

Appendix 2 to Item D3

APPLICATION DO/06/714 – RETROSPECTIVE APPLICATION FOR THE AMENDED SITING OF A 2 STOREY BUSINESS RESOURCE CENTRE AND RELOCATION OF BASEMENT PLANT ROOM TO GROUND FLOOR LEVEL AT ST EDMUND'S CATHOLIC SCHOOL, DOVER

NOTES of a Planning Applications Committee Members' site meeting at St Edmund's Catholic School on Tuesday, 27 June 2006.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J B O Fullarton, Mrs S V Hohler, Mr G A Horne, Mr S J G Koowaree, Mr T A Maddison, Mr R A Marsh, Mr W V Newman and Mr A R Poole. *Mr K Sansum was present as the Local Member.*

OFFICERS: Mr J Crossley and Mr P Hopkins (Planning) and Mr A Tait (Democratic Services).

THE APPLICANT: St Edmund's Catholic School: Mr C Atkin (Head Teacher); Mr N Thorpe (CTM Architects) and Mrs J Taylor (Lee Evans);

OTHER LOCAL AUTHORITIES: Dover DC: Mr P Francis (Planning).

ALSO PRESENT were some 10 local residents

- (1) The Chairman opened the meeting by explaining that its purpose was for Members of the Committee to see the application site and listen to the views of those present.
- (2) Mr Crossley introduced the application by explaining that the Committee had granted permission for the erection of a business resource centre at the School in December 2005. Following complaints from local residents, it had been discovered that the building was not being constructed in the location for which permission was granted. It had moved 2.9 metres to the south and marginally to the west. *(Local residents disputed these figures, claiming that the real distance was at least 6 metres to the south).*
- (3) Mr Crossley went on to say that the applicants had sought permission to rectify the situation by submitting a retrospective planning application for the new siting. This application also requested the relocation of the plant room from the basement to the ground floor on the north eastern side of the building.
- (4) Mr Crossley then explained that the applicant had proposed a number of mitigation measures including a landscaped buffer zone of semi-mature tree planting, which the applicants had stated would help obscure the building from view. Obscured glazing was proposed to the front elevation to prevent any overlooking of 107 Barton Road. The proposed first floor western

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elevation cladding would also be altered to cedar timber cladding in order to soften the elevation treatment when viewed from the rear western gardens of the site.

- (5) Mr Crossley said that objections had been received from the local residents raising objection to the revised siting on visual amenity grounds. The Committee would need to consider whether the revised siting of the building now rendered the development unacceptable in terms of visual impact, noise disturbance, overlooking or loss of privacy, and whether there would still be adequate space for landscaping, access and vehicle parking.
- (6) Mr Atkin (Head Teacher) said that the community need for the Business Enterprise Centre had been identified by the Learning and Skills Council and others. The Education Authority had contributed £400,000 in recognition of the impact locally in the 14-16 age range. The total cost was in the region of £1.7m.
- (7) Mr Atkin then asked the meeting to consider the educational shortfall in the Dover Cluster. There was no Education Action Zone, Excellence in City or Academy. St Edmund's had no Learning Innovation Grant. There were only two grammar schools and three specialist schools, which could not give the necessary amount of Post 16 education to provide increased student choice and access to Higher Education. Student achievement placed Dover 23rd out of 23 Clusters at Key Stage 1 and 21st at Key Stage 2, whilst the Index of Multiple Deprivation placed it 20th.
- (8) Mr Atkin went on to say that Dover had a high rate of teenage pregnancies and also had a large pool of students with sub L2 GCSE grades. Ten percent of pupils went straight into work and 18% of 16 to 18 year olds were neither in work or full time FE. Work-based Learning was varied in quality and needed to be more consistent. There was a need to offer more courses locally with more flexible delivery. There also needed to be more co-operation between schools in the "Increased Flexibility" initiative to sustain broad A Level options and widen vocational provision. Many highly qualified young people left the Dover area.
- (9) Mr Atkin then said that it was essential to attract local investment into Dover's schools, to introduce skills to meet local business needs at Age 14, to have a clear pathway from Age 14 into local business. In short, there was a need for confident individuals as they would become the business leaders of the future.
- (10) Mr Atkin told the meeting that the Business Enterprise Centre would provide courses in Health and Social Care; Travel and Tourism; Business Studies; Digital Applications; Theatre Studies; Law; Film Studies; Media Studies; Retail, Marketing and Accountancy as well as the School's range of

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specialist subjects. Facilities at the Centre would include Sound and Video editing facilities; a drop-in Internet Café; and a crèche.

- (11) In conclusion, Mr Atkin asked everyone to understand that the decision to apply for a Business Enterprise Centre at St Edmund's had not been taken on a whim. On the contrary, it had been taken after a great deal of study and discussion involving a large number of experts in Education as well as local businesses.
- (12) Mr Fullarton asked whether the distance between the Centre and 107 Barton Road met the provisions of the Kent Design Guide. Mr Crossley replied that the Design Guide gave a figure of 21m for facing windows. If the movement measurement of 3m was correct, this provision should be met. Officers would still need to check that. This would need to be re-assessed if the figure turned out to be 6m instead. It was confirmed that these guideline distances related to distances between residential properties and for windows in habitable rooms.
- (13) Mr Thorpe from CTM Architects said that the misalignment of the building had been an innocent breach of the Permission. The builders had now been instructed to stop work. He added that the scaffolding made the building look larger than it really was as it was up to 6m away from the front of the building. The building design was of the same high quality as that which had recently won the Kent Design Prize.
- (14) Mr Thorpe continued by saying that an access would be provided to the fire exit serving the first floor double classroom area in order to be compliant with the Disability Discrimination Act. The building would incorporate a large classroom, a crèche, an internet café and an admin centre. The first floor would overhang the main entrance.
- (15) Mr Thorpe said that whether the building was 2.9m or 3.1 m nearer than originally intended to 107 Barton Road, its windows would still be more than 21m away from the façade of 107 Barton Road and further than that from the properties to the west. He added that the buildings did not directly face one another and speculated that the glazed windows on the 1st floor of the neighbouring houses suggested that they were probably bathrooms.
- (16) Mr Thorpe went on to say that the applicants were keen to safeguard the privacy of the neighbouring properties and had therefore designed an enhanced landscaping scheme consisting of mature and semi-mature trees, away from the boundary so that it would neither overhang the boundary nor overshoot. There would also be obscured glazing to the front elevation to prevent overlooking towards 107 Barton Road, whilst the western elevation cladding would be amended from metal to cedar timber to soften the appearance when viewed from Stanhope Road.

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- (17) Mr Thorpe then answered questions from Members by saying that the reason the Building Inspectors had not identified the mis-alignment was because the application had been determined by KCC rather than Dover DC (*in any case, the District Council's Building Inspectors were concerned with the integrity of the build rather than with its siting*). Mr Thorpe also explained that the roof of the building would be mono-pitched, sloping to the back.
- (18) Mr Marsh asked whether the local residents were content with the original Planning Permission. A number of local respondents responded that they were not.
- (19) A Dover District Councillor said that he did not accept that the figure of 2.9m was correct for the misalignment of the building. He asked how the error had come about and why the applicants had not stopped building the moment that they realised their mistake. Mr Thorpe replied that there had been differences between the initial survey and the more detailed one mainly relating to the steps at the back of the building. The error had been entirely innocent and an application had been put in immediately to regularise the situation.
- (20) Mr Crossley explained the sequence of events following the granting of the original permission. The Planners had been unaware of the error until they were contacted by one of the local residents. Having verified the information provided, the Planners informed the Architects and advised them to stop working pending consideration of the revised siting. As they were unwilling to do so, they were then warned that they would be continuing at their own risk and that any costs and inconvenience arising from a Planning Refusal would be borne by them. They had finally stopped construction work at the end of the previous week (June 23rd). (*A number of local residents claimed that this was incorrect and that construction work had actually not stopped until this day (27th) – One of architects was alleged to have told the residents that the building would not come down; no matter what was decided by the Committee*).
- (21) The Chairman informed the meeting that he had spoken to the Portfolio Holder for Education and School Improvement the previous week to let him know that work was continuing and strongly urging that work should stop pending the determination of the application. Following this conversation an Officer from the Children, Families and Education Directorate had written to the Head Teacher who had instructed that work should stop.
- (22) Mr Crossley replied to a question from Mr Marsh by saying that the County Council's Regulation Committee had no legal enforcement powers as the applicants were from another part of the same Local Authority. For the same reason, the applicants would not be able to appeal against any decision to

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refuse permission. In that event, the applicants would either have to move the building back to its permitted alignment or take it down altogether.

- (23) The Chairman agreed with the view of many people at the meeting that the distance needed to be re-measured. The Planners agreed to do this following the meeting and suggested that any one who wished to do so could be a witness to this event.
- (24) Mr Sansum (local Member) said that, like the local residents, he had no problem with the project itself. He said that during the consultation period for the original application the local residents had been invited to send letters of objection to a case officer from Dover DC. The Case Officer had since left and these letters had now disappeared. KCC's Planning Officers themselves had only received one letter of objection and had gained a false impression of the strength of objection. He believed that it was wrong and unfair that the original approval had been granted in these circumstances.
- (25) Mr Sansum then said that it was important to properly measure the misalignment to the south. He pointed out that KCC had been aware of the mistake in April and said that despite of this, work had continued until 7pm on the previous day.
- (26) Mr Crossley said that the County Council's Planners had written as part of their normal consultation procedure to 32 local residents about the original application, but had only received one reply. However, that letter and its objections had caused the original application to be reported to the Planning Applications Committee in December 2005. Even allowing for the highly unusual and unverified request from Dover DC's case officer for letters of objection to be sent to her, it would therefore still have been possible for people to have sent any objection letters to KCC, whose notification letter they would have been reacting to. Dover DC had recently been approached by KCC officers over the missing correspondence, but had unsuccessfully attempted to locate the letters that people claimed to have sent them. *(An Officer from Dover DC confirmed that there were no such letters on their file).*
- (27) Mr Marsh said that if any of the local residents had copies of their original letters, they should send them to the Planners in time for the Committee meeting on 15 July.
- (28) Mr Kennard, a local resident from 107 Barton Road said that a crack had appeared on the wall of his kitchen as a result of the work being undertaken on this building. He had informed the architects of this but they had claimed that it had not occurred because of their operations. Mr Crossley said that the Planners would be unable to adjudicate on this claim and that Mr Kennard's best form of action would be to employ an independent qualified Structural Engineer to investigate, if he was unconvinced by the Structural Engineer's

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survey organised by the architects, and then pursue the matter with KCC Property.

- (29) Mr Thorpe replied to a question by saying that the height of the building would be slightly lower (by about 150mm) than that originally permitted. He said that the mistake had been entirely the responsibility of his own company and that the contractors could not be blamed as they had worked off the drawings that they had provided.
- (30) Mr Crossley explained in response to a question from a local resident, that the reference contained in the original report to the Environment Agency's comments on chemical storage was a standard paragraph. It did not imply that chemicals would actually be stored in the building, but was a customary requirement for vehicle parking areas.
- (31) Mrs Taylor from Lee Evans said that as permission had been granted to the original application, there was no issue about the building being located on its present site. She noted that a number of objections from local residents were on the grounds of issues of principle. These could not be issues for the Committee to consider in relation to this particular application. The only issue for the Members to determine was whether or not the proposed new alignment of the building was acceptable. Matters such as amenity impact, overlooking, privacy and size had all been addressed in the original report.
- (32) Mrs Taylor then said that since the building had moved a mere 2 feet towards the western properties, the main consideration was over impact on the property at 107 Barton Road to the south. The applicants had now proposed to plant a hedge to ameliorate the impact on this property. The Kent Design Guide stipulated that the distance between *facing* windows should be at least 21 metres. This target was met by the proposal. In fact, the windows of the two buildings were not directly facing one another. In such instances the Kent Design Guide allowed the distance between them to be as close as 11 metres.
- (33) Mr Thorpe said that he had instructed the contractors to stop work on construction. He assumed that any work that had been done since would be associated with making the site as safe and secure as possible.
- (34) The Chairman thanked everyone for attending. The notes of this visit would be included in the Committee report for the meeting on 18 July. He advised that anyone who might wish to speak at that meeting should contact Andrew Tait from Legal and Democratic Services.

Following the meeting, Members observed the building from the back garden of 107 Barton Road. KCC Officers then carried out a series of detailed measurements to verify the submitted drawings.