

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

Renewal of single and double mobile classroom units and PTA store – Tunstall CofE Primary School, Tunstall, Sittingbourne –SW/14/192

A report by Head of Planning Applications Group to Planning Applications Committee on 11 June 2014

Application by Kent County Council Property and Infrastructure for the renewal of planning consent SW/11/1451 for the retention of a single and a double mobile classroom unit and PTA store –Tunstall CofE Primary School, Tunstall, Sittingbourne (Ref: KCC/SW/0042/2014 and SW/14/192)

Recommendation: Temporary planning permission to be granted, subject to conditions.

Local Member: Mr L Burgess and Mr R Truelove

Classification: Unrestricted

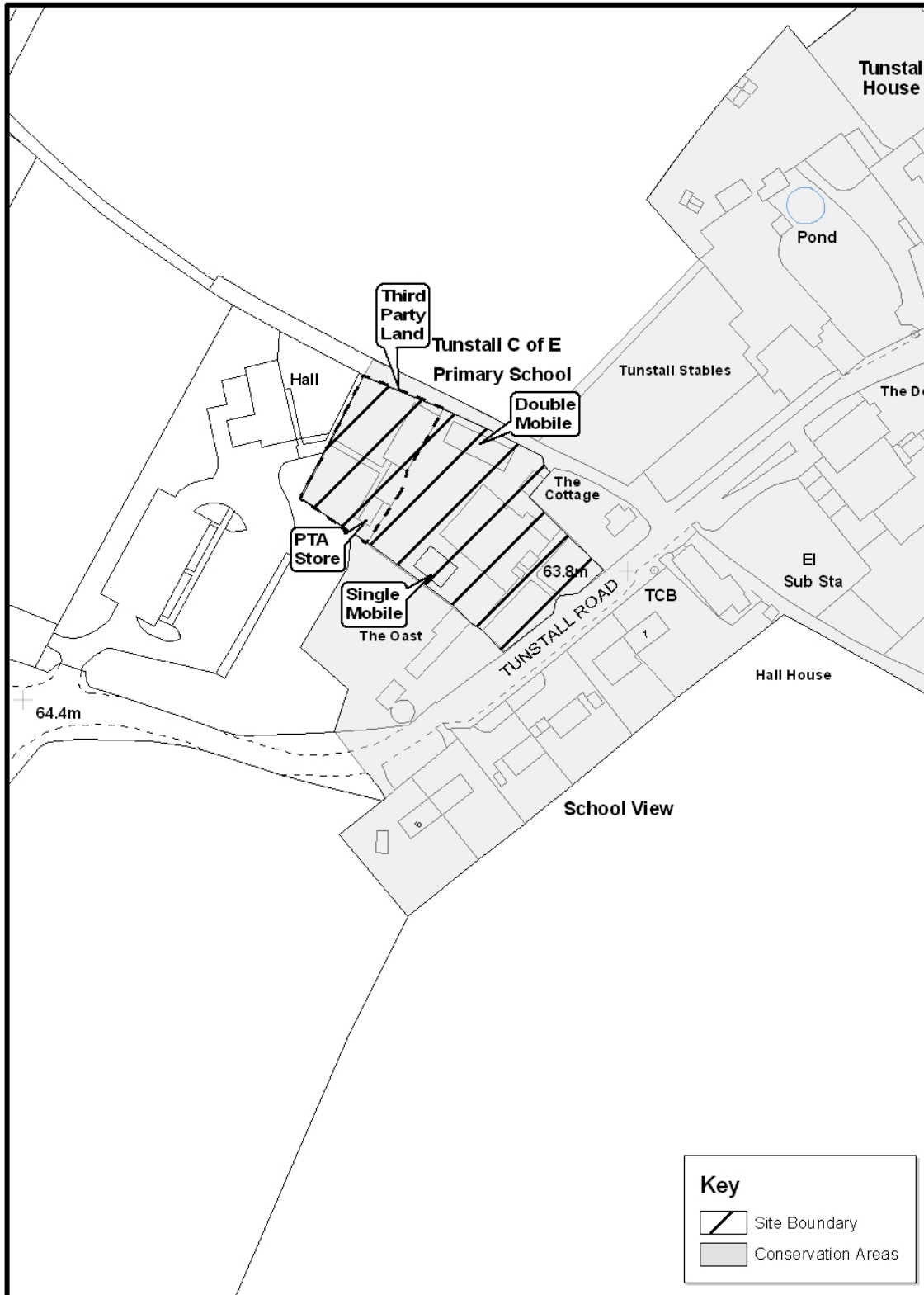
Site

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 Village Memorial Hall. The land that the PTA store is located on is in third party ownership and the School currently rents this land from the landowner. Please see Site Location Plan for details of this land ownership at the school site.

Background and relevant planning history

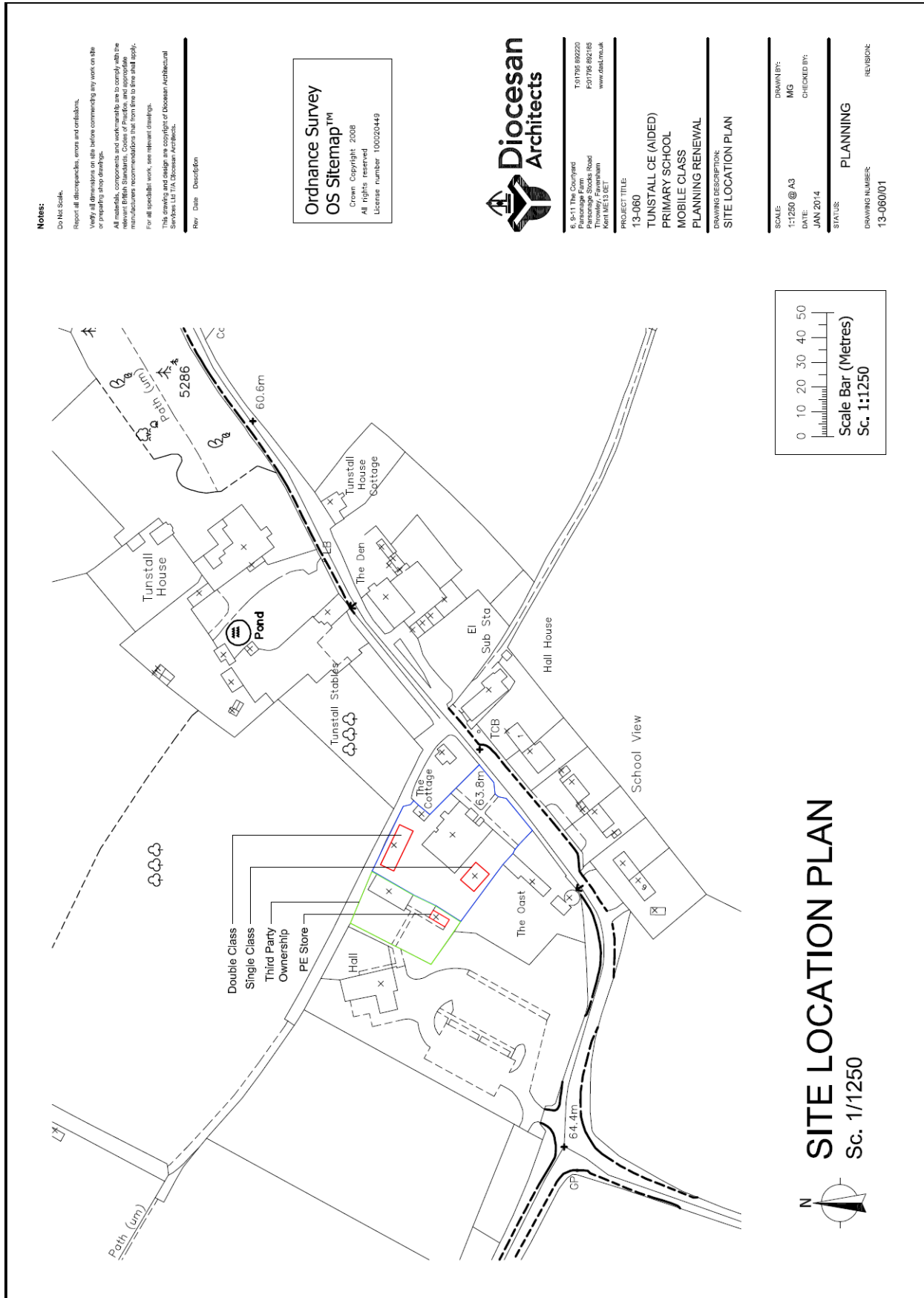
3. Tunstall is a popular Church of England Voluntary Aided Primary School situated in the village of Tunstall near Sittingbourne. The existing school site comprises of a 19th century main school building which is a Grade II Listed Building. There are also a number of temporary classrooms and storage facilities located within the school’s grounds. The facilities concerned in this planning application are an existing single mobile classroom, an existing double mobile classroom and a timber PTA storage shed incorporating 2 WC’s. These mobile classrooms provide three classrooms out of a total of seven classrooms, with two classrooms being located within the main school building and a further two classrooms within a separate modular building located in the school grounds but on third party land.

Site Location Plan

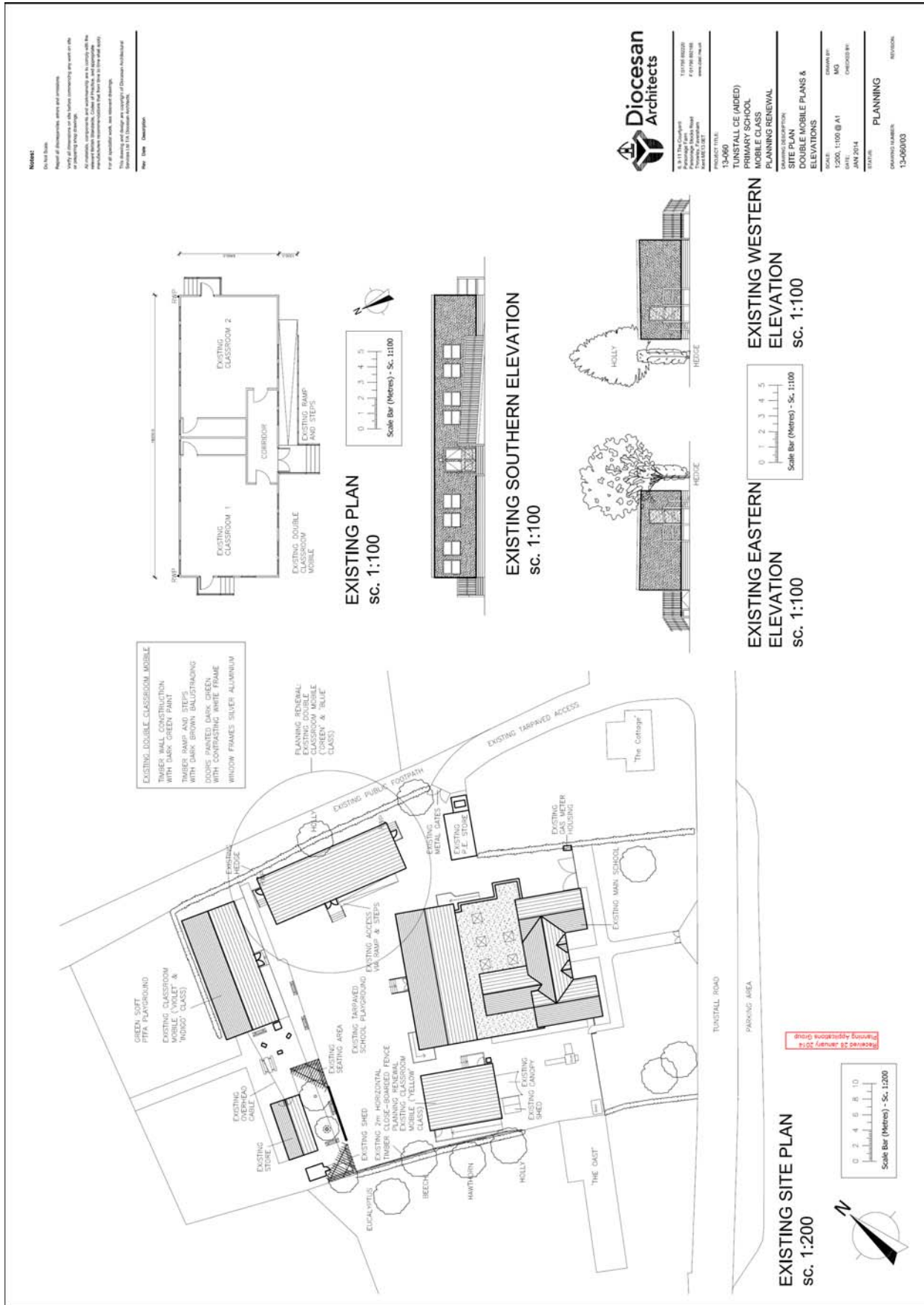


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Renewal of mobiles, Tunstall CofE Primary School, Tunstall - SW/14/192



Renewal of mobiles, Tunstall CofE Primary School, Tunstall - SW/14/192



Renewal of mobiles, Tunstall CofE Primary School, Tunstall – SW/14/192

4. The current school roll is 204 pupils and 12 teaching staff. There are 3 full time teaching assistants and 6 part time teaching assistants. There is a further 11 supporting staff and a caretaker.
5. Members will note that there has been a series of planning applications at the existing Tunstall Primary School site over the last couple of decades, including several applications to retain and continue using temporary mobile classrooms (the subject of this planning application), applications to provide parking facilities for school staff, and applications for various sheds and structures within the school site. Each of these proposals has been contentious for various reasons and has led to strong and repeated objections from various parties including the Borough Council, the Parish Council and neighbouring residents. The existing school premises occupy a cramped site within Tunstall Conservation Area and the main building is a Grade 2 Listed Building, so planning consents for retaining mobile classrooms, and the various sheds, have reluctantly been given in the hope that permanent teaching accommodation could be provided in due course.
6. Faced with regular applications to renew temporary consents for mobile classrooms, the Planning Applications Committee, responded to continued local concerns by asking the County Council as Education Authority to seriously explore options for providing permanent new teaching accommodation for this school, but after some failed attempts to attract Government funding, the currently undesirable situation of reliance on mobile classrooms continues with criticism from the Parish Council and local residents for no visible signs of progress. In response to the last application to retain mobile classrooms, the Planning Applications Committee asked for a strategy to be worked up exploring realistic options for addressing the accommodation needs. A Strategy Document was produced on behalf of the Diocese and the Education Authority in December 2012, and shortlisted three out of several options – two involving redeveloping on the existing and one relocating to another nearby site in County Council ownership. The last option was the one favoured following consideration by the Diocese and the Education Authority and local consultations, and a planning application was submitted in January 2014 for a new school on land at Tunstall Road, under planning application SW/14/153. That application was reported to Members at the Committee Meeting which was held on 14 May 2014 and was subsequently granted planning permission, subject to conditions.
7. As mentioned above, there have been a number of previous planning applications for the mobile buildings. The double mobile classroom containing two classrooms was originally granted temporary planning permission in 1993. It has received subsequent temporary planning permission under consents SW/98/83, SW/01/608, SW/06/1026, SW/08/1323 and SW/11/1451. The most recent planning permission expired at the end of February 2014. However this renewal planning application was submitted prior to the expiration of the current temporary planning consent and therefore this current application keeps the previous temporary planning consent alive until such a time that this new planning application is determined.
8. The single mobile classroom containing one classroom was originally granted temporary planning permission in 2005. It has received subsequent temporary planning permission under consents SW/09/286 and SW/11/1451. The most recent planning permission expired at the end of February 2014. However the previous temporary planning consent is kept alive until such a time that this new planning application is determined.
9. The PTA store was installed in 1996 and granted a further temporary planning permission under consent SW/07/1506 and SW/11/1451. The most recent planning permission expired at the end of February 2014. However the previous temporary planning consent is

kept alive until such a time that this new planning application is determined. Planning application SW/11/1451, which was reported to Members at the 14 February 2012 Committee Meeting, proposed to consolidate all the three temporary permissions listed above, under a single planning consent. As mentioned above, it was decided at that Meeting that temporary permission would be granted for a further two years with a condition that a strategy document would be submitted within 6 months of the planning consent, for a permanent solution to providing classroom accommodation. This condition was intended to avoid the further retention of temporary buildings and in the interest of protecting the setting of a Listed Building and the character of the Conservation Area.

10. Other relevant previous planning applications at this site include planning application SW/12/1317 for a temporary 10 space car on agricultural land to the side of the school site. That application was refused. A retrospective planning application was submitted for the provision of 6 external storage facilities, which was granted retrospective planning permission under planning consent SW/12/740. Planning Application SW/12/92 was a retrospective application for the removal of low level fencing and replacement with wooden palisade fencing, which was granted retrospective planning permission. Planning application SW/05/254 was submitted for a 6 car parking area in front of the school. That application was also refused planning permission on grounds of the visual detriment to the Conservation Area and the setting of a Listed Building and on highway safety grounds.

Proposal

11. Tunstall Primary School is applying for planning permission to retain the single and double mobile classroom buildings and the timber 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. The mobile units need to be retained to enable efficient delivery of the curriculum to children in their appropriate age groups and the storage of necessary school equipment. The school is earmarked for replacement on an alternative site but in the interim it is therefore considered necessary to renew the planning permission for the mobiles and PTA store to allow the school to continue to run effectively in the interim. As Members will be aware, the application for the replacement school has now been granted planning permission and it is intended that this new school is open in time for the start of school in September 2015 and therefore this planning application is for a further temporary planning permission until such a time that the school has relocated to the new school site.

Planning Policy Context

12. 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:

The **National Planning Policy Framework (March 2012)** and the **National Planning Policy Guidance (March 2014)** set out the Government's planning policy and guidance for England, and 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 and its guidance replace the majority of the former Planning Policy Guidance Notes (PPG's) and Planning Policy Statements (PPS's). 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:

- Supporting a prosperous rural economy by promoting the retention and development of local services and community facilities in villages
- Promoting sustainable transport
- Achieving the requirement for high quality design and a good standard of amenity
- The promotion of healthy communities
- Conserving and enhancing the natural environment, including protecting and enhancing valued landscapes
- Conserving and enhancing the historic environment

In addition, Paragraph 72 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools, and works with schools promoters to identify and resolve key planning issues before applications are submitted.*

- (ii) **Policy Statement – Planning for Schools Development (August 2011)** sets out the Government’s commitment to support the development of State-funded schools, and their delivery through the planning system.
- (iii) The adopted **Swale Borough Local Plan (Saved Policies) 2008** constitutes the current adopted development for the Borough and can be summarised as follows:

Policy SP1 *Sustainable development:*

Proposals should accord with the principles of sustainable development, and ensure that proper and timely provision is made for social and community infrastructure.

Policy SP2 *Environment:*

Development should avoid adverse environmental impact, and where development needs are greater, adverse impacts should be minimised and mitigated.

Policy SP7 *Community services and facilities:*

Planning policies and development proposals will promote safe environments and a sense of community by increasing social networks by providing new services and facilities, and 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 grant planning permission for new or improved community services and facilities, and particularly those that include provision for wider public use.

Policy E1 *General development criteria:*
Development proposals should accord with the Development Plan unless material considerations indicate otherwise; reflect positively characteristics and features of the site and surroundings; and protect and enhance the natural and built environments.

Policy E6 *The countryside:*
Development will only be permitted when providing a service that enables rural communities to meet their needs locally, or it provides for necessary community infrastructure. Development will not be permitted in Important Local Countryside Gaps which would result in the merging of settlements or erode rural, open and undeveloped character of the countryside.

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 *Conservation Areas:*
Development proposals within, affecting the setting of, or views into and out of conservation areas, should preserve or enhance all features contributing to its special character or appearance.

Policy E19 *Design quality and distinctiveness:*
Development proposals should be of high quality design and respond positively to design criteria.

Policy RC2 Retaining and enhancing rural services and facilities.

- (iv) The draft **Swale Borough Local Plan ('Bearing Fruits')** (August 2013) also contains broadly similar policies on transport, parking, design and general development criteria, but these policies currently carry very little weight, given their draft status and the early stage during the development plan making process.

Consultations

13. **Swale Borough Council:** Raises no objection, subject to the mobile classrooms and PTA store being removed from the site by or within 2 years and the land being reinstated, and that they remain in the locations shown on the application drawings.

Tunstall Parish Council: Comments as follows:

"The Parish Council objects to the retention of the mobiles on the grounds that the buildings are not fit for purpose and the children should not be educated in these conditions. These mobiles also have an impact on the Conservation Area in which they sit.

However, my Councillors do recognise that there is a need for them to remain until a decision has been made on the new school application KCC/SW/0025/2014. My Members will therefore not oppose the mobiles remaining on a temporary basis on the proviso that should the new school application be refused, Kent County Council takes urgent action to find an alternative solution to this accommodation problem.

Should the new school application be refused, Tunstall Parish Council would like to work closely with Kent County Council, the Diocese and the School to explore all viable options to ultimately benefit the pupils and staff at Tunstall C.of E. School.”

County Conservation Architect: Raises no adverse comments as this is for a temporary consent.

Public Rights of Way Officer: Raises no objection to the proposal and confirms that public footpath ZR147 passes to the north of the school.

Tunstall Village Memorial Hall: Comments as follows:

“We are aware of the current planning application to move and enlarge the school, which if successful would mean the removal of the temporary classroom, etc. in less than 2 years time.

Our objections assume this planning application is not successful and it becomes the School’s intention to retain the temporary classrooms for the foreseeable the future.

Our objections to the continued use of the temporary buildings remain as advised in 2002 and whether thereafter a renewal application was made by the School:

1. The school site is small and now overdeveloped with no room for expansion. Temporary buildings have eliminated most parking provision for staff and reduced on site playground facilities;
2. The number of pupils (210) and staff (32) now using the site had had a detrimental impact on the local environment, public highways and their use of the Village Hall car park;
3. The School now has three temporary buildings accommodating 5 of its 7 classes. These buildings are old, inefficient, ugly and in planning terms wholly inappropriate in the Tunstall Village Conservation Area. Temporary buildings cannot provide the level of education facilities required in 2014;
4. The oversized development on the site is putting a strain on its services, i.e. foul drainage and playground facilities.

We ask the Planning Committee Members to reject this application; however if approved with another time limited extension, we request it applies two conditions to the approval:

1. That the School engages with the Village Hall in meaningful discussion to reduce the traffic congestion in the car park, and surrounding highway by better management of the pickup and drop off facility, including parent access times;
2. The School updates its Travel Plan to reflect these improvements.”

Local Member

14. The local County Members, Mr Burgess and Mr Truelove, were notified of the application on 17 February 2014.

Publicity

15. The application was advertised by the posting of site notices, the notification of 13 neighbours, and an advert was placed in the Kent on Sunday on 2 March 2014.

Representations

16. 25 letters of representation have been received from nearby residents. Out of the 25 letters received, 23 were in support of the application and 2 raised concerns. Within the 23 support letters, 9 responses also objected to the apparent use of some wording within the application documents, which is further explained in paragraph 21. The main points raised can be summarised as follows:

Planning Application document concerns

- Object upon planning grounds to the wording of “until relocation” within this application. It is indicating predetermination of a planning application that has not yet been adequately discussed and has certainly not yet been agreed.

Amenity Concerns

- This school is currently not fit for purpose.
- The current mobiles are in a poor state of repair. Two years ago these mobiles were described as “deteriorating” and being damp and with the roof leaking when it rains.
- Feel that KCC have neglected the buildings on the school for far too long.
- The mobiles should be replaced immediately to allow the children to be educated in acceptable conditions and not put their health at risk.
- The mobiles should be sealed to prevent water ingress when it rains and repainted the same colour to maintain the appearance of the mobiles, bearing in mind they are set in a Conservation Area.
- The mobiles cannot be seen from the road and should not affect the Conservation Area.
- They will not cause any extra traffic as they are already on site and have been for years
- Swale is experiencing a surge in the numbers of children needing primary school education.

Need

- It is essential that this accommodation should remain on site until the current buildings are upgraded to accommodate the pupil admission number of 210 pupils who attend.
- The current site is capable of supporting 1FE with minor changes and a more permanent “in keeping” structure will benefit the school and remove the deteriorating mobiles.
- The school will not be able to function fully without the mobiles. Some of the buildings need refurbishment but are a vital part of the school.
- Support the renewal of the mobile units as they form an important part of educating the children. The classrooms are not great but better than nothing.
- This is one of the few schools in the area rated ‘good’ or above by Ofsted.
- It must be emphasised just how critical the renewal of this planning permission is to the successful on-going operation of this popular Primary School on the existing site.
- Whilst we wait for a decision to be made regarding the proposed site (proposed new school) the children at Tunstall need to be educated and without these mobiles the curriculum cannot be delivered properly to children of different age groups.
- Long term consideration must be given to a more permanent structure to replace the mobiles, so that the excellent school can continue to serve the local community for many years to come.

Discussion

17. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (12) 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, including the National Planning Policy Framework (NPPF), Planning Policy Statement for Schools Development and other material planning considerations arising from consultation and publicity.
18. This application has been reported for determination by the Planning Applications Committee following the receipt of representations from local residents. Objection has been raised by both the Parish Council and the Tunstall Village Memorial Hall to the continued retention of these mobile units on the grounds that they are not fit for purpose, although recognising that a temporary solution may be necessary if the planning application for the school relocation is permitted. At the time that the Parish Council and the Tunstall Village Memorial Hall comments were drafted, no decision had been taken on the planning application to relocate the school. This application was permitted subject to conditions at the 14 May 2014 Planning Applications Committee. The main issue relating to this application are the continued use of the mobiles and the visual impact the mobile units have upon the setting of the Listed Building, and the character and appearance of the Conservation Area.

Continued Retention

19. The mobile buildings, as stated above, have existed on this 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 current number of school pupils is beyond the capacity of the permanent Grade II Listed main school building. The mobile units subject to this planning application provide 3 classrooms accommodating up to 90 pupils. The mobile units have been renewed previously on the justification that a permanent solution would ultimately be found. This permanent solution has now been submitted and approved by Members for a new 2FE (form entry) school on an alternative site within the village. It is intended that the new school will open in September 2015.
20. Therefore concerns raised by some residents, Tunstall Parish Council and the Tunstall Village Memorial Hall about the possible continued use of these mobile buildings for the foreseeable future, if a permanent solution to the School's shortage of suitable accommodation for pupils could not be found, has now been addressed. It is intended that the school is relocated to the new site in September 2015 and therefore the usage of these mobile units would only be needed for this limited time period. Both the Parish Council and the Memorial Hall had made comments on the supposition that the proposed school relocation might not receive planning permission. It must be noted that these responses were received prior to the determination of the new school planning application and therefore they are superseded by the fact that School will no longer need to use these mobile buildings after September 2015.
21. Furthermore 9 local residents who wrote in supporting the application to renew the permission for the continued use of the mobiles, but also stated that they objected to the apparent use of the words "until relocation" being used within the application document and

the fact that it indicated “a predetermination of a planning application that had not yet been adequately discussed and had certainly not been agreed”. However the words “until relocation” were never used within the planning application documents submitted and I feel that there has been some misunderstanding and misinterpretation as 3 of these 9 letters received were identical and used exactly the same wording in their letters. The application did state that as the temporary planning permission had expired for the 2 mobile units and PTA store and that as there was no decision at that time of expiration on the proposed new school site, it was deemed necessary to ensure that the mobile units could remain in place and have planning consent to remain on the site and for the School to be able to continue to use them. The application documents did not presume an acceptance of “predetermination” of the new school site application, as it had not yet been determined when this current application was submitted.

22. Whilst the proposed continued use of the mobile buildings is not ideal, being located within a Conservation Area and within the curtilage of a Listed Building, it has been accepted that these mobile buildings will now only need to be used until such a time as the school relocates to the new site. Therefore I do not consider that there is sufficient grounds to justify the refusal of temporary planning consent until the end of December 2015.

Heritage Impact

23. 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 designs of the mobile buildings are generally considered not to be in keeping with the locality, nor the settings of the Listed Buildings. However the impact, under previous planning applications was deemed not to be detrimental to the character and appearance of the Conservation Area and the Listed Buildings, as the mobile buildings were only temporary and capable of being removed. However, the mobile buildings have now been in place for a number of years and planning permission has been renewed a number of times for these buildings and so therefore the retention of these mobiles has not been as temporary as originally justified.
24. The mobile buildings take up a large proportion of the grounds of the Listed Building and seem to be in a poor condition from the comments received from the local residents. They are also located on hard standing which was previously used to provide parking for the teaching staff. Cars are now parked informally on the front lawn, even though two previous planning applications have been submitted to provide either a permanent car park within the front grounds of the school or a more recent temporary car parking area for 10 cars was proposed to the side of the school site but both have been refused due to the impact they would have upon the setting of a Listed Building and the highway implications of both these applications. The mobile units also reduce the amount of available playground that is currently available for the children.
25. Therefore the continued stationing of the mobile buildings had been considered as harmful in the previous planning application to the setting of the Conservation Area and the Listed Buildings. Indeed in determining the previous planning application for the renewal of these mobile units, the Committee requested that a permanent solution be investigated with a view to removing the mobile units. This resulted in a planning application to provide a new primary school within the village on a site outside of the Conservation Area. This permanent solution was granted planning permission in May 2014. However before the new school is open, there will be a period of time where the School will still have to continue to operate from its existing site. To be able to do so, the School will need to continue to use the mobile classrooms and PTA store to ensure that there is no interruption

to the day to day operations of the school. With an overriding need to retain the mobile units for a period of up to a maximum of 18 months, I consider that the detriment to the setting of the Conservation Area and the Listed Buildings can be outweighed by the now foreseeable temporary period that these mobile buildings need to be on this site. In coming to this view, I note that the County Council's Conservation Officer did not raise any objection to this application.

26. Furthermore it has to be recognised that the temporary harm of the mobile buildings upon the Conservation Area and the Listed Building and the heritage interests has to be considered against the strategic policy support for educational facilities and the NPPF obligations in Paragraph 72 and the requirement to provide sufficient school places to meet the need of existing communities.
27. The mobiles on this site will not be deemed necessary when the school relocates to the new site and therefore the present mobiles and storage facilities on this site would be removed from within the curtilage of the Listed Building and from the Conservation Area. It would benefit the whole Conservation Area to have these temporary buildings removed, and would address the long standing objections to the on-going retention of the various mobile buildings on this site. .
28. With the School due to vacate the existing school site in September 2015 and the ultimate removal of all the temporary mobile buildings and various storage facilities, I recommend that temporary planning permission is therefore granted until such a period that the School has had time to fully relocate to the new site and is able to remove all the temporary buildings from the site. I therefore recommend that the School is given a short period of time after the relocation in September 2015, to remove the mobile buildings and propose that the end of December 2015 is a realistic timescale, allowing for any unforeseen delays in construction.

Conclusion

29. In the light of the strong planning policy presumption in favour of new school development, contained in the National Planning Policy Framework and current Government policy guidance, there needs to be substantial evidence of harm arising from other material considerations in order to outweigh that presumption. It must also be noted that the only objection raised to the retention of these mobile buildings was based on the supposition that the planning application for the proposed new school site would not be granted planning permission.
30. In particular, the limited harm to the Listed Building and Conservation Area from the temporary continued use of the single and double mobile building and PTA store is not sufficient to warrant a refusal of consent, even though their continued detrimental impact must be acknowledged. Furthermore as there is a planning permission for the permanent relocation of this school to a new site, outside the Conservation Area, I see no planning reasons to refuse the granting of temporary planning consent until the end of December 2015 for the continued use of these mobile buildings and their ultimate removal from this site.
31. I therefore consider that there are insufficient grounds to outweigh the presumption in favour of development and accordingly recommend that a temporary planning consent be given, subject to the condition to control the length of the development.

Renewal of mobiles, Tunstall CofE Primary School, Tunstall - SW/14/192

Recommendation

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

- The units to be removed from the site by the end of December 2015 and that the site is satisfactorily restored;
- The submission and approval of a restoration plan.

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