

Appeal Decision

Hearing held on 29 March 2017

Site visit made on 29 March 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 June 2017

Appeal Ref: APP/G5180/W/16/3164513

Farnborough Primary School, Farnborough Hill, Orpington BR6 7EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Chandler, Nexus Education Schools Trust against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01965/FULL1, dated 18 April 2016, was refused by notice dated 9 November 2016.
 - The development proposed is the expansion of Farnborough Primary School from single form of entry to 2 forms of entry. Works to include the demolition of an existing extension; erection of a new build two-storey classroom block; refurbishment of existing school building; associated hard and soft landscaping works; provision of temporary classroom accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was agreed at the Hearing that the appellant would supplement his evidence regarding the need for school places, with the latest Greater London Authority (GLA) 2016 school roll projections, by a submission in writing. The Council and interested parties were offered the opportunity to comment on the submission, and I have taken their responses into account in reaching my decision.

Application for costs

3. At the Hearing an application for costs was made by Mr Paul Chandler, Nexus Education Schools Trust, against the Council of the London Borough of Bromley. This application is the subject of a separate Decision.

Main Issues

4. Having considered all the representations made, including those from local residents, the main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt;
 - ii) if it is inappropriate development, its effect on the openness of the Green Belt;
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- iii) the effect of the proposed development on the safe and efficient operation of the highway network in the vicinity of the appeal site;
- iv) the effect of the proposed development on the living conditions of surrounding occupiers; and,
- v) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. Policy 7.16 of the London Plan 2016 sets out that the strongest possible protection should be given to London's Green Belt, and refers to the policy guidance in the National Planning Policy Framework (the Framework). Policy G1 of the London Borough of Bromley Unitary Development Plan, 2006 (UDP) which concerns the Green Belt, and is a policy to which the Council refers, predates the Framework, and is inconsistent with it in several respects. In accordance with paragraph 215 of the Framework, I therefore attach only limited weight to policy G1, which I consider to be out-of-date.
6. The Framework states in paragraph 89, that the construction of new buildings should be regarded as inappropriate in the Green Belt with the exception of a number of specific development types and circumstances which include:-
 - 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; and,
 - the 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. These are the exceptions which the appellant considers the proposal should be considered against, and which make it not inappropriate development. While the Council's evidence focused on the extension exception, it agreed at the Hearing that the proposal could equally well be considered against the second exception above. I agree with that position, and consider that these are the relevant exceptions against which the proposal should be considered.
8. Considering the proposal as an extension, it was agreed at the Hearing that the schedule of areas in the Design and Access Statement was correct; the floor area of the original building was 1,054m² and the floor area of the building after development would be 2,365m². In floor area terms, this would represent an increase of more than 100% over the original building. I appreciate that the extension would be contained within a 2-storey building which would reduce its footprint over a single storey extension. Nevertheless, the completed development would increase the footprint over the original building from 1,139m² to 1,901m².

9. Both measures indicate that the size of the proposed extension would be disproportionate in relation to the original building. The measure of footprint alone indicates that the proposal would be disproportionate to the original building; when the footprint increase is considered together with the volumetric effect of the second storey of the extension, the disproportion is even more marked. The proposal would not therefore fall within the first exception given above.
10. Considering the proposal as partial redevelopment, and taking account of the extensions to the original school building, the floor area of the existing development would increase from 1,418m² to 2,365m², and its footprint from 1,537m² to 1,901m². In numeric terms this would be a substantial increase. In spatial terms, the new building would extend into the area behind the existing school building and towards the open area of the playing fields.
11. I appreciate the distance of the proposal from the street scene of Farnborough Hill and its separation from Church Road. I take into account too that the existing building is not compact, but low and dispersed in its form, which would reduce the effect of the additional footprint of the new building, whose mass would be close to the envelope of the existing building. It would have a flat roof rather than a pitched roof and the ribbon arrangement of the windows and solar shading on its elevations would give it more horizontal than vertical emphasis. Given these factors and its proximity to the existing building, I do not find the proposed building would be visually intrusive in the Green Belt.
12. I acknowledge that part of the new building would sit over the location of 3 existing classrooms and that it would return towards the area of the tarmac ball courts. I note too that the design has kept the new development line as close as possible to the footprint of the existing building. I also understand that the design proposes a 2-storey building in place of a single storey building of greater footprint in order to reduce the effect of the development on the openness of the Green Belt. These factors would reduce the spatial impact of the new building on the openness of the Green Belt.
13. However, the combined effect of the footprint and the volume of the new building, and its location in the open area of the site, extending the existing building towards the woodland and fields beyond the site boundary, would have a greater impact on the openness of the Green Belt than the existing development. Thus, the proposal would not fall within the second exception given above.
14. The appellant emphasised the five purposes of the Green Belt as set out in paragraph 80 of the Framework, and how he considers that the proposal would present no conflict. As I have found that the proposal would have a greater impact on the openness of the Green Belt than the existing building, it cannot fall within the exception.
15. Nevertheless, I agree that it is not located in the countryside, and I agree that it would not undermine the purposes of preventing neighbouring towns merging into one another, or preserving the setting and special character of historic towns. There is also no evidence to suggest that the proposal would conflict with the purpose of recycling urban land.
16. However, while Farnborough is described as a village and has the character of a village, it is contiguous with the larger built-up area which extends to the

north, east and west of the village. In this context, this proposal in the Green Belt which encompasses the built-up area to the south, would conflict with the purpose of checking the unrestricted sprawl of large built-up areas. It would also conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

17. Accordingly, I conclude on this issue that the proposed development would not fall within one of the exceptions given by the Framework and would therefore be inappropriate development in the Green Belt which is, by definition, harmful, and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that in considering a planning application, substantial weight should be given to any harm to the Green Belt.

Effect on openness

18. The Framework states that openness is one of the essential characteristics of Green Belts, and I have already assessed the effect of the proposal on its openness. The combined effect of the footprint and the volume of the new building and its location in the open area of the site, extending the existing building towards the woodland and fields beyond the site boundary would reduce the openness of the Green Belt and would thereby harm one of its essential characteristics. This weighs substantially against the proposal.

Effect on the highway network

19. The Council is concerned that the additional children and staff in the expansion of the school would lead to the need for additional car parking. It considers that the lack of additional parking in the school, combined with the shortage of on-street parking in the area would cause traffic congestion and would be detrimental to highway safety.
20. The expansion of the school would bring more pupils with the potential for being dropped-off and collected by car, as well as additional staff and visitors, potentially needing to park cars throughout the day. Being central to the village and next to the High Street, there are competing pressures on the available street parking, with a bus stop, school-keep-clear markings, and lengths of restricted and unrestricted parking close to the school entrance.
21. The appellant refers to the recent intake of 60 pupils indicating that 70% of them lived within 1km where walking, scootering or cycling to school may be an option of travel. Around a third of the intake lived within 500m of the school. This suggests that the school is central to its catchment and enables a substantial proportion of pupils to travel by means of transport other than the car.
22. Based on travel mode surveys conducted for the Transport Assessment, the appellant estimates that the expansion would result in 37 additional cars parking in the morning and afternoon peak periods, with many parking along the unrestricted sections of Farnborough Hill, and in Tubbenden Lane South and Palmerston Road. These areas of parking, the appellant estimates, could accommodate the additional cars. From my site visits before the start of the school day and during the afternoon collection time, I do not doubt that there is sufficient space to accommodate the additional cars, or any additional parking which may result from the forecast being conservative.

23. I appreciate that the additional parking may exacerbate existing conflicts between the various users of the roads and residents, as well as introducing potentially new tensions. Much of these though arise from selfish driver behaviour and thoughtless parking by those dropping-off or collecting children. The school indicates that it will develop its Travel Plan for park-and-stride and include parking and driver behaviour as one of the commitments which parents sign up to when starting their children at the school. This would offset many of the effects of the additional parking.
24. In terms of the parking required for staff following the development, the appellant estimates a peak demand of 26 car spaces. There was some disagreement about whether the estimate includes for peripatetic teachers, lunch-time supervisors, cleaners, and club staff. However, many of these would visit the school during the day or outside the morning and afternoon peak periods, when there is a greater availability of on-street parking.
25. While the appellant suggests that the scheme would provide 30 spaces with 7 overflow spaces, I note that the use of the overflow spaces would restrict the manoeuvring within the parking area. Notwithstanding this, the number of permanent parking spaces and their configuration would be ample to meet the needs of the staff and visitors to the school following its expansion.
26. To alleviate some of the concerns about traffic movement and parking, the appellant has offered to be bound by a unilateral undertaking to contribute towards the costs of traffic calming measures including a raised speed table near the entrance to the school, a footway along Tubbenden Lane South and signage by Chartwell Drive. However, the Council was clear at the Hearing in rejecting these measures as it was unconvinced of their effectiveness and concerned about the additional expense the Council would have to bear.
27. Given my findings above, the measures suggested by the appellant would not be necessary to make the development acceptable in planning terms, and would not therefore meet the relevant statutory test under CIL Regulation 122 and under paragraph 204 of the Framework. In any event the undertaking has not been completed, and does not therefore have a bearing on this issue.
28. I note that there were two 'slight' road accidents in the vicinity of the school in 2015, though given that they occurred in the evening, after the collection time for children, this does not suggest that there is a significant risk to highway safety which the proposal may exacerbate.
29. I conclude on this issue that the proposed development would not have a harmful effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. There would be no conflict with the transport and parking policies 6.3 and 6.13 of the London Plan, nor with UDP policies BE1 and T18 which require development to respect the amenity of occupiers of neighbouring buildings and to ensure that road safety is not adversely affected. Nor would there be conflict with paragraph 32 of the Framework which says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Effect on living conditions

30. I visited some of the surrounding houses to assess the impact of the proposed development on their living conditions. The most affected, Arcadian, is located

to the east side of the school site. Its garden and outbuilding is used for leisure and for working, with the present outlook being largely open and green. While the new building, because of its second storey, would change the outlook from Arcadian and from its garden, because of the distance between the proposed building and the windows of Arcadian, the proposed building would not be overbearing and the resulting outlook from the house and the garden would not be unacceptable.

31. Because of the location of the development to the south-west of Arcadian, there may be some loss of afternoon sunlight and a degree of overshadowing of the garden. However, given the school building which already stands to its west, and its distance from the proposed building, as well as the size of its garden, the loss of light and overshadowing in the afternoon would not be materially harmful to the occupiers of Arcadian.
32. The windows of two Year 4 classrooms in the first floor would look towards the garden of Arcadian. However, the supervision within the classrooms, the length of the average school day, and the length of the school year would limit the impact of any potential overlooking. As would the existing and proposed tree and hedge planting along the boundary. Notwithstanding this, these windows would be in any case too far from Arcadian to reduce materially the privacy inside the house, its outbuilding, or the garden.
33. The outlook of the occupiers of the Rectory, to the north-east of the main school building may change as a result of the proposed building coming marginally into their outlook behind the existing school building. However, they are even further from the proposal than Arcadian, and their living conditions would not be harmed by this small change in outlook.
34. Two temporary, single-storey classroom buildings would be located during the construction works to the west side of the school site. However, they would be cut into the existing ground which is higher beyond the school boundary. This would reduce substantially their impact on the outlook and privacy of neighbours to this side of the site, and a planning condition could secure the planting of the proposed hedges and new trees on these boundaries, ahead of their occupation. Given their minimal impact and the limited duration of their occupation, there would be no harm to the living conditions of surrounding occupiers on this side of the site.
35. I conclude that subject to appropriate planning conditions, the proposed development would not harm the living conditions of surrounding occupiers. There would be no conflict with UDP policy BE1 which expects development to ensure that the amenity of the occupiers of neighbouring buildings is not harmed. Nor would the proposal be at odds with the core planning principle of the Framework, which seeks to secure a good standard of amenity for existing occupants of land or buildings.

Other considerations

36. The appellant considers that the proposed development, because it would satisfy an identified, local need for an additional form of entry at the school, based on the latest GLA school roll projections, schools admissions data, and the school census, is a very special circumstance. He also points to the London Plan 2016 which encourages development proposals which address the current and projected shortage of primary school places as well as the emerging Local

Plan. Though its unexamined status limits the amount of weight I can accord it, I note that it permits extensions to schools which seek to address local need, and identifies Farnborough Primary School for an additional form of entry. The Council on the other hand, disputes that there is a need at all.

37. In accordance with paragraph 72 of the Framework, I must give great weight to any proven need to expand the school. While the need is disputed, the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. The Framework also says that local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education.
38. The appellant refers to other school expansion proposals given planning permission in the Green Belt. While I have not been provided with their details, I note that the GLA response appears to indicate that the development at Oakland's Primary Academy was not inappropriate development and would not have a greater impact on the openness of the Green Belt than the existing development. The proposal at Edgebury Primary School was considered inappropriate development, and there was no finding of harm to Green Belt openness. There are no direct parallels from these permissions to this case, which I have considered on its own merits.
39. I shall return to this matter in my overall conclusions.

Other Matters

40. The boundary of the Farnborough Village Conservation Area (CA) runs within the school site, very close to the western boundary between the school site and the buildings in Church Road. The Council raises no objection in this regard, and given the distance between the proposed building and the neighbouring buildings in the CA, and its proximity to the existing school building, I can identify no harm from this proposal to its setting or the views of it or within it.
41. In this regard the proposal would be in accordance with London Plan policy 7.8, UDP policy BE13, and paragraph 132 of the Framework which makes clear that great weight be given to the conservation of designated heritage assets, and to their setting.

Conclusion

42. I have found that the proposed development would not have a harmful effect on the safe and efficient operation of the highway network in the vicinity of the appeal site, and it would not harm the living conditions of surrounding occupiers.
43. However, the Framework makes it clear that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless such harm is clearly outweighed by other considerations. In this case, I have found harm by reason of inappropriateness and harm to the openness of the Green Belt. Even if I found that the need for an additional form of entry were justified, which would attract great weight; this would not clearly outweigh the harm to the Green Belt by inappropriateness and by loss of openness. Consequently the very special circumstances necessary to justify the development do not exist.

44. For the reasons above, and having had regard to all other matters raised, the proposal would harm the Green Belt, contrary to the London Plan and the Framework. The appeal is therefore dismissed.

Patrick Whelan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Matthew Reed QC	Counsel for the appellant, Landmark Chambers
Mrs Paula Farrow	Executive Head Teacher, Farnborough Primary School
Mr Neal Thompson BSc (Hons) MSc MRTPI	Planning Consultant, Robinson Escott Planning LLP
Mr Paul Disney BSc MCIHT CEng	Road Traffic, Highways & Road Safety Consultant
Mr Robert Bollen	Head of Strategic Place Planning – Education, London Borough of Bromley
Mr Andrew Tang	Associate Architect, Pellings LLP
Mr Anthony Pidgeon	Solicitor for the appellant, Stone King LLP

FOR THE LOCAL PLANNING AUTHORITY:

Mr David Bord	Principal Planning Officer, London Borough of Bromley
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INTERESTED PERSONS:

Councillor Charles Joel	Member for Farnborough & Crofton Ward, Council of the London Borough of Bromley
Councillor Robert Evans	Member for Farnborough & Crofton Ward, Council of the London Borough of Bromley
Mr James Blaney	Arcadian, Farnborough Hill
Mrs Ann Francis	Farnborough Village Society

DOCUMENTS SUBMITTED AT THE HEARING

On behalf of Mr James Blaney, Arcadian, Farnborough Hill

1. Two letters of representation dated 9 February 2017

On behalf of the appellant:

2. E-mail chain headed 28 March 2017 13:56 from Tony Pidgeon
3. E-mail chain headed 28 March 2017 13:57 from Tony Pidgeon
4. E-mail chain headed 28 March 2017 20:04 from Angus Culverwell
5. Marked-up plan from the Council's Statement of Case appendix 3 comparing road width measurements
6. Plan 1 showing the location of photographic view points
7. Four photographs from St Giles the Abbot Church
8. Draft planning obligation
9. Mr Disney's Curriculum Vitae

DOCUMENTS SUBMITTED AFTER THE HEARING

On behalf of the appellant:

10. Note on pupil place planning and educational need
11. Draft unilateral undertaking
12. Final comments on the responses to documents 10 and 11 from the Council and from Farnborough Village Society

On behalf of the Council:

13. Comments on the appellant's note on pupil place planning and educational need

On behalf of Farnborough Village Society:

14. Comments on the appellant's note on pupil place planning and educational need