

Hadlow (Hadlow) **562446 149512** **14 August 2014** **TM/14/02774/FL**
Hadlow, Mereworth And
West Peckham

Proposal: Demolition of goat shed and siting of two new temporary buildings onsite, move proposed school fence south into Faulkners Farm courtyard (amended scheme to that previously approved under planning permission TM/14/01114/FL)

Location: Faulkners Farm Ashes Lane Hadlow Tonbridge Kent TN11 9QU

Applicant: Hadlow College

1. Description:

- 1.1 Retrospective planning permission is sought for the demolition of a goat shed (approximately 86 sq.m in footprint), and its replacement with a new temporary building (approximately 100 sq.m in footprint) to provide additional classroom facilities. Previously, the resultant space on this part of the site was intended to be used as additional playground. This is now provided within the Animal Management Unit (AMU) courtyard to the south of the school complex and is enclosed by a fence.
- 1.2 The previous temporary permission (TM/14/01114/FL) also allowed for the replacement of one classroom building (historically used in connection with the College) with a larger temporary classroom building sited in a similar location. The historic classroom building has however been retained and is now in use by the school. A further additional building has been sited adjacent to it and is also used by the school as classrooms and associated facilities.
- 1.3 The submission states that these additional facilities have not been brought into place in order to increase the capacity of the school. Instead, the applicant explains within their supporting information that the changes are intended to aid the internal organisational arrangements at the school.
- 1.4 The school in its first year had 75 pupils on roll, with a limit by virtue of planning condition of 80. The original canteen space held 50 pupils and compelled two lunch shifts which was deemed to be undesirable by the school as it necessitated doubling the number of supervisors and meant that staff were required to work beyond their contractual hours to accommodate this arrangement.
- 1.5 The second temporary planning permission allowed for a total of 160 pupils until September 2015; both aspects being controlled by planning conditions. The submission indicates that 149 pupils are currently on roll. With this number of pupils, the applicant states that the previously approved canteen would only function if three lunch shifts were to be incorporated into the school day, taking in total between 60 and 70 minutes. The applicant states this would be unworkable

as it would have implications for curriculum delivery or alternatively would necessitate breaks across the day or a longer school day being required, none of which are possible according to the school.

- 1.6 The applicant therefore states that the only effective solution was to remove the internal partitions in the main temporary school building to enlarge the size of the canteen to enable two sittings to continue, thus displacing some of the previous classroom space. They go on to state that as the school is now in its second year, an ICT suite was needed, a facility not required in the first year of operation, arising from changes to the curriculum.
- 1.7 The school has also stated that the decision to retain the existing temporary classroom to the south of the main school and to add an adjacent new classroom next to it rather than replace the whole building with one larger building as set out in the permission was driven by costs.
- 1.8 The applicant has also stated that the additional buildings allow for greater flexibility for working with pupils, particularly allowing for more support for students with special educational needs.

2. Reason for reporting to Committee:

- 2.1 Significant local interest.

3. The Site:

- 3.1 Faulkners Farm currently accommodates the Hadlow College AMU, a lambing shed, various outdoor animal enclosures, an atrium and other outbuildings in addition to additional teaching accommodation used by the College.
- 3.2 Faulkners Farmhouse belongs to Hadlow College but is privately let for office use.
- 3.3 Immediately adjacent to Faulkners Farm are four maisonettes (let to Hadlow College staff) and two privately owned semi-detached cottages (3 and 4 Faulkners Farm Cottages).
- 3.4 The Hadlow Grill restaurant (previously known as the Spice Lounge and before that the Rose Revived Public House) is located on the opposite side of Ashes Lane (to the west of the application site) and is a Grade II listed building. Old Chegs (also Grade II Listed) is located some distance to the north of Faulkners Farm. To the south lies The Ashes, a detached private dwellinghouse.
- 3.5 Access to the site is taken from Ashes Lane via the A26 to the south. The site currently has a separate 'in/out' access.
- 3.6 Hadlow College facilities are provided, in addition to Faulkners Farm itself, within the main campus to the north east and Blackmans Dairy to the south east.

4. Planning History (most recent/relevant):

TM/13/01705/FL Approved 10 October 2013

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

TM/14/01114/FL Approved 23 June 2014

Demolition of two existing College buildings and construction of one additional temporary building to be used in connection with the Free School; variation of condition 1 of planning permission TM/13/01705/FL to allow temporary Free School to continue until 30.09.2015; plus variations of conditions 3 and 5 of planning permission TM/07/00482/FL to revise the approved parking layout and landscaping scheme respectively in connection with the adjoining animal management unit.

5. Consultees:

5.1 PC: Object. Reiterate original objections.

5.2 KCC(Highways): No objections.

5.3 EA: No comments to make.

5.4 Private Reps: 94/0X/5R/0S plus site + press notice. Objections centre on the following grounds:

- Further substantial increase in school accommodation in terms of both floor area and number of buildings which cause serious harm to the Green Belt;
- Substantially different to the scheme approved in June and therefore should be refused automatically;
- Harm to the Green Belt arising from the increased footprint;
- Absence of very special circumstances;
- Unsuitability of the site and its surroundings for school traffic;
- Harm to residential amenity;
- Applicants continue to show utter disrespect for the planning system by submitting a retrospective application;
- No sign of building the permanent school yet;

- Surely the applicant's knew of these requirements previously;
- College have done nothing to engage with the neighbours at any point;
- College are seeking a permanent operation at Faulkners Farm 'through the back door';
- Retrospective permission will give the message that the College can continue to do as it pleases.

6. Determining Issues:

- 6.1 Members will be acutely aware of the recent planning history in respect of this site. The key consideration in respect of this latest application is whether the development is, *in its own right*, acceptable in terms of its impact and not whether specifically it is materially different in its impact when compared to the scheme approved in June of this year. It is quite correct that the earlier temporary permission does set a datum for acceptability but ultimately this scheme must be judged on its own merits.
- 6.2 Equally it is appreciated that, to date, many residents have found the situation extremely frustrating in that strict adherence to an approved scheme is not an automatic obligation, under planning law, on a developer. The law allows for the submission of retrospective applications and the submission of such an application both requires and allows the Council to consider the latest development and, however frustrating the receipt of retrospective applications may be, they are a legitimate approach.
- 6.3 The site lies within the Metropolitan Green Belt, outside the defined settlement confines of Hadlow. The NPPF sets out the national planning policy for Green Belt land stating that new buildings within the Green Belt are considered to be inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. There are however specific exceptions to this, the most pertinent to this proposal being:
- *"The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; or*
 - *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."*
- 6.4 NPPF Green Belt policy is supported by policy CP3 of the TMBCS.

- 6.5 In the strictest of policy terms the development undertaken constitutes inappropriate development by definition. The NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt”* and such development should not be approved, except in very special circumstances. In view of the presumption against inappropriate development, substantial weight is attached to the harm to the Green Belt when considering any planning application concerning such inappropriate development. NPPF reads, at paragraph 88, *“When considering any planning application, local planning authorities should ensure that substantial weight is given to the harm to the Green Belt. ‘Very special circumstances’ will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”* It is therefore necessary to consider whether the development causes any other harm to the Green Belt beyond that caused by virtue of its inappropriateness and, having done so, whether there are any other considerations relevant to the overall balance that demonstrates very special circumstances.
- 6.6 It is therefore important to make the distinction between the harm caused to the Green Belt by virtue of the inappropriateness of the development and any material physical harm to openness ‘on the ground’. In this context, it is necessary to consider the purpose of the Green Belt. Paragraph 80 of the NPPF specifically sets out five purposes, as follows:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.7 When considering the five purposes for including land within the Green Belt as set out above, I consider that the impact on the open nature and function of the Green Belt at this point would be negligible when considering the far more substantial buildings located in close proximity. The new buildings are seen very much within the context of the group of existing buildings within the Faulkners Farm complex by virtue of their particular siting rather than having resulted in any harmful encroachment into more open parts of the Green Belt. Furthermore, the limited physical scale of the buildings now in situ are such that, rather than being at odds with this established development, they are seen very much as subservient structures.

6.8 Members will be aware that the Planning for Schools Development Policy Statement (DCLG - August 2011) continues to have much relevance, stating that:

“...We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”.

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.*

- ***Local authorities should make full use of their planning powers to support state-funded schools applications.*** *This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.*

- ***Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.*** *Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.*

- ***Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible,*** *and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider’s application to the Department for Education to help limit additional information requirements.*

- ***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.*

• **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** *Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.*

• **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school...

- 6.9 As with the consideration of the previous applications – both for the temporary school at Faulkners Farm and the permanent facility on the sports pitches – there is a strong Government presumption in favour of school development as a *matter of principle* and the question that must therefore be addressed in terms of this new-build work is whether its status as “inappropriate development” is overridden by the strong presumption in Government policy in favour of new state schooling. As with the previous applications, that judgement needs to be undertaken in the context of the proposal being for limited life.
- 6.10 The justification put forward by the applicant concerning the need for the additional buildings to allow the school to function for the remainder of the permitted temporary period (until September 2015), is somewhat disappointing in that these matters were not more carefully considered by the school prior to the submission of the previous temporary planning application. I am not convinced that the need for the additional buildings arising from the daily organisational requirements of the school in itself amounts to very special circumstances. However, it is my view that the relatively limited physical impact of the new buildings, given the particular context in which they sit as described at paragraph 6.7, combined with the continuing strong impetus in favour of encouraging schools development, amounts to very special circumstances which outweighs the degree of harm caused to the Green Belt by virtue of its inappropriate nature.
- 6.11 Moving on to whether any other harm arises from the development (other than that specifically related to the Green Belt), the specific design, scale and relationship with the nearest neighbours all ensure the visual amenities of the area and the residential amenities of those nearest neighbours would not be adversely affected, especially given the context of the current group of buildings. The new buildings are of such a scale that they would not harm the visual amenities of the site and its surroundings.
- 6.12 There is one very distinct difference between this latest planning application compared to the two temporary applications that have gone before it. The application currently before Members for determination does not propose to

increase the number of pupils from 160 (the level set by the second temporary planning permission) or to increase the period of time the school would operate from the temporary facilities (30 September 2015). As such, the additional buildings on site would not result in an overall increase in the intensity of the use of the site. This, in my view, is important as it means that the impacts on the neighbours and on highway safety remain as previously assessed when planning permission was granted in June.

6.13 I appreciate the ongoing concern amongst local residents that this application might be a further incremental step to establish a more permanent arrangement at Faulkners Farm rather than implementing planning permission for the development of the proposed long-term facility on the site of the existing sports pitches. That development has yet to commence although I can advise that the requisite pre-commencement conditions imposed on the planning permission for the permanent school have been formally discharged.

6.14 In light of all the above considerations, I consider that the strong national policy support for new state schools, the key benefits of co-location in relation to land based studies and the limited visual impact of *the new buildings* constitute in combination *very special circumstances* such that I am able recommend that temporary planning permission for the additional buildings be granted subject to the conditions discussed in the preceding assessment.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 11.08.2014, Location Plan DHA/10125/01 A dated 11.08.2014, Planning Statement dated 11.08.2014, Block Plan DHA/10125/02 dated 11.08.2014, Block Plan DHA/10125/03 B dated 11.08.2014, Planning Layout M-1168-01 E dated 11.08.2014, Elevations M-1169-02 A dated 11.08.2014, Planning Layout M-1169-01 C dated 11.08.2014, Elevations M-1168-02 B dated 11.08.2014, subject to the following:

Conditions:

- 1 The temporary school use hereby permitted shall be discontinued and the land restored to its former use on or before 30 September 2015 or at the opening of any permanent school at Hadlow College whichever is the earlier.

Reason: In the interests of preserving the open nature and function of the Metropolitan Green Belt.

- 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.

- 3 No external lighting shall be installed in connection with the buildings, car park or associated areas 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 visual amenity of this rural locality and in the interests of residential amenity.

- 4 The use of the site for the second year's intake of pupils in connection with the Hadlow Community Free School shall not be commenced and the new classroom building identified on plan number DHA/1025/03 shall not be occupied, until the area shown on the submitted layout as staff parking spaces 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 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 area shown on the submitted plan as turning area 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 6 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 and residential amenity.

- 7 The materials used for the surfacing of the staff parking area shall accord with the details approved under planning reference TM/13/03480/RD.

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

- 8 Within one month of the date from this permission, a Travel Plan covering both staff and pupils has been submitted to and approved by 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, pupil safety and residential amenity.

- 9 Within one month from the date of this permission, a scheme for the management of both private cars and school buses using the bus/car drop off and circulation areas as identified on plan number DHA/10125/03 hereby approved has been submitted to and approved in writing by the Local Planning Authority. The use of these areas shall be carried out strictly in accordance with the approved scheme at all times thereafter.

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

Informative:

- 1 The applicant is strongly encouraged to liaise with local residents on an ongoing basis regarding on-site school activities should the need arise; particularly in the development of the Travel Plan and management of vehicle drop off/pick up areas pursuant to Conditions 8, 9 and 12.

Contact: Emma Keefe