

SECTION '2' – Applications meriting special consideration

**Application No :** 14/03754/VAR

**Ward:**  
**Chislehurst**

**Address :** Darul Uloom Foxbury Avenue  
Chislehurst BR7 6SD

**OS Grid Ref:** E: 544816 N: 170704

**Applicant :** Mr Mufti Mustafa

**Objections :** YES

**Description of Development:**

Variation of condition 5 of permission reference 03/02501 to increase the number of pupils from 155 to 225

Key designations:

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Sites of Interest for Nat. Conservation

**Proposal**

The proposal is to vary Condition 5 of planning permission ref. 03/02501 which granted planning permission for the erection of a single storey building to provide classrooms laboratories, library and multi-purpose music hall.

Condition 5 states that the number of pupils attending the school shall not exceed 155 at any one time and no more than 15 pupils shall be over 17 years of age. This application would increase the number of pupils from 155 to 225, with up to 25 pupils being over 17 years of age.

The application was deferred from Committee on 19th of February to seek clarification on the Government's Fair Access to Education protocols. The Council's legal adviser has confirmed that the Government's Fair Access protocols do not apply in this case and there is no legislation or guidance that overrides the ability of the Local Planning Authority to impose planning conditions on a permission the effect of which may be to restrict pupil numbers.

The school has advised that following the completion of the 'academic block' in 2007 which included 19 classrooms, an ICT room, and Science room, the rooms that were previously used as classrooms have become available. The school

considers that it has a responsibility to meet the needs of the Muslim community in terms of providing education, and to optimise the use of its resources by using empty rooms and managing the costs associated with the operation of the school appropriately.

The application material includes a floor plan that shows how the additional pupil numbers will be accommodated.

Five additional members of staff will be required in association with the increase in pupil numbers.

A Transport Statement has been submitted to accompany the application.

### **Location**

Darul Uloom is an Institute of Higher Islamic Education and a secondary boarding school. All of the students at the school are borders.

The site is located at the junction between Foxbury Avenue and Perry Street. It is within the Chislehurst Conservation Area and forms part of the Green Belt.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and the objections received are summarised as follows:

- The reasons for the inclusion of Condition 5 on the original permission still stand and this was to ensure that the previous application to enlarge the buildings at the school would not be used to increase pupil numbers;
- New buildings will have to be built to house the additional pupils;
- Previous application was a strategic step to make an application to increase pupil capacity;
- If the school increases its pupil numbers the conditions will deteriorate and it will not be long before a bigger school is required;
- New buildings will have to be built to house the additional boys;
- Adequacy of parking, loading, turning, traffic generation, particularly on Fridays;
- Excess traffic on Perry Street, where it meets Bromley Lane and the junction of Ashfield lane;
- Bull Lane/Royal Parade is already used inappropriately as a short cut and Holbrook Lane is already plagued with overflow car parking;
- Increase in associated staff required and deliveries, further increasing congestion;
- Increase in cooking smells particularly in summer months;
- Noise and disturbance resulting from use and playing field;
- Impact on Chislehurst Conservation Area;
- Detrimental to the amenities of local residents;
- Not adequate capacity spaces for local children, so inappropriate to provide school capacity for non-residents;

- Increased pressure on doctors and dentists and local services;
- Local services are struggling to keep up with demand;
- The facilities and infrastructure in Chislehurst are not sufficient to deal with the existing population;
- This is a further step to establishing a mosque and a large Islamic Centre on the site;
- School does not provide a service to local people;
- Little integration between the local population and the school;
- Buildings are an eyesore;
- The school is already flouting the spirit of the planning permission, every Friday large numbers of people travel in from different directions, by car and public transport to attend 'Friday Prayers' turning the new hall into a 'quasi-mosque', the nature of the Friday activities should be clarified as part of this application;
- The website 'mosquedirectory.co.uk' identifies the premises as 'Lewisham and Kent Islamic Centre (Chislehurst)' comprising of a Mosque with a capacity of 500. 130 rooms, dining hall, parking for 100 cars, and is described thus 'formerly school'
- Concerns that any increase in numbers at the school would attract more unofficial visitors to Friday prayers and therefore aggravate an already serious Highways impact.
- The area has too many schools; Farringtons (opposite) St Nicholas C of E primary, Mead Road infants, Beaverwood and Coopers, all within walking distance of each other, concentrating so many schools in such a small area inevitably leads to congestion and parking problems particularly at school pick up time;
- Education facilities within Chislehurst should be spread more evenly and not concentrated in such a small area, exacerbating the impact for residents;
- The Transport Statement has made a lot of assumptions and taken a very lenient view of the impact of increased student numbers on traffic. It has made assumptions and stated aspirations rather than facts;
- It is not clear that the existing number of pupils is in fact 155, even though that is the maximum number of pupils currently permitted. The last Ofsted Report (July 2104) states the number of pupils as being 131. If the school is unable to fill its existing maximum capacity of 155 then that raises a question over whether to raise the permitted number at all.
- One local objector has undertaken his own mini traffic survey and this has been forwarded to Highways for comment - any feedback will be reported verbally at the Committee meeting.

A petition with 24 signatures was also received against the proposal which reiterates many of the points already highlighted above.

The Chislehurst Society has objected to the application on the grounds that the proposal would represent an intensification of the use of the existing buildings and the surrounding open areas that are located in the Green Belt. As such it may be detrimental to the openness of the Green Belt, and be contrary to Policy G1. The increased number of pupils will also significantly affect the nature conservation interest/value of the site, contrary to Policy NE2. Should the Council decide to relax

the condition the applicant should be required to enter into a legal undertaking not to use the increase in pupil numbers as a justification for further development on what is Green Belt Land.

The Council has also received a number of emails in support of the proposal indicating that there is no logical reason to object to the proposal and that it is important that every religion has the right to practice their beliefs.

### **Comments from Consultees**

Education and Children's Services have advised that whilst the Department previously had significant concerns about the school's ability to manage an expansion in numbers owing to concerns from Her Majesty's Inspector of Schools (HMCI) that the school was 'unsafe', the HMI has recently provided significant reassurances about the schools safety which are reflected in the recent Ofsted Report. The report also identifies some significant issues with regard to the school's built infrastructure which it needs to address in order to continue the very significant progress it would appear to be making.

The Government has removed the statutory guidance around school buildings, making it, in effect, a matter for the governors and/or trustees that the school is able to manage the curriculum within any constraints that the premises might offer.

The Director of Children's Services for the London Borough of Bromley has stated that he sees no reason to object to the further development of the school so that it might necessarily continue to improve the offer that it is able to make to the students who attend this school.

Highways - the Highways Department requested additional information in the form of a Transport Statement, existing and proposed car parking layout and Travel Plan. All of this information has been provided by the applicant and Highways has indicated that it is satisfied with the material submitted and has no objection to the proposal subject to conditions being imposed on any planning permission that is issued.

Environmental Health - No objection.

Heritage and Design - No objection.

The application was not considered by The Advisory Panel for Conservation Areas (APCA)

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

- T2 Assessment of Transport Effects
- T3 Parking
- T18 Road Safety

G1 Green Belt  
BE11 Conservation Areas  
C7 Educational and Pre School Facilities

A consultation on draft Local Plan policies was undertaken early in 2014 and will be a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

In strategic terms the most relevant London Plan policies are:

Policy 3.18 Education Facilities

The National Planning Policy Framework 2012 (NPPF) is also relevant, particularly paragraphs 72 (education) and 216 (status of emerging policies)

### **Planning History**

The site has a detailed planning history, but those applications of particular relevance to the application proposal are as follows:

Planning permission was granted in 2003 (ref. 03/02501) for the demolition of a single storey building and erection of a single storey building comprising classrooms, laboratories, library and multi-purpose hall.

A number of planning applications have been submitted relating to the enclosure of canopied walkways (refs. 05/03770 and 06/01853) and alterations to fenestration (ref. 06/00889).

Planning permission was granted in 2006 (ref. 06/02255) for the use of a boiler room as teaching accommodation with elevational alterations to provide windows and doors.

A previous application (ref. 09/03526) that is virtually identical to the current application (apart from the content of some of the supporting material) was submitted by the school in 2009, but not determined.

### **Conclusions**

The main issues relating to the application are the effect that the proposal will have on the character of the surrounding area which is designated Green Belt and part of the Chislehurst Conservation Area, the impact that the proposal would have on the amenities of the occupants of surrounding residential properties and highways safety.

The proposal is to vary a condition that was imposed on planning permission ref. 03/02501 which granted permission for additional buildings at the school, with the result that the maximum number of pupils that attend the school may be increased from 155 to 225. No external alterations to the existing building are proposed as part of this application. In an email dated 28 November 2014 the school has confirmed that it will not be seeking any extensions to the existing buildings and

that they will use the existing rooms and facilities in order to accommodate the proposed 225 students. The plan that was submitted as part of the application demonstrates how the additional pupils will be accommodated.

In terms of the capacity of the buildings to accommodate the additional pupils and the organisation of the internal accommodation, it is noted that the Director of Education and Children's Services has advised that the Government has removed any statutory guidance over school buildings so that the internal organisation of the accommodation at the school that may be required to accommodate any increase in pupil numbers is a matter for the governors and trustees of the school and not a matter over which the Local education Authority has any control.

In terms of the principle of the development, whilst the site is located in the Green Belt and the proposal will lead to a relatively modest intensification of the use of the site, this will be within the context of an existing operational school which has indicated that it has sufficient capacity to accommodate the additional pupil numbers without any additional development. Furthermore, as the school is a boarding school there are not the same daily trips and activity as with a day school. As such, the proposal is not considered to represent inappropriate development in the Green Belt or have any adverse impact on the openness or visual impact of the Green Belt.

Under Policy C7 (Educational and Pre-School Facilities), applications for new or extensions to existing educational establishments will be permitted provided that they are located so as to maximise access by means of transport other than the private car. There is therefore a presumption in favour of extensions to such facilities, subject to appropriate transport considerations. As the proposal is for an increase in the number of pupils at a boarding the trip generation of the proposal adopts a different pattern to that of a standard day school, this is also complicated by the fact that the school hosts 'Friday Prayers'. The transport implications of the day to day operation of the school is therefore key to understanding the impact of the proposal and this is considered in more detail below.

In terms of the character of the Conservation Area, as the proposal does not include any operational development, the issue for consideration in this case is whether the level of activity, traffic, parking services or noise generated by the proposal will detract from the character or appearance of the area, again this relates specifically to highways impacts and these are considered in more detail below.

In terms of transport effects, Policy T2 (Assessment of Transport Effects) requires that when considering developments that are likely to be significant generators of travel or with unusual travel characteristics (as could be considered in this case) the Council will request a Transport Assessment. A Transport Statement (TS) that has been prepared by the 'John Elliott Consultancy' been submitted to accompany the application.

In terms of additional trip generation, the TS indicates that the way that the school operates (the pupils are 100% boarders) already results in a very low overall impact compared with the state sector or many other private schools. The TS

assesses the impact of the trips generated by staff and pupils at the school and that of 'Friday Prayers' when other Muslims join those at the school for prayers.

The TS suggests that the increase in pupil numbers could increase the Friday afternoon car numbers (every four weeks) from 95 to 138 cars. Five additional staff would be required 2 of which would be resident, so the additional highways impact of the remaining staff is considered to be minimal. It is considered that the numbers attending prayer meetings (on Fridays) at the School is unlikely to change.

The school is proposing to change the way that it operates (from January 2015) so that pupils will leave between 12.00 and 14.00 on Friday (every four weeks when the school closes and all of the pupils and staff go home) although it is accepted that some will still leave later where parents cannot attend. The applicants have indicated that they consider that this measure will reduce any conflict with the evening peak on Fridays.

In order to better manage car parking within the site the school is proposing to re-design the layout of its car parking in association with this application and a plan showing the revised layout is can be seen at Figure 4 of the TS. 11 car parking spaces are available in the car park located to the front of the school (including 2 disabled spaces). 7 of these spaces will be for staff with two spaces for visitors. A further car park is located to the rear of the school that has the capacity to accommodate 60 spaces.

The Transport Statement concludes that there is considered to be little traffic impact from the school at present. The only period where there will be a significant, but not large, traffic impact is Friday evenings once every four weeks (when pupils and staff go home). As indicated above, to mitigate this potential impact the school has indicated that it will alter the way it operates (from January 2015) to concentrate the majority of the vehicular activity across the early afternoon period thereby reducing any conflict with the evening peaks. In conclusion, the consultants have confirmed that they see no traffic problems associated with the expansion of the school from 155 to 225 pupils.

The School has also agreed to update its Travel Plan to reflect the increase in pupil numbers if this application is granted.

In summary, to allow a full assessment of the impact of the increase in pupil numbers on transport issues, the Council's Highways Department requested additional information from the applicant in the form of a Transport Assessment, car parking, layout, and Travel Plan. The applicant has provided this information and committed to a revised Travel Plan, the additional material has been assessed by the Council's Highways team and is considered to be acceptable.

Having had regard to the above, it was considered that the proposal to increase the numbers of pupils at Darul Uloom from 155 to 225 will not be detrimental to the openness and visual amenities of the Green Belt or be detrimental to the character and appearance of the Chislehurst Conservation Area. The transport impacts of the proposal have been assessed and the Council's Highways Department has concluded that, following an analysis of the information contained in the TS, the

highways impacts of the proposed increase in pupil numbers, in terms of trip generation and car parking can be suitably accommodated within the existing highways network, subject to certain conditions being imposed on any permission. The proposal is therefore considered to comply with all relevant planning policies.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

as amended by documents received on 15.01.2015

## **RECOMMENDATION: APPROVAL**

subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs  
ACA01R A01 Reason 3 years

- 2 ACK01 Compliance with submitted plan

**Reason:** In order to comply with Policies T3 and BE1 of the Unitary Development Plan and to ensure that adequate parking facilities are provided in association with this proposal.

- 3 The number of pupils attending the school shall not exceed 225 at any one time and no more than 25 pupils shall be aged over 17 years of age or older. The school shall only be used a boarding school and not accept day pupils.

**Reason:** To protect the amenity of adjoining residents and preserve the character of the Conservation Area, to ensure highway safety, and in order to comply with Policies G1, B11 and C7 of the adopted Unitary Development Plan.

- 4 The buildings permitted in connection with permission ref. 03/02501 shall continue to be used only in conjunction with the existing residential school for the purposes shown on drawing 03/14/AR03 and for no other purposes.

**Reason:** In order to comply with Policies G1, B11, T18 and C7 of the adopted Unitary Development Plan.

- 5 ACH03 Satisfactory parking - full application  
ACH03R Reason H03

- 6 ACH04 Size of parking bays/garages  
ACH04R Reason H04

- 7 ACH18 Refuse storage - no details submitted  
ACH18R Reason H18

- 8 ACH22 Bicycle Parking  
ACH22R Reason H22

- 9 ACH23 Lighting scheme for access/parking  
ACH23R Reason H23

- 10 ACH28 Car park management  
ACH28R Reason H28

- 11 ACH30 Travel Plan  
ACH30R Reason H30

## INFORMATIVE(S)

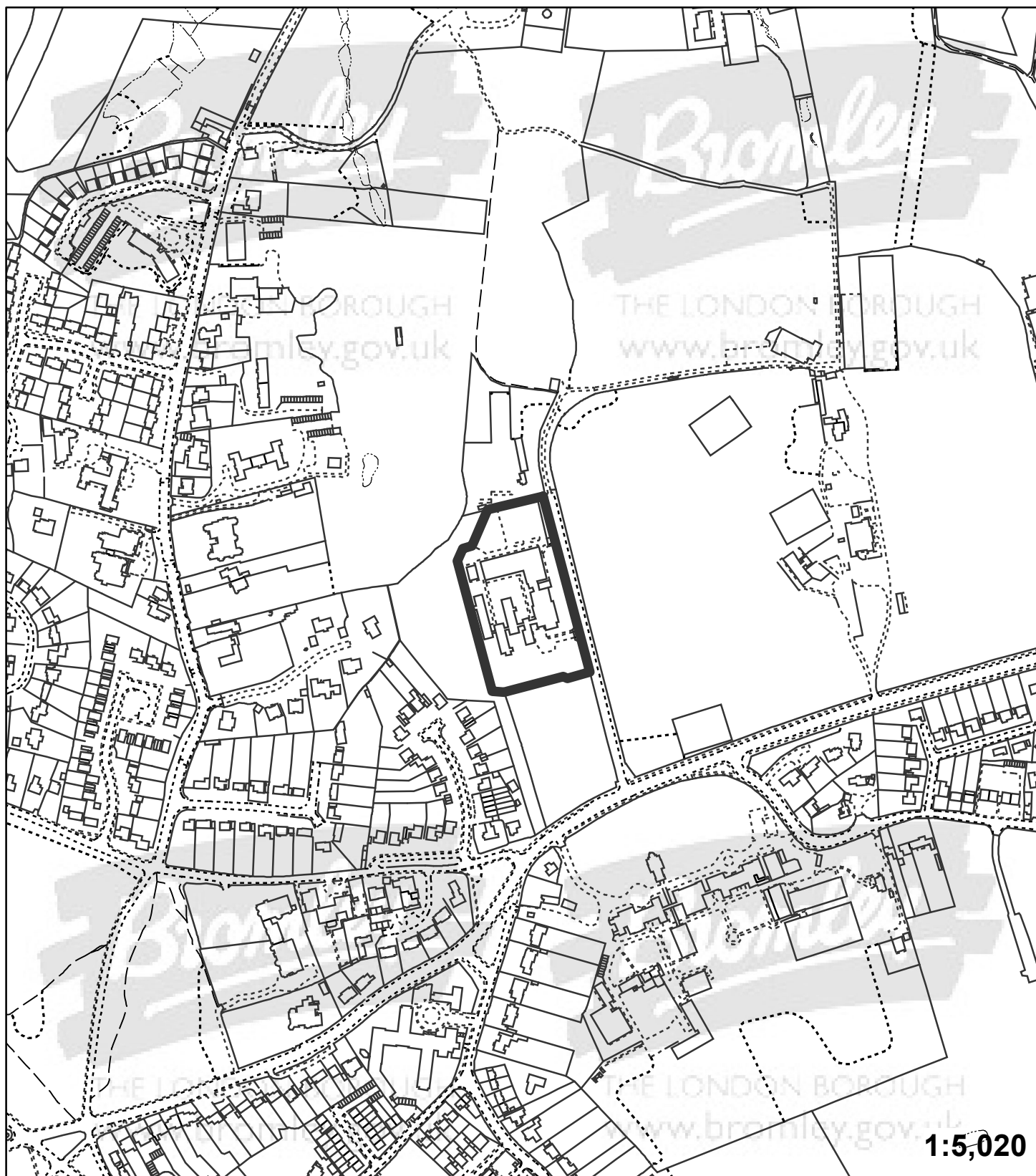


- 1 The applicants are advised that the site is located in the Green Belt and that there is therefore a presumption against any further development at the site as this is likely to represent inappropriate development in the Green Belt unless very special circumstances can be demonstrated to indicate otherwise. As such, the school will need to satisfy itself that it can accommodate the proposed increase in pupil numbers within the existing facilities.

**Application:**14/03754/VAR

**Address:** Darul Uloom Foxbury Avenue Chislehurst BR7 6SD

**Proposal:** Variation of condition 5 of permission reference 03/02501 to increase the number of pupils from 155 to 225



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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