

## SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEE

DATED 23 October 2014

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**Hadlow (Hadlow)            TM/14/02774/FL**  
**Hadlow, Mereworth**  
**And West Peckham**

**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) at Faulkners Farm Ashes Lane Hadlow Tonbridge Kent TN11 9QU for Hadlow College**

DPHEH:

I am aware that Mr and Mrs Jones have recently written to some Members of the Planning Committee expressing their objections to the planning application. I have also received a statement from Mr and Mrs Davis outlining their objections and concerns along with a request that it be shared with all Members of the Planning Committee. Copies of both correspondences are attached and are referenced below. A key part of the communication discusses the fact that work has yet to commence on the permanent school.

Since publication of the main Agenda, the College have advised further on the likely programme for bringing forward the permanent school on the College playing fields. The College are awaiting a final decision from the Education Funding Agency (EFA) which is anticipated in mid-November following which they intend to commence building works in January, subject to final costings and contractor agreements.

I would stress again that the application currently before Members for determination solely relates to the new build aspects as set out in my main report and not to any further extension to the life of the temporary planning permission (which expires on 30 September 2015) or to any increase in pupil numbers beyond that already agreed (maximum of 160). Should that become necessary in the coming months, the College would be required to apply formally and any application would be judged on its own merits at that time.

Since publication of the main Agenda, Officers have taken the opportunity to review the conditions set out in the recommendation. In order to avoid any uncertainty regarding what is expected under the terms of Condition 1 (which sets out the expiry of the temporary planning permission), it is suggested that this is amended to refer expressly to the buildings on site in addition to the use of the site for Free School purposes. This is reflected below.

### **AMENDED RECOMMENDATION**

#### **Amend Condition 1:**

**1.The temporary school use hereby permitted shall be discontinued, the buildings**



upcoming development plans. The Committee is bound to assess the proposed development as submitted and whilst the applicant may want to engage with adjoining land owners in this respect at some time in the future, they cannot be required to do so by withholding planning permission. Indeed, such a course of action is likely to be seen as unreasonable behaviour by the Council in the event that an appeal was lodged on grounds of non-determination which may be subject to a legitimate claim for costs against the Council.

Having further reflected on the concerns of some of the neighbouring owners regarding the potential impact on daylight/sunlight, Members should be clear that Officers have undertaken detailed calculations as set out by the BRE in order to ascertain any likely impact on the amount of daylight and sunlight and the results indicate that suitable levels of both would be retained to ensure the development is acceptable in these respects. I would stress that this is an objective result based on a specific calculation, not a matter of more subjective judgement.

I appreciate that the nearest neighbours have mentioned that the tests were undertaken without having inspected the internal layout of their properties but the calculations were undertaken by Officers using a "worst case scenario" as our base line - so in making our calculations we have assumed the windows as being either living rooms or bedrooms rather than bathrooms for example which are deemed to be "non-habitable" rooms and therefore afforded less protection in terms of daylight/sunlight.

Bearing this in mind, and when considering that the tests undertaken are based on specific calculations to determine impact, I do not consider that visiting the neighbouring dwellings would assist in the objective assessment of the proposal - it would not tell us more than has already been established through the tests conducted other than what the rooms are used for and as we've already worked on the worst case scenario basis, the conclusions drawn would not be any different.

I appreciate that there is also some concern about how the proposed development might affect the structure of the neighbouring Listed Building. This is not a matter that can be considered within the context of the planning application itself, it is a private matter to be agreed between each of the parties involved and reference may need to be given to the Party Wall Act. I would therefore recommend that additional informatives be included on any planning permission granted to draw attention to this matter.

## **AMENDED RECOMMENDATION**

### **Additional Informatives:**

**5. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.**

**6. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.**

**Hildenborough**                      **TM/14/02070/FL**  
**Hildenborough**

**Proposed one/two storey rear, two storey side and front porch extension at 7 And 8 Church Road Hildenborough Tonbridge Kent TN11 9JL for Mr S Hooper**

Paragraph 5.1 of the main report made reference to the comments originally made by the PC received on 7 July. Subsequent comments were received by the PC on 18 August as a result of the submission of an amended plan correcting the discrepancy originally referred to. These comments are reproduced as follows:

We are pleased to see that the inaccuracy of the plans has been rectified and there is no impact on neighbours from windows overlooking their property. We are concerned that this is overdevelopment of the site and not in keeping with other properties in the road.

DPHEH:

The contents of the later comments made by the PC (reproduced above) have been discussed in the main report. To reiterate, the site lies within the village confines meaning that there is no objection in principle to the construction of extensions of this size. Equally, the size of the plots is sufficient to ensure that the proposed extensions, whilst relatively large, would not amount to overdevelopment.

In terms of the impact on the street scene, there is no requirement set out in policy to ensure that a pair of semi-detached dwellings remains as a matching pair. Fundamentally, a change in the street scene arising from the proposed development would not automatically cause visual harm. The extensions are of an acceptable design and appropriate materials would be used meaning that harm would not arise to the street scene by virtue of the change proposed.

I understand that the neighbour at 9 Church Road is concerned that comments on the planning application made by the Council's in-house Conservation Architect have not been reproduced in the main report. Members will be aware that all Committee reports are written on behalf of the DPHEH and that assessments are often made by a range of Officers with different areas of expertise which then are fed into the final report.

It is not a case that the Conservation Architect is a statutory consultee through the planning process and as such his notes form part of the Department's natural dialogue. These comments were unusually placed in the public arena and in light of the concern raised by the neighbour as a result, I can advise Members that the Conservation Architect made the following written comments in respect of this application:

*"I have no building design objections but surely this proposal will have a severe impact on the amenity of the neighbour presenting a two storey wall right on the boundary and cutting light from the east into their garden in the mornings. The drawing I might point out has no dimensions and so we do not even know how big the extension is going to be."*

For Members information, liaison between planning officers and the Conservation Architect primarily takes place concerning matters of design and historic fabric in assessing applications for Listed Building Consent and for development within or on the edge of Conservation Areas. In this instance, this communication was instigated by the case officer given the location of the site relative to the neighbouring Conservation Area. It is important to mention that in making his views known to the case officer by way of a written note, the Conservation Architect confirmed that the design of the extensions were acceptable. The subsequent comment regarding the impact of the proposed extension on 9 Church Road was his individual opinion, not based on any detailed assessment of the scheme in light of the relevant planning policies. Moreover, irrespective of that comment, it is the role of the planning officers when advising the Committee to draw on their particular fields of knowledge and apply adopted policy accordingly.

In this case, the policy has been applied correctly and, as set out in the main report, it has been concluded that the proposed development would not reduce the amount of light to the neighbouring dwelling to an extent that would justify a refusal on such grounds. More general matters concerning feelings of overbearing and dominance of built form are more subjective in nature. The fact that the Conservation Architect – whose expertise lies in matters of design and the historic built environment, not making judgements on residential amenity – has expressed one particular opinion that, when having balanced all matters and applied the tests set down by the relevant policy, has not been concurred with in the conclusions drawn in the recommendation before Members does not indicate that an erroneous or selective recommendation has been made.

I am aware that there may be some concern about the possibility of the dwellings, once extended, being converted into a single dwellinghouse. I should clarify that amalgamating the pair of houses into one larger dwelling, either in their current form or once extended (should planning permission be granted for the proposed extensions), would not require any formal approval from the Council. Similarly, any external changes to the front of the buildings to facilitate such a change, such as blocking up of openings, creation of a single front entrance, would not require planning permission as the pair of dwellings lie outside of the Conservation Area. I would however stress that there is no indication that the applicants intend to do this.

The creation of front driveways provided a permeable surface is to be used or provision is made for surface water to run off within the site, falls within provisions expressly set out within the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Again, this means that this aspect of the proposed development would not fall under our control.

The submission of a joint application in this case was found to be the most sensible approach when considering the acceptability of the extensions in the round – because if the extension to No.7 were to be built alone, there would be an impact on the amenities of No. 8 and vice versa. Furthermore, logistically this would allow for a far more straightforward build to take place.

With the above in mind, the only aspects of the scheme that Members are bound to consider in making a decision on this application are the extensions to the dwellings

themselves.

Finally, I am also aware that Mr Jonathan Leeson (planning agent) has recently written to the Ward Members making comments in support of the application and inviting Members to inspect the site before making that decision. A copy of that correspondence is attached and is referenced below. If Members wish to pursue the offer put forward by the agent, they have the option to defer determination to allow for a Members Site Inspection to be arranged which would afford them the opportunity to view the site within the context of its immediate surroundings.

**RECOMMENDATION REMAINS UNCHANGED**

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Copy of email from Mr and Mrs Jones dated 20.10.14

We urge you urgently to rethink your approach to this whole matter before it is too late. This is a school in the ludicrous position of recruiting pupils without a school building. We as residents will suffer the resulting damage to our surroundings, pupils will suffer harm on the highway and in time TMBC as local authority will be made to look ridiculous.

We as affected residents are indeed extremely frustrated for a number of reasons. One major example is the utter contempt with which the applicants treat the planning process, and your inability as planning authority to control their serial modifications of a supposedly final position.

Another example is the repeated misuse of the word 'temporary' in connection with the Faulkners Farm site. This can be seen very clearly in the current application and recommendation from officers. Work on the so called permanent school at Bourne Grange Lane has still not been started. Whatever its financial position turns out to be there is clearly now no chance that buildings would be ready there by 30 September 2015. Therefore the Condition 1\* proposed by officers is a complete fantasy on at least two counts and the Faulkners Farm development is not temporary. You already know that the applicants will be back with further 'temporary' proposals for their current pupil roll when the new buildings are not ready next summer. In addition this is a school, therefore they will be recruiting a further intake of pupils any day. No doubt the 'temporary' units would arrive on Faulkners Farm to house these in August 2015, to be followed when the applicants get round to it by a further retrospective planning application.

The problem with this whole process is that different planning standards have been applied to any proposal bearing the label 'temporary'. The site visit on 6 September 2013 and the Area 1 Planning Committee meeting on 12 September 2013 clearly established that school development at Faulkners Farm should not be allowed for reasons of:

- Harm to the Green Belt
  
- Absence of very special circumstances (incidentally the reasons for this latest proposal quoted by officers in their agenda report sections 1.4 – 1.8 of cost and timetable expediency are self-evidently not very special circumstances)
  
- Unsuitability of the site and surrounding roads for school traffic, and likelihood of obstruction of the highway
  
- Harm to residential amenity

For these reasons you declined to grant permission for a school at Faulkners Farm and subsequently granted permission at Bourne Grange Lane. You as members said at the last committee meeting at which Faulkners Farm school buildings were considered that you did not expect to see the same question back again. Yet here it is, and will be at least twice more. Now is the time to call a halt to 'temporary' proposals to which different standards are applied and refuse this application at the Area 1 Planning Committee meeting on Thursday 23 October 2014.

\* 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.

Yours sincerely

Tim and Sally Jones

Collyn's  
High House Lane  
Hadlow  
TN11 9RB



Copy of email from Mr and Mrs Davis dated 23.10.2014

It continues to frustrate us that the council cannot seem to do anything to halt the spread of the temporary school.

We understand that retrospective planning is legal but how many more temporary building applications are we going to see submitted by the College. It smacks to us as an attempt to wear the residents down into submission.

Referring back to 26th March of this year and quoting from Emma O'Keefe - her understanding was that the college is seeking to progress with the commencement of development of the permanent school at their earliest opportunity August 2014, she was *assured* this would be the case.

Has she been reassured - has the council *actually* visibly checked how much progress has been made since August 2014?

Where she gave recommendations to grant retrospective planning, she gave a condition that the temporary school use hereby permitted shall be discontinued and the land restored to its former use on or before 30th September 2015 or at the opening of the permanent school at Hadlow College whichever is the earlier.

The big question and a major concern to us all - this condition remains extremely important. What is the council going to do if it is obvious this is not going to be achieved? Despite these buildings being temporary, the continued development of them still causes harm to the surroundings, disturbance to wildlife and an ever increasing disturbance to residents.

Jean & Simon Davis  
2 Pittswood Cottages  
Ashes Lane  
Hadlow  
Kent  
TN11 0AR

Copy of email from Mr Jonathan Leeson (agent) dated 15.10.2014

Dear Councillors,

I understand you have decided to refer this application for determination by Planning Committee. Whilst disappointed our clients are understanding and accepting of your need to place this particular application before the committee meeting on the 23rd October. In view of this, we thought it might be helpful for you to have a look at the site and the proposals before your meeting. We appreciate that this may not be possible and are happy to take your guidance on this, but thought it would be the courteous thing to. Perhaps you would let us know what you think – thank you.

My clients have met their neighbour at No. 9 Church Rd. on a number of occasions to explain what we have done to allay their concerns. For your information and consideration, I summarise the main changes as follows:

1. The overall bulk and massing of the current proposal has been significantly reduced from earlier applications i.e. the built form has been moved away from the shared boundary between Nos. 8 and 9 Church Rd.
2. We have explained the proposed extensions fall within the 45 degree sight lines from No. 9 Church Rd's rear windows thus complying with Planning Policy.
3. Ensured there are no windows at ground or first floor levels on the flank elevation that could overlook No. 9 Church Rd. thus ensuring and maintaining their privacy and amenity.

Thank you for taking the time to consider these brief points, which we hope are helpful. If you have any queries or would like us to arrange for you to look at the site do please feel free to contact me at any time.

Yours sincerely,

Jonathan Leeson  
Smart Architecture Ltd.