

## **Temporary planning renewal for existing modular building at Bishops Down Primary School, Rydal Drive, Tunbridge Wells – TW/13/2046 (KCC/TW/0219/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2013.

Application by Kent County Council Property & Infrastructure Support for the temporary planning renewal for the existing modular building at Bishops Down Primary School, Rydal Drive, Tunbridge Wells – TW/13/2046.

Recommendation: Permission be granted subject to conditions.

**Local Member:** Mr John Davies

**Classification:** Unrestricted

### **Site Description**

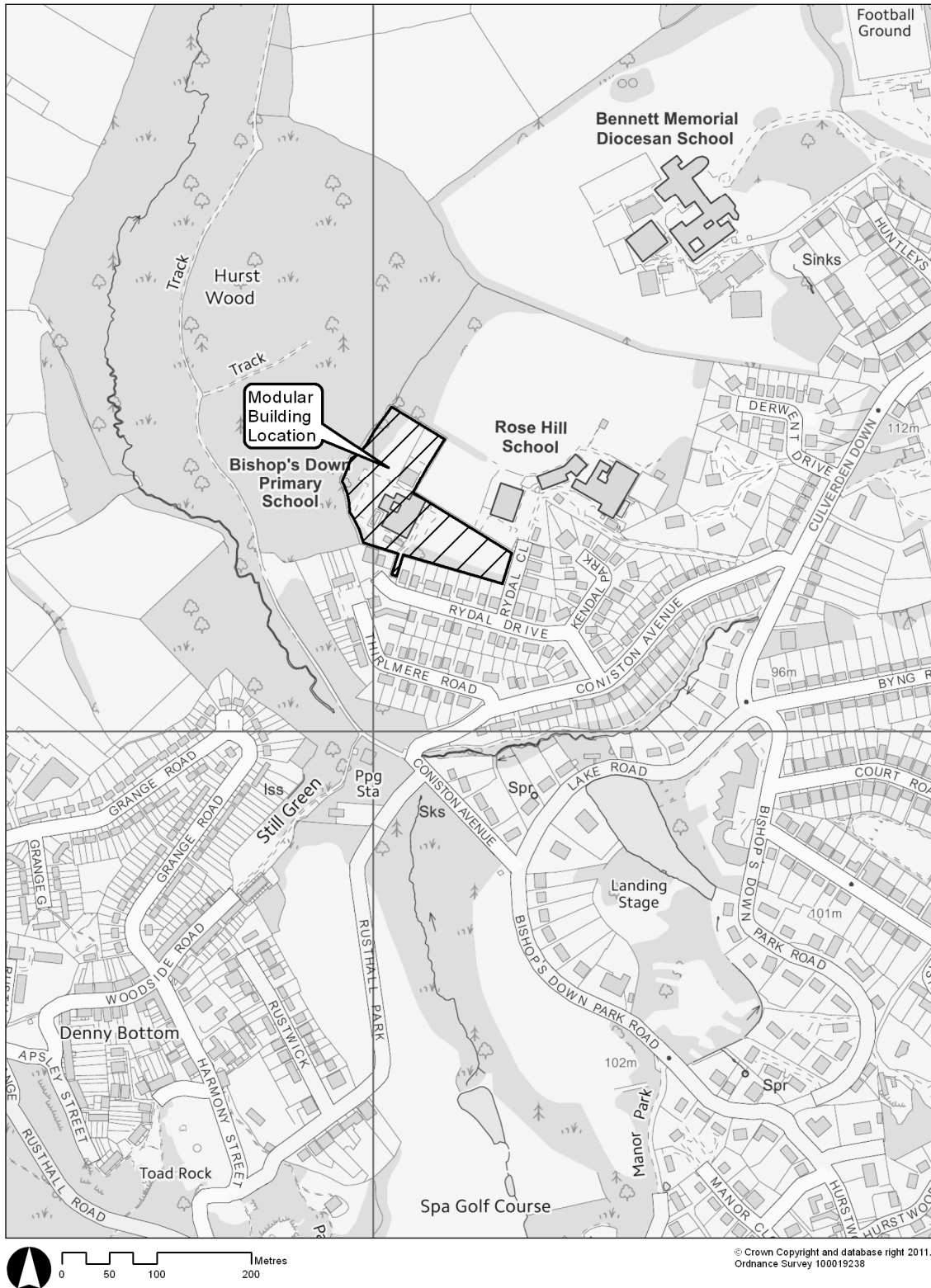
1. Bishops Down Primary School is located in the Culverden Ward of Tunbridge Wells, in a residential area to the north west of Tunbridge Wells. The school is located at the end of Rydal Drive, which is a residential cul-de-sac. The Rose Hill Independent School adjoins Bishops Down School (to the east) and there are also a number of other schools nearby. The Bennett Memorial Diocesan School (Secondary school) is 0.3 miles away, Rusthall St Pauls C of E Primary School is 0.7 miles away, the Skinners School is 0.8 miles and the Langton Green Primary School is 1.8 miles away. Slightly further afield are the Tunbridge Wells Girls Grammar, Tunbridge Wells Boys Grammar and St Gregory's Catholic School.
2. The existing school building is located in a central position towards the southern end of the site, with access for pedestrians and vehicles via a single access point from Rydal Drive. Playing fields lie to the east of the school building, on the opposite side of the car parking area to the single storey school. The purpose built school (circa 1967) is of steel construction with single glazed infill panels, with a flat roof throughout. A purpose built detached nursery lies to the north of the main school building, which has a pitched roof. Adjacent to the nursery lies a double mobile unit which was granted temporary planning approval in 2010 (TW/10/1383). This planning application is seeking renewal of a temporary consent for that double mobile unit. Hard play surfaces are located to the west of school building, and informal green spaces lie to the north of the double mobile unit. Residential properties back onto the school's southern boundary, separated by a fairly steep vegetated embankment, especially in the south western corner of the site. The school has tree lined boundaries, and Hurst Wood, an Ancient Woodland, lies immediately to the west of the site. This western site boundary also marks the boundary of the Green Belt and a Site of Nature Conservation Interest (SNCI), although the school site is not within these protected areas. The site is identified in Tunbridge Wells Local Plan as being within the rural fringe. *A site location plan is attached.*

### **Background and Proposal**

3. The proposed development is related to the County Council's current Basic Need Programme for the expansion of school places across the County. Due to the changing population demographics in the area the Education Authority has identified a demand for this school to enlarge its Pupil Admission Number from one to two Forms of Entry (ie. from 30 to 60 pupils per year). The County Council, as Education Authority, has a

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**SITE LOCATION PLAN**



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statutory duty to provide school places for these children. The school currently has a 2 Form of Entry, with Pupil Admission Numbers (PAN) for the last three years being 60 in lieu of the 1FE 30. Currently, reception year, year 1 and year 2 have 60 pupils in each, with years 3, 4, 5 & 6 having 30 in each. From this September, it is proposed to continue to have a PAN of 60. A planning application was submitted earlier this year which proposed to provide a further temporary classroom to accommodate the additional 30 pupils in September 2013 (TW/13/1332). Members of the Planning Applications Committee visited the site on the 19 June 2013. However, that planning application was withdrawn, as a preferable solution involving internal alterations to the existing school building was developed. The internal alterations, which did not require planning approval from the County Planning Authority, are currently being undertaken to provide an additional classroom for the start of term in September 2013.

4. A further application to provide permanent accommodation to facilitate a 2 Form of Entry across all year groups is expected to be submitted in the future. Should that application be successful, the double mobile unit (the subject of this application) would be removed from site.
5. As previously outlined, in order to provide the accommodation required for a 2 Form of Entry, Bishops Down Primary School introduced additional temporary teaching accommodation in 2010, in the form of a double mobile unit. That mobile unit is located to the north of the site, adjacent to the purpose built nursery. The mobile unit was granted a temporary permission under consent reference TW/10/1383, which expired on the 12 July 2013.
6. This planning application was submitted on the 8 July 2013, prior to the expiration of the previous consent, and proposes to retain the double mobile unit for a further period of three years, or until such time as permanent accommodation is provided on site, whichever is the sooner. It is not proposed to make any changes to the appearance of the building or existing access arrangements. In addition, staff and pupil numbers would not increase as a result of the further retention of the mobile unit as the accommodation is required to continue to provide teaching accommodation for existing pupils already at the school.
7. The double mobile unit is approximately 18.42 metres by 9.8 metres, with total footprint of 180m<sup>2</sup>. The unit is single storey, with a shallow pitched felt roof, with double glazed UPVC windows and doors. The building is finished in a low maintenance plastisol coated galvanised steel cladding, finished in a buttermilk colour. The nearest residential properties are over 80 metres away from the mobile building.

*The application is accompanied by a Design and Access Statement and School Travel Plan.*

**Planning Policy**

8. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:
  - (i) **National Planning Policy Framework (NPPF)** March 2012, sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning application but does not change the statutory status of the development plan which remains the starting point for decision

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making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- the great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools; and

(ii) **Policy Statement – Planning for Schools Development** (15 August 2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

(iii) **Tunbridge Wells Borough Local Plan (2006)**

**Policy EN1** - Seeks all proposals to be compatible in nature and intensity with neighbouring uses and not cause significant harm to character and amenities of the area in terms of daylight, sunlight, privacy, noise or excessive traffic generation. Seeks the design of the proposal to respect the context of the site and not cause significant harm to residential amenities.

**Policy TP1** – Requires a transport assessment and travel plan to accompany proposals for new or significantly expanded schools. These documents may also be required in support of development which would otherwise be unacceptable due to the level of traffic that would be generated.

**Policy TP5** - Vehicle parking in connection with development proposals will be restricted to the maximum necessary having regard to local highway conditions. Kent County Council's Vehicle Parking Standards, adopted by the Council, will be applied to such development proposals.

**Policy RF2-** Land within the Rural Fringe will be safeguarded from development as a reserve of land to meet the longer term development needs unless the proposal would meet the needs of an established use on the site or would be for a temporary

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development. Proposals should not prejudice the longer-term comprehensive development of the Rural Fringe and should respect the special characteristics and constraints of the site.

**(iv) Tunbridge Wells Core Strategy (July 2010):**

**Core Policy 3** – Promotes sustainable modes of transport, and requires development proposals which would have significant transport implications to be accompanied by a transport assessment and travel plan showing how car based travel can be minimised.

**Core Policy 4** – The Borough Council's built and natural environments will be conserved and enhanced.

**Core Policy 5** – The Borough Council will apply and encourage sustainable design and construction principles and best practice.

**Core Policy 8** – Supports the provision of leisure and community facilities.

**Consultations**

9. Tunbridge Wells Borough Council – raises no objection.

Highways and Transportation – raises no objection.

**Local Member**

10. The local County Member, Mr John Davies, was notified of the application on the 19 July 2013.

**Publicity**

11. The application was publicised by the posting of 3 site notices and the individual notification of 20 neighbouring residential properties.

**Representations**

12. To date, I have received 1 letter of representation from a local resident. A summary of the main issues raised/points made is set out below:

Highways/Access

- When the original application was granted residents were assured that there would not be an increase in parking in the local area. This has been shown to be totally untrue;
- Parking should be restricted during peak school times to ensure that parents just drop off their children, and do not park;
- Parents park in local roads, which is a nuisance to residents, blocks driveways, and is very dangerous;
- The behaviour and attitude of some parents towards local residents is poor and not neighbourly. Parents need to be 'educated' in responsible parking, and road safety.

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**Discussion**Introduction

13. This application has been submitted by Kent County Council Property & Infrastructure Support and seeks a temporary renewal of planning permission for an existing double mobile unit on site. In considering this proposal regard must be had to the Development Plan Policies referred to in paragraph (8) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
14. In this case the key determining factors, in my view, are the impact upon the local highway network, and the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on amenity and other material considerations. In the Government's view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in Circular 11/95.

Amenity/general matters

15. Before moving on to discuss the highway implications of this application, it is important to note that the building is already on site and is located well within the site boundaries, screened from local properties by existing school buildings, in addition to mature planting and trees. The building, in my view, does not impact upon the amenity of local residents, and is of a nature and scale appropriate to the site, which is identified in Tunbridge Wells Local Plan as being within the rural fringe. Although temporary accommodation should be just that, and not a permanent solution to a short fall in accommodation requirements, I consider that a further temporary permission would be appropriate in this instance, subject to the consideration of highway matters. A planning application is due to be submitted in the near future which would, subject to planning approval, provide permanent accommodation for a full 2 Form of Entry. I therefore consider that, should permission be granted, it would be appropriate to require that the modular building be removed within 3 years of the date of the permission, or upon completion of permanent accommodation on site, whichever is the sooner.

Highway/Access

16. A local resident has expressed concern over highway and access matters and the increase in parking that has occurred in recent years on local roads. It is suggested that parking should be restricted at peak school times to ensure that parents just drop-off their children rather than park on the highway, as some parents park inconsiderately, blocking driveways and creating safety concerns with regard to visibility and access.



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The behaviour and attitude of a minority of parents towards local residents is considered to be poor, and it is suggested by the resident that parents are 'educated' in responsible parking and road safety.

17. This application is proposing the retention of an existing modular building on site, which accommodates 2 classrooms. The building has been on site for the last 3 years, and is occupied by existing pupils and staff. It is not proposed to increase staff or pupil numbers should the temporary retention of the building be permitted and, therefore, this application would not impact upon existing highway and access matters, or exacerbate parking on local roads above and beyond what is already occurring. It is on this basis that Highway and Transportation have raised no objection to this application.
18. The school is accessed via roads forming part of the public highway network and, as was common and logical at the time of construction, the school is at the extremity of a residential cul-de-sac. With the increase in car ownership and changing lifestyles, the reliance on the car has increased and inevitably led to fierce competition for space on the public highway. Whilst the public highway is there to be used by the public, whether as residents, visitors, employees, or otherwise, it is the management of that road space which is important. The School already has a Travel Plan to moderate its traffic impacts on the public highway, but that alone will not rule out frictions with local residents. However, driver behaviours and lifestyle choices are not planning land use matters, so the planning process cannot ultimately resolve such conflicts. In particular, all parties need to take more personal responsibility for their actions and, whilst planning proposals can encourage more considerate behaviours, it would be inappropriate to refuse planning consents on the basis of such non-planning matters, especially in the light of the strong Government support for school developments.
19. The suggestion that parking restrictions should be introduced at peak school times to ensure that parents just drop-off their children rather than park on the highway would not be appropriate at a primary school location, where pupils tend to be escorted into the site. In addition, such a system would not work at the end of the school day when pupils need to be collected from site and escorted home. An onsite drop-off/pick-up would be the only option with regard to the provision of such a facility, and I understand that a future application for permanent accommodation at the site is aiming to include the provision of such a facility. In addition, I understand that the School issues regular newsletters/correspondence to parents, which includes references to considerate and safe parking and the need to show consideration to local residents. I am satisfied that the School could do little more than this in influencing the behaviour of individual parents and, although a regrettable situation, the behaviour of the minority should not be held against the school as a whole. However, apart from regular reminders to parents, especially with each new intake of pupils, I consider that the School could possibly ask for more regular vigilance by Police Community Support Officers to encourage consistently responsible use of the public highway. This could be covered by way of an informative.
20. In this case, I do not consider that the retention of the modular building for a further period of 3 years, or until such time as permanent accommodation is provided (whichever is the sooner), would have an unacceptable impact on the local highway network, or exacerbate existing parking pressures. Kent County Council Highways and Transportation raise no objection to this application, and I therefore see no reason to refuse the application on the grounds of impact on the local highway network.

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**Conclusion**

21. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. In addition, the development is in accordance with the principles of the National Planning Policy Framework and the Planning Policy Statement for Schools (2011). I consider that this proposal would not have a significantly detrimental effect on the local highway network such as to warrant refusing planning permission. In my view the development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that conditions regarding the future removal of the modular building be placed on any planning permission, as outlined below.

**Recommendation**

22. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
- the development to be carried out in accordance with the permitted details;
  - the modular building to be removed from site at the expiration of 3 years from the date of the decision, or upon completion of permanent accommodation, whichever is the sooner.
23. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informative:
- the School should consider asking for more regular vigilance of local roads by Police Community Support Officers to encourage consistently responsible use of the public highway.

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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