

4.2 – SE/15/02085/FUL Date expired 10 September 2015

PROPOSAL: Erection of single storey, timber clad modular building to be used as a pre-school and wraparound care for Lady Boswell's School.

LOCATION: Lady Boswells C Of E Primary School, Plymouth Drive, Sevenoaks TN13 3RP

WARD(S): Sevenoaks Town & St Johns

### **ITEM FOR DECISION**

The officer's recommendation is contrary to that of the Town Council and Councillor Fleming who has requested that the item is brought to Development Control Committee to examine the case for very special circumstances.

**RECOMMENDATION:** That planning permission be REFUSED for the following reasons:-

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. The Council does not consider that the special circumstances put forward in this case are sufficient to justify overriding policy held within the National Planning Policy Framework and policy L01 of the Sevenoaks Core Strategy.

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,

- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

#### Description of Proposal

- 1 The application seeks the approval of the erection of a single storey, timber clad modular building to be used as a pre-school and wrap around care for Lady Boswell's School.
- 2 The proposed building would be sited in the southern corner of the site adjacent to the boundary of the school site shared with the Environmental Park off Buckhurst Lane. The building would be located within the wooded area in this part of the site, just off the adjacent sports field. Due to its location six unprotected trees are required to be removed from the wooded area.
- 3 The building is proposed to be 15m long, 9m deep plus a small canopy to the front of the building and would be 2.72m high with a flat roof.
- 4 The wooded area immediately surrounding the building would be used as an outdoor space for the building.

#### Description of Site

- 5 The application site comprises a large school building and its associated playgrounds and sports field, located at the end of Plymouth Drive. The site is adjacent to the Environmental Park, forming part of the Knole Estate, Sevenoaks Rugby Club, the leisure centre and properties on Knole Way.

#### Constraints

- 6 The site lies within the Metropolitan Green Belt, an Area of Archaeological Potential and adjacent to a Site of Special Scientific Interest (SSSI).

#### Policies

Sevenoaks District Core Strategy

- 7 Policies – LO1, LO8, SP1 and SP11

Sevenoaks District Allocations and Development Management Plan (ADMP)

- 8 Policies – SC1, EN1, EN2, EN4

#### Other

- 9 The National Planning Policy Framework (NPPF)

- 10 The National Planning Practice Guidance (NPPG)
- 11 Development in the Green Belt Supplementary Planning Document (SPD)

### Planning History

- 12 SE/10/03106 - Erection of single storey Pre-School – Approved 17.01.11.

SE/13/00487 - Kent County Council application for a proposed single storey building to accommodate six classrooms with associated welfare facilities, extension to the existing hall to achieve a second hall space, extension to existing classrooms, extension of playground area, upgrading of existing pedestrian access path from the leisure centre, installation of a wall mounted canopy and existing bank adaptations to provide new emergency vehicle access to the rear of the school – Objection Lodged by SDC, Granted by KCC

SE/13/01296 - Kent County Council application for a proposed single storey building to accommodate six classrooms with associated welfare facilities, extension to the existing hall to achieve a second hall space, extension to existing classrooms, extension of playground area, upgrading of existing pedestrian access path from the leisure centre, installation of a wall mounted canopy and existing bank adaptations to provide new emergency vehicle access to the rear of the school – Objection Lodged by SDC, Granted by KCC

SE/15/01173 - Re-location of proposed pre-school building (modular building 10 x 15m) – Withdrawn.

### Consultations

*Sevenoaks Town Council – 06.08.15*

- 13 ‘Sevenoaks Town Council recommended approval subject to the planning officer being satisfied that the applicant has demonstrated the very special circumstances required to justify the development within the green belt.’

*Tree Officer – 12.08.15*

- 14 ‘The advice and subsequent discussions had during two site visits with the applicant and the arboriculturalist have, it appears been taken on board and are reflected within this application inclusive of the tree report. As such I now feel comfortable with supporting this proposal.’

*County Highways Engineer – 18.08.15*

- 15 ‘Noting the information in the Travel Statement I have no objection to the proposals.’

*County Biodiversity Officer – 17.08.15*

- 16 ‘We have reviewed the ecological information which has been submitted with the planning application and we are satisfied that sufficient information has been submitted to determine the planning application.’
- 17 The proposed development is adjacent to Knole Park SSSI and as such we had some concerns that the proposed works would impact the designated sites.

However, the site is regularly mown grassland and there is a woodland buffer between the proposed development site and the SSSI. As such we are satisfied with the conclusion that the proposed development has minimal potential to impact the designated sites.

- 18 If planning permission is granted we advise that the lighting is designed to avoid directly shining on the SSSI boundary.

Enhancements

- 19 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 20 The design and access statement and a landscaping plan have confirmed that the ecological enhancements detailed within the ecological survey will be incorporated in to the woodland buffer area.’

### Representations

- 21 Twelve letters of support have been received for the application, two of which are duplicates of the same representation, siting the educational needs of younger children, providing a safe environment for the children, community benefits that come with the pre-school, the ease of transition from pre-school to the adjacent main school, convenience to staff of having a dedicated pre-school building, inappropriateness of the current facilities in the rugby club, increase in in-take, limited pressure on parking and the benefits of the proposed woodland setting.
- 22 One letter of representation has been received from Sencio, who run the adjacent sports centre, neither objecting to or supporting the application and raising the issue of the proposed access to the proposed building through the Environmental Park, which would be adjacent to the leisure centre service area and staff car park.

### **Chief Planning Officer’s Appraisal**

- 23 The main issues in the consideration of this application are the potential impact on the openness of the Green Belt, the potential impact on biodiversity, the potential impact of the loss of trees, parking provision, the potential impact on highways safety, the potential impact on residential amenities, the potential impact on the Area of Archaeological Potential and sustainable development.

#### *Impact on the Green Belt –*

- 24 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 25 As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para. 87 NPPF). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential

harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para. 88 NPPF).

26 The proposal comprises the erection of a new building in the Green Belt, located in an isolated location away from existing buildings on the school site and adjacent to the site, which does not fall within any of the categories of appropriate development outlined in paragraph 89 of the NPPF.

27 It therefore follows that the proposal comprises inappropriate development in the Green Belt that would harm the open character of the area particularly due to the isolated position of the proposed site for the pre-school building.

28 The applicant has acknowledged this and has presented a case for very special circumstances. This will be assessed in detail at the end of the report to also take account of any other harm that may result from the development.

#### *Impact on biodiversity –*

29 The NPPF states that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (para. 118).

30 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.

31 The County Biodiversity Officer has commented on the submission and confirmed that the proposal would not have any adverse effects on the adjacent SSSI. This is subject to lighting being designed to avoid directly shining on the SSSI boundary. This matter can be controlled by way of condition on any approval of planning permission.

32 As such the proposal would conserve biodiversity in the area in accordance with the NPPF and policy SP11 of the Core Strategy.

#### *Impact of the loss of trees –*

33 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).

34 The Council's Tree Officer has commented on the scheme offering his support of the application following discussions that have taken place with the applicant and the information that has now come forward.

35 The proposal would result in the minimal loss of trees from the existing wooded area that offer little in the way of amenity and are not protected. In addition, the building would be constructed on a pad foundation system that would minimise disruption to the ground and therefore ensure that roots within root protection areas are not harmed.

36 It therefore follows that no loss of aged or veteran trees would occur meaning the proposal would comply with the NPPF.

*Parking provision and highways safety –*

- 37 Policy T2 of the ADMP states that vehicle parking provision, including cycle parking, in new residential developments should be made in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide (or any subsequent replacement).
- 38 Policy EN1 of the ADMP requires that proposed development should ensure the satisfactory means of access for vehicles and pedestrians provides adequate parking and refuse facilities.
- 39 The applicant has provided a detailed travel statement indicating that parents mainly arrive at the existing pre-school on foot. Of those who drive, some park in the rugby club car park and others park in the Buckhurst car park. The conclusion of the statement is that these habits would not alter significantly.
- 40 On this basis the County Highways Engineer has raised no objection to the proposal, which would incorporate an access from the school site into the adjacent Environmental Park.
- 41 As such the proposal would continue to provide sufficient parking and not impact upon highways safety in accordance with policies T2 and EN1 of the ADMP.

*Impact on neighbouring amenity –*

- 42 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 43 Policy EN2 of the ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties.
- 44 The proposed building would be sited 130m away from the closest residential dwelling, 26 Knole Way. This property, as is the case with all properties along Knole Way, is closer to the main school building, one of the playgrounds that is adjacent to the school building and the main playing field. The introduction of the pre-school building in this part of the site would therefore not significantly impact upon the residential amenity currently enjoyed by the occupiers of nearby properties.
- 45 The scheme therefore complies with the NPPF and policy EN2 of the ADMP.

*Impact on the Area of Archaeological Potential –*

- 46 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 47 As noted above, the proposed building would be built upon a pad foundation system that would cause little disturbance to the ground and therefore any historic artefact that may be found under the site.

- 48 The scheme would, therefore, conserve the significance of the Area of Archaeological Potential in accordance with policy EN4 of the ADMP.

*Very special circumstances –*

- 49 The applicant has provided a case for very special circumstances comprising the need for pre-school education, the demand for pre-school education in Sevenoaks, safeguarding against risk to the children who attend the pre-school, sustainability, learning and development of children and the impact on the community.
- 50 The applicant has also carried out a site analysis of newer sites within Sevenoaks town that could provide accommodation for a pre-school. It should be noted that the pre-school currently operated out of the rugby clubhouse which lies within the urban confines of Sevenoaks. The location of the proposed building is the furthest point away from the Lady Boswell School, isolated and completely away from any other build form. As such the building is not well related to the adjacent urban confines of Sevenoaks, but rather results in new building in the Green Belt, which will be harmful to the openness of the Green Belt and not seen against the backdrop of any adjacent buildings. Members will also have to bear in mind that the existing pre-school operates within the existing urban confines, not the Green Belt. As such the proposal results in creating a use and a building in the Green Belt, which currently operates in the urban area.
- 51 As noted above, no other harm would come from the proposed development and so the only harm needed to be weighed against the very special circumstances is the harm to the Green Belt. However, significant weight is given to the fact that harm would be caused to the Green Belt.
- 53 Although I would acknowledge that each of the matters above are important, and that there may possibly be a lack of suitable sites for the pre-school use in the town, I am not convinced that these reasons possess sufficient weight to overcome the significant weight attached to the harm to the Green Belt that the proposal represents. Even if the case for a new build could be justified, this is not the location best suited to minimise any harm to the openness of the Green Belt.

*Sustainable development –*

- 54 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
  - specific policies in this framework indicate development should be restricted; or
  - material considerations indicate otherwise.
- 55 In my opinion, the proposed scheme would not wholly accord with the development plan, and I have explained this in detail above. It follows that the

development is not wholly appropriate and there would be adverse impacts in granting planning permission for the development.

### **Conclusion**

- 56 The proposed pre-school building would cause a loss of openness and would amount to inappropriate development within the Green Belt. There would therefore be conflict with objectives within the Framework and the Council's Development Plan Policies as referred to above. Other considerations raised in support of the proposal do not amount to the very special circumstances needed to outweigh the totality of harm, which is necessary for the development to be acceptable.
- 57 Consequently the proposal is not wholly in accordance with the development plan and therefore the Officer's recommendation is to refuse.

### **Background Papers**

Site and Block plans

Contact Officer(s):

Mr M Holmes Extension: 7406

**Richard Morris**  
**Chief Planning Officer**

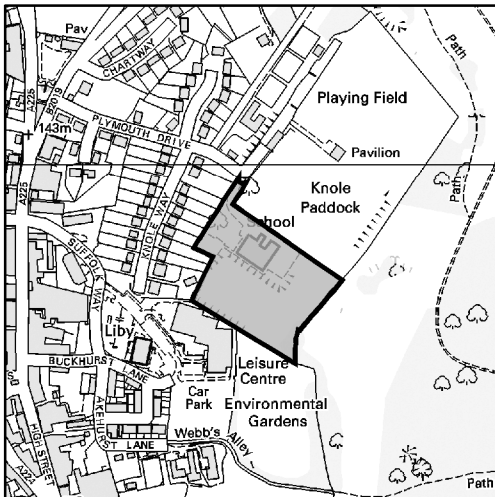
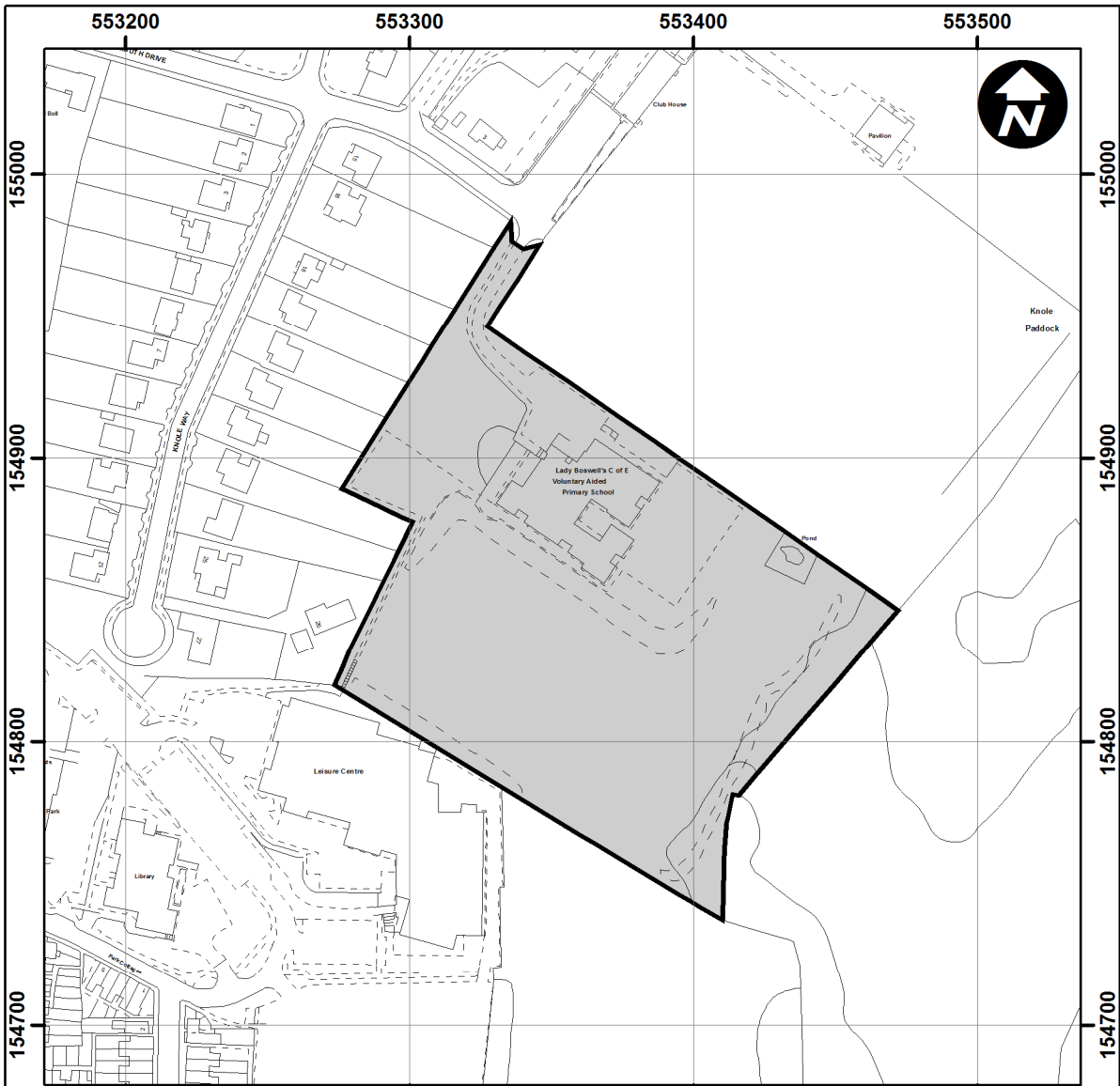
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NR6A59BKK8200>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=constraints&keyVal=NR6A59BKK8200>





# Site Plan

Scale 1:2,500

Date 11/09/2015



© Crown copyright and database rights 2015  
Ordnance Survey 100019428.

# Block Plan

