto Dry Hill Park Road. Many local residents consider the placing of the refuse bins at the front of the existing school site to be unsightly and detract from the Conservation Area's character and appearance. The school has amended the proposed site layout drawing to show the provision of an area between the existing and proposed school buildings to be used to store the bins. Taking them away from the site's frontage where they are prominent features in the Conservation Area will lead to a positive enhancement to the character and appearance in my opinion. Whilst a condition cannot be used to insist that the bins are stored in the proposed storage area, a condition can be used to ensure this area is kept free of obstruction. As the development itself does not entail any physical building works or hard landscaping features, and would not entail the removal of the existing trees within the site, the site's use for education purposes will not, itself, fail to preserve the character and appearance of the Conservation Area.

- 6.15 In light of the above and subject to the use of conditions that will manage how the site would be used, I am satisfied that these proposals would not cause demonstrable harm to surrounding residential amenity or highway safety such that planning permission could justifiably be refused on these grounds. The proposals would also not fail to preserve the character and appearance of the Conservation Area. Moreover, I am mindful of the strong policy support afforded by paragraph 27 of the NPPF that supports new school proposals which meets the needs of existing communities.
- 6.16 On this basis, I therefore recommend that planning permission be granted, subject to those conditions outlined below:

7. Recommendation:

- 7.1 Grant planning permission as detailed in following submitted details:

Email dated 19.09.2016, Section 2013-155 A And Proposed Site Plan dated 20.09.2016, Landscape Layout dated 20.09.2016, Email dated 20.09.2016, Location Plan 2013-01 dated 19.08.2016, Design and Access Statement dated 22.08.2016,

Conditions / Reasons

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 the position, length and height of trellis fencing to be erected along the east boundary of 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 or visual amenity of the locality or the residential amenity of the neighbouring properties.
3. The scheme of soft landscaping shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

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4. The development hereby approved shall be used as a primary school, pre-school and children's nursery in association with the existing facilities available at Hilden Oaks School and shall not be used as a separate educational facility and for no other purpose (including any other purpose in Class D2 of the Schedule of the Town and Country Planning Use Classes Order 1987), or in any provision equivalent to that Class in any Statutory Instrument amending, revoking and re-enacting that Order.

Reason: In the interest of residential amenity and highway safety.

5. The number of pupils attending the Hilden Oaks School and the associated pre-school and nursery school at any time shall not exceed those numbers set out in email dated 19 September 2016, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity and highway safety.

6. No external lighting shall be installed within the application site until such details 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 character and or visual amenity of the locality and in the interests of residential amenity.

7. The rear garden of the application site shall be only be used during school term time and then only between the hours of 08.30 and 16.30 Monday to Friday unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class N of Part 7 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to regulate and control the use of such development in the interests of residential amenity.

9. The locations marked on plan no. 2013/155/A for the storage of refuse bins shall be kept available for such use at all times.

Reason: In order to preserve the character and appearance of the Conservation Area.

Contact: Matthew Broome