

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 for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)

A report by Head of Planning Applications Group to Planning Applications Committee on 13th December 2023.

Application by Kent County Council Property and Infrastructure for the renewal of the temporary permission for the ‘Sharman Block’ modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Dylan Jeffrey

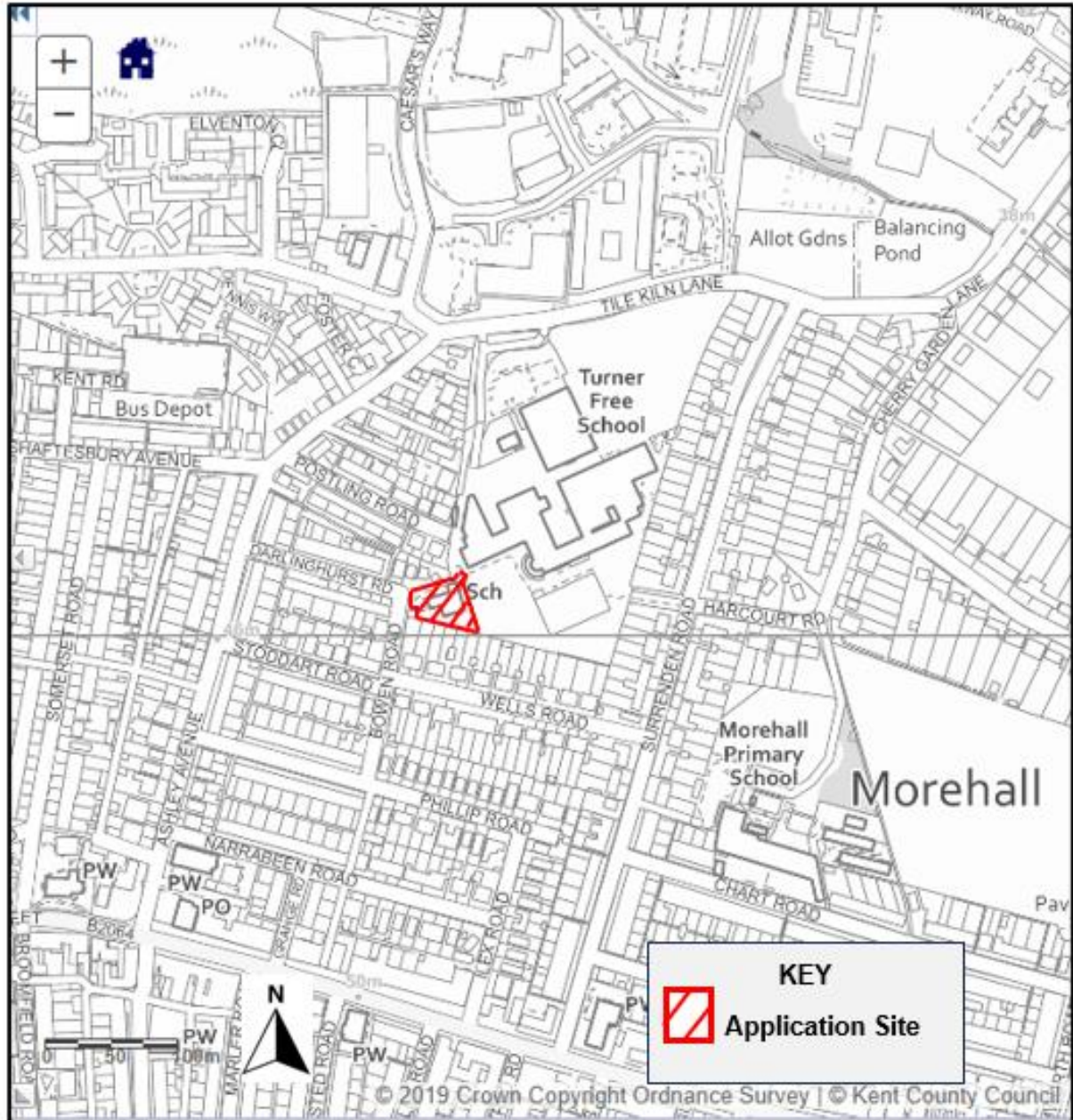
Classification: Unrestricted

Site

1. Birchwood Pupil Referral Unit (PRU) is located immediately to the south west of the Turner Free School in Folkestone. The PRU 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 Unit sits on a larger educational site, shared with the Turner Free School, however it is self-contained with it’s own access. Access to the PRU by vehicles, is from Postling Road to the west (via the staff car park) or for pedestrians, via an access gate on Bowen Road.
2. Birchwood PRU is located within a modular building known as the ‘Sharman Block’ which shares a boundary with the rear gardens of properties in Wells Road to the south and has a short frontage onto Bowen Road to the west. The boundaries of the PRU are formed by a combination of 2.2 and 2.4m high fencing in galvanised steel, and some older timber fencing (overgrown with shrubs in some places). Directly adjacent to the PRU (to the south west) is an electricity substation enclosed by green wire mesh fencing. The modular building is single storey with a monopitch roof, with white walls and black doors. Footpaths surround most of the building and there are several ramped or stepped access points with black handrails.
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 gardens.

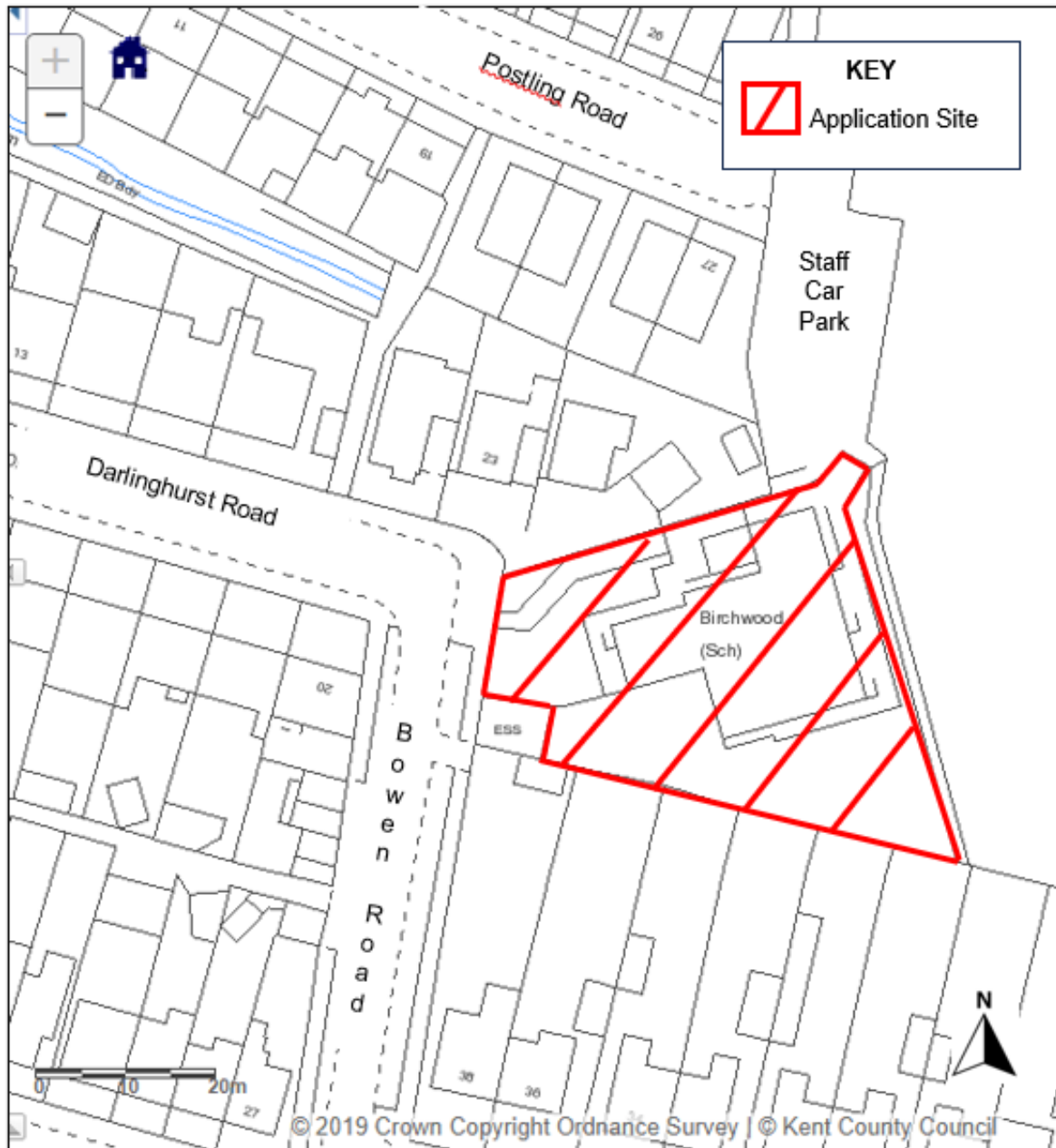
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Location Plan



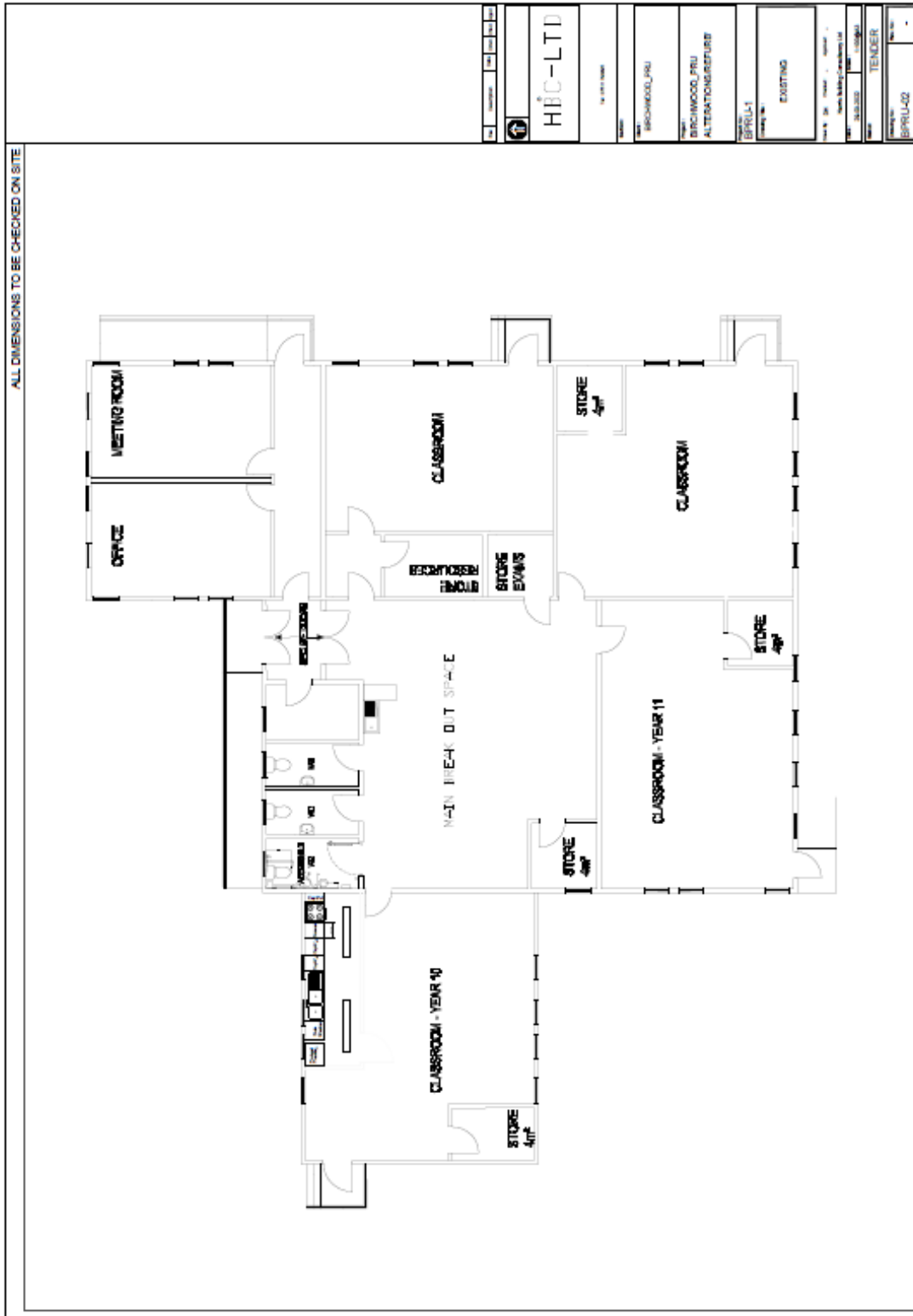
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Site Plan



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Internal Layout



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Photographs

View from pedestrian entrance (looking East)



View looking North



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4. With respect to aspect, the land falls away noticeably from south to north such that the houses in Darlinghurst Road and the PRU 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 PRU boundary.

Recent Site History

5. There have been a number of planning applications on this site:

SH/98/0966 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.

SH/18/61 for the renewal of the temporary permission for the ‘Sharman Block’ modular building, erection of a 2.4 metre high fence and gates to separate it from the rest of the former Pent Valley College, construction of a 1.8 metre wide access path to a new 2.2 metre high gate onto Bowen Road, and erection of a 2.2 metre high fence between the building and the electric substation. This permission was fully implemented with the fence and access now in place.

Proposal and Background

6. This application seeks to renew the temporary permission for the modular building that houses the Birchwood PRU known as the ‘Sharman Block’ which was first installed on site in 1999. The most recent temporary permission for the building expired in March 2023 and this application seeks permission for a new temporary consent for 5 years for the proposed continued education use.
7. Birchwood is the PRU for Folkestone and Hythe District schools. The Unit discharges KCC’s duty under the Education Act (1996) to ensure there is suitable alternative education for children of statutory school age who cannot attend school because of illness, exclusion, or other reasons. At Birchwood, many of the existing pupils need the additional support that the school can offer to enable them to regulate their emotions and behaviour. The PRU relocated to the current site in 2018. Previously, it was housed in a commercial building in a parade of shops in Folkestone, leased by KCC. That building was across three floors, did not have any outside space and was an unsuitable environment to support the pupils needs. The decision by the DfE to open the Turner Free School in new buildings on the site of the former Pent Valley College gave KCC the opportunity to relocate Birchwood PRU into the Sharman Block on the former Pent Valley site. This site was ringfenced out of the land leased to the Turner Free School and gave the PRU pupils and staff an improved facility containing dedicated classroom spaces, intervention rooms and offices. In addition, there is access to a dedicated and enclosed external space.

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8. The modular building was fully refurbished 5 years ago and included a new roof covering, external cladding, new fencing and landscaping. Internally the building works included new efficient LED lighting, air conditioning, installation of a new kitchen as well as external landscaping. The school have spent significant funds on this maintenance and improvement. The previous permission (SH/18/61) included the erection of a 2.4 metre high fence and gates to separate the unit from the rest of the school site, construction of a 1.8 metre wide access path to a new 2.2 metre high pedestrian access gate onto Bowen Road, and erection of a 2.2 metre high fence between the building and the electric substation. Those elements of the development received a permanent consent, so this application is solely seeking a further temporary permission for the continued retention of the modular building.

Need and Educational Use

9. The applicant has investigated alternative suitable surplus buildings in the locality which could be used to provide permanent accommodation for this provision. KCC does not have the resources to replace the current temporary buildings with permanent accommodation on this site. Consideration continues to be given to alternative locations as KCC’s estates needs change, however the applicant has confirmed that they have not been able to identify any suitable alternative facilities in the district at present. Hence, an extension of the temporary planning permission is requested so that the PRU can remain in operation and continue to provide the existing and future pupils the support that they require and enable KCC to meet its statutory duty.
10. The PRU is registered to support 45 pupils with a range of behavioural needs. The pupils are on individual timetables and there are never more than 24 pupils on site at any one time, with these children attending for a whole day. Staff numbers have remained consistent at 11 members of staff and would remain the same. Pupils have access to an external recreational space outside the building but within the fenced area. Pupils are supervised during the use of this space. Pupils arrive on foot and access the site via the dedicated pedestrian entrance off Bowen Road. Staff who arrive by car access the car park located just to the north of the site that is accessed via Postling Road and enter the PRU from within this car park. These current operational arrangements would continue.

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)** (Sept. 2023) and the **National Planning Policy Guidance** (March 2014), set 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).

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

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

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

A recent update to the NPPF was published in September 2023 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. This section notes the importance of this choice and variety to meet current and any new need. Local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. Paragraph 123 refers to the need for planning authorities to make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

- (ii) **Policy Statement – Planning for Schools Development** (Aug. 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) **Folkestone & Hythe District Council Core Strategy Review** (March 2022) sets out the spatial vision, objectives, development strategy and a series of over-arching strategic policies that will guide the scale, location and type of development in the district until 2037.

Strategic Need C: The challenge to improve the quality of life and sense of place, vibrancy, and social mix in neighbourhoods, particularly where this minimises disparities.

Strategic Need D: The challenge to plan for strategic development which fosters high quality place-making with an emphasis on sustainable movement, buildings, and green spaces. Including providing a balanced mix of community facilities.

Policy SS1: District Spatial Strategy: Development of housing alongside community uses.

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Policy SS3: Place-Shaping and Sustainable Settlements Strategy. Focus on sustainable development. Development should be suited to the locality and its needs. Development must address social and economic needs in the neighbourhood and not result in the loss of community, cultural, voluntary or social facilities (unless it has been demonstrated that there is no longer a need or alternative social/community facilities are made available in a suitable location)

Policy CSD6: Central Folkestone – Development including a mix of educational uses.

- (iv) **Folkestone and Hythe Places and Policies Local Plan (2020)** The Places and Policies Local Plan identifies small and medium sized sites for development across the district to meet the targets in the Core Strategy; as well as setting out detailed development management policies to assess planning applications.

Policy C2: Safeguarding Community facilities. Consideration of proposals leading to the loss of community facilities, including the need and suitable alternatives accessible to the local community

Policy HB1: Quality Places Through Design. Consideration of the positive contribution of proposals in the locality (in relation to existing land uses and scale, amongst other matters) balanced against impacts (including amenity, amongst other matters).

Policy CC2: Sustainable Design and Construction. Consideration of sustainable design measures including BREEAM (improving environmental performance of buildings), energy, landscape, accessibility, and sustainable drainage, amongst other matters.

Consultations

12. **Folkestone & Hythe District Council** raise no objection to the application and comment that the modular building has a limited impact on the street scene being shielded from view by existing boundary treatment and other surrounding development. They noted that whilst a more permanent structure would be preferable, they have no objection to a further temporary permission being granted, for a further 5 year period.

Folkestone Town Council state that they have no comments to make.

Kent County Council Transportation Planning raise no objection to the application.

Local Member

13. The local County Member, Mr Dylan Jeffrey, was notified of the application on 10th August 2023. No comments have been received to date.

Publicity

14. The application was publicised by the posting of two site notices, one on the fence by the pedestrian access gate on Bowen Road and one at the vehicle entrance / car park on Postling Road.

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Representations

15. In response to the publicity, two letters of representation have been received, from the same local resident. The material planning considerations raised can be summarised as follows:
- The PRU is situated far too close to residential properties.
 - It has caused much pain and suffering to residents in the last five years.
 - The children attending this unit are rude, disruptive and extremely intimidating with extensive use of bad language.
 - Damage occurs to the furniture, windows and doors of the facility by users and the police are regular visitors.
 - We are unable to sit in our garden during term time due to language and noise emitting from over the fence.
 - The children constantly leave rubbish outside the school (PRU) and constantly rip the foliage from the fences.
 - The coming and going of cars, often parked across my driveway, is dangerous and an accident waiting to happen.
 - This PRU needs to be relocated to a more suitable area.

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 a local resident. In my opinion, the key material planning considerations in this particular case are the principle of retaining this temporary building for an education use for a period of five years, and the visual and amenity impact of this retention. Consideration of the highway amenity impact will also be provided.

Principle of the Development and Need

18. Permission is sought for the retention of the ‘Sharman Block’ that has been sited within the south western corner of the Turner Free School site (formerly Pent Valley College) grounds since 1999. This land has an established education use, albeit only with on-going temporary permissions. Since the last permission was granted following an application in 1997, significant internal and external improvements to the building were made that included air conditioning, a new kitchen along with a new roof covering, external cladding, new fencing and landscaping.
19. The most recent permission expired in March of this year, and the applicants submitted a planning application to renew this permission. The current application seeks

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permission for a further 5 year consent to retain the facility. The applicant has advised that there is a continued need in the Folkestone and Hythe area to provide this facility that supports local children with behavioural needs. It is acknowledged that there is national and local planning policy for a variety of educational uses to meet the needs of the existing and future population. It is also noted that the County Council has a statutory duty to provide a range of facilities within the education sector to meet local needs. The NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. 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.

20. The applicant has investigated and continues to investigate alternative facilities within the local area to meet this need. At present, no other facilities are available locally that can provide an indoor and outdoor space suitable. In this case, it is considered that a need for a further 5 year temporary permission has been demonstrated, and that no alternative accommodation options are available at this time. A 5 year temporary permission would be appropriate and would allow the applicant time to continue to investigate alternative solutions. I am therefore satisfied that the development is acceptable in principle given the established use of the site and the case of need for the PRU facility.

Visual and Local Amenity Impact

21. Consideration should be given to the ongoing visual impact of the building and the local amenity impact of the retention. Although no consultees have raised objection, the District Council considered the visual impact of the building and noted that it would have a limited visual impact on the street scene. The PRU modular building is self contained and bounded by a 2.2m high steel palisade fencing enclosing the grounds, along with some parts that are 2.4 metres in height. The fence was erected following the last renewal of permission when it was considered at Planning Committee in March 2018. There is existing landscaping around the majority of the site in the form of hedging and trees. The recent improvements to the exterior of the building give it a refreshed appearance, albeit being a temporary building. It is well screened from neighbouring properties and, due to it being set at a lower level than the adjacent road and housing, is not visually intrusive. Photographs within this report show the facility and the setting with fencing and landscaping. I am satisfied that the retention of the building, along with recent improvements and existing landscaping, would offer no overriding detrimental impact to visual amenity.
22. As noted above, concerns have been raised by a local resident in relation to the amenity impact of the retention of the facility, and the impact of noise, disturbance, rubbish and bad language. The educational use, (albeit temporary) has been established, and it is also noted that 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. Alongside this, the applicant has advised that pupils who attend the facility are welcomed at the gate at the start of the day, are supervised throughout the day (inside and outside the building) and are monitored when they leave. The school has an agreed behaviour policy and children are aware of the

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expectations of behaviour. The local resident has raised concerns regarding a police presence at the PRU, however the applicant has advised that the police are regularly invited to attend in order to build rapport with pupils, support their education and foster positive future relationships with pupils. The Head Teacher is amenable to discussing concerns raised from those in the locality and has met with residents on occasions. It can be concluded that, given the scale of the proposal, that the amenity impacts of the proposal would not override the need for the ongoing use.

Traffic Impact

23. No highway objection has been received from Highways and Transportation, however consideration of the amenity concerns raised with respect to parking in the vicinity of the site needs to be undertaken. This facility would *only* serve 24 pupils at any one time, as at present (and on the majority of occasions this number would be lower) and as such it's use would be very small in scale. Staff numbers remain unchanged, and staff have off street parking available in the car park accessed from Postling Road. The applicant has advised that most pupils arrive for the whole day and therefore there would be minimal toing and froing throughout the day. With respect to inconsiderate parking, it is not possible to determine if any users of the facility are parking inconsiderately, however the Head Teacher has advised that they regular remind users to park with consideration of local residents. It is also noted that there are no parking restrictions within the immediate vicinity. In addition, the school is well served by public transport, and I understand that many pupils arrive using this method of transport. Given the low pupil numbers and use of a staff car park (as at present), I am satisfied that this proposal would not generate an increase in traffic on the surrounding road network that it could be classified as having an adverse impact and would not warrant a refusal on amenity grounds.

Conclusion

24. This application proposes the renewal of the temporary permission for the modular building that houses the Birchwood PRU known as the ‘Sharman Block’ for a new temporary consent for 5 years for the proposed continued education use. The applicant has demonstrated an ongoing need in the Folkestone & Hythe area for a facility to support children with behavioural needs. The applicant has investigated alternative facilities within the local area to meet this need and at present no other facilities are available locally that can provide an indoor and outdoor suitable space. Existing staff and pupil numbers would remain the same, with access to the site by pupils on foot via a pedestrian gate on Bowen Road and staff vehicle access via a private car park off Postling Road. The site is enclosed, bounded by metal fencing, landscaping and some close boarded fencing and sits on land (that lies slightly lower) to the south west of the Turner Free School.
25. I am satisfied that the applicant has demonstrated a case of need to warrant the retention of the modular building for a further five years and that the development would not have an overriding adverse impact on visual and local amenity and traffic. The development is in accordance with the general aims and objectives of the relevant Development Plan Policies in place and the principles of the National Planning Policy Framework and furthermore the Planning Policy Statement for Schools (2011) which

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promotes the importance of providing a range of educational facilities and therefore the recommendation is that planning permission be granted for a five year temporary period. The situation would be reviewed after that time.

Recommendation

26. 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 December 2028 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.

Case Officer: Caroline Maclean

Tel. no: 03000 416348

Background Documents: see section heading
