

SECTION '2' – Applications meriting special consideration

Application No : 17/03727/RECON

Ward:
Chislehurst

Address : Darul Uloom Foxbury Avenue Chislehurst
BR7 6SD

OS Grid Ref: E: 544816 N: 170704

Applicant : Mr Musa

Objections : YES

Description of Development:

Variation of condition 1 of permission reference 16/02702 /RECON to increase the number of pupils aged over 17 years of age or older from 25 to 65 (The total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR).

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 16

Proposal

The proposal is to vary condition 1 of permission reference 16/02702 /RECON to increase the number of pupils aged over 17 years of age or older from 25 to 65 (The total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR).

Condition 1 states that 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.

Overall there will be no increase in staff or pupils numbers over and beyond the current situation. A statement has been received from the Principal of the school stating that the school are "seeking permission for those students (who are already with us from year 7 and above) to carry on their studies at Darul Uloom London all of which will be full time boarders (Hence there will be no additional car journeys)".

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.

Consultations

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

- o Object to the increase in pupils at the school;
- o Neighbours suffer from noise from the school playing fields and request help in resolving this type of nuisance;

- o We have had several instances of boys coming through our hedge and crossing our garden instead of walking round via the road. This is an illegal act. We feel that more boys over 17 would exacerbate this situation and therefore object to this petition;
- o The ages should remain as currently defined with specific and responsible teaching staff providing clear teaching and overall guidance to these young scholars;
- o The school is a welcome part of the Chislehurst community. I would encourage them to be even more open and to engage even further with the community to help also educate (us) the local community in the schools teachings;
- o Object as they are constantly applying for many things and this school and pupils contribute no benefit to the borough;
- o The application will change the nature of the establishment, moving away from school and more towards a college;
- o Concern that there will be more pupils able to drive and will cause significant problems with increase in parking, congestion and traffic problems;
- o Car park is not used by students, and when a student was asked why he didn't park in there the resident was informed that they were discouraged from using it.

The Chislehurst Society: Raise objections to the proposal for the following reasons:

The application has not been supported by clear evidence of student numbers at each level from years 7-13 over a 5 year period. Tables of data ought to include numbers of direct entry not levels above the principal entry at year 7; the average and range of ages at enrolment to key stages from Level 7 - 12. Are the students attending this school older than the normal profile of secular secondary school in the Borough? If so, why?

Secondly the reason cited by the applicant for the proposal is specifically related to the detailed study of Islam through 7 years of intense education. The basis of this is likely to be the Islamic Curriculum that is followed in parallel with Secular Curriculum though Levels 7-11. The applicant states that "after their GCSE's, students dedicate themselves to completing this course". It is unclear if this Islamic Curriculum, specifically that leading to graduation as an Aa'lim, is expected to be completed during levels 12 and 13 in parallel with (or instead of) A-Level studies. Or, does the more advanced Islamic studies extend beyond this level?

We are advised that elements of the Islamic Theology and Scholarship (with the Islamic Curriculum) are very challenging, as would be appropriate to graduate as an As'lim and progress to become a qualified Iman. Is this level of scholarship normally expected of students older than 17/18 year of age? Is the study at this level normally associated with a (Islamic) secondary school?

This application is deficient in clear evidence and reasoned argument justifying the proposed variation of condition 1 and should be refused.

Please note that the above is a summary of the objections received and full copies are available on the Council's website.

Comments from Consultees

Highways: The existing parking areas has been remodelled and marked out in accordance with the drawing shown in previous application which is satisfactory.

As I understand this application is about changing the age limit so that the children can keep studying at the school and complete their studies however the total number of pupils attending the school is not proposed to be increased beyond 225.

As there is no increase in the number of the students I have no objection to the application.

Planning Considerations

The application falls to be determined in accordance with the following policies:

National Planning Policy Framework (NPPF) (2012)

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraphs:

72 (education)

216 (status of emerging policies)

The London Plan (2016)

Policy 3.18 Education Facilities

Policy 7.8 Heritage Assets

Policy 7.16 Green Belt

Unitary Development Plan (2006)

T3 Parking

T18 Road Safety

G1 Green Belt

BE11 Conservation Areas

C1 Community Facilities

C7 Educational and Pre-School Facilities

Draft Local Plan (2016)

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Policy 27 Education

Policy 28 Education Facilities

Policy 30 Parking

Policy 33 Access to services for all

Policy 41 Conservation Areas

Policy 49 The Green Belt

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.

In 2013 planning permission was granted under ref: 13/03312/FULL1 for enclosed linking canopy and entrance canopies

Under planning ref: 14/03754/VAR planning permission was refused for the variation of condition 5 of permission reference 03/02501 to increase the number of pupils from 155 to 225. This was subsequently allowed at appeal.

Planning permission was granted in 2016 under ref: 16/02702/RECON for the variation of condition 3 of permission reference 14/03754/VAR (allowed at appeal on 10/03/2016) to allow the reconfiguration of car parking area.

Conclusions

The main issues relating to the application are considered to be:

- o Principle of additional children over the age of 17 at the school
- o Impact on neighbouring amenity
- o Highways

Principle of additional children over the age of 17 at the school:

The proposal is to vary a condition that was imposed on planning permission Ref: 16/02702/RECON. The condition restricted 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. This application wishes to increase the pupils aged over 17 years of age or older from 25 to 65. It is important to note that the total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR which was allowed at appeal.

In terms of the principle of the development, whilst the site is located in the Green Belt the proposal will not lead to any intensification of the use of the site as the overall staff and pupil numbers will remain unchanged and it will be within the context of an existing operational school. Furthermore, as the school is a boarding school there are not the same daily trips and activity as with a day school. No external alterations to the existing building are proposed as part of this application. Neither would there be any physical increase in the size of the parking area. The proposal does not, therefore, constitute development and 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 over 17 year old pupils at a boarding school with no increase in the overall numbers of pupils or staff 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.

Impact on neighbouring amenity:

Policy BE1 (v) states that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

The nearest dwellings to the school are in Sturges Field, Queenborough Gardens and Ashfield Lane. There is a belt of woodland between them and the school site; adjacent to the school buildings themselves it is of considerable depth.

The use falls within the existing educational use of the site, a number of objections have been received raising concern over the impact on neighbouring properties in terms of increased noise and disturbance. The proposal is considered not introduce any new activity that would cause harm to the amenity of neighbouring properties over any beyond the current situation. The principle of the school has confirmed that all of the students will be full time boarders and as such there will be no additional car journeys over and beyond the current situation.

For these reasons, it is considered that the proposed development is acceptable and complies with policy on neighbouring amenity.

Highways:

The existing parking areas has been remodelled and marked out in accordance with the drawing shown in previous application which is satisfactory.

The application is for changing the number of pupils ages 17 or above to allow the children to remain studying at the school and complete their studies. The total number of pupils attending the school is not proposed to be increased beyond 225.

As there is no increase in the number of the students and given the students are border no highway objections are raised to the proposal.

Summary:

Having had regard to the above, Members are asked to considered that the proposal to increase the number of pupils aged over 17 years of age or older from 25 to 65 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, traffic or congestion bearing in mind that the total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR. The proposal is therefore considered to comply with all relevant planning policies as set out above.

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

as amended by documents received on 06.11.2017

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 The number of pupils attending the school shall not exceed 225 at any one time and no more than 65 pupils shall be aged over 17 years of age or older.**

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.

- 2 The buildings permitted in connection with permission Ref DC/03/02501/FULL1 shall be used exclusively 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.

- 3 Prior to the attendance of the increased number of pupils hereby permitted the existing parking areas shall be remodelled and marked out in accordance with the drawing shown at Figure 4A within the submitted transport assessment¹. They shall be retained as such thereafter.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 4 Prior to the attendance of the increased number of pupils hereby permitted details of a scheme for the management of the car parking area shall be submitted to and approved in writing by the local planning authority. The car parking areas shall be operated in accordance with the approved scheme at all times.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 5 Prior to the attendance of the increased number of pupils hereby permitted details of bicycle parking and storage facilities at the site shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details and retained as such thereafter.**

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

- 6 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to**

and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

- 7 Prior to the attendance of the increased number of pupils hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Plan should include measures to promote and encourage the use of alternative modes of transport to the car. It shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating. The Travel Plan shall be implemented in accordance with the approved timetable and details.**

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.