

Committee Date	20.08.2020	
Address	Chelsfield Primary School Warren Road Orpington BR6 6EP	
Application Number	19/05044/FULL1	Officer - Gill Lambert
Ward	Chelsfield And Pratts Bottom	
Proposal	Replacement single storey classroom building at rear	
Applicant	Agent	
Mrs Michaela Foley	Mrs Julie Woolman	
Chelsfield Primary School Warren Road Orpington BR6 6EP	39 Knight Street South Woodham Ferrers Chelmsford CM3 5ZL United Kingdom	
Reason for referral to committee	Councillor call in	
Call-In	Yes	

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Chelsfield Areas of Archeological Significance Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Education – D1	115

Proposed	Education – D1	153

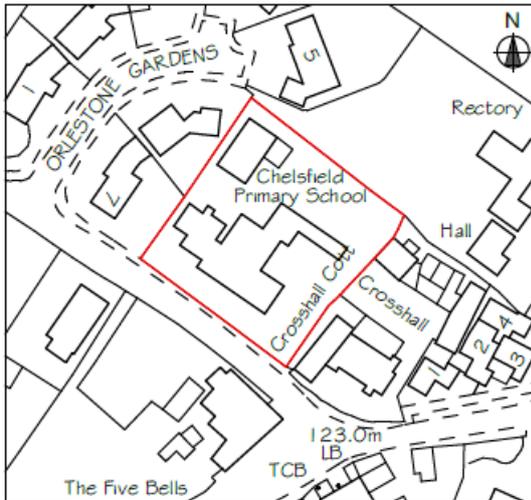
Representation summary	Adjoining owner letters were sent on 18th December 2019 A departure site notice was displayed at the site	
Total number of responses		9
Number in support		0
Number of objections		9

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the Conservation Area or the setting of the locally listed main school building
- The development would not adversely affect the amenities of neighbouring residential properties
- Very special circumstances have been demonstrated to justify inappropriate development in the Green Belt
- No detrimental highways impacts would occur

2 LOCATION

- 2.1 Chelsfield Primary School lies on the north-eastern side of Warren Road, close to the junction with Church Road. It is situated within Chelsfield Conservation Area, and lies within the Green Belt. The main school building is locally listed.



LOCATION PLAN 1:1250

3 PROPOSAL

- 3.1 It is proposed to construct a replacement L-shaped annexe building within the northern corner of this school site which would measure 12m in width and 18m in depth. It would comprise 2 classrooms, toilet facilities and a small office, and its floor area would be 153sq.m. It would replace a slightly smaller 2 classroom building which previously had permission to extend to the side and rear.
- 3.2 The building would be flat roofed and would be rendered with timber cladding. It would be located 7.5m from the main school building, 2.1-2.4m from the north-western boundary with No.6 Orlestone Gardens, and 0.4-1.1m from the rear boundary of the site.

5 CONSULTATION SUMMARY

A) Statutory/Non-Statutory

Historic England – No objection

- The proposal is unlikely to have a significant effect on heritage assets of archaeological interest, therefore no objections are raised.

Advisory Panel for Conservation Areas – Objections

- The loss of trees on the boundary prior to this application has caused a serious detriment affecting this proposal. It is important to pull the development back from the boundary and include a landscaping proposal to mitigate the loss of trees.

Drainage – No objection

- There is no public surface water sewer near the site. Standard conditions are recommended.

B) Local Groups

Chelsfield Village Society:

- Detrimental impact on neighbouring residential properties (addressed in para.7.6.2)
- Existing building was meant to be only temporary (addressed in para.7.3.6)
- Detrimental impact on parking and traffic (addressed in para.7.4.5).

C) Adjoining Occupiers

Impact on residential amenity (addressed in para.7.6.2)

- Loss of light and outlook to neighbouring properties

Impact on character of the area (addressed in paras.7.2.6, 7.2.9, 7.2.11, 7.2.13, 7.3.5 and 7.4.5)

- The proposed building would be significantly larger in terms of both height and footprint than the existing temporary building
- Building would be overbearing and out of character with neighbouring buildings
- Lack of space for adequate screening of the building
- Inappropriate development in the Conservation Area and Green Belt
- No very special circumstances exist to justify inappropriate development in the Green Belt

General (addressed in paras.7.1.2 and 7.7.1)

- Previous application for an extension to the building was refused by the Council (but permission was subsequently granted on appeal)

- The larger building could result in more pupils
- Detrimental impact on trees and wildlife

6 POLICIES AND GUIDANCE

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

6.3 The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

6.4 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

6.5 The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.

6.6 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.

6.7 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

6.8 At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of

having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

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

6.10 National Policy Framework 2019

6.11 The London Plan

- 3.18 Education Facilities
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.16 Green Belt

6.12 Draft London Plan

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design

6.13 Bromley Local Plan 2019

- 28 Educational Facilities
- 30 Parking
- 32 Road Safety
- 37 General Design of Development
- 39 Locally Listed Buildings
- 41 Conservation Areas
- 49 Green Belt

6.14 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles

7 ASSESSMENT

7.1 Principle - Acceptable

7.1.1 Policy 27 of the Bromley Local Plan states that extensions to existing schools will be permitted where they seek to address local need, subject to Local Plan open space and conservation policies, unless there are demonstrably negative local impacts which substantially outweigh the need for additional education provision which cannot be addressed through planning conditions or obligations. It goes on to state

that development should be sensitively designed in order to minimise the footprint of buildings and the impact on open space whilst protecting the privacy and amenities of adjoining properties.

7.1.2 The proposed new building would provide replacement rather than additional classrooms, and although the overall footprint of the building would be 38sq.m. larger than the existing building, it would be only 3sq.m. larger than the extended building permitted under ref.14/03336, and 11sq.m. larger than the scheme allowed on appeal under ref.17/01427 which is still extant. Furthermore, the applicant has stated that there are no proposals for additional pupils. The need for additional space is due to the limited space available for the different and complex needs of existing pupils.

7.2 Green Belt – Acceptable

7.2.1 Paragraphs 133-147 of the NPPF sets out the Government's intention for Green Belt. 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.

7.2.2 The Green Belt is intended to serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.2.3 Paragraphs 143-147 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 resulting from the proposal, is clearly outweighed by other considerations.

7.2.4 Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.2.5 Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF. Policy 49 of the Bromley Local Plan states that the construction of new buildings on land falling within the Green Belt will be inappropriate, unless it is for the following purposes:

- agriculture and forestry;
- appropriate facilities for outdoor sport and outdoor recreation and cemeteries which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it;
- extension or alteration of a building that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7.2.6 The NPPF dictates that the construction of new buildings in the Green Belt is inappropriate, with a few exceptions. In this case, the proposed development would comprise the replacement of a classroom building with another building in the same use, but the replacement building would be materially larger than the one it would replace as it would increase the floorspace by 38sq.m., which would equate to a 33% increase. The Council is therefore satisfied that the proposed form of development would constitute inappropriate development in the Green Belt.

7.2.7 This conclusion was also reached in the previous appeal decision for an extension to the existing classroom building.

7.2.8 Impact on openness: Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

7.2.9 The proposed replacement building would be in a similar position to the existing building but would extend 3m further to the rear and 2m further forward. It would be a similar height as the existing building although it would be a fully flat-roofed rather than a mixture of flat and pitched roof. The development would be visible from Orlestone Gardens and would materially increase the amount of built form at the site, therefore, it is considered to cause harm to the openness of the Green Belt, and would also constitute inappropriate development insofar as it would have a greater impact upon openness than the existing development.

7.2.10 This conclusion was also reached in the previous appeal decision for an extension to the existing classroom building, although in that case, the Inspector considered the harm to be limited due to the modest scale of the extension and its discreet position between the existing building and Nos.5 and 6 Orlestone Gardens and lower ground level.

7.2.11 Very special circumstances: There has been a claim made of very special circumstances as follows:

- The existing building is in a poor state of repair, and other safety and security concerns mean that refurbishment and extension would be impractical
- The replacement building is needed as a facility for SAT preparation, for intervention work with pupils with special education needs, and for physiotherapy space for pupils with mobility issues. Existing space within the school is fully utilised, and even if other rooms were available, these are often not fit for purpose or offer insufficient privacy.

7.2.12 The same very special circumstances were put forward in the previous appeal for an extension to the annexe building wherein the Inspector was satisfied that a modern and flexible educational workspace at ground floor level was required to meet the educational needs of children at the school on a permanent basis, that the type and scale of development proposed was the minimum necessary to achieve these benefits, and that there were no other realistically feasible alternatives. The Inspector concluded that the educational benefits were considered to clearly outweigh the scheme's limited harm to the character, openness and permanence of the Green Belt, and that very special circumstances did exist.

7.2.13 In the current case, it is considered that the larger replacement building now proposed would have a slightly greater impact on openness than the permitted extension scheme, but that the educational benefits identified and the fact that refurbishment and extension of the scheme is impractical, would still clearly outweigh the harm to the character, openness and permanence of the Green Belt, and that very special circumstances still exist in this case.

7.3 Design – Acceptable

7.3.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 7.3.2 Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.3.3 Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.3.4 London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.5 The existing building has a pitched roof with a flat roof to the side, and is timber clad. The proposed replacement building would be flat-roofed and would be of a modern design using a mixture of render and cladding for the walls. The proposed design would be acceptable for a school site, and would not appear overly bulky or out of character with the area.
- 7.3.6 The Chelsfield Village Society have commented that the existing annexe building was meant to be only temporary, however, the current proposals are for a permanent building which must be considered on its own merits having regard to the educational need for the building.

7.4 Heritage impact – Acceptable

- 7.4.1 The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.
- 7.4.2 Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the

significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 7.4.3 Within or adjacent to a Conservation Area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4.4 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.4.5 This proposal would not be widely seen in the Conservation Area, and would replace a similar structure. It is considered that Orlestone Gardens has a neutral character in the Conservation Area, and the proposals are not therefore considered to cause significant harm to the character and appearance of the Conservation Area or the setting of the locally listed main school building.

7.5 Highways – Acceptable

- 7.5.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.5.2 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 7.5.3 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.5.4 No highways objections are raised to the proposals.

7.5.5 Residential amenity – Acceptable

- 7.5.6 Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

7.5.7 The proposed building would lie adjacent to Nos.5 and 6 Orlestone Gardens, and would be set at a slightly lower level than these properties. It would be 3.7m high, and is not considered to result in undue loss of light to or outlook from the neighbouring properties. Appropriate boundary screening should be provided, and this can be achieved by way of a condition.

7.6 Trees - Acceptable

7.6.1 The proposals are unlikely to result in a change in the circumstances of any existing trees on the site, a condition should be imposed to ensure the retention of all existing trees.

8 CONCLUSION

8.1 The proposals would constitute inappropriate development in the Green Belt and would cause limited harm to its openness, but it is considered that very special circumstances have been demonstrated (in terms of educational need) which justify the development. No harm would be caused to the character and appearance of the Conservation Area or the setting of the locally listed main school building, and the proposals would not have a significant detrimental impact on the amenities of neighbouring residential properties.

8.2 Conditions are recommended to secure an acceptable form of development which protects the amenities of neighbouring properties and the character of the area generally.

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

RECOMMENDATION: Application Permitted

Subject to the following conditions:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Scheme for surface water drainage**
- 4. Slab levels required**
- 5. Tree retention scheme**
- 6. Landscaping scheme**
- 7. Materials in accordance with plans**

Any other planning condition(s) considered necessary by the Assistant Director of Planning