Silverwood School Rowde Campus, Rowde, Devizes SN10 2QQ:
Temporary Retrospective Permission for two temporary modular classrooms

Introduction

The application site is Silverwood School Rowde Campus, Rowde, Devizes SN10 2QQ ('the Site'). The applicant is Wiltshire Council ('the applicant'). Temporary retrospective planning permission is sought for the erection of two temporary modular classrooms to accommodate children on site for the 2023/2024 academic year ('the Proposal').

Planning permission ref. PL/2021/06782 granted by notice dated 20/10/2021 ('the 2021 Permission') allowed for the redevelopment of the existing school to provide a high-quality Special Educational Needs and Disability permanent school campus for 350 students including the construction of a new two storey education building (containing new hydrotherapy pool, teaching classrooms and main hall), the re-purposing of existing buildings, new all-weather sports pitch, new playing fields, on-site parking, landscaping, ecological enhancements and associated works.

The Site is a Maintained co-educational special school for students with complex learning needs, currently accommodating around 180 students with at least some of these accommodated in temporary mobile classrooms already on the Site.

Construction works commenced on Site 21 March 2023 The construction timetable has slipped, creating a delay to the forecasted completion date, now scheduled as around April 2024. The construction programme involves significant complexity and as such temporary permission is sought until no earlier than August 2024 (giving a limited additional window after the new classroom are scheduled to be complete) to allow for further slippage. The applicant understands fully the need to control removal of the two temporary buildings subject to this application and would agree to a condition requiring removal on within 2 years, because of the small window of available time where pupils are not present and when the removal can occur safely. Then for the complete restoration of the land back to the

condition required within the approved 2021 Permission, which for reference shows the two locations laid to amenity grass land.

The proposed location is shown in the accompanying drawing **Figure 1**. The proposed buildings are:

1. Temporary Classroom 01 for early years Classroom - located on the large grassed area to side of main school building. This building will be used for approximately 12 Early Years Foundation Stage Pupils (Reception aged pupils) with Special Educational Needs & Disabilities. The proposed temporary building is shown on the drawing ref. 23-0578-002a dated 07/06/2023 'Silverwood Rowde Campus – Set up 01 Early Years'

2. Temporary Classroom 02 Key Stage 3, located on the temporary car park west of the main school building to accommodate approximately 12no Key Stage 3 (secondary-aged pupils). The proposed temporary building is shown on the drawing ref. 23-0578-001a 'Silverwood Rowde Campus Set up 02 Secondary Facility (KS3).

Early discussions with the Conservation Officer requested a clear and robust case for the siting of these two temporary structures and justification for the selected location. The headline response is that any temporary harm to the setting of the listed building is justifiable when weighted against the needs of children attending the school. The function of maintaining a safe school environment for the children on site during construction works, plus proximity to existing services drive the proposed locations. And then, simply because the proposed end land use is amenity grass land, the construction programme is not harmed by the proposed siting. This means that the hard and soft landscape masterplan can be implemented in full, without these two buildings creating abortive construction and landscaping costs. Functionally, the locations are safe, do not conflict with the approved masterplan.

During the main site construction, construction traffic is using the northern access route, which has construction sign-posting and temporary traffic management measures to ensure safe access and egress. The construction process, necessitates a 'secure zone' in the areas where students would be based and the proposed location is within the 'secure zone'. The secure zone is controlled through fencing along the northern boundary, and further fencing

to secure Orchard Block and Rowdeford House. The temporary portable classrooms were installed during the school summer holidays 2023 when pupils were not on site, and the construction access was via the main drive to the school.

Fencing has been erected around the two temporary portable classrooms for pupil safeguarding. The location and their access is away from the main construction site and as such there are no construction health and safety risks.
Access to the school for staff, and children remains unaffected and via the south from the A342 (Chippenham-Devizes road) via the original south drive to Rowdeford House. And these two buildings do not materially increase the number of trips to site or take the intake beyond the 350 allowed students already assessed as compatible with highway capacity and safety when determining the 2021 Permission.

The Site

Silverwood School is a county co-educational special school for students with complex learning needs, with around 180 such students currently on the role (with at least some of these accommodated in temporary mobile classrooms).

The Site comprises a range of buildings positioned towards the centre of the site, including Rowdeford House (a former largely Georgian country house, now Listed Grade II) and other older buildings formerly ancillary to the House, along with contemporary, purpose-built educational buildings, including the Orchard Block, the Buzzard Block, and 3 to 4 temporary mobile classrooms. There are also further ancillary educational facilities including the Dining Shed, school farm outbuildings, and the walled garden, a biomass boiler and gas tanks.

Surrounding the buildings and walled gardens to the north, west, and south sides is parkland (associated with the original house) and/or woodland. To the east/north-east side are open fields. These grounds are now subject to construction works.

Planning matters

Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires the decision maker to take account of (a) the provisions of the development plan, (b) local finance considerations, and (c) any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act requires determination of applications to be in accordance with the plan unless material considerations indicate otherwise. The National

Planning Policy Framework 2021 ('Framework') is a material consideration in planning decisions.

The Wiltshire Core Strategy ('the Core Strategy') sets out a vision, objectives, spatial strategy, and overarching planning policies that guide new development in the District up until 2026. This is the starting point in determining planning applications.

Principle

At the time of determination of the 2021 Permission, the planning committee report recommending the grant of planning permission went on to reason the principle of the Permission was policy compliant, stating:

"The National Planning Policy Framework is supportive of new educational development in general, noting in particular that it is important that there is sufficient choise for school places to meet the needs of existing and new communities. It states –

…. Local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
a) give great weight to the need to create, expand, or alter schools through the preparation of plans and decisions on applications; and
b) work with school promoters, delivery partners, and statutory bodies to identify and resolve key planning issues before applications are submitted

Applying a proactive, positive, and collaborative approach here, it is considered that the suitability of this established school site for improvement and expansion as proposed does, as a matter of principle, comply with the NPPF. The specific circumstances of the site are considered in greater detail below.

The decision by Wiltshire Council to bring together three special schools on to a single site at Silverwood School has been made and is not a planning matter for consideration in this application. The purpose of this planning application is to assess the planning merits of the specific proposal, with particular regard to matters including landscape and visual impact; heritage impact; highway safety; ecology impact; drainage; and residential amenity in general." [emphasis added]

A review of the Framework paragraph 95 quoted above in the Committee Report confirms no change to the overarching support for redevelopment of the School and ancillary developments required during construction of it. Clearly, the delay to the construction timetable is unavoidable and necessitates swift and appropriate action to ensure facilities for the children the school serves are in place. Given the two temporary buildings are on site, and in use, at the time of submission of this planning application, a pragmatic approach to managing the impact on the Listed Building is needed.

Compatibility with the setting of the Heritage asset

Core Strategy Policy 58 – Ensuring the conservation of the historical environment goes on to require that:

"Development should protect, conserve, and where possible, enhance the historic environment.

Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:

i. nationally significant archaeological remains
ii. World Heritage Sites within and adjacent to Wiltshire
iii. buildings and structures of special architectural or historic interest
iv. the special character or appearance of conservation areas
v. historic parks and gardens
vi. important landscapes, including registered battlefields and townscapes.

Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping).

…" [emphasis added]

The Committee Report at the time, went on to confirm that:

"…

The site supports a number of designated heritage assets – specifically, Rowdeford House and its ancillary outbuildings and walled gardens (including an apple store) (Listed grade II), and the gate posts and associated walls at both the southern and northern accesses (Listed grade II). The parkland grounds to Rowdeford House, and in particular those parts to the south and west sides of the house, lie within the curtilage of the house and are important parts of its setting.

The proposed new build elements of the proposal are located mainly to the north of the Listed buildings, beyond the more recent other additions to the school (notably the Buzzard Block). The separation between the new and original buildings would ensure that the impact on the latter is limited.

…

In terms of the NPPF, the majority of the proposals cause less than substantial harm to the heritage assets. The NPPF advises that 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. In this case the public benefit of the proposal is the creation of a new special school to meet this particular educational need. The same principle applies to the planned alterations to Rowdeford House. This public benefit tips the balance in favour of the overall proposal under the NPPF test. The removal of part of the northern gate post and wall amounts to substantial harm to this listed building, although as the post and wall would be reinstated on completion of the new building works, this harm reduces to less than substantial. Ensuring the reinstatement is a matter for the Listed Building Consent application.

Overall, the proposal strikes the right balance between providing the new and necessary special school whilst safeguarding as far as is practical the heritage assets at the site. Critically, the proposal ensures the long-term viable future of these assets. Their future would be potentially less secure in non-educational use." [emphasis added]

The Committee report is clear on the weight given in the overall planning balance to the delivery of a high-quality Special Educational Needs and Disability permanent school campus versus the less than substantial harm caused by reason of new buildings within the wider parkland.

The council is required by sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building and its setting when exercising planning functions. The council must give considerable importance and weight to the desirability of preserving the significance of the listed building, and there is a strong presumption against the grant of permission for development that would harm its heritage significance (*Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others* [2014] EWCA Civ 137).

The setting of a heritage asset can contribute to its significance. Setting is defined in the Annex 2: Glossary to the Framework as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

The Framework at paragraphs 201 and 202 requires the impact on the significance of a designated heritage asset to be considered in terms of either 'substantial harm' or 'less that substantial harm'. The National Planning Practice Guidance explains that substantial harm is a high test. Case law confirms substantial harm regarding an effect that would vitiate or drain away much of the significance of the heritage asset (*Bedford Borough Council v SSCLG and Nuon UK Limited* [2013] EWHC 4344 (Admin).

Paragraphs 201 and 202 of the Framework refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit. Paragraph 199 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise that harm might be.

The Cotwold Archaeology Heritage Assessment forming part of the original 2021 submission, clearly explains the significance of the asset at Section 6. At paragraph 6.14, the assessment went on to conclude that:

"In conclusion, it is clear from this assessment that Rowdeford School has special historic interest deriving from specific quantifiable heritage values and that the historic buildings of the wider ensemble complement and enhance this significance and allow for ongoing appreciation of the historic estate."

The assessment then went on at paragraph 7.15 to consider the impact temporary class room buildings have:

"The temporary built form such as Portacabins (Photo 59), and the timber building in the stable courtyard, are all incongruous negative elements with the setting of the building and thus impact negatively on significance."

There is no doubt that this Proposal, within the immediate setting of the house will bring harm to significance through alteration to the setting of the Listed Building. The proposal has an impact, although it is a temporary impact, light in its level of permanence and fully reservable. As a result, impact on the setting of the listed building will be small and for a temporary timescale. On conclusion of the development works, and removal of the two temporary class rooms, there will be no loss of heritage significance beyond that already accepted.

Clearly, the Council must form their own planning judgement on whether the overall public benefits of the Proposal, those being the provision of a valuable education facility, already afforded significant weight, outweighs what is at most a short term and fully reversible low scale impact on setting to the Listed Building. Given the Proposal will be removed from site within over the first available holiday period following completion (to allow their removal when the site is free of pupils for their safety). This is within 2 years or the first Easter, summer or Christmas holiday, whichever is earlier. 'Less than Substantial' harm results. That is, low level harm that does not seriously affect the significance of the designated heritage asset.

Over the temporary period, the Proposal does affect key views of the Listed Building and appears conspicuous, despite the relatively small dimensions, scale and massing. This impact results from the materials and design being ill-suited to the architectural character of the Site.

But this temporary harm, correctly weighted, and judged in context of a significant construction site nearby, does not outweigh the original conclusion made that the Proposal achieves the right balance between provision of a new special education facility, long term protection of the heritage assets on site and through meeting the immediate accommodation needs of students. Safe and continued education therefore outweighs the limited impact this Proposal has on the significance of the heritage asset.

Other matters

At the time of granting planning permission, the Council considered at length topic areas such as highway impact and ecology in particular. The Proposal does not increase vehicle movements beyond those already approved and does not impact protected species or their habitat**.** The locations of the temporary classrooms and environs comprise low value habitats and will be restored in full accordance with the approved landscape plans.

Conclusion

There is clear justification for the new school building. And while regrettable that construction work is delayed, continuity of childrens' education in a safe environment must carry great weight in the planning balance. The Council has a statutory duty to ensure sufficient school places and the Council would be failing in this if we had not provided the temporary classrooms pending completion of the delayed classroom block.The overall reasons for granting planning permission for redevelopment remain completely relevant. And any impact on the setting of the Listed Building, seen in the context of ongoing construction works, carries lesser weight. The weight given in the overall planning balance to the delivery of a high-quality Special Educational Needs and Disability permanent school campus versus the less than substantial harm caused by reason of new buildings within the wider parkland is equally applicable to this temporary proposal.

In light of all the above, imposition of suitable conditions requiring complete removal of the two buildings from site once the school is operational and adherence to approved landscape plans that require the locations to be amenity grass is necessary. The applicant is fully

willing to discuss and commit to developing suitable controls that safeguard the Listed Building.

There is clear justification for the grant of planning permission.

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