

MC/14/1599

Date Received: 9 June, 2014

Location: Former Temple High School, Cliffe Road, Strood, Rochester, ME2 3DL

Proposal: Demolition of existing buildings and construction of a part two storey part single storey building for use as an educational establishment (Class D1) with associated external recreational areas, access, parking and landscaping

Applicant: Mr K Read

Agent: Mr C Maltby Scott Brownrigg Planning 77 Endell Street London WC2H 9DZ

Ward Strood North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10 September, 2014.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Drawings 212301/10-03 'P1', 212301/10-06 'P1', 212301/10-10 'P2', 212301/10-11 'P2', 212301/10-15 'P1' and 212301/10-16 'P1', and the Arboricultural Impact Assessment as received on 9 June 2014, Bat Survey Report (ref; J005464) as received on 17 June 2014, Ecological Enhancement Strategy (ref; J00537) and Precautionary Method of Working Report (ref; J005537) as received on 24 July 2014, Drawing 11605 - C301 as received on 29 July 2014, Drawings 212301/10-01 'P2', 212301/10-02 'P2', 212301/10-04 'P2', 212301/10-05 'P2', 212301/10-07 'P2', 212301/10-08 'P2', 212301/10-12 'P2', 212301/10-13 'P2' and 212301/10-14 'P2' as received on 5 August 2014, and Drawing 14026/E/600 'P2' as received on 11 August 2014. Arboricultural Method Statement (ref; report dated 19 August 2014) and the Construction Environment Management Plan (ref; report dated 19 August 2014) as received on 19 August 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of each construction phase of the development hereby permitted, details and samples of all materials to be used externally to Phase 1 and Phase 2 of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003

- 4 Prior to the commencement of the construction phase of the development hereby permitted, details of external furniture, refuse storage, mini-bus parking and any other ancillary development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and thereafter maintained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 5 Prior to the commencement of the construction phase of the development hereby permitted, a scheme of hard and soft landscaping shall be submitted to the Local Planning Authority for its approval. This scheme shall include any changes to ground levels, means of enclosure and retaining walls, minor structures, play areas, MUGAs and play equipment and hard surfacing materials together with planting plans, written specifications and schedules of plants noting species, plant sized and proposed numbers/densities and an implementation programme. All hard and soft landscaping including planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented in accordance with the approved implementation programme and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 A landscape management plan including long term design objectives, management responsibilities, timescales for landscaping implementation and maintenance schedules for all landscape areas shall be submitted to the Local Planning Authority for approval in writing prior to the first occupation of phase 1 of the development hereby permitted. The landscape management plan shall be carried out as approved and thereafter maintained.

Reason: Pursuant to condition 197 of the Town and Country Planning Act

1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 7 In this Condition "retained trees" means an existing tree which is to be retained in accordance with the approved plans and particulars until the expiration of 5 years from the date of first occupation of the phase 2 building.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the Arboricultural Impact Assessment as received on 9 June 2014. Any pruning approved shall be carried out in accordance with British Standards 3998 (Tree Work).
 - b) If any retained tree dies or is removed, uprooted or destroyed within 5 years of the completion of the development hereby permitted, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as is submitted to and agreed in writing by the Local Planning Authority.
 - c) Unless any alternative timing/phasing is first agreed in writing by the Local Planning Authority then prior to the commencement of any works (including demolition and excavation) associated with the construction of the development hereby permitted, including bringing any equipment, machinery or materials on the site for the purposes of the development, the tree protection fencing as detailed on the tree protection plan (TPP) – drawing 140530-ACS-TPP-AM-1.0 within the Arboricultural Impact Assessment as received on 9 June 2014 shall be erected and it shall remain in place until the completion of construction of the development hereby permitted. The construction of the development, including hardstandings, installation of services, excavations (including removal of hardstandings) or level changes within the BS5837: 2012 Root Protection Area (RPA) of any retained tree on or adjoining the site shall undertaken in strict accordance with the Arboricultural Method Statement as received on 19 August 2014.
 - d) Prior to the commencement of any works associated with the construction of the development hereby permitted, including bringing any equipment, machinery or materials on the site for the purposes of the development, a person suitably qualified in arboriculture, and approved as such in writing by the Local Planning Authority, shall be appointed to supervise construction activity taking place on the site. The arboricultural supervisor will be responsible for the implementation of the protective measures and of the works deemed necessary by the arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring in these areas and that all such measures to protect trees are inspected by the Local Planning Authority Tree Officer prior to the commencement of such work.

Reason: Pursuant to condition 197 of the Town and Country Planning Act

1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no permanent development shall take place that precludes the laying out and use of the sports pitches as amplified on drawing number 212301/10-13 'P2' as received on 6 August 2014.

Reason: To ensure that an appropriate number and type of sports pitches are provided in accordance with the application details.

- 9 Prior to the first occupation of the development, details of boundary treatment, play area screening and means of enclosure to be erected within the site boundary, and around the retained playing field, car park and any other location around the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, height, type, materials and timescales for erection. The details shall also include any temporary boundary treatments required between the application site and the land subject to applications MC/13/0722 and MC/14/1760 during the demolition and construction phases. The permanent fencing shall be erected in accordance with the approved timescales.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fencing or other means of enclosure, hardsurfacing or external lighting other than that hereby approved or subsequently approved under conditions 5, 9 and 19, shall be erected, undertaken or provided on the site other than that which is specifically approved pursuant to the conditions of this planning permission.

Reason: In order to limit the impact of the use of this raised area on the amenities of nearby residential properties with regard to Policy BNE2 of the Medway Local Plan 2003

- 11 Prior to the commencement of construction phase of Phase 1 of the development hereby permitted, details of the vehicle access, parking, drop off, turning and internal access roads within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for the construction of the vehicle access, parking, drop off, turning and internal access roads within the site. The development shall not be occupied, until the area shown on the submitted layout for vehicle access, parking, loading and off-loading and turning space has been provided, surfaced and drained in accordance with the approved details. Thereafter it

shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without the provision of adequate access, turning and parking is likely to lead to hazardous conditions on the public highway and with regard to Policies T1 and T13 of the Medway Local Plan.

- 12 Prior to the first occupation of Phase 1 of the development hereby permitted, details of the entry barriers to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall identify measures to prevent unauthorised access to the proposed staff car park. The entry barriers shall be installed prior to the first occupation of the development and thereafter maintained.

Reason: Development without the provision of adequate access, turning and parking is likely to lead to hazardous conditions on the public highway and with regard to Policies T1 and T13 of the Medway Local Plan.

- 13 Notwithstanding the submitted drawings, prior to the first occupation of the development, details of the cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The details of cycle storage shall be installed prior to the first occupation of the development hereby permitted and thereafter retained as approved at all times.

Reason: To ensure that adequate secure and sheltered provision is made for cycle parking in order to encourage travel by cycle and with regard to Policy T4 of the Medway Local Plan 2003.

- 14 Within six months of the first occupation of the development hereby permitted, a Travel Plan, including measures to encourage sustainable travel, mode share targets and a monitoring and review schedule, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason: In order to encourage sustainable means of travel and with regard to Policy T14 of the Medway Local Plan 2003.

- 15 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority a method statement detailing how this unsuspected contamination shall be dealt with. The measures identified in the approved method statement shall be carried out prior to any further works being undertaken on the site (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. Following completion of these measures a

verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 16 No development shall take place until the developer has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Authority.

Reason: To safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 17 No development shall take place until a construction code of practice covering noise, dust and on site wheel washing facility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details. Unless any alternative is first agreed in writing by the Local Planning Authority demolition and construction works shall not take place outside the hours of 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 on Saturdays with no working on Saturdays, Sundays or Public Holidays.

Reason: To order to limit the impact of the development on the living conditions of neighbours including with regard to Policy BNE2 of the Medway Local Plan 2003.

- 18 Notwithstanding the submitted details, prior to the first occupation of the development hereby permitted a Waste Management Plan shall be submitted and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and thereafter maintained.

Reason: To ensure that waste is managed in a sustainable manner, with regard to Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) and Policy BNE1 of the Medway Local Plan 2003

- 19 Notwithstanding the submitted lighting plan, prior to the commencement of the construction phase details of all external lighting of the site, including details of security lighting shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be installed prior to the first occupation of development hereby permitted in a manner that prevents light spillage outside of the site boundary and avoids direct glare onto neighbouring land. The lighting installed in accordance with the details approved pursuant to this condition shall thereafter be maintained. Other

than the security lighting, all external lighting shall be switched off when the site is not in use.

Reason: In order to limit the impact of the lighting on neighbouring land and with regard to Policies BNE2 and BNE5 of the Medway Local Plan 2003.

- 20 The foul water disposal strategy shall be constructed in accordance with drawing 11605 - C301 as received on 29 July 2014 prior to the first occupation of the development and shall be maintained for the duration of the development.

Reason: In the interests of protecting the public water supply of the Source Protection Zone 3.

- 21 Prior to the construction phase of the development hereby permitted, details of the surface water drainage scheme for the site, based upon the SuDS principles outlined within section 6.4 and drawing 11605/C300 'P2' of the Flood Risk Assessment (ref; 11605) as received on 9 June 2014, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the first use of the development hereby permitted and shall be retained as such thereafter. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: In the interests of protecting the public water supply of the Source Protection Zone 3.

- 22 Within two months of the first occupation of Phase 2 of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise arising from any fixed plant at the development site. Noise from fixed plant should be controlled, such that the noise rating level (L_{Ar},Tr) emitted from the development does not exceed the background noise level (L_{A90,T}), by more than 3dB. The noise levels shall be determined at the nearest noise sensitive receptors. All measurements shall be defined and derived in accordance with BS4142: 1997. Within one month of the completion of the acoustic assessment, the results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Any required mitigation shall be implemented in accordance with an approved timeframe and thereafter be maintained in accordance with the approved details.

Reason: In order to prevent nuisance and a loss of amenity to nearby land users and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 23 Prior to the first occupation of the development hereby permitted, a scheme to minimise the transmission of noise from within the buildings shall be submitted and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the details approved

pursuant to this condition and maintained thereafter.

Reason: In order to prevent nuisance and a loss of amenity to nearby land users and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 24 The development shall be implemented in a manner which ensures that it achieves not less than the Building Research Establishment Environmental Assessment Method (BREEAM) standard of "Very Good" for the site. Details and confirmation of the achievement of this BREEAM standard shall be submitted to and approved in writing within two months of the occupation of Phase 2 and this approved sustainable energy approach shall operate as approved at all times that the development is in use.

Reason: To ensure that the development is energy efficient and makes use of renewable energy sources in order to achieve a sustainable form of development and with regard to Policy BNE4 of the Medway Local Plan 2003.

- 25 The development shall be undertaken in accordance with the ecological precautionary measures outlined in the approved Precautionary Method of Working document (ref; J005537). The ecological enhancements shall be carried out in accordance with the details and timescales outlined in the approved Ecological Design Enhancements (ref; J005537) and shall be maintained thereafter in accordance with the approved details.

Reason: To preserve and enhancement of the nature conservation value of the site in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 26 The primary use of the site shall be for the purposes of a Special Education Needs school with associated facilities and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to confirm the nature of the permitted use and to ensure that educational provision remains the prime use of the site and with regard to the development plan policies including Policy L3 of the Medway Local Plan.

- 27 The rooftop play areas of the building hereby permitted shall only be used for recreation, teaching or any other purpose during normal school opening hours and they shall not be used at any other time, including in the evening and at weekends.

Reason: In order to limit the impact of the use of this raised area on the amenities of nearby residential properties with regard to Policy BNE2 of the Medway Local Plan 2003

28 Prior to the first occupation of the development hereby permitted details of the hours of use of the site including use of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The use of the site shall only take place within the times approved pursuant to this condition.

Reason: In order to ensure that the development does not cause unacceptable harm to the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application is for the construction of a part two storey, part single storey building to be used for the relocated Abbey Court Special Education Needs (SEN) school. All existing buildings on site, apart from those allocated for the NHS led, Children's Development Centre (CDC), will be demolished to allow for the new development. This comprises,

- The construction of the educational buildings;
- The provision of 134 dedicated parking spaces for staff (both for SEN and CDC staff);
- An upgraded vehicular access from Cliffe Road (north) and an internal road which allows pupil drop off within the site. Where traffic moves through the site, it will egress via the existing vehicular access from Cliffe Road (south);
- The construction of play equipment and one Multi Use Games Areas (MUGA) across the site.

The development is a replacement building for the two existing Abbey Court buildings located on the Rainham and Strood sites and seeks to amalgamate the Nursery / Primary provision with the Secondary / Post 16 provision onto the one site. Approximately 225 no. pupils are expected to attend from the 3 – 19 age range. The provision is for a wide spectrum of SEN pupils inclusive of Profound & Multiple Learning Difficulties (PMLD), Severe Learning Difficulties (SLD) and Autistic Spectrum Disorder (ASD). The children will be taught in mixed needs classes of 8-9no. pupils with up to 4no. staff.

The school is essentially split into two distinct halves. The Nursery through to Keystage 2 form the southern half, and Keystage 3 through to Post 16 form the northern half. Shared facilities are placed within the centre of the buildings. These are primarily the Sports Hall, Assembly Hall and Hydrotherapy Pool which are located in a shared spine between the two areas. All classrooms through to Keystage 4 will have direct access out to the external play spaces. In the case of the Post 16 classes located to the first floor, these will have access direct to external terraces with corridor access onto a play deck area to the northern elevation.

Staff Car parking is located on the grassed area to the north-west corner on the site and provided for 136 no. parking spaces. The majority of pupils are dropped off by minibus and there is limited parent drop off or car parking needs associated with the

development. Minibus spaces and a number of car spaces directly adjacent the front entrance will be able to accommodate the small number of visitors and parents who will visit the site throughout the day. The existing tree line to the north-west side of the site around the parking will be retained and reinforced with additional tree planting.

The relatively low level wall and fence line to the west boundary facing onto Cliffe Road will be retained as part of the new development. The pedestrian and vehicle route into the site will be from the existing vehicular access, and will incorporate a gated two way access road. This will result in some slight changes to the CDC layout but these can be regularised by way of a minor amendment to the relevant application. An internal one way road is proposed through the development to allow pupils to be dropped off safely. Similarly the southern access off of Cliffe Road which currently serves the Temple Mill Primary School will become the exit out for the Abbey Court. Slight changes are proposed to this. All minibus queuing will take place within the School site itself. By creating a one way route around the CDC building, it is intended to ensure all queuing minibuses are retained on site. Pedestrians will access the site from the southern entrance.

External play spaces are accommodated throughout the development, with areas provided to the south, centre and northeast of the buildings. An external terrace is proposed for the Post 16 attendees to the north of the building. External classroom courtyards are included in the development.

The construction program for the development is particular tight and is led by the funding available for the project. It is anticipated that demolition on site will commence at the end of October, with Phase 1 of the building works beginning in January 2015. This will allow the Nursery to Keystage 2 and the shared facilities to be open by September 2015. Phase 2 will be complete by December 2015.

Relevant Planning History

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| MC/14/1434 | Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion as to whether an Environmental Impact Assessment is necessary for the demolition of existing former school and construction of new school buildings and associated infrastructure
Decision EIA not required
Decided 10 June, 2014 |
| MC/13/0722 | Refurbishment of existing educational buildings to form new child development centre including construction of a single storey extension to form new entrance into existing building together with new car parking arrangement; adapted entrance; new bin store, play equipment, installation of air handling units and erection of a new boundary fence and gates and ancillary external works (demolition of existing redundant hall)
Decision Approval With Conditions |

Decided 17 May, 2013

MC/05/0603

Construction of 2.1metre high security fencing and gates to boundary adjacent to Cliffe Road and Brompton Farm Road

Decision Regulation 3 Approval

Decided 20 May, 2005

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

KCC Archaeology, KCC Ecology, Environment Agency, Kent Wildlife Trust, Medway Fire and Rescue, Natural England, EDF Energy, Southern Gas Networks, Southern Water Services Limited, Kent Police, Frindsbury & Wainscott Community Association, Frindsbury Extra Parish Council, Sport England and English Heritage have also been consulted.

KCC Ecology have written to confirm that the precautionary measures to minimise the potential harm to protected species are appropriate. The submission of an ecological design strategy addressing restoration and enhancement of habitats and the incorporation of a planting plan has been provided in the Ecological Enhancement Strategy (ref; J00537) as received on 24 July 2014.

Kent Police have made the following comments:

The applicant / agent has considered crime prevention and has attempted to apply the seven attributes of Crime Prevention Through Environmental Design (CPTED) in the accompanying Design and Access Statement. The applicant / agent was encouraged to contact Kent Police prior to applications for Code for Sustainable Homes, BREEAM accreditation and Secured By Design assessment. Furthermore, the applicant's attention is drawn to the Kent Design Initiative (KDI) which would assist with Crime Prevention and Community Safety. As a result of discussions, the applicant / agent met with Kent Police who agreed the security measures set out across the development. Kent Police have encouraged the development to be assessed against the Secured by Design initiative.

English Heritage have written to indicate that they consider that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Sport England originally wrote to object to the development because the proposal is not considered to accord with any of the exception in Sport England's playing field policy. The policy aims to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sport within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. In this instance, the relationship of the MUGA to historically laid out sports pitches raised concern. The revised location of the MUGA, whereby it was rotated through 90° has been

undertaken to overcome their concerns.

The Environment Agency have written to indicate that they have no objection but offer the following comments;

- The use of SUDS is supported and a condition requiring surface water drainage details to be submitted is recommended,
- Although there is no identified significant risk to groundwater, a condition is recommended which deals with unexpected contamination,
- The site lies within a Source Protection Zone and a condition which restricts surface water drainage infiltrating into the ground is recommended.

Natural England have provided standing advice on protected species, local sites, biodiversity enhancements and landscape enhancements.

Southern Water have made the following comments:

- There is a public sewer and water distribution main crossing the site.
- All existing infrastructure should be protected during the course of construction
- Southern Water can provide foul sewerage disposal to service the development.
- If granted permission conditions are recommended for details of foul and surface water sewerage disposal to be submitted and approved,
- The development lies within a Source Protection Zone and this requires consultation with Environment Agency.

Frindsbury Extra Parish Council have written to state that they have no objection in principle to the development but wish to make the following comments:

- Parking. The Parish Council consider that the parking provision is insufficient for such a school. There is likely to be a higher staff / pupil ratio which will increase the parking demand.
- CDC relationship. The Parish Council query whether this continues to be the most appropriate location and suggest that the CDC could be incorporated elsewhere within the site.

Three letters of comment / objection have been received with the following comments:

- Car parking should have a secure boundary and is not used out of school hours,
- Parking restrictions should be introduced along Cliffe Road outside of the site,
- The intensified use of the site will cause disturbance to local residents via both vehicular entrances.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework (NPPF) 2012 and are considered to conform.

Planning Appraisal

Principle

The site is located within the urban area as defined by the Local Plan. Policies S1 and S2 of the Local Plan highlight the aims to prioritise re-investment in the urban fabric and to maintain and improve environmental quality and design standards and it is considered that the redevelopment of the currently very dated facilities on this established school site will achieve these aims. Most of the grounds are also allocated as protected open space subject of Policy L3 of the Local Plan. Policy L3 says that development which would involve the loss of open space will not be permitted other than in specified circumstances, one of these being that in the case of educational establishments the development is required for educational purposes and adequate areas for outdoor sports can be retained or provided elsewhere in the vicinity. Paragraphs 72 and 74 of the NPPF states that great weight should be given to the need to create, expand or alter schools although it also says that sports land should not be built on other than in exceptional circumstances.

In the current case the development is for education purposes, and play areas, additional parking and access routes are proposed within the protected open space areas of the site. Sport England have previously raised concern. The comments relate to the part of the site which would be affected by the encroachment of the MUGA towards the northeast and focused on the inability of a playing pitch not being reasonably capable of forming a formal pitch (or part thereof). Although this point is noted, the modest net loss of the protected open space across the site at the expense of play areas can be justified on the imperative needs for the play equipment to be provided to serve the specific and complex requirements of children attending the school.

The loss of the open space in the northwest of the site in order to provide additional parking on the site is less ideal. Nevertheless, this area will become landlocked as a result of the CDC site plan and the adjacent Taylor Wimpey development. This area has little recreational value as the site stands, and this will be eroded further should the two adjacent developments come to fruition. On this basis of accepting the loss of this area, it is recommended that no further erosion of the retained open space is allowed to ensure that adequate provision for outdoor sports can be retained elsewhere on the site. The development is acceptable with regard to Policy L3, particularly paragraph (iv) of the Local Plan and with regard to the advice in the NPPF.

Design

At present the buildings on the site appear tired and out-dated and therefore the intention to replace them with a more attractive series of structures is welcomed in principle. As with other school redevelopment projects the proposed design is driven by the needs of the pupils and of the neighbouring development. The new building is tightly placed between the CDC site, the Taylor Wimpey development and the Temple Mill school site. The proposed layout, formed round a central courtyard, would be more tightly organised than a sprawling complex of buildings.

Nevertheless, this tight development pattern is more suited to those who require accessibility issues and thus is more appropriate for the needs of the pupils.

The courtyard form is one which meets the needs of the pupils and staff for sheltered areas with circulation space at the heart of the complex. It allows for of sunlight / daylight penetration into the building and provides views out whilst creating an attractive private environment. The layout of classrooms and circulation space, which is generous, is similarly well considered. There would be a pleasant and functional building for all its users.

In architectural terms the building is interesting with care paid to proportions and detailing. The majority of the building is two storeys high and long and this has the benefit of reducing its impact on the surrounding locality and from neighbouring sites.

In summary from a design and streetscene perspective the proposed development is considered acceptable and a significant improvement on the current school buildings. Whilst the building will sit higher and in parts be taller than the existing buildings it will generally result in a more integrated and appropriate development which will meet the complex needs of the student. From a visual perspective the changes are welcomed including with regard to Policy BNE1 of the Local Plan. It is unfortunate that the proposals do not include the CDC site as this building will appear somewhat incongruous in context with the new structures, however it is hoped that a new building on this adjacent site will be forthcoming in the future.

Sustainable and Inclusive Development

Paragraphs 57, 61 and 69 of the NPPF identify the explicit need for development to achieve sustainable and inclusive development which facilitate social interaction. The concept of sustainability is a 'golden thread' which runs through the NPPF and is particularly emphasised in paragraph 93. The development has adopted low energy principles through a solid building envelope design (Insulation values are well beyond those required under Part L2 of Building Regulations, the building will have high levels of air tightness and will benefit from a stringent ventilation strategy). In addition, a Combined Heat and Power Unit (CHP) will support a gas fired boiler plant. In comparison to a notional development which does not incorporate the same best practice energy efficiency measures and sustainability principles, the proposed CHP and renewable energy techniques alone will save 5.4 tonnes of CO² a year. This equates to a reduction in 43.5% less CO². Furthermore, the original development would have required approximately 89million kWhr per year, whereas this development will require some 28million kWhr per year.

Policy BNE7 of the Medway Local Plan 2003 also relate to the issue of inclusive development and access for all. The development has the benefit of a number of accessible areas in which it is expected that the needs children attending the school can be accommodated through the site and within the buildings. The school buildings and surrounding areas will appear as a safe and inclusive environment.

Refuse

One of the significant issues facing the region is the growing amount of waste and

how to manage it. A new approach and a change towards how waste is dealt with will be required. Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) is still relevant and identifies that priority should be given to reduction, re-use and recycling before disposal is considered. This approach is reflected in the Waste Management Plan for England (2013) which supports the planning framework for waste adopted within PPS10. Both documents are noted within paragraph 5 of the NPPF.

The application is supported by a Waste Management Plan which sets out the timeframes for waste processes and strategies to be agreed. In principle it is considered that the proposal is likely to be able to achieve adequate storage space for refuse, that waste can be managed in a sustainable manner and collected appropriately. Subject to a condition, the proposal would be in accordance with PPS10 and Policy BNE1 of the Medway Local Plan 2003.

Crime Prevention in Design

Policy BNE8 of the Medway Local Plan 2003 relates to Security and Personal Safety. It is essential that all sections of the community, especially those who may be vulnerable to crime should feel safe and secure. It is an integral part of the design process to achieve this and developments should seek to design out crime in line with the advice contained in paragraph 58 of the NPPF and paragraphs 10 and 11 of the National Planning Policy Guidance (NPPG). The applicants have designed the scheme with crime reduction / prevention measures in mind and the development has given due reference to Crime Prevention Through Environmental Design (CPTED) matters. Discussions have been on-going between the applicant and Kent Police and the scheme has evolved to one which meets all Secure by Design objectives. On this basis, the development complies with the NPPF, NPPG and Policy BNE8 of the Local Plan.

Amenity

The school building is located some distance from the nearest residential neighbours and would not result in any loss of privacy, light or outlook to them. The main impact on amenity is likely to be the changes to activities and pattern of use of the school site. The change from secondary to SEN use does not require planning permission and therefore cannot be resisted from a planning perspective even if it does result in an change in impact. The effects of the intensification in vehicular traffic are noted primarily in the Highways section. Bearing in mind the former use of the site and the fact that vehicles movements are likely to be confined to specific periods within the morning and afternoon no loss of amenity, over and above that which could occur if the lawful use of the site was to recommence, will result.

Particular attention has been paid to ensuring that the northern element of the schools site respects the amenities of the future occupiers of the adjacent Taylor Wimpey site. On this basis, this aspect of the building has been retained at single storey height, particular as the land level differences could have resulted in a domineering development which would overlook into private amenity space. Instead, the development is respectful of this relationship and those future neighbouring residents will be able to use their private amenity areas without fear of being

overlooked. It is recognised that external lighting can have an impact on amenity and details of lighting have been submitted. Subject to control over the hours and level of lighting, these will be no more detrimental to neighbouring amenity than the existing school buildings and no objection is raised to this element. Overall the impact of the development on amenity is considered acceptable including with regard to Policies BNE2 and BNE5 of the Local Plan.

Lighting

An external lighting assessment has been submitted with the application. The lighting throughout the site will be a combination of 6m high columns to the main vehicular access and parking areas and wall mounted lights attached to the buildings. Concern is raised in relation to the lighting along the western boundary of the car parking area and the northern boundary with the Taylor Wimpey development. It is recognised that external lighting is required on the site but that care is needed to ensure that it does not result in harm to the amenities of nearby future residents. A condition is recommended which requires details of the light spill, and if necessary, details of spill mitigation. Subject to the imposition of the condition, the development is acceptable in regard to the advice given in Policy BNE5 of the Local Plan.

Drainage and Flood Risk

The site overlies a principle aquifer and is within a Source Protection Zone 3 for a water abstraction system. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. These form part of the sustainable drainage system (SUDS) which will be adopted across the site. Southern Water have advised that these cannot dispose into a public foul sewer. Nevertheless, the foul sewerage and surface water disposal approach is acceptable in principle and secures compliance with the NPPF.

Contaminated Land

Paragraphs 120 and 121 of the NPPF and Policy BNE23 of the Medway Local Plan 2003 requires proposals for development on land known or likely to be contaminated to be accompanied by the findings of a detailed site examination to identify contaminants and the risks that these might present to human health and the wider environment.

Given the previous use of the site as a school, it is considered that there is potential for the site to have suffered some contamination. The applicants have submitted a ground investigation and summary of soil contamination in support of their application. On the basis of the sampled information, the site requires little remediation. The process outlined in the submitted documentation is appropriate. With the imposition of a condition which deals with unsuspected contamination, the proposal is considered to be in accordance with the NPPF and Policy BNE23 of the Local Plan.

Trees

An Arboricultural Report including a tree survey, arboricultural impact assessment and tree protection specification has been submitted as part of the application. The site contains many trees, one of which is covered by a Tree Preservation Order. This tree, and those across the rest of the site make a significant contribution to the character and appearance of the area. Smaller trees within the centre of the site area are scheduled for removal, but these are of fairly low visual and arboricultural value and as such their removal is considered acceptable. Fortunately, the protected Lime and many of the trees on the edge of the site are retained. These trees are supplemented with replacement planting, the details of which will be required by planning condition. It is particularly important to reduce the visual impact of the new staff parking area and the existing boundary planting will be strengthened with new trees and shrubs. In summary the impact of the development on trees is generally considered to be acceptable. The replacement planting will be sought for the few trees which would be removed and the existing amenity value of the planting throughout the site will be retained where appropriate. There development conforms with Policies BNE41 and BNE43 of the Local Plan.

Ecology

Under Section 40 of the Natural Environment and Rural Communities Act (2006), *“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states *“the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.”* Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.”*

Natural England has published Standing Advice on protected species and Ancient Woodland. This advise is issued in accordance with:

- Article 16 of the Town and Country Planning (Development Management Procedure)(England) Order 2010 SI2010/2184;
- Section 28(i) of the Wildlife and Countryside Act, 1981;
- ODPM Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their impact within the planning system; and
- The NPPF.

When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The

Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

An Extended Phase 1 Ecological Habitat Survey Report has been submitted with the application. KCC Ecology confirm that the site has limited potential to be suitable for protected/notable species and this has been supported by the submission of a Precautionary Method of Working Statement which outlined how ecological protection measures will be incorporated during pre-construction and construction phases. A condition is recommended which requires ecological enhancements to be incorporated into the development, whilst the lighting scheme should adhere to the Bat Conservation Trust's *Bats and Lighting in the UK*. Nevertheless, in these circumstances there is no objection to the development from an ecology perspective, including with regard to Policies BNE37 and BNE39 of the Local Plan.

Archaeology

An archaeological desk based assessment has been submitted with the application. This suggests that the potential archaeological impact of the development will be low. Although there is evidence for prehistoric and Roman activity within the locality, none has been found close to the development site. This may result from the lack of archaeological investigations in the area, rather than a reflection of the true archaeological potential of the site. On this basis, a watching brief is recommended. In summary the impact of the development on archaeology is therefore considered acceptable including with regard to Policy BNE21 of the Local Plan subject to a condition to secure an agreed programme of archaeological observation.

Highways

Traffic Generation, Access and Internal Layout

The main issue raised by this application is the potential traffic impact. The Transport Statement indicates that the proposed development may generate up to around 360 person trips during the school peak, with 133 vehicle trips during the morning peak and 84 vehicle trips during the afternoon peak. The Transport Statement assesses the capacity of the Brompton Farm Road / Cliffe Road junction with and without these trips and identifies that the mini-roundabout would continue to operate satisfactorily and well within its capacity. It is proposed to utilise the existing access points on Cliffe Road, with the northern access widened to accommodate a pedestrian footpath. Footway connections to the site is also provided from the south, which is linked to the other side of Cliffe Road by a Pelican Crossing. The majority of pupils would be dropped off by minibus. A one-way route around the site would provide sufficient space for a number of minibuses to wait, drop-off and collect within the site and therefore no vehicles will be required to wait on the public highway. The two-way sections of the internal roads will be at least 5.5 metres in width, which would allow two vehicles to pass each other comfortably.

Parking and Parking Restriction

The revised parking layout proposes 134 spaces for staff. The Council's Parking

Standards indicate a maximum provision of 158 spaces, and therefore the application complies with Policy T13 of the Local Plan. Whilst the number of staff exceeds the number of spaces, it is considered that the 134 spaces proposed will be sufficient, taking in to consideration absenteeism, car sharing and the potential for travelling to the site by public transport. Taxi, minibus and cycle parking is also proposed within the site. Existing yellow zig zag lines preserve highway safety in the immediate vicinity of both accesses to the site.

In conclusion, subject to the submission of a travel plan, the highways, access and parking impact of the development is therefore considered acceptable, including with regard to Policies BNE2, T1, T2, T3, T4, T13 and T14 of the Local Plan.

Local Finance Considerations

None relevant.

Conclusions and Reasons for Recommendation

In summary it is considered that the proposed development will result in a substantial upgrade of the educational facilities on site, resulting in a development which will benefit the staff and pupils of the Abbey Court School. The impact of the proposed development has been assessed in detail above including with regard to the design and visual impact, amenity, noise, lighting, air quality, trees, ecology, sustainability, contamination, drainage, archaeology, highways, travel, parking and security and has been found to be acceptable subject to conditions. As such the development is also considered to be acceptable with regard to the advice given in the development plans including Policies S1, S2, L3, BNE1, BNE2, BNE5, BNE7, BNE8, BNE23, BNE37, BNE39, BNE41, BNE43, T1, T2, T3, T4, T13 and T14 of the Local Plan and the National Planning Policy Framework.

This proposal would fall to the determined under delegated powers but is being reported to Planning Committee for determination due to the extent of representation received expressing a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/dconline/AcolNetCGI.gov>