

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 temporary permission for the ‘Sharman Block’ modular building, erection of 2.2m and 2.4m fencing within the site and new pedestrian access onto Bowen Road on part of the Former Pent Valley School adjoining Bowen Road, Folkestone, Kent, CT19 4ED – Y18/0061/SH (KCC/SH/0343/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 14th March 2018.

Application by Gen 2 on behalf of Kent County Council for the renewal of the temporary permission for the ‘Sharman Block’ modular building; erection of a 2.4m high fence and gates to separate it from the rest of the former Pent Valley School; construction of a 1.8m wide access path to a new 2.2m high gate onto Bowen Road; and erection of a 2.2m high fence between the building and the electric substation on part of the Former Pent Valley School adjoining Bowen Road, Folkestone – Y18/0061/SH (KCC/SH/0343/2017)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr David Monk

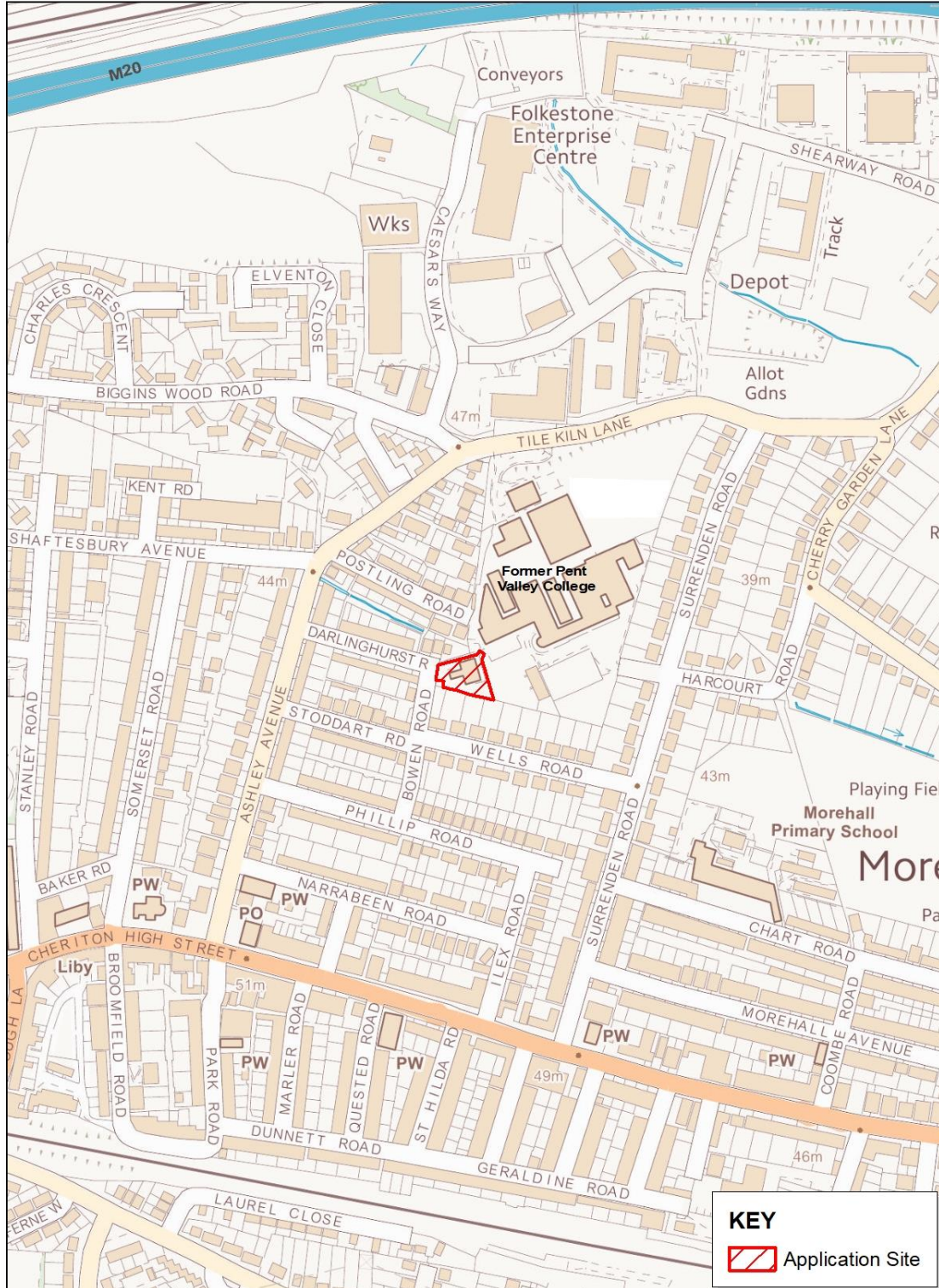
Classification: Unrestricted

Site

1. The former Pent Valley School is located within the northern part of the town of Folkestone, and lies within a residential area between the B2064 Cheriton Road to the south and the M20 to the north. The school can be accessed from three surrounding roads - Postling Road to the west, Tile Kiln Lane to the north, and Surrenden Road to the east. The school is currently vacant but has been purchased by the Turner Schools Group, who intend to open a Free School here in September 2018. Within the School site is a modular building known as The Sharman Block, which is located in the south-western corner of the site, and it is this part of the site which this application relates to.
2. The Sharman Block is a modular building tucked into part of the site which shares a boundary with the rear gardens of properties in Wells Road to the south, and has a frontage onto Bowen Road to the west. The boundaries of the school in this area are formed by a combination of 2.2m high steel palisade fencing in galvanised steel, some older timber fencing (overgrown with shrubs along Bowen Road) and some close board fencing down the boundary of the driveway with 25 Darlinghurst Road. The modular building is single storey with a monopitch roof, with a combination of white and green walls. Footpaths surround most of the building and there are a number of doors into the various rooms which are accessed by steps and blue railings.
3. Bowen Road is a narrow road (5m wide) which links into Darlinghurst Road at the point where the school has its boundary. The junction is formed by a sharp left-hand bend when viewed from Bowen Road. There are no road markings in Bowen Road or Darlinghurst Road therefore on street parking occurs on both streets, and a number of houses have created off street parking on what would have originally been front garden.

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General Location Plan



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Site Location Plan

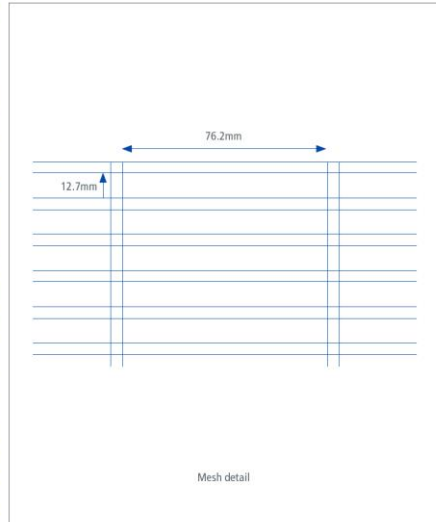
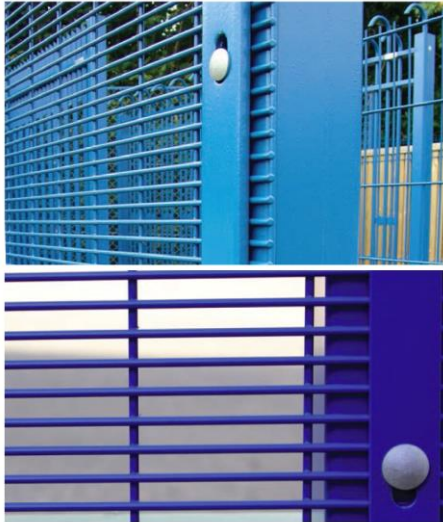


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Ordnance Survey 100019238

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Proposed Fence Styles



Palisade Fencing

Ideal for installation within:
 Industrial Sites | Schools & Museums
 Commercial Buildings | High Security Buildings
 Railway Stations | Power Stations

First Fence

Received - 4 December 2017
 Planning Applications Group

Robust cold-rolled steel | Galvanised to BS EN ISO 1461:2009 standard
 Permanent and Durable | Intimidating and Anti-Climb design | High level of security

First Fence

Height	1800mm 2000mm 2100mm 2400mm 3000mm 2750mm
Width	2750mm
Post Types	Dig-In Bolt Down
Material	Galvanised Steel
Optional Finish	Polyester Powder Coating: <div style="display: flex; align-items: center; gap: 5px;"> <div style="width: 15px; height: 15px; background-color: green; border: 1px solid black;"></div> <div style="width: 15px; height: 15px; background-color: black; border: 1px solid black;"></div> <div style="width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></div> <div style="width: 15px; height: 15px; background-color: red; border: 1px solid black;"></div> <div style="width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></div> </div> <p>Green Black Blue Other Colours Available</p>



Galvanised Steel Posts
We offer Bolt Down Posts and Dig-In Posts from a selection of heights; all made from high quality galvanised steel and fabricated at our Midlands manufacturing centre.



Anti Tamper Fixing
Clever Anti-Tamper fixings have the capability to snap off at the end to prevent the Palisade system for being dismantled.



'W' Section Pales
The most important feature of Palisade System are the 'W' Section Pales which offer great rigidity. With triple points cut into the top of the steel, the fencing becomes difficult to climb and will prevent any potential intruders.

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The land falls away noticeably from south to north such that the houses in Darlinghurst Road and the Sharman Block are at a lower level than the road and footpath. There is a grass verge and footpath on both sides of Bowen Road, which is wider in front of the school boundary. Alongside the school frontage onto Bowen Road is an electricity substation enclosed by green wire mesh fencing. In the corner of the school site by 25 Darlinghurst Road are two tall fir trees which are visible from the road.

Recent Site History

4. There have been a number of historic planning applications for the Former Pent Valley School, but those relating to the Sharman Block itself are listed below:

98/0966/SH for the siting of a new classroom block to replace the existing humanities block after demolition, granted permission until 31 December 2004.

SH/05/1327 for the renewal of planning permission with respect of a mobile classroom unit used as humanities teaching block, granted permission in November 2005 until November 2010.

5. The applicants are aware that the temporary consent granted in 2005 has expired and should have been renewed before now, but are seeking to regularise this with the current application.

Proposal and Background

6. The application seeks permission for a number of different elements as set out below. First it seeks to renew the temporary permission for the modular building known as The Sharman Block which was first installed on site in 1999. As set out above the most recent temporary permission for the building has expired. The application seeks permission for a new temporary consent for 5 years for the proposed continued education use.
7. Secondly the application seeks permission for the erection of some additional fencing within the site to provide a demarcation between the proposed use for the Sharman Block and the remainder of the former Pent Valley School. This would include a section of 2.4m high fencing that would run in an approximate north-south direction across the playing field from the main school building to a point along the southern boundary fence shared with the rear gardens of properties 26 and 28 Wells Road. A pair of vehicular and pedestrian access gates would be provided close to the original school buildings of the same fence material (2.4m high and 4m wide) and the fence would then return to the west to meet the corner of the school site with the boundary of number 25 Darlinghurst Road, thus separating the Sharman Block from the main school grounds. This 2.4m high fence would be an anti-climb mesh style fence which would be powder coated in a green colour.
8. Two smaller sections of 2.2m high fencing would be positioned to either side of the Sharman Block itself, one across to the electricity sub station and one to the boundary with 25 Darlinghurst Road. Both of these elements would have a pedestrian gate within them, with a lock linked to the alarm system. This 2.2m high fence would be a steel

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galvanised palisade fence, identical to the fencing that already runs around the boundary with Bowen Road and along the side boundary to the driveway of 25 Darlinghurst Road.

9. Finally the proposal includes the laying of a new 1.8m wide footpath along part of the boundary with 25 Darlinghurst Road to extend the path that already exists towards the Bowen Road boundary. This pathway would lead to a new pedestrian access gate to be inserted into the existing 2.2m high palisade fence on this boundary. This gate would be 1.2m wide and would be located towards the northern end of the frontage onto Bowen Road. The gate position would not require the removal of either of the fir trees which are located in this corner of the site.
10. The following additional information has been provided as background to the proposal:
 - The Sharman Block would be run as a Pupil Referral Unit, registered for a maximum of 24 children and serving children from schools in the Folkestone and Hythe areas.
 - At present the children are accommodated in unsuitable premises on Cheriton Road, to the south-east of the application site, approximately 1.4 miles away.
 - Although registered for 24 it is likely that only 18-20 children would be on site at any one time, and these children would attend for a whole day, therefore there wouldn't be additional comings and goings throughout the day.
 - The new pedestrian access onto Bowen Road would only be used by the children attending the Sharman Block.
 - Staff will park on the former Pent Valley School site and access the Sharman Block from within the school grounds.
 - The grassed area within the proposed fenceline surrounding the modular building would be used for outdoor recreational space and the Turner School has also stated that the sports hall could be used for recreation times.

Planning Policy

11. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:
 - (i) **National Planning Policy Framework (NPPF)** March 2012 and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

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

In terms of delivering sustainable development in relation to this development

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proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

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

A draft review of the NPPF was published on Monday 5th March 2018 but the section relating to the delivery of school facilities remains largely unchanged with similarly worded text regarding the need to ensure sufficient choice of school places to meet the needs of existing and new communities.

(ii) **Policy Statement – Planning for Schools Development (15 August 2011)** which sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. In particular the Policy states that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity of provision in the state funded school sector, to meet both demographic needs, provide increased choice and create higher standards.

(iii) **Shepway District Council Core Strategy Local Plan (September 2013)**

Policy DSD Delivering Sustainable Development: To take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. To work proactively to find joint solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

(iv) **Shepway District Local Plan Review (2006)**

Policy SD1 Sustainable Development: All development should take account of the broad aim of sustainable development.

Consultations

12. **Shepway District Council** were consulted on 11th January, and provided initial officer views which are set out below, but due to the number of representations received they will be considering the application at their own planning committee on 20th March. It is anticipated that we can provide a verbal update at our meeting with the details of their published committee report, but please note that the Members of Shepway District Council Planning Committee will not have made a decision on the application at the time of our meeting.

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Shepway District Council Senior Planning Officer Views: No objection subject to there being no general access through the site from this new gate to the main school.

Folkestone Town Council raised an initial objection, querying what the access would actually serve. They state Bowen Road is a side road and the corner is 90 degrees. It is not clear whether the access will be a busy one or not.

In response to these comments I wrote to the Town Council to explain the proposed use of the gate and the Sharman Block itself. No additional comments have been received from the Town Council in response to this further information.

Kent County Council Transportation Planning raise no objection to the application, subject to the imposition of a condition requiring the gate for the pedestrian access onto Bowen Road to open away from the highway.

Local Member

13. The local County Member, Mr David Monk, was notified of the application on 11th January 2018.

Publicity

14. The application was publicised by the posting of two site notices, one on the fence by the proposed access point into Bowen Road and one at the main entrance to the former school on Postling Road. In addition, the individual notification of 18 residential properties was undertaken.

Representations

15. In response to the publicity, 10 letters of representation have been received. The key points raised can be summarised as follows:

- Do not think the temporary permission should be renewed – the building should be demolished, and the site turned back to open ground;
- Already three existing and safer accesses into the school - do not consider it necessary for an additional one to be added now;
- The children should access this unit from the existing school as the staff will;
- Having a new entrance here would result in increased traffic and traffic congestion in Bowen Road and Darlinghurst Road, which are narrow residential roads;
- Proposal would also increase traffic on other surrounding roads;
- The narrow bend at the junction of Bowen Road and Darlinghurst Road does not allow two cars to pass which would result in the need for reversing manoeuvres which would be hazardous to pedestrians;
- The proposed fencing would make the site look like a prison, affecting the outlook of local residents and the pupils using the facility;
- Do not think there is sufficient recreational space for the pupils if it is fenced off as proposed from the main school;
- The original wooden fence can no longer be properly maintained due to the new

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metal fences;

- The facility is not large enough to accommodate 24 pupils;
- Do not want the existing cherry trees on site to be affected;
- Fear staff will choose to park on the roads close to the Sharman Block rather than on the school site, which would affect residents parking, especially when the main school is occupied again and parking in the school comes under pressure;
- Concerned about where the pupils will be travelling from to get to the site;
- Do not believe the children will all arrive by public transport or on foot as stated, and think parents and carers will drive down Bowen Road and Darlington Road to drop them off, affecting local residents;
- An increase in traffic and parking here would force residents to change front gardens to off road parking spaces affecting the environment;
- The proposed gate would be at the corner of the two roads where visibility is poor;
- Concerned that deliveries and visitors to the unit would make the problems worse;
- Concerned that pupils using this access would ultimately cause damage, graffiti, litter, noise and nuisance, abusive language and antisocial behaviour affecting residents’ amenity;
- Concerned that existing driveways would be blocked by vehicles dropping off children or by imposed zig-zag or yellow lines;
- Do not think the application was advertised widely enough;
- Concerned that the planning application contravenes Article 8 of the European Convention of Human Rights, which ensures everyone has the right to respect for his private and family life and home.

Discussion

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 11 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 the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
17. This application is being reported for determination by the Planning Applications Committee due to the objections received from local residents. In my opinion, the key material planning considerations in this particular case are the principle of retaining this temporary building for an education use; the visual impact of the proposed additional fencing within the site and for the wider area; and the impact of the proposed pedestrian gate on the amenities of the residents of the surrounding roads.

Retention of the Sharman Block

18. The Sharman Block has been sited within the Pent Valley School grounds since 1999 and has an established education use, albeit only with on-going temporary permissions. The most recent permission expired in November 2010 and the applicants are aware that a renewal of the permission should have been applied for some time ago. Nevertheless, the current application seeks to regularise this and a further 5 year consent is requested at this time. The existing premises for the Pupil Referral Unit

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(PRU) are unsuitable and of a poor standard which is why alternative provision is being sought. In planning terms, the proposed use of the Sharman Block for the PRU complies with the existing educational land use with both falling within Class D1 (non-residential institutions) of the Town and Country Planning (Use Classes) Order. The principle of using the former secondary school premises for a PRU is therefore acceptable in land use terms. The Planning Policy Statement for Schools (2011) puts great emphasis on providing a diverse range of facilities within the state funded school sector and the use of the Sharman Block for this facility would comply with this aim and meet the need for such places within this geographical area. It is generally considered inappropriate in planning policy terms to give a permanent consent for a temporary building due to the very nature of the accommodation and the fact that a permanent structure/facility should be found. In this case it is considered that a 5 year temporary permission would be appropriate, after which time the need for the facility in this location can be reassessed.

Visual Impact of the Proposed Fencing

19. In this part of the former Pent Valley School site there is existing 2.2m high steel palisade fencing enclosing the grounds, sometimes in addition to timber fencing along residential boundaries. Part of the application is for additional sections of 2.2m high fencing and gates to be erected to provide a secure boundary for the unit, and these would run across from the Sharman Block to the existing boundary with 25 Darlington Road and on the other side to the electricity substation. Although this palisade style fence is quite stark and imposing, it is what already forms the boundary to the school and therefore additional elements of this type of fence need to be considered in this context. These elements of the fencing are minor in nature and enclosed within the site, such that they would have little material impact on the neighbours in Darlington Road and Wells Road.
20. The 2.4m high fence is of a slightly different design to the steel palisade fence in that it would be a close mesh style and the fence would be powder coated green. This taller fence would run from the rear garden boundary of 26/28 Wells Road across the existing playing field towards the former Pent Valley school in the vicinity of the access from Postling Road. The proposed fence would be 4.9m away from the Sharman Block and would enclose the existing footpath along the side of the building and a small strip of grass at the edge of the small bank. This fence would only be 20cm higher than the existing boundary treatment and although tall would again be contained within the school site and viewed within the context of the surrounding buildings – not only the Sharman Block but also the original Pent Valley School building, a prominent two storey structure.
21. The closest property to the school in Darlington Road is number 25, which has one first floor window on the side elevation facing in towards the school grounds. Given the existing view from this window would include the buildings and current fencing on the school site it is considered unlikely that the new mesh fence would cause any additional visual impact. The new residential properties which have replaced the former engineering works in Postling Road do not have windows which face towards the school site or the location of the new fence. Those houses which back onto the site from Wells Road would be some distance from the fence itself (their rear gardens are

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approximately 26m long) and would view the fence 'end on' rather than 'face on' which would again limit any visual impact it may have on those occupiers.

22. It should also be noted that the School would be allowed to erect fencing within the school grounds up to a height of 2m without requiring any planning permission. Although this close mesh style of fence is not the most aesthetically pleasing a 2m high one would not need permission and therefore we are really considering whether a fence that is 0.4m higher would be visually harmful and detrimental to the wider area. In my opinion the additional height would not be significant enough to warrant refusal of permission.

Impact of the New Pedestrian Gate

23. The proposed pedestrian gate onto Bowen Road would be used for the pupils who would attend the PRU only. There would be no through route from here into the wider school grounds when the School becomes a free school later in the year. The security locks on the proposed gates within the site would ensure no free access could be obtained. A number of objections have been received about the need for another access when the main school already benefits from three access points. The issue arises from the change in ownership of the main school from KCC to the Turner Schools Group. Kent County Council will acquire the freehold of the application site including the Sharman Block (subject to planning permission) to enable them to run the PRU and would need access to this parcel of land separate to the remainder of the school site. Staff would park in the school grounds, however, and there will be a gated access within the new 2.4m mesh fence to allow staff to enter, and emergency vehicles.
24. The gate can be conditioned to open inwards as requested by the Highways and Transportation Officer and further conditioned to restrict the use of the gate to pupils in the PRU only, as suggested by the District Council. The local residents who have objected to the application however, are concerned that whilst it might only be a pedestrian access being applied for, that the pupils would be brought to the unit by car which would create additional traffic problems along Bowen Road and Darlington Road in particular. The comments listed in paragraph 15 above set out their concerns about not only the additional traffic but also perceived future parking problems, the nature of the small residential roads and the tight bend in the road immediately outside the proposed gates.
25. Whilst the comments of local residents are noted it should be remembered that this facility would *only* serve 24 pupils and as such it's use would be very small in nature. The Highways and Transportation Officer has stated that this proposal simply could not generate such an increase in traffic on the surrounding road network that it could be classified as having a severe impact when considered in the context of the NPPF guidance. As such a refusal on highway capacity or safety grounds cannot be justified.
26. Notwithstanding the view of the Highways Officer above, the applicants provided further details about how the children attending the PRU travel to the existing premises (10 children walk, only 2 are brought by car and the rest use public transport) and this demonstrates the rate of car usage for the existing unit is actually lower than the national average for secondary school children. In part it is considered this is because

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pupils receive travel assistance from KCC if they live more than 3 miles from the facility. Furthermore, where the Headteacher feels the child’s attendance would be facilitated by providing a bus pass and they are not eligible under the KCC rules, the Centre’s budget funds one, and this would continue should the unit relocate as proposed.

27. The proposed site at The Sharman Block is a walkable distance from the Cheriton High Street bus corridor and this route serves many of the same bus services as accessible by the school’s current location and as such the number of pupils who currently arrive by bus (10 pupils) may not change greatly. The unit is relocating 1.4 miles away from the current premises, therefore it may be that some children find themselves further away from the PRU, whilst others will live closer, and it should also be borne in mind that the spatial pattern of the children attending will obviously change over time as some leave and others join. However, given the very small scale of the unit, the provision of bus passes for the children, the Sharman Block’s accessibility from a bus corridor, and the fact secondary age pupils are less likely to be taken to school by car, it is considered the new pedestrian access gate would not give rise to an unacceptable level of traffic as set out in the response by the Highways and Transportation Officer.
28. Finally it should be noted that Bowen Road has few frontage properties and as such parking pressures would be slightly less here than on the surrounding roads. In addition, the afternoon collection time for pupils is outside of the peak traffic period on the wider highway network and therefore anyone arriving by car and waiting to collect a pupil would be doing so off peak and when a large proportion of the local population are more likely to be at work. This would reduce potential conflict in temporary parking pressures. Subject to the imposition of a condition requiring the gate for the pedestrian access onto Bowen Road to open away from the highway, which is included in my recommendation, it is considered that the development is acceptable on highway grounds.

Other Representations

29. In addition to the concerns addressed above, there were also comments received regarding the potential impact on trees on the site; the belief that the application was not advertised widely enough; and general noise, disturbance and antisocial behaviour from children accessing the Sharman Block. The applicants have confirmed that no trees are to be removed as a result of this planning application. The only works that would be undertaken would be to prune the lower branches of the fir tree closest to the new footpath leading to the gate onto Bowen Road. It is considered that this would be acceptable and would not materially affect the appearance of the trees themselves or their contribution to the street scene. The application was publicised by the posting of two site notices. The legislation requires that they are posted close to the application site so that they are seen in relation to the site itself, which is why they were posted at the location of the proposed gate onto Bowen Road and then an additional one at the closest existing entrance to the school. In addition, this planning authority undertakes additional discretionary publicity, notifying neighbours in the vicinity of the site. Letters were therefore sent to neighbours which adjoin or are in close proximity to the site which included 8 on Wells Road, 4 on Darlinghurst Road, 1 on Stoddart Road and the 4 new houses on Postling Road. It is considered that the advertisement of the application

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undertaken was in accordance with the legislation contained within the Town and Country Planning (Development Management Procedure) (England) Order 2015.

30. The proposed use of the Sharman Block would be for an education use, as it was when the Former Pent Valley school was open and was used as part of this school. The only change in practice which would be created by this proposal would arise from the pupils using the proposed new access gate to enter this building, whereas they would have previously accessed it from within the school grounds. The pupil referral unit is registered for a maximum of 24 children and they would only use the building during term time and under supervision. Given the very limited scale of the use it is considered that any noise and disturbance would be minimal and unlikely to create a level of noise and disturbance which would be considered unacceptable, and in my view the scheme would not contravene Article 8 of the European Convention of Human Rights.

Conclusion

31. In my view the key determining factors for this application are the continued temporary use of the building for education purposes, the visual impact of the proposed fences on the wider area, and the impact of the new pedestrian gate on the amenities of the residents of the surrounding roads. Subject to the imposition of the conditions below, I consider that the proposal would provide a continued education use on an established school site, with the same land use class, and which would be reviewed in 5 years’ time. The proposed fencing would not result in any visual harm to the wider area or neighbouring residents. The proposed pedestrian access gate would allow direct access to the unit for a very small number of children, the majority of whom are expected to travel by means other than a car, and therefore would not give rise to an increase in traffic that would be considered as having a severe impact on the surrounding road network. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. The development is in accordance with the principles of the National Planning Policy Framework and moreover the Planning Policy Statement for Schools (2011) which promotes the importance of providing a range of educational facilities. I therefore conclude that the development is sustainable and recommend that the application be approved as set out in the recommendation below.

Recommendation

32. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The Sharman Block shall be removed from the site on or before the 31st March 2023 and the land reinstated to its former use as part of the secondary school grounds;
 - The development to be carried out in accordance with the permitted details;
 - The approved gate onto Bowen Road shall open away from the Highway;
 - Access to the former Pent Valley School shall not be permitted via the new gate on Bowen Road, which shall serve the Sharman Block PRU only.

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33. I FURTHER RECOMMEND that the following INFORMATIVES be added:

- That the applicant ensures that all necessary highway approvals and consents are obtained.

Case Officer: Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading
