

## Renewal of single and double mobile classroom units and PTA store and proposed single mobile and temporary playing surface – Tunstall CofE Primary School, Tunstall, Sittingbourne – SW/15/502829

A report by Head of Planning Applications Group to Planning Applications Committee on 10 June 2015.

Application by Kent County Council Property and Infrastructure for the renewal of existing PTA store, double and single mobile classroom and proposed single mobile classroom and temporary playing surface, which is required to accommodate the additional reception class from September 2015. The retention of the mobile buildings are required until the school relocates to the new school site and the site is restored by the end of May 2016 –Tunstall CofE Primary School, Tunstall, Sittingbourne (Ref: KCC/SW/0108/2015 and SW/15/502829).

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

Local Member: Mr L Burgess and Mr R Truelove

Classification: Unrestricted

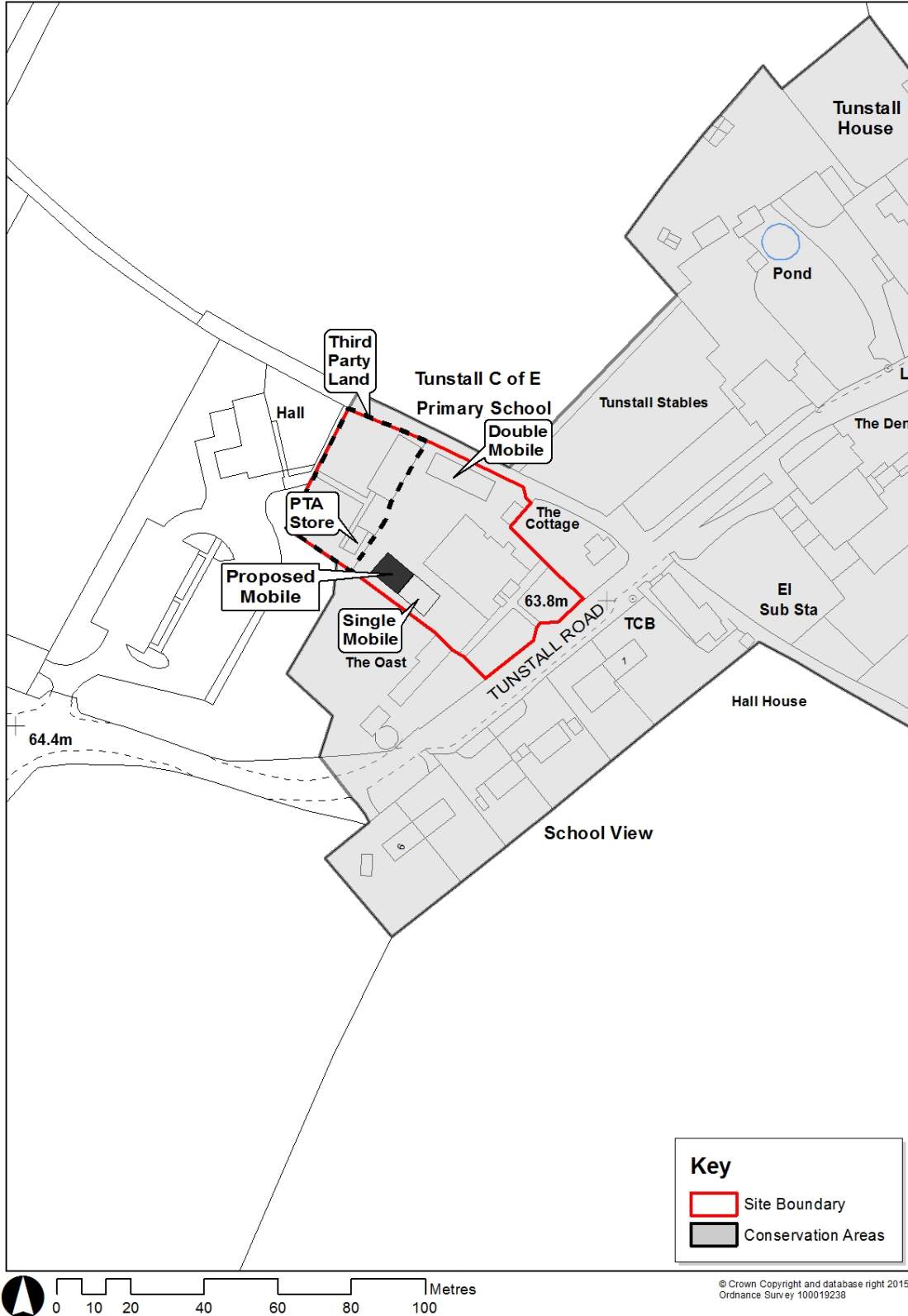
### Site

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 19<sup>th</sup> Century. The adjacent residence 'The Oast', to the south and west, is also Grade II Listed.
2. The existing double mobile classroom is located to the north east of the school site, adjacent to agricultural fields. The existing 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 existing PTA store is located to the west of the grounds, adjacent to the Tunstall Village Memorial Hall. The new temporary single mobile classroom is proposed to be located directly behind the existing single mobile classroom and the new temporary all-weather play area is proposed to the rear of the site. The land that the PTA store and proposed all weather play area are located on third party ownership and the School currently rents this land from the landowner. The Site Location Plan also includes details of this land ownership at the school site.

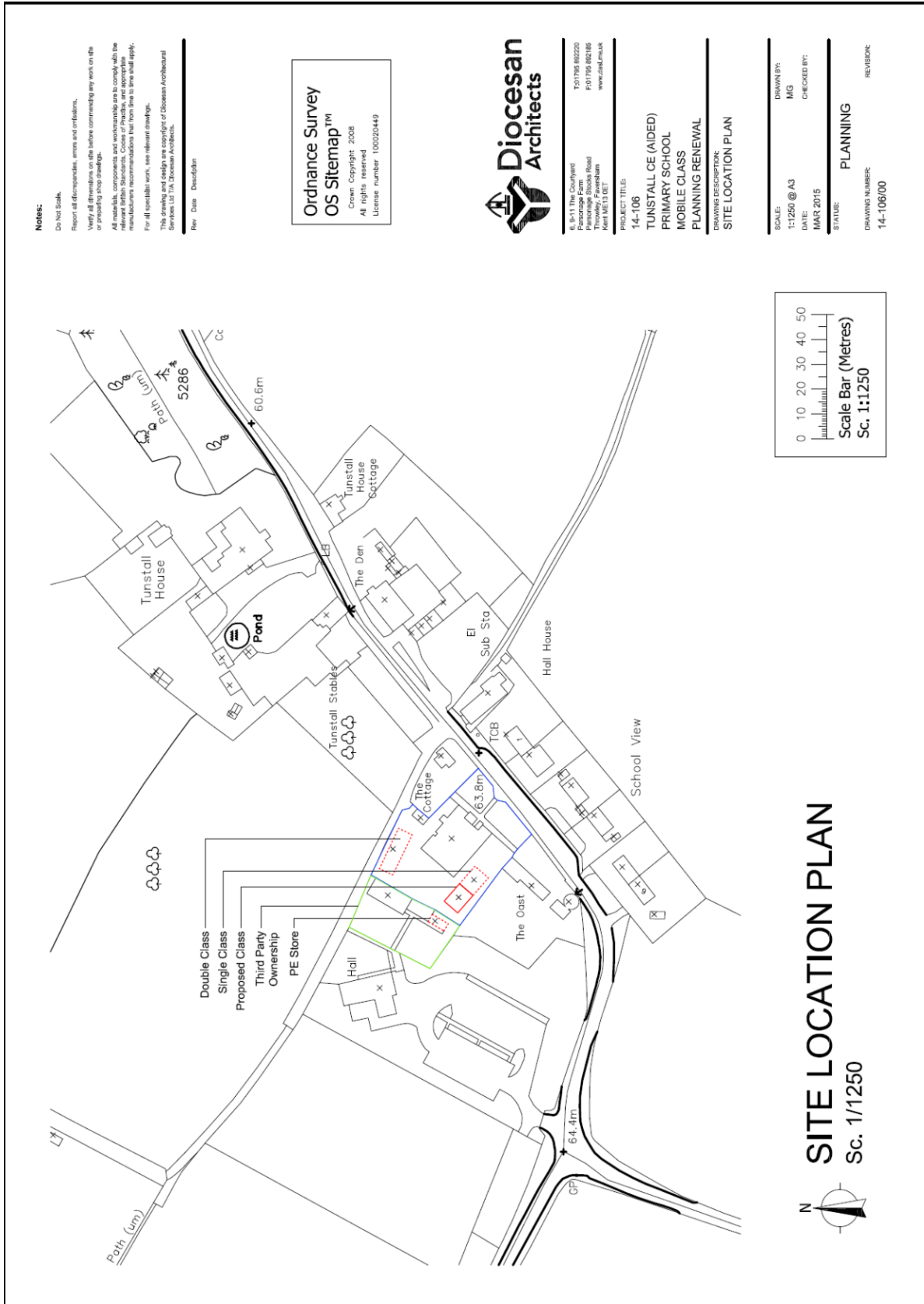
### Background and relevant planning history

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 19<sup>th</sup> 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 include an existing single

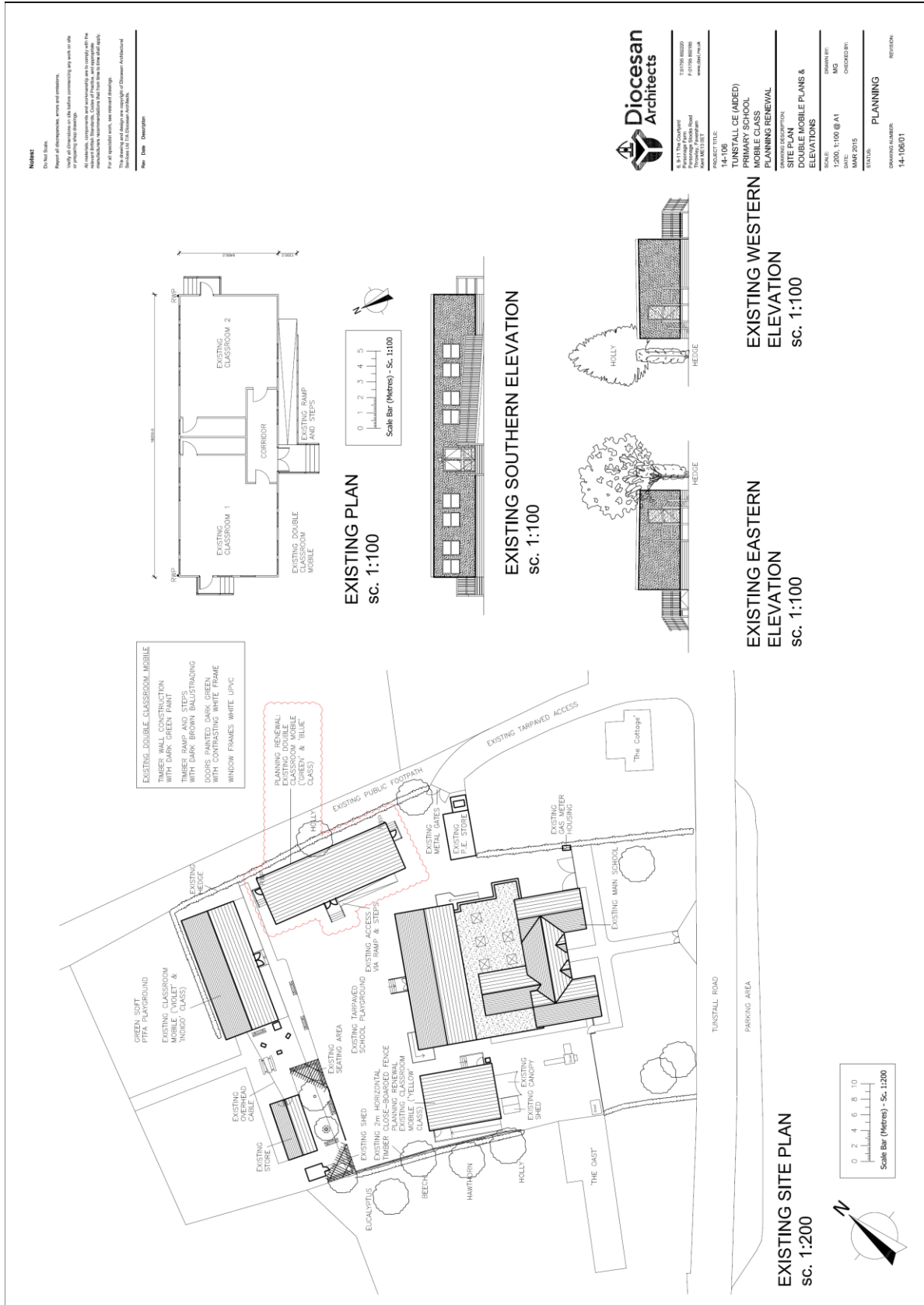
**Site Location Plan**



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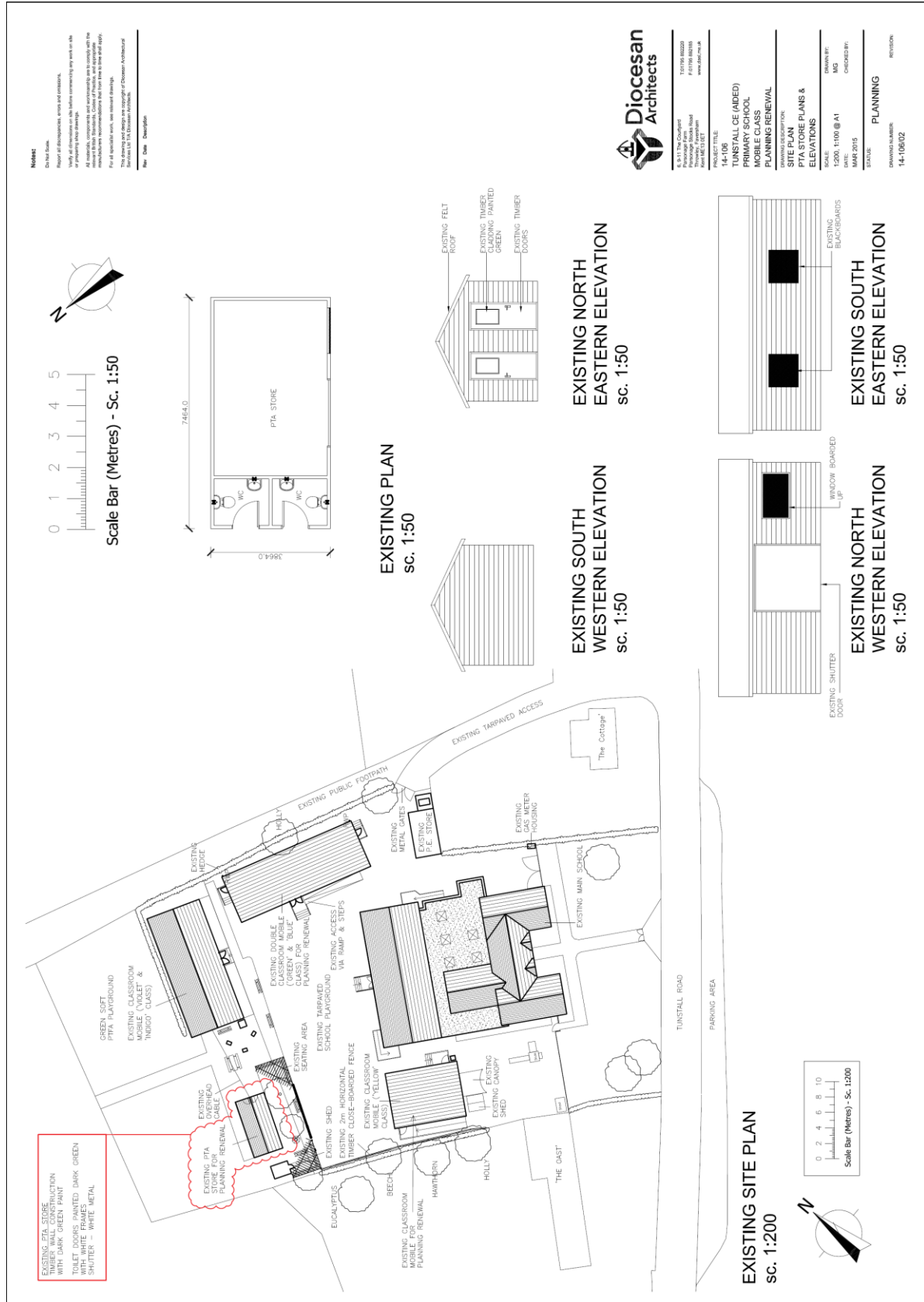


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mobile classroom, an existing double mobile classroom and a timber PTA storage shed incorporating 2 WC's. These mobile classrooms provide three classrooms out of a total of seven classrooms, with two classrooms being located within the main school building and a further two classrooms within a separate modular building located in the school grounds but on third party land.

4. This planning application also included the provision of an additional single mobile classroom which is required to accommodate an additional 30 children in the Reception Class that Tunstall Primary School are accepting from the start of the new school academic year in September 2015. The application also includes the proposed temporary surfacing of the north western corner of the site with an all-weather playground surface to provide additional playground space that would be lost due to the siting of the proposed temporary single mobile classroom.
5. The current school roll is 204 pupils and 12 teaching staff. There are 3 full time teaching assistants and 5 part time teaching assistants. There is a further 11 supporting staff and a caretaker. From September 2015 it is proposed that 1 additional teaching staff would be required for the additional 30 pupils, plus 2 additional teaching assistants.
6. 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, 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 II Listed Building, so planning consents for retaining mobile classrooms, and the various sheds, have had to balance key planning considerations. Temporary planning consents have been granted with the expectation that permanent teaching accommodation could be provided in due course.
7. 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 continued with criticism from the Parish Council and local residents over the lack of progress. In response to the 2011 planning application to retain the 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. Members will note that work commenced on 23 March 2015 on the development of new the school having been delayed due to a



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variety of reasons. As a result the new school will not be open in September 2015 but is now planned to be open at Easter 2016.

8. 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, SW/11/1451 and SW/14/192. The most recent temporary planning permission is due to expire at the end of December 2015.
9. The single mobile unit containing one classroom was originally granted temporary planning permission in 2005. It has received subsequent temporary planning permission under consents SW/09/286, SW/11/1451 and SW/14/192. The most recent temporary planning permission is due to expire at the end of December 2015.
10. The PTA store was installed in 1996 and granted a further temporary planning permission under consents SW/07/1506, SW/11/1451 and SW/14/192. The most recent temporary planning permission is due to expire at the end of December 2015. 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. That consolidated planning permission (SW/11/1451) subsequently expired at the end of February 2014, and a renewal application (SW/14/192) was submitted and reported to Members at the 11 June 2014 Committee Meeting and was subsequently granted another temporary planning consent until the end of December 2015.
11. 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 the laying out of a formal 6 car parking area in front of the school and that application was also refused.
12. The planning application for the new school at a different location to the current school site was granted planning permission under planning consent SW/14/153. Work has now commenced on this site and the new school is planned to be open at Easter 2016.

#### Proposal

13. Tunstall Primary School is applying for planning permission to temporarily retain the single and double mobile classroom buildings and the timber PTA store for an additional 5 months so that they may remain on site until the end of May 2016. The application also includes an additional single mobile classroom and an all-weather playground surface which is required for the start of the new school academic year in

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September 2015 as the School has a requirement to accommodate up to an additional 30 pupils in the Reception Class. The new additional mobile unit and all-weather playground surface are also required until the end of May 2016. This additional period of time would allow the School to operate from the existing school site until such a time that the new school is ready for occupation at Easter 2016, and also allows a short period of time to remove all the temporary mobile structures from the existing school and to restore the site satisfactorily.

14. Tunstall Primary School is due to become a 2 FE (form entry) school from September 2015, and this was the date that the new school building in Tunstall Road was originally due to be completed in time for the new academic school year. However due to various delays with this building work and discharging the planning conditions, the school is now not planned to be ready for full occupation until Easter 2016. Nevertheless, the School has to accommodate the Reception Class from September 2015. The applicant has stated that the existing accommodation at the school is already used to its full capacity and space must be found not only for teaching the new Reception Class but also for the mandatory provision of free school meals and daily assembly. It is not possible to accommodate these requirements within the existing buildings, therefore this application seeks permission for an additional single mobile classroom together with additional all weather playing surface at the existing school site, as well as extending the current temporary planning consent for the existing mobile classrooms and PTA store until May 2016, when the new school will be ready for occupation and the site can be satisfactorily restored.

#### Planning Policy Context

15. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:
- (i) 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

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- 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')** (December 2014) also contains broadly similar policies on transport, parking, design and general development criteria. This document has been submitted (20 April 2015) for independent Examination before its adoption.

## Consultations

16. **Swale Borough Council:** Raises a very strong objection to the proposal and has the following comments to make:

"The above application was considered by the Borough Council's Planning Committee on Thursday 21 May 2015. At that meeting Members considered the report of the Council's Head of Planning, but were concerned that supporters are in the main parents of children who live outside the village and school governors and objectors in the main, are those that will be directly affected by this application are local village residents.

The Borough Council considers that the new Tunstall school application has been extremely divisive and this application rubs salt in the wounds of the majority of villagers. Whilst KCC have achieved planning permission for a new school and ground works have commenced, we cannot see an end date in sight for practically completing and fitting out the school. It is our understanding that funding has not been ring fenced and so it therefore follows delivery that the new school is not guaranteed. We ask that KCC are mindful of this when determining the current application, and whilst the application is based on the development being temporary in nature, we are not assured that this will be the case.

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It is clear that the proposals harm the setting of the listed building, and the Council remains concerned to see the once lovely front garden regularly crammed with teachers' cars. The village hall car park is not in any way controlled by KCC and cannot provide adequate car parking for teachers and parents. Children in reception class cannot be "turfed" out of the car like older children, instead they must be chaperoned by their parents into their classroom, hence car parking congestion is a real problem.

The addition of more reception children as set out in this application puts extreme pressure on the school's cramped facilities. As the school currently stands there is little space for the children to play, the astro turf cannot be used if it is wet, and this application will make that worse, over intensifying the use of the site.

KCC has advertised and subsequently allocated new reception places knowing that the new school would not be complete. It is completely unfair on the children already at the school, the teachers, the prospective intake of reception pupils and the local residents for this overcrowding situation to have arisen. The school's facilities are unacceptable in their current format by adding to it will make matters far worse for all concerned.

We have been advised this is a temporary arrangement however there is no sound evidence that this is the case and the design falls very short of what we would expect for a school planning application.

KCC must remember that providing school places is high up the policy ladder but where it causes demonstrable harm to:

- (a) a listed building; this proposal causes harm the setting of the listed building
- (b) the neighbours and local residents; this proposal harms residential amenity
- (c) the amenity of the children; this proposal will prejudice the amenities of pupils

then that application should be refused because it represents over intensification of the site, with inadequate open space and landscaping.

I refer you to saved policies E1, E14, E15 and E19 of the Swale Borough Local Plan 2008 which should be adhered to unless material considerations indicate otherwise.

Accordingly the Borough Council RAISES VERY STRONG OBJECTION to this application on the above grounds."

**Highways and Transportation Manager:** Raises no objection to the proposal and has the following comments to make with respect to highways matters:

"It is appreciated that the additional mobile classroom is required to accommodate the first class of the increased entry to Tunstall Primary School during the interim period before they are able to relocate to the new school currently under construction. With the delays to the project now pushing back the completion of the new school to Spring 2016, it is considered reasonable to accept the temporary impact that the vehicles generated by the additional 30 pupils travelling to the existing school will have. It has already been accepted that the wider highway network can accommodate the movement of the additional traffic expected from the new school, so the impact of the first additional class beyond the current roll has already been considered within the approved application KCC/SW/0025/2014 (SW/14/153). The difference between

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considering this for the approved new school and at the current site will be the parking arrangements.

It is expected that the current application will generate an additional 19 vehicles to transport these 30 pupils to and from the school, and these are not likely to be wholly accommodated within the Memorial Hall car park, particularly during the afternoon collection period. However, the School can implement a number of initiatives through its Travel Plan to reduce the demand for parking spaces, such as after school clubs, breakfast clubs and staggering the finish times for different year groups. It is therefore considered that the short-term impact is likely to be reduced, and in any case, can be tolerated for the temporary period prior to the new school opening, given the historic uncertainty with having the hall car park available for parental parking.”

**County Conservation Architect:** Raises no adverse comments as this is for a temporary consent and comments as follows:

“Temporary planning permission is in place for the mobile classrooms/building on the site, but this is due to expire in December 2015. Due to a lack of suitable accommodation on the site a new school building is being constructed and the whole school is due to relocate at Easter 2016. Because the temporary buildings have planning permission to December 2015 I have no adverse comment to make on the extension of this permission to the end of May 2016.

As the proposed new mobile classroom is located adjacent and to the rear of the existing single unit (for which temporary planning permission has already been granted) then I have no adverse comments to make subject to:

- The type, materials and colour of the proposed single mobile to match that of the adjacent unit.
- The permission is only granted on a temporary basis to end of May 2016.

I have no adverse comments to make regarding the creation of a temporary new all-weather surface playing area.”

**Tunstall Parish Council:** Raises objection to the proposal and has the following comments to make:

- “The facilities are not fit for purpose for staff and pupils and this raises health and safety concerns. This sentiment was strongly put forward in KCC’s original argument for the new school.
- Concerns over lack of toilet facilities and drainage; we understand parents have been advised that toilet times are allocated and breaks staggered to cope with the situation; this is totally unacceptable for young children who want to desperately use a toilet; this is the 21<sup>st</sup> Century not Victorian England. The Secretary of State for Communities and Local Government and the Secretary of State for Education in their statement dated 26<sup>th</sup> July 2010 commented “the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities.”
- As pointed out before, mobiles do not sit well within the Heritage Site. On the 5<sup>th</sup> January 2012 Swale’s Planning Committee [recommended] refused permission for SW/11/1451 – the renewal of planning permission for the PTA store with toilets, the

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single classroom mobile and the double classroom mobile – reason for objection “the renewal of planning permission for the three mobile units is an unsustainable solution to the issue of increased pupil numbers and a more permanent solution should be sought. The mobile classrooms are detrimental to the character of the Conservation Area and setting of a Listed Building, as well as resulting on on-street parking and raising highway safety concerns contrary to policies E1, E14, E15 and E19 of the Swale Borough Local Plan 2008.

- The application deals with both the renewal of the new temporary structures along with the extension buildings; should they not be considered separately as the new structures are a significant expansion of the already overcrowded school layout?
- The front of school garden area will not be able to accommodate the extra staff vehicles required; the area is already fully used and some cars park in the school playground. The parking on the school front lawn was refused by KCC Planning for six cars (highway safety being one reason as well as being detrimental to the conservation area and the setting of a Grade II listed building). The layby opposite the school provides six public spaces; these are not exclusively for the school although normally full with staff cars. Planning permission was refused for the temporary change of use of land from agricultural to car park associated with Tunstall School (ref: SW/12/1317) in March 2013 on the grounds of decrease in safety in the highway network due to a lack of visibility at the access onto the public highway, contrary to Policy E1 and T1 of the Swale Borough Council Local Plan, 2008; unacceptable landscape and visual impacts, contrary to Policy E6 and E10 of the Swale Borough Council Local Plan and indirect visual detriment to the conservation area and the setting of the Listed Building by the retention of vehicle parking to the front of the school site, contrary to Policy E14 and E15 of the Swale Borough Council Local Plan.
- Concerns over the impact the extra 30 children will have on the use of the hall car park. Uncontrolled parent parking in the Memorial Hall car park impacts on the safe operation of the car park and complaints have been made to the School about the chaos. In addition to the on-site safety issues, there is also an overspill onto the surrounding roads causing an obstruction of the highway. Parents attempting to enter and exit the already full and gridlocked hall car park block Hearts Delight Road and Tunstall Road in both directions. Residents and the Parish Council have complained to KCC, the Police and the School about the danger of the situation.
- The playground is already too small for the school; placing yet another new mobile classroom in the playground of what was quoted as a ‘non-viable school’ due to lack of space will reduce it to an unusable size.
- Concern that the building of the new school could be delayed further.”

**Tunstall Village Memorial Hall:** Raises objection and comments as follows:

“We write to express our extreme concern regarding the safety aspects that 30 additional pupil places proposed for the existing school site will have in the car park and surrounding highway. It is our opinion that any increase in vehicle movements associated with these additional 30 pupils will make the car park use excessive and dangerous. Should this application be granted responsibility for any accidents will rest with KCC and the Tunstall School Governors.

We acknowledge that a Technical Note from DHA Transport accompanies the planning application, which concludes *'that in transport and highway terms, the impact of the proposed temporary development is not considered severe and therefore there should be no reason why this development is not permitted.'* We cannot agree with that conclusion.

#### History

The car park for Tunstall Village Memorial Hall (TVMH) was designed in 1997 for Hall users with a school managed drop off and pick up pupil facility only for 160 pupils (the then headmaster's figures). Parent parking in the Village Hall car park is not part of the agreement, which DHA Transport do not appear to be aware of. Following the opening of the new Village Hall and car park KCC increased the school pupil roll to 210 in 2002 and ever since we have had a continuing problem with overcrowding and misuse of the car park by parents all trying to use a facility that is not large enough to accommodate them.

Every 3 years since 2002, planning approval has been sought by KCC for retention of the existing temporary classrooms and we have repeatedly highlighted the chaos in the car park and adjacent highway. During every Planning Committee meeting to consider the application Members acknowledge the traffic problem add informatives or the like to ease the situation, which are then ignored by the School with no improvement in the problem.

To highlight this you should refer to the latest series of e mails (this winter) between Tunstall Parish Council and local residents (some in the form of objections to this application) highlighting to the School problems in the car park impacting on the local highway. Note: It is possible you will not receive any comment from the Parish Council on this matter as it is currently subject to the election process.

It is now proposed that 240 pupils use the school, which represents a 50% increase on the design criteria uses for the car park. To suggest there will be no impact is risible, when parking for 210 pupils is already responsible for documented local disruption to the highway.

The Technical Note states in unrelated extracts

Regarding the extra classroom for 30 pupils 1.5.3

*'This will equate to approximately 19 additional vehicles associated with the 30 pupils across both the morning and afternoon critical peak hours when pupils are dropped-off and collected'*.

Regarding current capacity 1.6.3

*'As can be seen in both figures above, the Memorial Hall car park (currently) briefly exceeds its capacity in both the morning and afternoon peak periods (i.e. there are a greater number accommodated within the car park itself by means of using available aisle space as well as formal parking spaces'*.

Putting this into context



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- The report notes that currently the maximum cars recorded in the car park are 65-70 in the morning and afternoon peak times (see graphs 1.6.2), add to this 19 additional vehicles for the new classroom and we get 84-89 cars at peak time.
- The car park capacity is 55 formal spaces plus 4 disabled spaces of which 15 are generally taken up by Hall users (sometimes more), ie 40 spaces available for 84 -89 cars? Just not sensible nor safe to even consider this as an option.
- Are your consultants really suggesting aisle space parking and other informal parking eg in the site entrance (as happens) is safe?
- Even if we accept their total of 60 spaces including aisle spacing, taking off Hall user parking at 15 spaces, this leaves 45 spaces for 84-89 cars, again not sensible, not safe.

We note that the School is suggesting measures it might implement to mitigate the problem. Whilst we welcome any attempt to reduce the chaos in the car park our previous experience of follow through of School proposals into actions, has not been good. It is disappointing that DHA Transport and yet again, the School have failed to consult with Tunstall Village Hall regarding their use of our car park and the concessionary pick up and drop off facility.

The following would significantly improve the current situation

1. The school gates are opened at 8.50 every morning and no earlier (except for breakfast club attendees), consequently the car park fills up with parents who have to wait until 8.50 to decant their children – result, crowded car park, large outflow of cars onto public highway after 8.51 – solution, open gates earlier for staggered flow onto site
2. Stop parents of any pupils, including the younger ones, from taking their children into the classroom and waiting with them until class starts - their parked cars block valuable spaces.
3. More actively manage the discharge of pupils into cars and positively deter bad and dangerous parking practices using a “traffic warden” to shame the parents into compliance.

In conclusion we request rejection of this proposal as it puts further strain on an already difficult situation in the existing car park and will be highly dangerous”.

#### Local Member

17. The local County Members, Mr Burgess and Mr Truelove, were notified of the application on 14 April 2015.

#### Publicity

18. The application was advertised by the posting of site notices, the notification of 10 neighbours, and an advert was placed in the Sittingbourne News Extra on 22 April 2015.

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### Representations

19. 51 letters of representation have been received from nearby residents. Out of the 51 letters received, 33 were in support of the application and 18 raised objection to the application. The main points raised can be summarised as follows:

#### Objection

- The entire section in the Transport Statement concerning the capacity and efficient use of the car park is fallacious and irrelevant as the car parking spaces are for hall users, not parents who have never respected the drop off facility gifted to them nor cared for hall users.
- It has been known and planned from the outset that the new school will not be ready to accept pupils before Christmas 2015 and the old site is wholly inadequate for the number it already has.
- It has been previously concluded that another mobile is not acceptable and these are inappropriate for 21<sup>st</sup> Century education.
- The car park belongs to Tunstall Village Memorial Hall and not to the School.
- The School has stated previously that the school and its facilities are inadequate for the children currently at the school and I find it unbelievable and quite shocking that they want to accept another 30 children.
- There are very little families that currently walk to school and I doubt this will change so potentially an extra 20-30 cars is not acceptable.
- Conditions will be overstretched as there are insufficient grounds for the children to play and the hall again is not big enough to accommodate children at meal times.
- The current site cannot accommodate safely the children it already takes by way of sanitation, teaching conditions and parking.
- It was the continued use of these mobiles and the increase in the school roll that has forced the School to consider relocation rather than having addressed the real issue of the conditions of these mobiles, which we have been told since 2012 are no longer fit for purpose.
- The new school site has been delayed by over 9 months so what are the consequences of more delays on the health and wellbeing of the children and staff?
- Object on material planning considerations: on intensification and a decrease in highway safety; failing the test to preserve and enhance a Grade 2 Listed Building; residents' visual amenity; Health and Safety impact; the children will be placed at risk from the condition of the mobiles and the lack of adequate open space.
- One of the main arguments in favour of a re-located Tunstall School was that the current site is inadequate for a 2FE.
- The additional traffic associated with this proposed expansion, combined with that already experienced by the plant and workers vehicles attending the new site will make Tunstall Road even more intolerable.
- The regular occurrence of staff parking in front of the school building is dangerous and is proof that there is clearly not enough space for existing staff cars let alone for any additional staff parking.
- The layby opposite the school is normally full with staff cars and cannot be relied upon for additional parking.
- Uncontrolled parent parking in the Memorial Hall car park does impact on the safe operation of the car park.
- Parents attempting to enter and exit the already full and gridlocked hall car park blocks Heart Delight Road and Tunstall Road in both directions.

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- The playground is already too small for the school and this area is already used as a play area so there will no increase in area.
- All of a sudden the site is now fit for purpose for an increase in the number of children.
- The application is inappropriate and “out of order” by combining both a renewal of the existing accommodation and a new temporary structure within the same application.
- The additional temporary mobile represents intensification.
- It also represents a Health and Safety risk as the current sewage system struggles to cope with the current, intensified use of this area.
- The current traffic conditions were used as evidence that this site is no longer suitable for the size of the school in 2014, and now having increased the size of the school by 10% the traffic increase will result in village deadlock and chaos.
- The winding roads cannot cope with any increase in traffic, especially as no additional parking provision has been organised or granted.
- If the existing mobiles were not fit for purpose in 2014, then those same mobiles cannot be fit for purpose in 2015/16.
- The existing mobiles have served their purpose of being quoted as justification for taking Grade 2 agricultural land for a new, unwanted school.
- Inefficiency and poor judgement are no justification for continuing to renew applications for the old and apply for permission for new temporary buildings which are “unhealthy and unsuitable for modern teaching” according to the School.
- Children taught in mobiles are restricted on their learning potential because of the extreme temperatures in both summer and winter.
- It is a Grade 2 Listed Building in a Conservation Area – this would not be allowed on a residential property.
- There is insufficient parking for existing parents, this will cause parents to park on the road around the school causing a hazard to road users and pedestrians.
- It is outrageous to see that an extra mobile has been added to the application, as the extra children for the new school have been accepted for September, knowing full well that the new school would not be built by then, indeed it is at least 9 months behind schedule.
- Children already have staggered breaks for exercise and toilets and this will make it even worse.
- Inaccurate technical note with regards to pupil places as circumstances were known before the advertisement of 60 places, so circumstances are not unforeseen.
- By taking on this application you would effectively be making the school 2FE so why the need to build a new school in Tunstall Road?
- This situation is a farce as to now apply for planning permission to build extra mobile classrooms to take in further children who were supposed to start at the “newly built” school is going to make matter worse, especially as the extra children will be coming from the other side of town.
- How ludicrous that no one in KCC has applied logical thinking to the matter and realise that having extra mobiles will not make a difference to residents in Tunstall, or even that a new school totally the wrong place will not place an unbearable burden on the traffic situation in the area.

#### In Support

- This is a simple measure to ensure there are enough classrooms in which to teach all the children until the new school is ready.

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- The school must be allowed to function until the new site is ready.
- One of the conditions of funding for the new build was that the School should admit an additional form in reception class from September 2015.
- Most are aware of the background to the considerable delay in gaining access, securing planning consent and making a start on construction.
- The School is faced with no realistic alternative, other than to continue operating from the existing site and buildings, with the addition of one new mobile classroom, until the new school building is ready for occupation in 2016.
- We will miss the school when it relocates.
- The new mobile unit cannot be seen from the road and can cause no inconvenience to anyone that I can see.
- It is absolutely necessary that the School continues to provide for the existing pupils and to the extra reception class on the existing site whilst the new school is being completed.
- This is the final requirement the School needs to continue a superb education and smooth transition to the new school.
- The retention of the current buildings and addition, albeit short term for the mobile classroom, is paramount in order to safely accommodate the extra children that will be admitted to the school in September 2015.
- It will not be possible to accommodate 30 additional children without the extra mobile classroom.
- Approval of this planning application is a critical part of ensuring that the transition to the relocated school is as successful as it can be.
- It will ensure minimal disruption to the learning experience of all children but especially for the new reception classes who are at their most vulnerable stage of learning.
- The additional mobile classroom is located directly next to an existing one meaning that it will be no more or less intrusive and there is no change to the elevation.
- See no reason for any objection when the new school is clearly in the process of being built and so therefore this is only for a short period of time.
- This is a temporary issue and the permanent solution is now well underway.

#### Discussion

20. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (15) 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.
21. This application has been reported for determination by the Planning Applications Committee following the receipt of representations from local residents. Objection has also been raised by the Parish Council, Tunstall Village Memorial Hall and Swale Borough Council, to the continued retention of these mobile units on the grounds that they are not fit for purpose and that the proposed additional mobile will cause overcrowding on what is currently a very cramped site. The main issue relating to this application are the continued use of the mobiles, traffic and parking, and the visual impact the mobile units have upon the setting of the Listed Building, and the character and appearance of the Conservation Area.

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Continued Retention

22. 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 be found. This permanent solution was subsequently granted planning permission by Members for a new 2FE (form entry) school on an alternative site within the village and work has started on building the new school on 23 March 2015, albeit later than scheduled.
23. Under the circumstances, the previous concerns raised by some residents, Swale Borough Council, 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, have now been addressed. However it was intended that the school would relocate to the new site in September 2015 and therefore these mobile units would only be needed on this site until such a time that they could be removed and the site satisfactorily restored by the end of December 2015.
24. However unforeseen delays in starting the school development have resulted in the new school not now being opened until Easter 2016, some 7-8 months later than originally planned. The continued reliance on temporary accommodation at the existing school site is very unfortunate, however the School is left with no realistic alternative but to request a further extension of time on the usage of the existing temporary accommodation as well as to seek consent for one additional single mobile classroom. This extra mobile unit is required to be on site ready for September 2015 when the school becomes a 2FE school and is required to take 60 pupils in the Reception Class.
25. Members will note that the existing double and single mobile and the PTA store have a temporary planning permission allowing the units to remain on site until the end of December 2015. The School is now seeking a further extension of time for these units until the end of May 2016, an additional period of 5 months. The proposed additional mobile unit and all-weather playground surface are required by the School to be in place for the beginning of the new school academic year in September 2015 and to remain on the school site until the end of May 2016. It has been stated that the new school will move to the new site during Easter 2016 and so an extra period of time has been requested by the applicant, which will allow time for the removal of these units from what will become the old school site and the site being restored satisfactorily by the end of May 2016.
26. 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 finally relocates to the new site, which will be 5 months later than the expiration of the current temporary planning permission. It is noted that previous planning decisions had regard to the siting of the development within the Conservation Area and the Listed Buildings in concluding that the development was acceptable.

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Work has started on the new school site and is planned to be finished by Easter 2016. Furthermore the applicant has made every effort to minimise the effect of the proposed single mobile classroom upon the school site and its surroundings by proposing to locate it directly behind the current single mobile classroom. Whilst it is regrettable that the school will not be ready for September 2015 and that the school roll has to be increased, I see no overriding harm to the retention of the mobiles and stationing of another mobile for a few extra months. It should also be borne in mind that the situation at Tunstall is by no means unique, and the scenario of having to rely on temporary classroom accommodation for longer than previously hoped for because of protracted delays in obtaining planning consents and/or commencing construction of new school accommodation has occurred in other locations. Therefore I do not consider that there are sufficient grounds to justify the refusal of temporary planning consent for an additional 5 months, until the end of May 2016, and to include a temporary planning consent for the proposed single mobile classroom and all-weather playground surface until the end of May 2016.

#### Heritage Impact

27. As discussed above, the application site lies wholly within the Tunstall Conservation Area and the existing mobile buildings and the proposed single mobile classroom and all-weather playground, are within the curtilage of a Grade II Listed Building. The designs of the existing mobile buildings are generally considered to be not 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. Again, this is not a unique scenario and Members will be aware of many other schools across the county struggling with precisely the same issue of. increasing school.
28. The existing 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 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 turned down due to the negative impacts they would have. However as no formal engineering works have taken place, then no enforcement action can be taken against the continued parking at the school. The mobile units also reduce the amount of available playground that is currently available for the children.
29. The location of the proposed single mobile classroom has been carefully considered to have a minimum impact upon the character and appearance of the surrounding area, and in particular the Conservation Area. The proposal to locate the proposed new mobile on the existing playground, between the existing single mobile classroom and the PTA store, would mean that it would be screened by surrounding buildings and playground on three sides and well-established vegetation on the western boundary which abuts the rear garden of The Oast. Additionally by joining the proposed single mobile classroom to the existing single mobile classroom would also minimise the space requirements as the existing ramp can serve both mobiles. It is furthermore

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proposed that the materials of the proposed single mobile classroom would match those of the existing mobile classrooms. The provision of the proposed single mobile classroom on part of the existing playground means that an additional area would be required with an all-weather surface, to make up the loss of hard playing area that would be lost to the proposed new single mobile classroom. It is therefore proposed to provide this additional area of playground in the north western corner of the school grounds, on the existing grassed play area. This would also result in the removal of the existing play equipment.

30. Therefore the continued stationing of the mobile buildings had been considered as generally harmful in the previous planning application to the setting of the Conservation Area and the Listed Buildings. Indeed the previous planning consent for the renewal of these mobile units did request that a permanent solution be investigated with a view to removing these mobile units as soon as practicable. However before the delayed 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 and accept the additional 30 Reception Class pupils. 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 and to locate an additional single mobile classroom on the existing school site, as well as an additional all-weather playground. A continued reliance on temporary accommodation at the existing school is very unfortunate however the School is left with no alternative but to request an extension to the use of the existing temporary accommodation, as well as to seek consent for an additional mobile unit. Therefore with an overriding need to retain the mobile units for an additional period of 5 months, I consider that the short term continued detriment to the setting of the Conservation Area and the Listed Buildings can be outweighed by the now additional temporary period of 5 months 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.
31. 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, coupled with the strategic policy support for educational facilities and the NPPF obligations in Paragraph 72, consideration of this planning application has to be positive and proactive in providing sufficient school places to meet the need of existing communities. This is a balance that needs to be struck and under these circumstances the mobiles buildings need to be retained on the site for an additional 5 months, and after the expiration of this proposed temporary planning consent, these building can be removed from this site once and for all and the site can be satisfactorily restored.
32. Indeed all the mobiles on this site will not be deemed necessary when the school relocates to the new site and therefore all 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. The proposed new school site would also have the benefit of removing some of the parental traffic from the Conservation Area, as well as the continued informal staff parking in front of the Listed Building. I therefore do not consider that there are sufficient grounds to justify the refusal of temporary planning consent for an additional 5 months as the new school development has already started and ultimately will result in the removal all of

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the temporary mobile buildings and storage units from within the curtilage of a Listed Building.

33. Clearly it is not possible to move instantly from one school site to a brand new one, where a whole series of steps is involved in selecting and acquiring land, obtaining planning consent and allowing a year for construction. Several of the key steps involved have now been taken, and the proposed stop gap reliance on the existing temporary accommodation is one unavoidable step along the way, so it would be unreasonable to raise objection to that at this advanced stage, especially since the planning process has long been pushing for a radical solution to the problems at this particular school. With the School now due to vacate the existing school site in at Easter 2016 and the ultimate removal of all the temporary mobile buildings and various storage facilities by the end of May 2016, I therefore see no overriding objection to a temporary planning permission for the exiting mobile classrooms and the proposed single mobile classroom and all-weather playground surface until the end of May 2016.

#### Traffic and parking

34. The school does not currently have any formal on-site parking either for staff or for parents. It has been mentioned previously in paragraph 11, that the School has submitted previous applications for a temporary 10 space staff car park to the side of the school, as well as an application for a formal 6 car parking area in the front of the school. However both applications have been refused. Staff continue to park informally in the front of the school building and there is no planning infringement to enforce against since the School has not implemented a previously refused creation of a formally designed and laid out car park. Furthermore, planning consent is not required to park cars, whatever number or location since parking of vehicles *per se* does not constitute development required planning consent in Planning Law. Parents use the Memorial Village Hall car park to drop off and to collect their children from school and this is done by arrangement with the Hall, who have accepted short term parent parking but not long stay teacher parking.
35. Many of the representations which objected to this planning application, cited traffic and car parking as a major concern. A Transport Technical Note accompanied the planning application and predicted that as a result of the school accepting the additional 30 pupils from the beginning of September that it would result in a projected increase of a possible 19 additional vehicle movements. Whilst it has been mentioned that the Memorial Hall car park can briefly exceed its capacity in both the morning and afternoon peak periods, an additional potential 19 extra vehicles, on top of the current traffic that is generated by the school for an additional 7-8 months is not sufficient grounds to refuse the application on the proposed increase in traffic movements, particularly in light of the comments from the Council's Highways and Transportation Manager.
36. In fact the principle of the additional traffic movements that would be generated by Tunstall Primary School becoming a 2FE primary school has already been accepted by this Committee by granting planning permission for the new school. As of September 2015, the additional traffic that would be generated by the additional 30 pupils would have been on this highway network anyway. Whilst not all this additional traffic may drive through the Conservation Area in order to get to the new school site, it would eventually lead to a reduction in the traffic around the old school site as parents would not need to drive to the Memorial Hall car park to drop off or collect their children. It is unfortunate that the new school will not be ready until Easter 2016



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however the School has a number of measures in place through their School Travel Plan that can help to reduce the number of vehicles that need to travel in the school peak times, though measures such as the introduction of a breakfast club, after school clubs, staggering the finish times of infant and junior pupils and school teacher escorting their pupils to the car park at the end of the school day.

37. Whilst unfortunate the projected additional 19 vehicles that will travel to school site as a result in the increase of another 30 pupil numbers, is not sufficient ground to justify the refusal of temporary planning consent in highways terms alone. In coming to this view, I note that the County Council's Highways and Transportation Manager did not raise any objection to this application. Although the existing school can still operate from the existing site until the end of December 2015, the additional 30 pupils will be on site from September 2015 and will be required to stay on this site until Easter 2016. Once the new school is open, then there will no requirement for parents to travel to or use the Memorial Village Hall car park as the new school will provide on-site parking for both staff, parents and visitors to the school site.

#### Other issues

38. In the correspondence required from the Statutory Consultees, Swale Borough Council commented that it was their "understanding that funding had not been ring fenced and so it therefore follows delivery that the new school is not guaranteed", I would like to remind Members that funding for the new School is not a material planning consideration relevant to this planning application. An enabling works contract is under construction and the main contract will be signed in early June. The proposed new Tunstall Primary School is currently under construction and there is no intention to halt the works.

#### Conclusion

39. 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. This temporary application seeks to meet the slight delay in construction of the new school. Whilst it is regrettable that the school will not be ready for September 2015 as originally planned, and the school roll has to be increased by an additional 30 pupils, I see no reasonable alternative or overriding harm to the retention of the existing mobiles for an additional period of 5 months and the stationing of another single mobile classroom for a few extra months. In particular, that is a necessary and unavoidable part of the long process in relocating to a new school site and to resist this proposal would seriously undermine the whole relocation process that the Planning Applications Committee, in response to pressure from local residents and representatives, originally set in train.
40. Moreover, the extent of the harm to the Listed Building and Conservation Area from the temporary continued use of the single and double mobile building and PTA store and the proposed single mobile classroom and the all-weather playground surface is not as substantial as to warrant an outright refusal of consent, even though their continued detrimental impact must be acknowledged. However as there is a planning consent approved for the permanent relocation of this school to a new site and work has now started on building this new school on a site which is located outside the Conservation Area, I see no planning or heritage reasons to refuse a further short

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term, i.e. 5 months, temporary planning consent for the continued use of these mobiles and the additional new mobile and all-weather playground and their ultimate removal from this site

- 41 I note the strong objections raised by the Borough and Parish Councils, but much of their reasoning is based on non-planning issues. 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 time of the development.

Recommendation

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

- The units to be removed from the site by the end of May 2016 and that the site is satisfactorily restored;
- The submission and approval of a restoration plan.

Case officer – Lidia Cook	03000 413353
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Background documents - See section heading
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