

**Retrospective application for two chalet style buildings - Cliftonville Primary School, Margate - KCC/TH/0291/2012 (TH/12/755)**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 December 2012

Application by Cliftonville Primary School for the provision of two timber framed chalet style buildings for the specialised mentoring of pupils away from the main stream teaching environment at Cliftonville Primary School, Northumberland Avenue, Margate – TH/12/755 (KCC/TH/0291/2012)

Recommendation: Permission be granted subject to conditions

**Local Member(s): Mr C Wells and Mr M Jarvis**

**Classification: Unrestricted**

**Site**

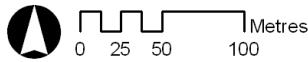
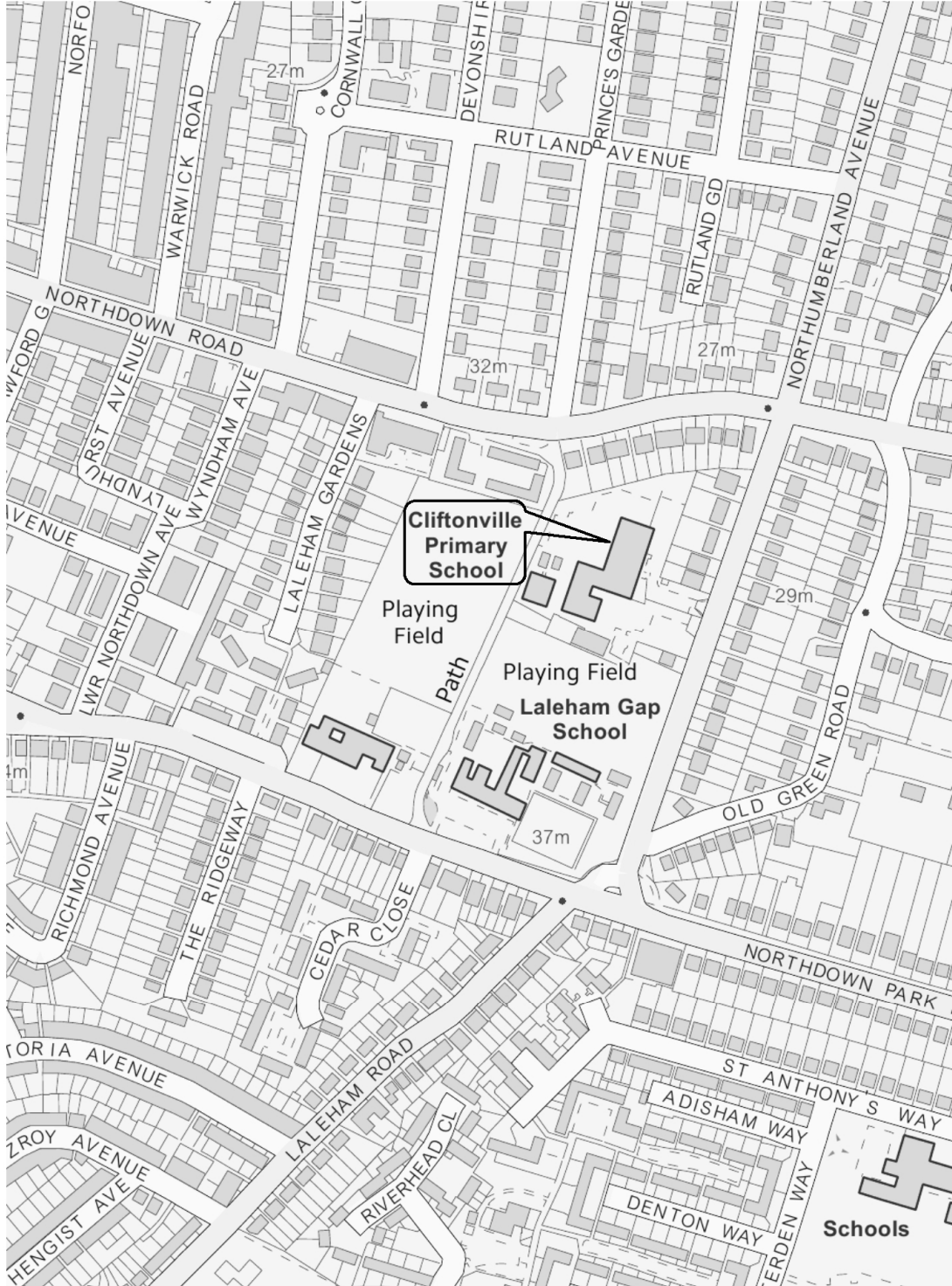
1. Cliftonville Primary School is located off Northumberland Avenue, which in turn is located off Northdown Road, to the east of Margate Town Centre. The school opened in January 1976 and now has 630 pupils and 52 children in the nursery. The school site is surrounded by residential properties to the north and east and to the south is located Laleham Gap School. To the west of the school site is the school's playing field which is effectively split by the old Margate tram track, which is now a path used by pedestrians.
2. The school buildings are located to the middle of the school site with the juniors playground located to the north of these buildings. The distance from the residential properties in Northdown Road to the school's boundary is between 18 and 20 metres. However there is a high boarded fence and mature trees and other vegetation, including evergreens, which provides a good level of screening between the rear gardens of the residential properties and the school.
3. There are no site specific land designations within the Development Plan in association with the site.

**Background**

4. An email was originally sent to Thanet District Council regarding the number and quality of out-buildings that had been erected at the school, seemingly without planning permission. This email was forwarded to Kent County Council's Planning Applications Group, where this query was investigated. It was found that the School had indeed erected in total seven such buildings, albeit incrementally (one in the north-west corner and six in the north-east corner), without applying for planning permission.

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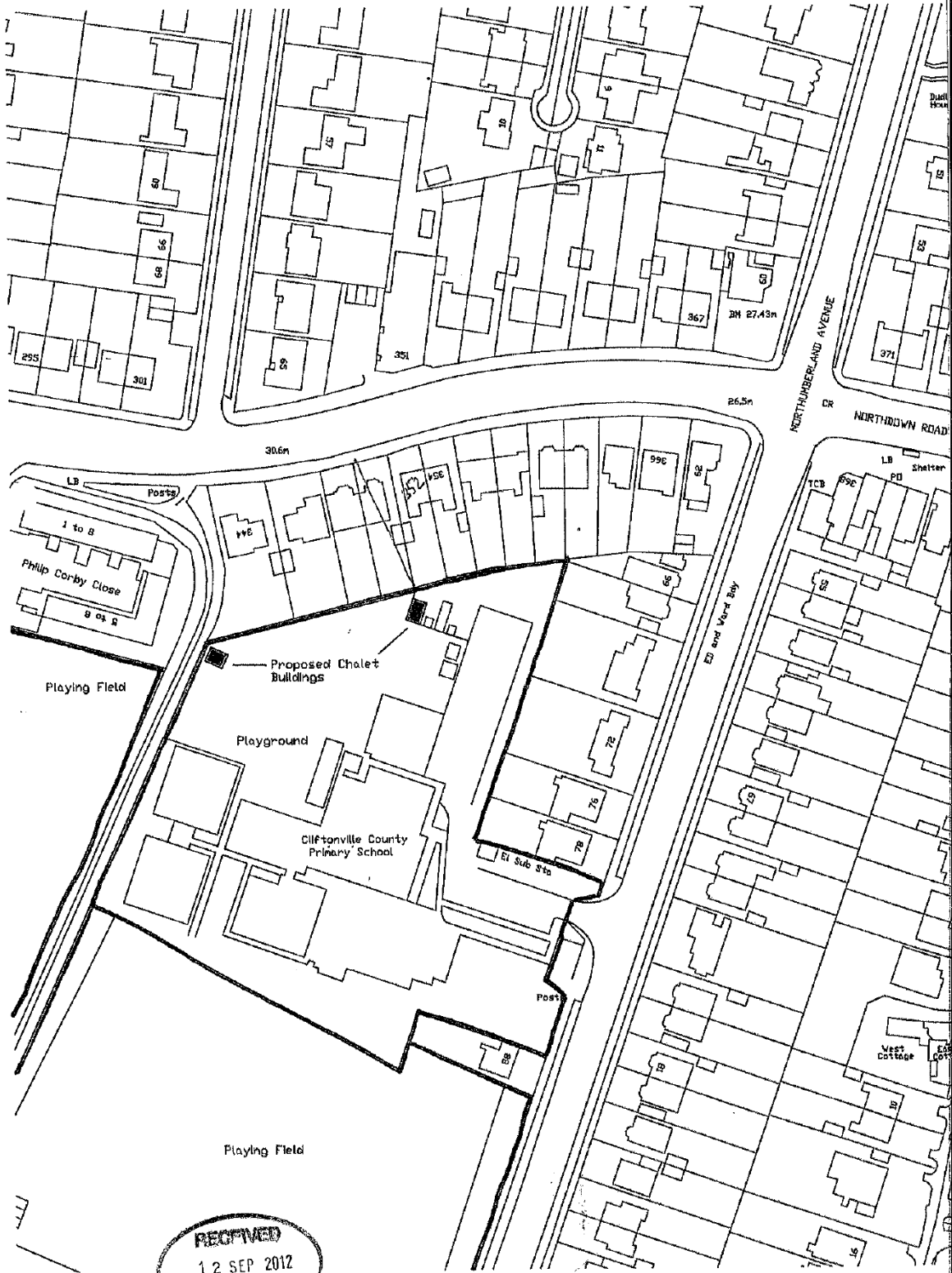
**Cliftonville Primary School, Margate**



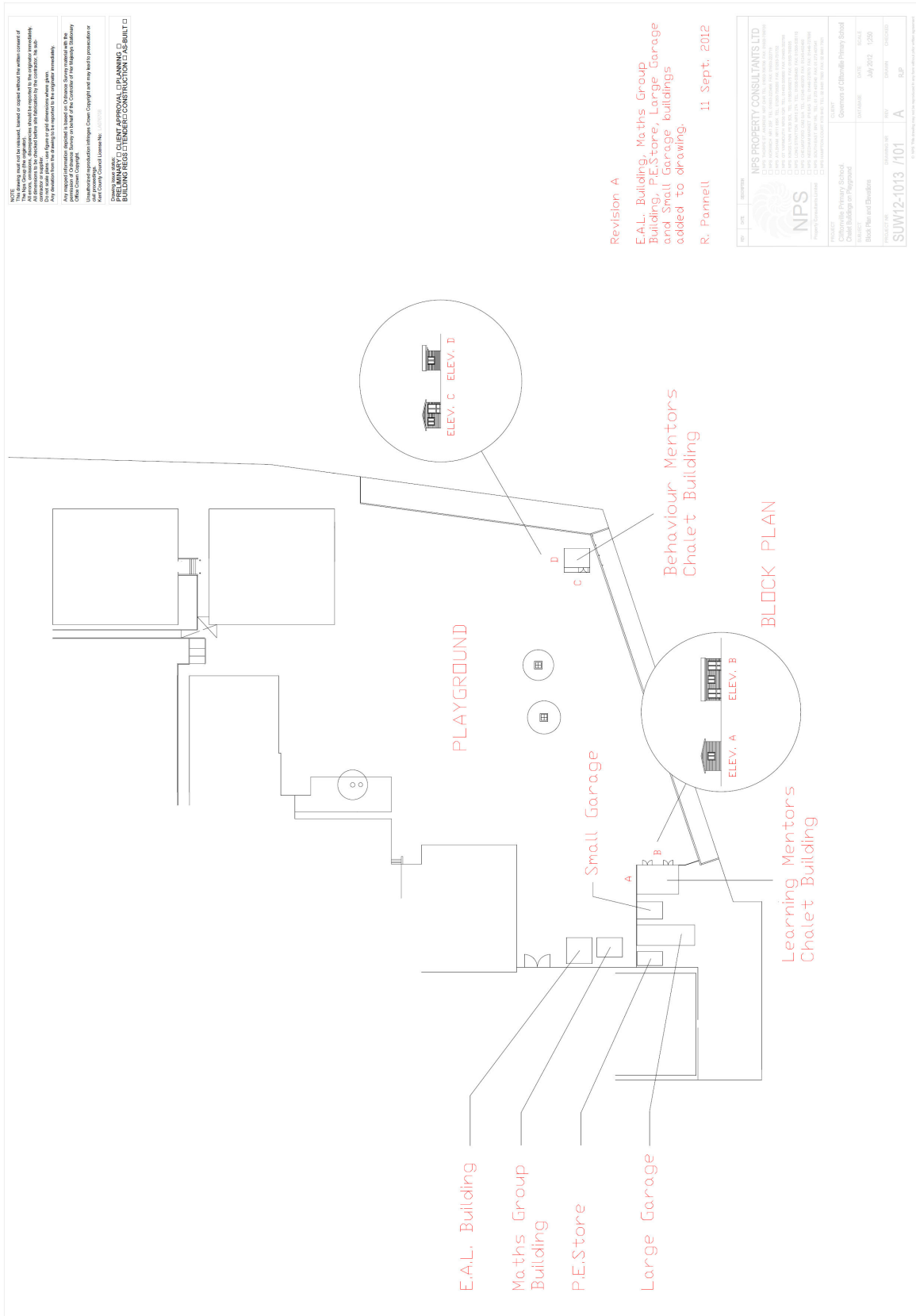
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Revision A  
 E.A.L. Building, Maths Group Building, P.E. Store, Large Garage and Small Garage buildings added to drawing.  
 R. Pannell 11 Sept. 2012

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PRELIMINARY CLIENT APPROVAL PLANNING DRAWING  
 BUILDING REGISTRATION CONSTRUCTION AS-BUILT

NPS PROPERTY CONSULTANTS LTD		NPS	
Property Consultants Ltd Cliftonville Primary School Cliftonville, Margate, Kent, TN26 3JL Block Plan and Elevations PROJECT NO: SUM12-1013 /101 A DRAWN: R.P. CHECKED: G.P. DATE: July 2012 SCALE: 1:500			
PROJECT NO: SUM12-1013 /101 A DRAWN: R.P. CHECKED: G.P. DATE: July 2012 SCALE: 1:500		CLIENT: Cliftonville Primary School PROJECT NO: SUM12-1013 /101 A DRAWN: R.P. CHECKED: G.P. DATE: July 2012 SCALE: 1:500	

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5. However, it must be pointed out that Schools do have certain permitted development rights, which means that some buildings can be erected without the need to obtain a specific planning permission, subject to certain parameters. Those include (in this particular case) that no building should be within 5 metres of the school boundary; should not exceed 5 metres in height and the cumulative gross floor area of any buildings erected should not exceed 100 square metres. There are other parameters but they do not apply in this particular case.
6. Therefore, out of the seven buildings that have been identified on site, four of the buildings would fall under the permitted rights as they are located more than 5 metres away from the school boundary and consequently do not require planning permission. These four buildings include one small sectional garage, one small sectional concrete store and two small timber buildings. These four buildings measure approximately between 9.3 square metres and 16 square metres and therefore do not exceed the gross external floorspace of 100 square metres. One building, a small sectional concrete garage was granted planning permission under planning permission TH/07/681 and was relocated from another location within the playground. The remaining two buildings are located within 5 metres of the school boundary and are therefore not covered by the *general* planning permission bestowed by the permitted development rights. These two buildings are both timber framed chalet style buildings and a *specific* planning permission has now been sought for them.

#### Proposal

7. Cliftonville Primary School is applying for retrospective planning permission for the installation on site of two timber framed chalet style buildings. One chalet is known as the 'Behaviours Mentors' building and measures 3 metres by 4 metres and is 3 metres in height to the apex of the building. At its closest point it is located only 2 metres away for the school's boundary, which backs onto the pedestrian path to the west of the school site. The other chalet is known as the 'Learning Mentors' building and measures 4.5 metres by 6.5 metres and is 3.3 metres in height to the apex of the building. At its closest point it measures 3.3 metres from the playground fence but beyond this fence there is a further 1 metre or so to the residential boundary that backs onto the school site. The additional accommodation is required by the School as there is insufficient space within the main school to provide specialised mentoring to address learning and behaviour of challenging pupils away from the main stream teaching environment. The chalets have been installed on the site for a period of over 3 years, having been installed on site during February and July 2009. Both timber framed chalet style buildings are of similar appearance and are constructed in sustainable materials and blend in with other surrounding features. The location of the chalet buildings behind high boarded fencing and mature trees was chosen so as not to be visible from the residential areas which border the school.

#### Planning Policy

8. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:
  - (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out in:

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**National Planning Policy Framework (March 2012)** sets out the Government's planning policy guidance for England and as guidance is a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. The NPPF replaces the majority of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs).

The NPPF contains a presumption in favour of sustainable development. The new Framework also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system - economic, social and environmental. These roles are mutually dependent. Within the over-arching roles there are 12 core principles that planning should achieve. These can be summarised as:

- be genuinely plan-led;
- a creative exercise in finding ways to enhance and improve the places people live their lives;
- proactively drive and support sustainable economic development;
- secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
- support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
- contribute to conserving and enhancing the natural environment and reducing pollution
- encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
- promote mixed use developments;
- conserve heritage assets;
- manage patterns of growth to make fullest use of public transport, walking and cycling; and focus significant development in locations which can be made sustainable; and
- take account of strategies to improve health, social and cultural well being, and deliver sufficient community and cultural facilities and services to meet local needs.

In terms of delivering sustainable development in relation to this development proposal, the following NPPF guidance is particularly relevant:

- Chapter 4 (Promoting sustainable transport);
- Chapter 7 (Requiring good design);and
- Chapter 8 (Promoting healthy communities);

The Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

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**Policy Statement on Planning for Schools Development** (August 2011) is also relevant, in so far as it identifies that there should be a presumption in favour of the development of state funded schools.

#### (ii) **Development Plan Policies**

##### **The South East Plan (2009) Policies:**

- Policy CC1 Seeks to achieve and maintain sustainable development in the region.
- Policy CC4 Seeks new development to adopt sustainable construction standards and techniques.
- Policy CC6 Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy S3 Seeks to ensure the adequate provision of pre-school, school, and community learning facilities.

##### *Important note concerning the South East Plan:*

*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*

##### **The adopted 2006 Thanet District Local Plan:**

- Policy D1 All new development is required to provide high quality and inclusive design, sustainability, layout and materials.

### **Consultations**

9. **Thanet District Council:** Raises no objection.

### **Local Members**

10. The local County Members, Mr Michael Jarvis and Mr Chris Wells, were notified of the application on the 14 September 2012. Mr Jarvis has written in confirming that he is in support of the planning application.

### **Publicity**

11. The application was advertised by the posting of a site notice and the notification of 19 neighbours.

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**Representations**

12. One letter of representation has been received, objecting to the application. The letter is summarised below:
- No objection to the use of the chalets but the objection is with the location.
  - Planning parameters have obviously not been adhered to.
  - With one timber building only being 2 metres from the boundary and the other having a footprint of approximately 6.5 metres by 4.5 metres and standing over 3 metres high to the apex these buildings are quiet imposing structures to be in such close proximity to neighbouring boundaries.
  - Parameters for building size and location have obviously been set for a good reason and would like the parameter regarding 'distance from a school boundary' to be upheld as it is currently unacceptable.
  - If the School were to agree to have these structures relocated the correct distance away from neighbouring properties then the objection would be withdrawn.

**Discussion**

13. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (8) 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.
14. This application has been reported for determination by the Planning Applications Committee following the receipt of an objection from one local resident. The main issue relating to this application is that the two chalet style buildings have been erected within 5 metres of the school's boundary without planning permission.
15. The application has been submitted as retrospective, as the two chalet style buildings have already been on the school site for over 3 years. Both of these locations are to the perimeter of the school site and are mostly obscured from view by the boundary treatment and high boarded fencing.

**Location and design**

16. The two chalet style buildings have been erected on this school site because there is insufficient space within the main school to provide specialised mentoring to address learning and behaviour difficulties of challenging pupils away from the main stream teaching environment. The locations of both buildings was chosen by the School so as to limit the impact on the playground and its capacity to provide the maximum hard surface area to afford its use by 360 junior pupils during designated periods (there are a further 270 infant aged pupils at the school who use the designated infant playground). Indeed the 'Learning Mentors' chalet is located next to the group of five small buildings and garages that are mentioned in paragraph 6. This group of buildings have been located in an unused area of the playground and have been bunched together to reduce the overall impact of them within the juniors playground. However as mentioned previously, it is only the 'Learning Mentors' building within this group of buildings that is the subject of this planning permission and backs directly onto the residential between the school and the residential properties to the north of the site. The other chalet style

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building, the 'Behaviour Mentors', is located to the north west corner of the site and backs onto the pedestrian path that runs to the west of the school site. There is a housing development on the other side of the pedestrian path, which is located some 15 metres away from this chalet building.

17. The one objection letter that has been received does not object to the usage of these chalet style buildings, but to their location, and if these two buildings were to be moved to beyond 5 metres of the school boundary, then the objection would be withdrawn. The School was asked to comment on whether these building could be moved beyond this distance but concluded that it would be difficult to find another suitable location that did not compromise the use of the junior play ground. If the two buildings were to be moved forward then they would require additional supervisory staff during play time to ensure potential hidden areas behind the buildings are continuously observed at all times of the day, for health and safety reasons of pupils. The School also concluded that it would also hinder, if not prevent, access by emergency service vehicles that would be required to travel the playground when approaching the teaching blocks on the school site. More importantly, the playground is currently set out and used for netball practice and matches with other Schools. Should the buildings have to be relocated then the netball court would be compromised and matches could no longer take place. Additionally PE and other ball games would also be affected.
18. The School has confirmed that it carefully chose these two positions so that the buildings were well protected from view by the boundary's semi mature trees and hedging, and that they did not affect the visual amenity of the surrounding area beyond the school site nor reduce the playing area of the juniors' playground. The School concluded that there is no other suitable location for the buildings, which are an important aid in providing small group teaching areas and if removed they would seriously affect the support presently given to pupils with special needs.
19. Given the constraints of the site in terms of playing space, the high number of school pupils that attend this school, the lack of a suitable alternative site to move the two chalet style buildings to, and the fact that the boundary between the school and the adjoining residential properties is already heavily planted with mature vegetation (even during the winter period, therefore affording very limited views of the chalet style building I see no substantive reason to refuse the application on the grounds of siting and design.

**Conclusion**

20. The retrospective planning application is for a relatively minor development which has been brought about due to circumstances and the constraints of the site. Both the chalets buildings are well screened from the neighbouring properties offering very limited views of the buildings, even during the winter months and the School has confirmed that there are no other suitable places within the school grounds for these chalets to be relocated to without seriously affecting the playground and emergency access routes. The chalet style buildings have been in place for over 3 years without causing undue detriment to the area in terms of any visual effect and I see no planning land use reasons to move them from their current locations.

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#### Recommendation

21. I RECOMMEND that PERMISSION BE GRANTED subject to the following condition:

- The chalet buildings to be removed from the site in the event of these buildings no longer being needed for the use applied for.

Case officer – Lidia Cook	01622 221063
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Background documents - See section heading
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