

Retention of single and double mobile classroom units and PTA store, Tunstall CofE School, Sittingbourne – SW/11/1451

A report by Head of Planning Applications Group to Planning Applications Committee on 14 February 2012

SW/11/1451 - Application by The Governor's of Tunstall CE (Aided) School for the retention of single and double mobile classroom units and PTA store at Tunstall CE (Aided) School, Tunstall Road, Tunstall, Sittingbourne

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr M.Whiting, Mr A.Willicombe **Classification: Unrestricted**

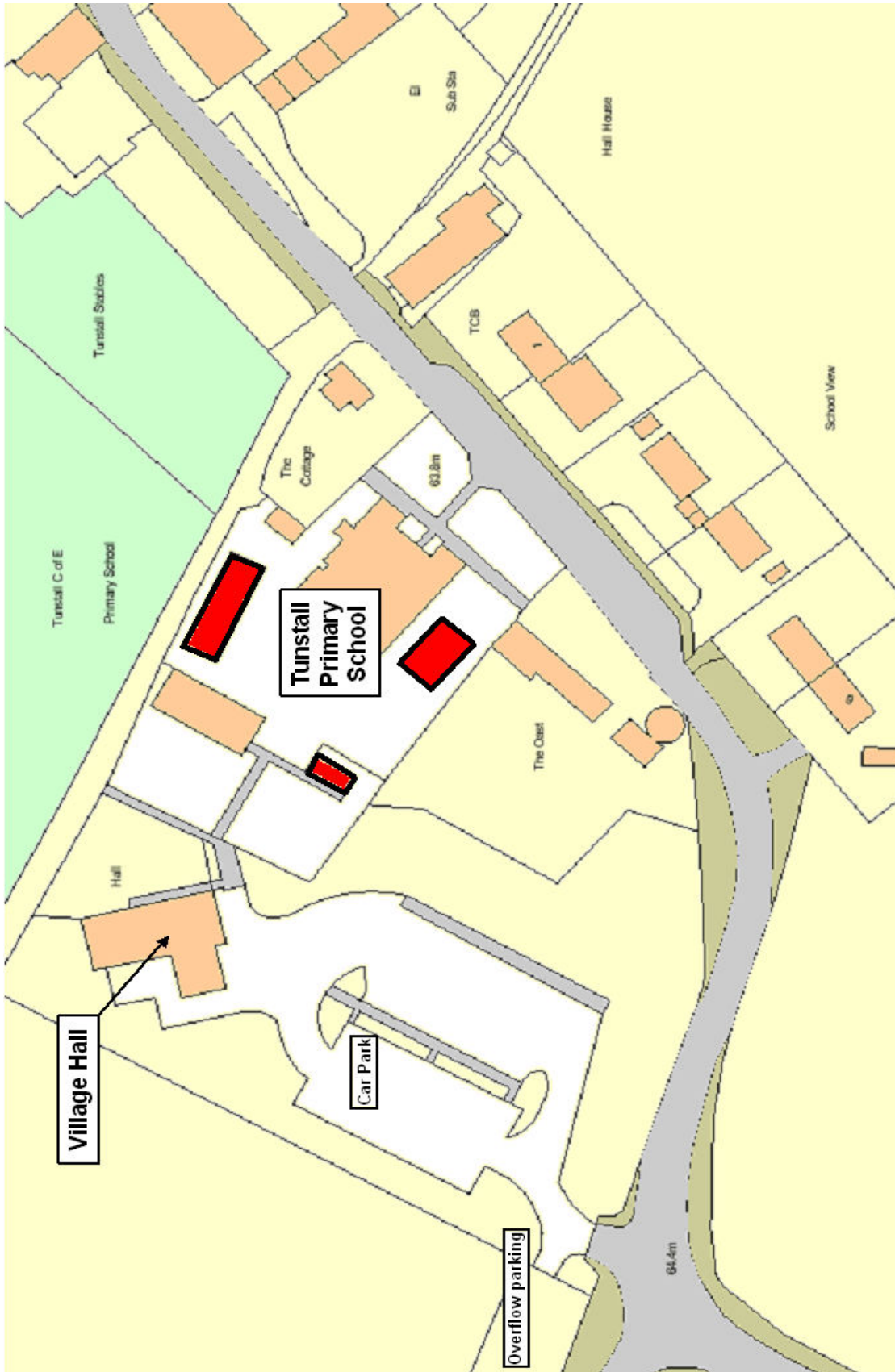
Site

1. Tunstall Church of England Primary School is located within the village of Tunstall, on the edge of Sittingbourne, along the main road from the town which leads southwards towards Bredgar. The site lies wholly within the Tunstall Conservation Area, and is bounded by the main road to the south east, residences to the south west, and agricultural fields and the grounds of the village hall to the north east and west. The main building to the School is Grade II listed, dating from the 19th Century. The adjacent residence 'The Oast', to the south and west, is also Grade II listed.
2. The double mobile classroom is located to the north east of the school site, adjacent to agricultural fields. The single mobile classroom is located to the south of the school site, adjacent to the boundary with 'The Oast' and alongside the main school building. The PTA store is located to the west of the grounds, adjacent to the Tunstall Memorial Village Hall.

Background and Planning History

3. The mobile classrooms provide three classrooms out of a total of seven, with two being located within the main building, and a further two within a separate modular building. The current roll of pupils stands at 204 with 12 teachers and 6 (FTE) assistants, and also various support staff.
4. The double mobile building contains two classrooms and was granted permission in 1993. It has received subsequent temporary planning permissions: under consents SW/98/83, SW/01/608, SW/06/1026 and SW/08/1323, with the most recent planning permission expiring early 2012. The single mobile building was granted permission in 2005, and was granted a temporary permission under SW/09/286, also expiring early 2012.

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Site Location Plan

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5. The PTA store was installed in 1996 and granted a further permission under SW/07/1506, expiring December 2012. The current application seeks to retain **all** the temporary buildings listed, and consolidate the permissions under a single planning consent. Further planning permissions exist relating to the change of use of a nearby field from agricultural to a playing field, replacement of windows and installation of a canopy, and a refused application for the engineering of the front garden to create parking spaces.

Proposal

6. Tunstall CE School is applying for planning permission to retain the single and double mobile classroom buildings, and the temporary PTA store. The applicant states that the mobile buildings are required to ensure the availability of adequate teaching space for the 204 pupils currently attending the School.

Planning Policy

7. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) **Planning Policy Statement 5** – Planning for the historic environment

(ii) Draft **National Planning Policy Framework**

- Presumption in favour of sustainable development.

(iii) **Policy Statement on Planning for Schools Development** August 2011

- There should be a presumption in favour of the development of state-funded schools, as expressed in the (Draft) National Planning Policy Framework.

(iv) The adopted (2009) **South East Plan**

Regional policy is contained within the South East Plan 2009.

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members will note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan.

Policy CC1 Seeks to achieve and maintain sustainable development within the region.

Policy CC4 Expects that all development will adopt and incorporate sustainable construction standards and techniques.

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- Policy CC6** Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy S6** States that local planning authorities, taking into account demographic projections, should work with partners to ensure adequate provision of pre-school, school, and community learning facilities.
- Policy BE1** In managing an Urban Renaissance, Local Authorities will promote and support design solutions relevant to context and which build upon local character and distinctiveness and sense of place.

(v) The adopted **Swale Borough Local Plan (Saved Policies) 2008**

Policy SP7 – Community services and facilities:

- To satisfy the social needs of the Borough's communities, planning policies and development proposals will promote safe environments and a sense of community by:
 - Increasing social networks by providing new services and facilities
 - Safeguarding essential and viable services and facilities from harmful changes of use and development proposals

Policy C1 – Existing and new community services and facilities

- The Borough Council will not permit proposals that involve the loss, or change of use, of a local community facility, where this would be detrimental to the social wellbeing.
- The Borough Council will grant planning permission for new or improved community services and facilities.

Policy E1 – General development criteria, proposals should:

- Accord with the development plan unless material considerations indicate otherwise.
- Reflect positively characteristics and features of the site and surroundings.
- Protect and enhance the natural and built environments.

Policy E6 – The countryside – Development proposals will only be permitted when:

- Providing a service that enables rural communities to meet their needs locally, or
- It provides for essential community infrastructure.

Policy RC2 – Retaining and enhancing rural services and facilities

Policy E14 – Development involving listed buildings:

- Proposals will only be permitted if the building's special architectural or historic interest, and its setting, is preserved.

Policy E15 – Development affecting a Conservation Area:

- Development will preserve or enhance the conservation area.

Policy E19 – Design Criteria:

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- Development proposals should be of high quality design and respond positively to design criteria.

Consultations**8. Swale Borough Council:** Raises objections:

- There have been several temporary renewals to retain the pupil numbers; the renewals were granted permission to allow the School time to find a solution.
- The current situation is unsustainable considering the objections from residents and the Parish Council.
- The buildings are not in keeping with the character of the Conservation Area or maintain the setting of the Listed Building and therefore are not in accordance with Policy E15.
- Although the classrooms are a necessity for the school to function, continued renewals are not a sustainable solution.

Tunstall Parish Council: Raises objections:

- Reaffirms the objections made to the last application for renewal in 2009.
- The mobiles have increased pupil and staffing levels beyond the capacity of the site, which has caused problems by removing on site parking and putting pressure on the road network.
- Plans to teach children indefinitely in mobile classrooms are unacceptable.
- The permissions should be extended for a maximum of 2 years, provided that satisfactory proposals are put forward regarding parking, and the school be able to present a proposal to remove the mobile units.

KCC Conservation Architect: No comments received

Local Member

9. The local County Members for Swale Central, Mr M.Whiting and Mr A.Willicombe, were notified of the application on the 11 November 2011.

Publicity

10. The application was advertised by the posting of a site notice, the notification of 14 neighbours, and an advert was placed in the Kent on Sunday on 20 November 2011.

Representations

11. There have been 5 letters from nearby residents, and the main points raised can be summarised as follows:
- The school site is overdeveloped, and the temporary buildings have eliminated the former staff parking area, forcing cars onto the road and to park on the front garden.
 - The number of pupils and staff attending the school is detrimental to the area.
 - The school now has 5 out of 7 classrooms housed in temporary units, which are old, ugly, inefficient and wholly inappropriate within the conservation area and adjacent to listed buildings.

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- The single mobile was to be painted green to reduce the impact on the conservation area; however a mural has now been painted upon the side which is not in keeping with the conservation area and grade II listed building.
- The 2009 application stated the unit would be removed and the land reinstated to tarmac parking area, and that there was an urgent need to resolve the use of temporary buildings and that the neighbouring properties would be kept informed – none of this has happened.
- Some of the mobiles have been on site for nearly 20 years and are in poor condition.
- The mobile classrooms are taking up playground space for a large number of pupils.
- The single mobile is not necessary as the School has planning permission to make a new classroom above the school hall, which has not yet been implemented.
- The 31st May 2012 will mark 10 years of temporary permission with officers recommending temporary extensions; planning officers should not recommend conditions if they are not going to stand by them.
- The School needs to reduce pupil numbers or relocate to a larger site.

Discussion

12. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
13. This application has been reported for determination by the Planning Applications Committee following the receipt of objections from Swale BC, Tunstall Parish Council, and a number of local residents. The main issues relating to this application are the continued renewal of temporary permissions, the loss of parking from the installation of the mobile units leading to traffic and safety concerns and the impact of the mobile units upon the Conservation Area and the setting of the Listed Building. There are also a number of side issues raised during the consideration of this application.

Fencing

14. Members may be aware that a complaint was received by the Planning Applications Group concerning the fencing to the front of the school site. Fencing was removed, and replaced with new, along the main road boundary to the main school Grade II Listed Building. The works would require full planning consent and the School were advised of this as the works were taking place. The School elected to complete the fencing works and submit an application. This is now the subject of a retrospective planning application submitted January 2012, and is still being assessed as part of the planning application, and therefore will not be discussed in relation to this application.

Continued Retention

15. The mobile buildings, as stated above, have existed on site for a number of years and have had temporary permissions renewed on a number of occasions. The temporary buildings were installed to provide teaching space, which has led to the situation where 5 out of the 7 classrooms are taught within temporary accommodation, and the school roll has increased to 204 – beyond the capacity of permanent Grade II Listed main

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school building. The mobile units subject to this application provide 3 classrooms accommodating up to 90 pupils. The units have been renewed on the justification that a permanent solution would be found. Planning permission was granted in 2005 to increase the pitch of the roof to the rear portion of the main school building to allow for teaching space to be created; this has not been implemented and is no longer extant, and would not provide enough space to facilitate the removal of the mobile buildings.

16. Swale BC comments that the current situation is not sustainable, as the school has been allowed to outgrow the site by the installation of mobile buildings, which are harmful to the setting of the listed building and the location in the heart of the Conservation Area. It is also argued that the installation of these buildings has allowed the roll to increase beyond the capacity of the site, and therefore removing the buildings is not feasible if the school is to continue functioning. The immediate displacement of 90 pupils is likely to put pressure on other local primary school provision, and cause disruption to the pupils' education and their families. Parents have contacted the planning authority concerned that they would have to find new schools, however none have written in support of the application.

Impact on Heritage Assets

17. As discussed above, the application site lies wholly within the Tunstall Conservation Area, and the mobile buildings are within the curtilage of a Grade II Listed Building. The design of the buildings is not in keeping with the locality, nor the settings of the listed building. However the impact, under previous applications, was deemed not to be detrimental to the character and appearance of the Conservation Area, and the Listed Buildings as the units were only temporary and to be removed. The buildings have now been in place for a number of years, and are proposed to be retained therefore the harm is not temporary as originally justified. The mobile buildings take up a large proportion of the grounds of the Listed Building, and are visually in poor condition. The single mobile building is visible from the main road, and has had a 'mural' painted on the front elevation, making it visibly prominent and detrimental to the setting of the adjacent Listed Buildings. The mobile buildings are also located on hardstanding which was previously used to provide parking for teachers. Cars are now parked on the front lawn, which was refused planning permission for engineering works to create a permanent parking area due to the negative impact it would have upon the setting of the Listed Building.
18. In my opinion, the continued stationing of the mobile buildings should now be considered to be harmful to the Conservation Area and the setting of the Listed Building. The School have carried out a number of minor operations – painting the mural, parking on the front lawn, replacing the fences – which have attracted local criticism due to the disregard that the School Management apparently has towards the Conservation Area and the setting of the Listed Buildings. I would accept the cumulative effect, combined with the continued retention of the mobile units, is harmful to the character of the Conservation Area.
19. If permission is granted for retention, I recommend that a scheme of painting is adopted to improve the visual appearance of the mobile classrooms, and to minimise the impact on the Conservation Area. The prominent single mobile building should be painted back to green, as was indicated within the planning application submitted for its installation.

Ongoing Solution

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20. In my opinion the continued retention of the mobile classrooms adversely impacts the Conservation Area and setting of the Listed Building. Mobile classrooms are installed on the justification that they meet a temporary and identified need, however in this case the classrooms have expanded the school roll to a level which is unsustainable and cannot be met immediately through provision of replacement buildings at the site. Refusal of permission would result in the mobile buildings needing to be removed, and therefore the loss of 3 classrooms. This would displace 90 pupils and would therefore place an unacceptable impact upon local community facilities and primary school provision within the area, contrary to the social objectives of sustainable development and development plan policies. The buildings, due to the continued retention, do cause some modest harm to the character and setting of the Conservation Area and Listed Buildings, however, this in my opinion is outweighed by the immediate significant harm to the community that would be caused by insisting upon removal. The level of harm caused by displacing pupils would be contrary to the social aims of sustainable development, and the requirement to provide and maintain community facilities in accordance with Swale BC Local Plan Policies RC2, C1 and SP7, and contrary to the National Policy Statement on Planning for Schools Development, which places great weight on the primacy of schools development, and a presumption in favour of development of state-funded schools. Therefore refusal of a temporary permission would cause more harm to the community than the level of harm to amenity caused by retention.
21. It is therefore justifiable to issue a further temporary permission for the mobile buildings. However, a stricter stance needs to be taken to ensure that positive steps are taken by the School to remedy the situation. Continued retention is not the sustainable solution to a problem caused by installing mobile buildings in the first place. The school roll has been allowed to expand beyond the capacity of the site, without regard for the sensitive location and the pressures on the local community. Whilst there are long term plans on behalf of the Diocese and Education Authority to seek an alternative site for this popular and successful primary school, the current lack of Government funds to enable that means that this is not a realistic proposition in the near future. Therefore I recommend that a temporary permission of no longer than 2 years is granted, with the condition that the School submit a strategy outlining the steps that will be taken to remedy the accommodation problems, to provide a permanent and sustainable solution. The strategy should be submitted in consultation with the local community and outline steps that will be taken including a timeframe for progress. This should be submitted within 6 months of the date of the grant of planning permission.

Parking

22. Objectors have complained that the mobile buildings have displaced teacher parking to the front garden and the main road, and that they have also increased the pupil and teacher numbers so that the School requires more parking than it can provide on site. It has been observed that cars were parked on the main road, however this is a public highway with no parking restrictions, within the 30mph limited village confines. Therefore, cars are free to park in this area as long as they do so lawfully and do not create an obstruction or safety hazard.
23. Planning permission was refused to create formal staff parking within the front garden of the school. However this was refused following objections from local residents and Swale BC on the basis that it would be harmful to the setting of the Listed Building and the Conservation Area. Cars continue to park within this area without the formal car park being created, which has been reported to the Planning Applications Group;

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however as there is no operational development the planning system is not able to take any action. This aspect also needs to be seen in context in that there is no need for planning consent to park vehicles in front of Listed Buildings, as indeed neighbouring occupiers also do.

24. The neighbouring Tunstall Village Memorial Hall has a large car park. KCC also contributed funds to allow the School to use the main car park, but the Village Hall Management Committee subsequently maintained that that was for short term school parent parking only and not operational staff parking throughout the day. More recently, it was proposed that the School should use the Village Hall overflow car park, and the Village Hall Management Committee offered the School 6 spaces to use during the day. However, due to the conditions that were attached to the use of those spaces, the School felt they were unable to take up on the offer. In particular, the School were requested to: provide 'no-parking' lines to the main road in front of the school; provide locking-up of the parking area; and ensure staff cars arrived before, and left after parents, with no permitted 'casual' movement during the day. The School felt that the conditions were overly onerous, given that they would only secure 6 spaces. The School felt the solution would be to allow parking of 18 cars within the Village Hall overflow parking area, and to disconnect the access to this from the main car park.
25. The parking issue has become a point of ongoing contention and objectors have commented that the mobile classrooms are both causing and increasing the problem, by taking up space and increasing the number of teachers. The teachers continue to park in the front garden area of the school, on the grounds that there is nowhere else available. It is regretful that agreement cannot be made between the Village Hall and School, and it appears to local residents that no progress has been made for a resolution over the past six years. The ideal solution would be for parking to be made available within the Village Hall grounds, as happens in many other Kent villages, however such negotiations have broken down. The planning system alone is not able to broker a solution to this problem within the context of this current application, however continued dialogue amongst all interested parties and attempts to resolve the situation should strongly be encouraged.

Conclusion

26. The proposed retention of the mobile classrooms should be granted permission for a period no longer than 2 years, and the School submit a strategy indicating what steps will be taken to provide a permanent solution. The continued retention of the buildings is harmful to the character of the Conservation Area and the setting of the Listed Buildings, but since this harm is temporary and reversible, in my view it is outweighed by the immediate adverse impact that refusal would have on an important community facility. In particular, refusal would displace 90 pupils and cause unacceptable social impacts to the local community and pressures on surrounding primary school provision, and be in conflict with the Government's recent policy statement removing impediments to the provision of school places.

Recommendation

27. I RECOMMEND that PERMISSION BE GRANTED subject to conditions:

- The standard time condition for 2 years;
- The development to be completed in accordance with the approved plans;

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- The mobiles units to be repainted in dark green within 6 months; and
- The submission of evidence of a strategy for permanent solution submitted within 6 months.

And an informative be added encouraging the car parking working group to reconvene.

Case officer – Jeff Dummett	01622 221975
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Background documents - See section heading
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