

**Modular building for use as a community Children's Centre,
on Land to the corner of Rushenden Road and First Avenue,
Queenborough – SW/07/1184**

A report by Head of Planning Applications Group to Planning Applications Committee on 4 November 2008.

Application by Kent County Council Children, Families & Education for a single storey modular building for use as a community Children's Centre, including a canopied entrance, external storage units, fencing, landscaping, hard surfacing and car parking on Land to the corner of Rushenden Road and First Avenue, Queenborough (SW/07/1184).

Recommendation: Planning permission be Refused.

Local Member(s): Angela Harrison

Classification: Unrestricted

Site

1. The site for development is on the corner of Rushenden Road and First Avenue in Queenborough. It is currently a grassed amenity area with planted borders. There is an existing crossover from First Avenue which provides vehicular access to the rear of properties in First and Second Avenue. The site had previously contained a number of garages, which had been in a poor state of repair, and the area had been used for the dumping of rubbish. The works to transform the site into the green area that it currently is was a combined effort between Swale Borough Council and the local community, a large sign was installed on the site to welcome visitors to Rushenden (which would be retained as part of this proposal) and bollards were erected to prevent further rubbish dumping on the site. Overhead power lines run along the perimeter of the site. *A site location plan is attached.*
2. The site is within a mixed industrial and residential area. The north-east and south-east elevations of the proposed development front on to light industrial units with the other two elevations fronting onto residential properties. The site is not within any conservation or heritage designations and it does not affect any Listed Buildings. The site is located on the boundary of Flood Zone 3 of the Environment Agency's flood risk map. Flood Zone 3 represents areas of potential significant flooding where the statistical likelihood of flooding is equal to or more than 0.5% in any one year.

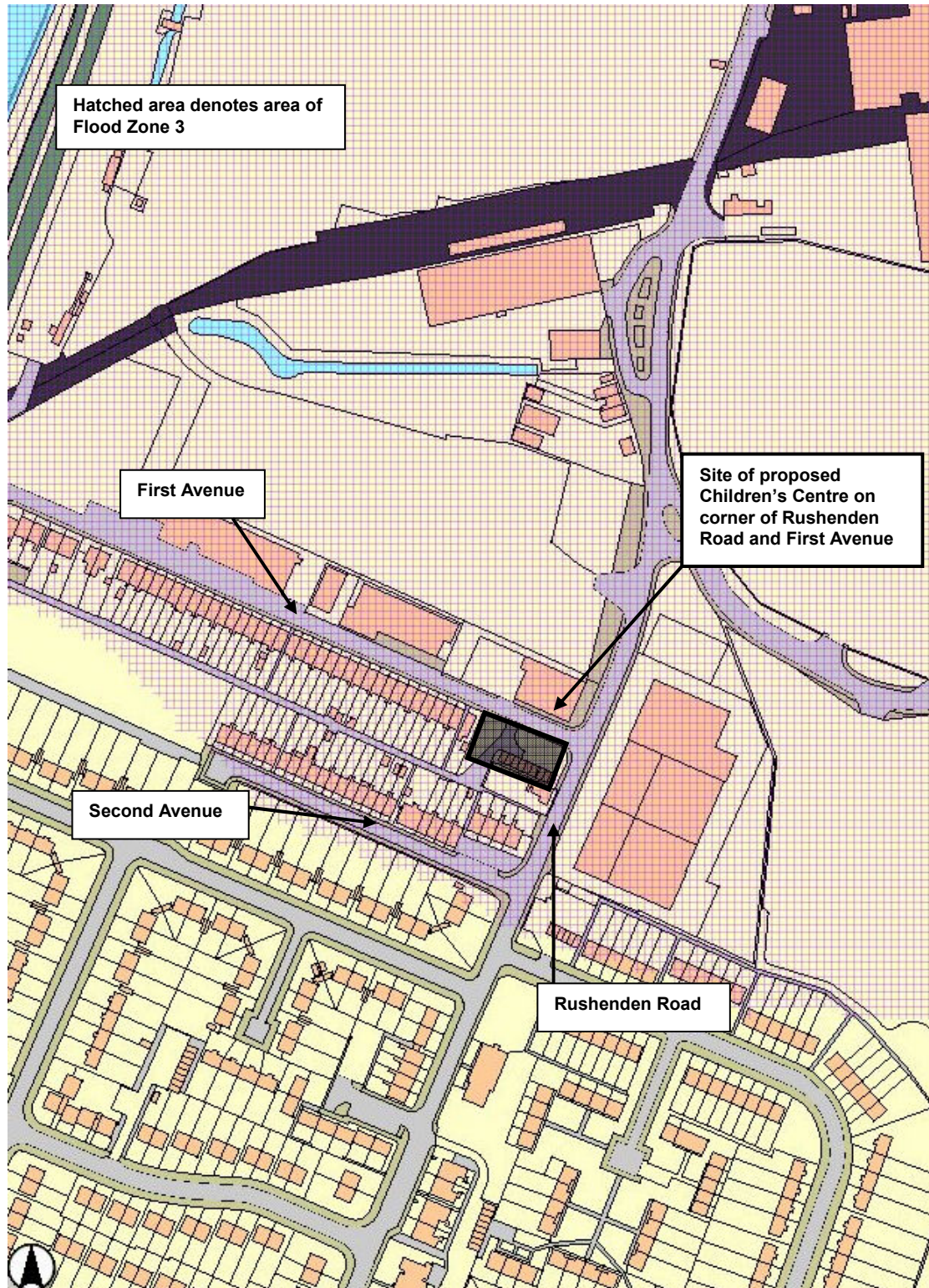
Background and Proposal

3. This application proposes the creation of a half core Children's Centre on part of grassed land adjacent to First Avenue. The half core Children's Centre is to provide a community facility with a canopied entrance, crèche, meeting room, staff accommodation & facilities, together with external works including the provision of buggy and toy stores, an outdoor play area and the provision of 5 car parking spaces and 1 disabled space.

Item D4

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

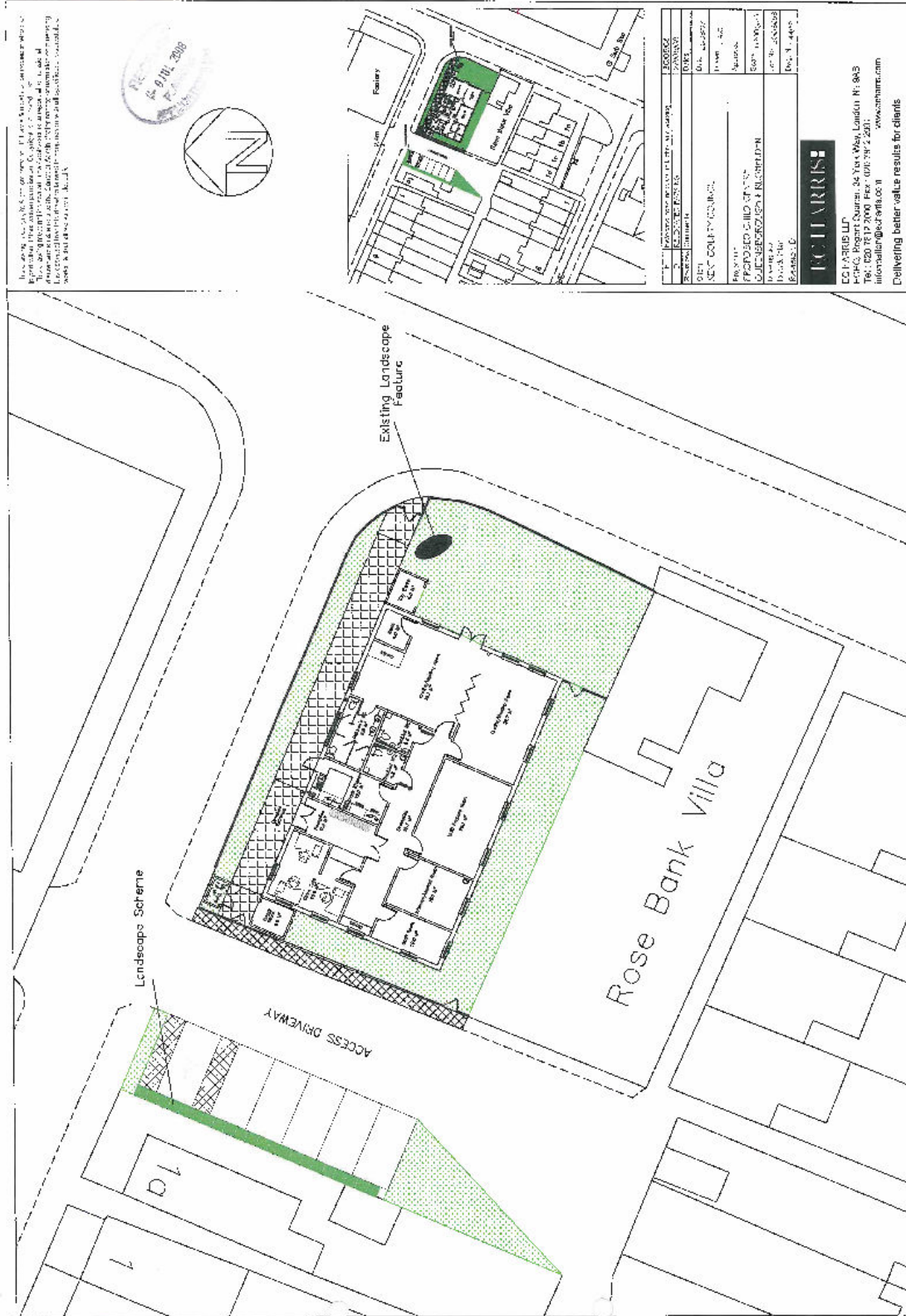
Site Location Plan



Scale 1:2500

Modular building for use as a community Children’s Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

Site Location Plan



Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

4. The application has been made on behalf of the County Council's Children, Families and Education Directorate. The scheme is one of a number of similar applications being proposed across the County as part of Central Government's National Sure Start Programme, funded by the Department for Education and Skills (DfES). The main aim of the Sure Start Programme is to increase the availability of childcare for all children, improve health and emotional development for young children and support parents in their aspirations towards employment. The aim of the Children's Centre is to offer a range of health, adult education and family support services for the local community.
5. The application proposes that the Centre would be open from 08:00 to 18:00 hours, Monday to Friday, 48 weeks of the year. The Centre would employ 3 members of staff on a regular basis with the number rising for special events. The application states that the Centre is expected to generate up to 30 visitors in a normal day, spread out over the 10 hours of operation. It has been stated that only when a particular event, such as a seminar is being provided, would there be a number of people arriving at any one time.
6. The proposed Children's Centre is of a modular building type and would be constructed in major sections off-site and shipped to site and fixed on pre-constructed foundations. The unit has been amended by the applicants to benefit from an 'enhanced' design which proposes vertical cedar cladding wrapped around the corners of the unit with a willow (green) coloured plasticol panelling finish to the rest of the building. The roof is proposed to be a metal flat deck. A plan showing the proposed elevations of the modular Children's Centre can be found on page (D4.5).
7. The application sets out that staff employed at the Centre would be employed from within the surrounding area and would be encouraged to walk to / from work. In addition the application states that where staff would be expected to drive in they would be offered a parking space adjacent to the centre. It is noted that the application states that the Centre has been located to minimise travel distances by being located within the community it is intended to serve, and visitors therefore would be encouraged to walk.
8. The application proposes that the Children's Centre site be surrounded in green powder coated 1.8m high weld mesh fencing. In addition, it should be noted that as part of the current proposals the application seeks the removal of 4 tree saplings, which would, where possible, be retained elsewhere on the site. The existing shrubs to the boundary of the site would also be retained.
9. When the application was originally submitted there were no details relating to flood prevention or protection measures. Following initial consultation with the Environment Agency who raised objection to the proposal, the following statement was made by the applicant:

Due to the location of the centre in an area classified as Flood Zone 3a (High Risk), a Management Plan will be implemented in order to mitigate against this risk. In the event of a flood warning, an automatic alert would be sent from the Environment Agency to the Children's Centre (usually by telephone). A Flood Warning Response Plan will be put in place to ensure that the staff and visitors to the centre will know how to respond to a flood warning; usually by evacuation from the building. This is a procedure, which is already successfully in operation elsewhere where buildings are located in areas categorised at high risk of flooding.

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

Consequently there have been two Flood Risk Assessments (FRA) submitted in support of the application, this report is based on the information contained in the latest FRA.

Planning Policy

10. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) The emerging **South East Plan**:

Policy NRM3: Sustainable Flood Risk Management:

The sequential approach to development in flood risk areas set out in PPS25 will be followed. Inappropriate development should not be allocated or permitted in zones 2 and 3 of the floodplain or areas with a history of groundwater flooding, or where it would increase flood risk elsewhere, unless there is over-riding need and absence of suitable alternatives.

(ii) The adopted 2006 **Kent & Medway Structure Plan**:

Policy SP1 – The primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting the Kent countryside and its wildlife for future generations;
- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments;

Policy QL1 – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

Policy QL11 – Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

Policy QL12 – Provision for New Community Services and Infrastructure – New community services will be located where they are accessible by walking and cycling and by public transport from the area they serve. Whenever practical they will be located in town, district or local centres.

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

Policy NR10 – Development will be planned to avoid the risk of flooding and will not be permitted:

- if it would be subject to an unacceptable risk of flooding or where it would increase the risk of flooding elsewhere;
- where it would prejudice the capacity and integrity of flood plains or planned flood protection or coastal defence measures;
- where it will hinder the implementation of future flood protections or coastal defence measures;
- if it would adversely affect the ability of the land to drain.

Where development is necessary in areas at risk of flooding it should be designed and controlled to mitigate the impact of flood risk.

Policy TP3 – Local planning authorities should ensure that development sites are well served by public transport, walking and cycling, or will be made so by as a result of the development.

(iii) The adopted 2008 **Swale Borough Council Local Plan**

Policy SP1 - In meeting the development needs of the Borough, proposals should accord with principles of sustainable development that increase local self-sufficiency, satisfy human needs, and provide a robust, adaptable and enhanced environment.

Policy E1 - The Borough Council expects all development proposals to:

- accord with the policies and proposals of the Plan unless material considerations indicate otherwise;
- include information sufficient to enable the Council to determine the application;
- respond positively by reflecting the positive characteristics and features of the site and locality;
- accord with adopted Supplementary Planning Documents;
- protect and enhance the natural and built environments;
- be both well sited and of a scale, design and appearance, that is appropriate to the location with a high standard of landscaping;
- meet the highest standards of accessibility and inclusion so that all potential users, regardless of disability, age or gender can use them safely and easily;
- cause no demonstrable harm to residential amenity and other sensitive uses or areas;
- provide safe vehicular access, convenient routes and facilities for pedestrians and cyclists and, where appropriate, enhanced public transport facilities and services;
- integrate security and safety measures within their design and layout; and provide parking and servicing facilities in accordance.

Policy E4 - The Borough Council will not grant planning permission where acceptable sites, consistent with wider sustainability objectives and at lesser risk of flooding, are available to accommodate the development. Where there is considered to be a risk of flooding, the Borough Council will not grant planning permission where the degree of risk of flooding, either to, or arising

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

from, the development, would give rise to adverse impacts upon, or increased risk to, human life, ecosystems, habitats and development, including those resulting from:

1. The impedence of, or increase in, flood flows;
2. The loss of storage volume in the floodplain;
3. The loss of integrity of the flood defences; and
4. Increased surface water run-off from the creation of large impermeable areas.

Where there is considered to be a risk of flooding, development proposals will be accompanied by a flood risk assessment and should:

- a) Incorporate, where necessary, sustainable drainage systems within development proposals and
- b) Include, when necessary, new flood defence and alleviation measures installed and maintained by the developer(s).

Policy E19 - The Borough Council expects development to be of high quality design. Development proposals should respond positively to the following:

- creating safe, accessible, comfortable, varied and attractive places;
- enriching the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening the sense of place;
- making safe connections physically and visually both to and within developments, particularly through use of landscape design, open space to retain and create green corridors for pedestrians, cyclists, and plants and animals;
- making efficient and prudent use of natural resources, including sensitively utilising landscape, landform, biodiversity and climate to maximise energy conservation and amenity;
- providing native (regional or local) plant species for soft landscaping and hard landscaping, surface and boundary treatments that respond positively to the character of the locality.
- providing features and management intended to encourage biodiversity;
- providing a mix of uses through building form, use, tenure and densities;
- providing development that is appropriate to its context in respect of scale, height and massing, both in relation to its surroundings, and its individual details;
- making best use of texture, colour, pattern and durability of materials;
- ensuring the long-term maintenance and management of buildings, spaces, features and social infrastructure;
- achieving flexibility to respond to future changes in use, lifestyle and demography; and
- maximising opportunities for including sustainable design and construction techniques including the use of recyclable materials and sustainable drainage systems, and minimising waste.

Consultations

11. **Swale Borough Council:** Raises no objections.

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

Queenborough Town Council: Whilst the provision of a children's facility in the Rushenden area of the town is to be generally welcomed, there are several points of concern:

- Disappointment at the chosen site – this is a grassed and planted area, which was set aside and developed as a green space with considerable community involvement.
- It is felt that there are more suitable sites available, not least, the adjacent corner plot on Rushenden / Manor Road. Consultation with SEEDA might pave the way to a less sensitive site being made available.
- Serious concerns were raised over the lack of parking space. To mitigate this more onsite parking could be provided if the centre was two storey.
- Access to the rear of properties on First and Second Avenue must be in no way diminished.

Divisional Transportation Manager: has no highway objection to this proposal providing there are safeguards imposed on any planning consent to provide car parking, cycle parking and the provision of pedestrian visibility splays.

Environment Agency: Raises Objection. The EA advises that it is not opposed to the principle of the development at this site, however, the proposal would need to be subject to the Sequential Test in accordance with Planning Policy Statement 25 (PPS 25), the Government's guidance on Development and Flood Risk. Table D.2 (PPS25): Flood Risk Vulnerability Classification classifies the development as 'more vulnerable' and so it would therefore be subject to the Exceptions Test in accordance with Table D.3 (PPS25): Flood Risk Vulnerability and Flood Zone Compatibility. Furthermore, the application should also be accompanied by a Flood Risk Assessment (FRA), as there has been no FRA submitted with this application, the Agency is obliged to object.

Finished floor levels for such developments should be placed at a minimum of 5.4m ODN to take into account the impacts of climate change and sea level rise which is required by PPS25. The FRA should include at minimum a topographical survey in order to establish what floor levels are achievable. The Agency recognises the physical constraints there may be in achieving these floor levels due to the low lying nature of the land, however we are unable to make further comment without knowing the ground levels of the site, which should be demonstrated by a topographical survey contained within the FRA. A Breach Analysis may indicate that a lower flood level is more applicable to the site from which Finished Floor Levels can be based upon. In any case, of primary consideration would be the occupants of the building. Provision should be made for a safe, dry escape route where feasible. Where this is not possible, there should be a safe refuge room appropriate for the numbers of staff and allowing a means of rescue, any safe refuge room should be placed above 5.4m ODN.

The FRA should also include details of flood proofing measures as well as details of any evacuation plans to ensure the safety of workers on site. Floodproofing measures that can be taken to reduce the damage to buildings / property are becoming more common in areas that are subject to flooding. These measures include bringing all electrical services down from the ceilings, raising slab levels, covers for doors / airbricks, solid stone / concrete floors with no voids underneath and no studwork partitions on ground floors.

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

Following the initial response above a Flood Risk Assessment was submitted on this the EA responded as follows:

The Environment Agency **objects** to this application because the flood risk Sequential Test submitted with the application fails to demonstrate that the Sequential Test has been adequately applied. The proposed development also falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. Furthermore, it has failed to meet the requirements of part (c) of the flood risk Exception Test. We recommend that the application should be refused planning permission on this basis.

EDF Energy Networks: has no objections to the proposal, providing their rights regarding access and maintenance to any of their cables within the site is maintained at all times.

Local Member

12. The local County Member, Angela Harrison was notified of the application on the 9 October 2007.

Publicity

13. The application was publicised by posting a site notice and the individual notification of 28 neighbouring residential properties.

Representations

14. I have received 4 letters of representation in respect of this application and the main planning points raised are summarised below:
 - Disappointment was expressed over the location chosen for the centre;
 - The pedestrian access to the centre should not be adjacent to the vehicular entrance; can it not be moved to the front of the site?;
 - Concern was raised that if any alterations were made to the existing access road that it could mean access for residents to the rear of First and Second Avenue being diminished;
 - Important to ensure that access for residents was maintained throughout construction;
 - The comment in the supporting information that the area of land is derelict is untrue. The project to remove the derelict and dangerous garages cost nearly £10,000 and local children undertook all of the planting.

Discussion

Introduction

15. The application seeks planning permission for a community Children's Centre on an area of green amenity space in Queenborough. The application is being reported to the Planning Applications Committee as a result of the objections received from the Environment Agency, Queenborough Town Council and local residents. In considering

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

this proposal, regard must be had to the Development Plan Policies outlined in paragraph (10) above. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance including PPS25 Development and Flood Risk and other material planning considerations arising from consultation and publicity.

16. The proposed Centre is one of 52 similar facilities being applied for by KCC's Children, Families and Education Directorate across the County. The aim of the Children's Centre is to offer a range of health, adult education and family support services to provide for the needs of that particular local community.
17. The application proposes some associated external works in connection with the Centre to include the provision of an external buggy, bin and toy store, a canopied entrance, fencing, outdoor play space and provision of 6 car parking spaces including one disabled space. In order to site the Centre on its proposed location the application proposes the removal of 4 sapling trees which would be replanted elsewhere on the site.
18. The main issues for Members to consider in the determination of this application are the location and siting of the proposed Children's Centre, design, parking / access and the flood risk issues.

Location

19. The site of the proposed development is to the south of the main built up area of Queenborough in the semi-industrial / residential area of Rushenden. The site plan on page D4.2 shows that the site is surrounded on two sides by industrial buildings and on the two sides to the south by residential properties. The area to the south is largely the residential area known as Rushenden, there are also some light industrial units and a number of business / industrial estates to the east and south-east.
20. The site is in a prominent location and would be clearly visible when entering the area from the north, representations from local residents have raised the point that there are more suitable locations within the general locality for such a facility. In response to this the applicant has responded as follows:

"The criteria set by the Sure Start Unit means that the area must be served by a Children's Centre offering the full range of services to 0-5s and their parents. The Area Education Officer was unable to identify any school facility in the area with surplus accommodation that might be used for a Children's Centre. An attempt was then made to use part of the old Jewson's warehouse on Rushenden Road. Due to that site being in an old light industrial area and coupled with a large number of logistical difficulties the site was subsequently dropped. After many discussions with SEEDA it became clear that they were not in a position to offer any site for a 25-year period as required for the Children's Centre, at such an early stage in their overall planning and regeneration strategy for the area. Following consultation with Swale Borough Council and the Sure Start Local Programme in Sheerness, the currently, proposed site was identified as potentially suitable and capable of serving the local community."

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

21. Although the applicant has not definitively ruled out any alternative or available sites in the area, a variety of alternative sites have been considered in the site selection phase. The site is well located to serve the community and meets the applicant's selection criteria. I consider that despite the unfortunate loss of the green amenity space, the longer-term community benefit of the proposal outweighs the negative impact associated with the proposal. Additionally, the major concern from neighbouring residents in relation to the siting and location was that the access to the rear of their properties remained free of obstruction. This point will be addressed later in the Discussion. Therefore in terms of location and siting, whilst I acknowledge the loss of an area of valuable green space in an area of a semi light-industrial nature, I consider that this development is beneficial in meeting the wider needs of the community and is in accordance with Structure Plan Policies SP1, QL11 and Swale Borough Local Plan Policy SP1 relating to sustainable development and provision for the development and improvement of local services in existing residential areas.

Design

22. Members will note that the proposed Centre benefits from an 'enhanced' design of modular building comprising vertical close-boarded oiled cedar panels, extending approximately 450mm above the main roofline and a willow coloured plasticol-panelling finish for the external walls. The roof would be profiled insulated composite steel roof decking, the applicant believes that the combination of materials would give a more 'contemporary and stylish' solution whilst balancing the financial restraints imposed on them. It is noted that this specific design approach has been adopted on a number of such Centres across the County located in sensitive or prominent locations. I am of the opinion that although the building remains fundamentally modular in its construction, the 'enhanced' design improves the external appearance of the proposed building, and accordingly I would not wish to raise objection on design grounds. I recommend that the exact details of any external materials could be secured by planning condition.
23. In addition to the proposed Children's Centre, the application proposes the inclusion of a 1.8m green powder-coated weld-mesh fencing, in design terms I would not seek to raise objection to this element. I am of the opinion that the design and external materials of this proposal are in accordance with Structure Plan Policy QL1 and Swale Borough Local Plan Policy E19 relating to quality of design and the provision of the proposed building would facilitate well the range of health, adult education and family support services that it aims to do in accordance with Structure Plan Policies QL11 & QL12.

Car Parking and Access Issues

24. Members will note that representations were received from two nearby residents of the site who benefit from vehicular access to the rear of their properties which is accessed through the site of the proposed Children's Centre. The representations largely focussed on the need for access to the rear of their properties remaining unrestricted before during and after construction of the proposed Centre. The existing access way would be slightly repositioned to the east of its current position but the applicant has stated that access would not be impeded in any way to the rear of properties in First and Second Avenue. The proposed car parking (see plan on page D4.3) would extend across a section of existing grass space but would not alter the width of the access road at the rear of 1A First Avenue thus not making access any different to the current

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

arrangements. There would be a strip of landscaping retained between the proposed car parking and the boundary with 1A First Avenue.

25. From a policy point of view, it is considered that the proposal meets the requirements of Policies TP3 and QL12 which require that community facilities be grouped together to reduce the need for travel, be easily accessible by walking and public transport. Bearing in mind the views expressed by the Divisional Transportation Manager in paragraph 11 above, I would not raise objection on highway grounds.

Flood Risk Issues

26. Members will note the initial objections received from the Environment Agency detailed in paragraph 11 which outlined that whilst they are not opposed to the development in principle, it needs to demonstrate compliance with PPS 25 - Development and Flood Risk. That includes the need to be subject to the Sequential Test outlined in PPS25. PPS25 states that the Sequential Test must be undertaken in areas at risk of river or sea flooding and that preference should be given to locating new development in Flood Zone 1. If there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3.
27. The proposed development has been classified as 'more vulnerable' (non-residential uses for nurseries and educational establishments) in table D.2 of PPS25 Annex D. This means that the proposed development is also subject to the Exceptions Test, PPS25 states that for the development to meet the Exception Test three key criteria should be met, summarised as follows: a) the development provides wider sustainability benefits to the community that outweigh flood risk; b) the development should be on previously-developed land; c) a Flood Risk Assessment (FRA) must demonstrate that the development will be safe, without increasing flood risk elsewhere and where possible, reduce flood risk overall. The Exception Test should only be applied after the Sequential Test has been undertaken and in the circumstances when 'more vulnerable' development cannot be located in sites within Flood Zones 1 or 2.
28. The original comments received from the EA clearly outlined for the applicant's benefit what details were required in order to potentially make the development acceptable in terms of flooding. However the applicant has not fully taken into account this advice and has not undertaken the Sequential Test or the Exceptions Test as requested by the EA. A basic Flood Risk Assessment was produced, but it did not address the issues raised by the EA causing their original objection to remain.
29. The EA consider the submitted FRA to fail primarily on two points. First, it fails to have passed the Sequential Test. The submitted FRA has used an example of residential development granted under application number SW/03/1011 as justification that the development site is consistent in location type and scale with an allocated site from a development plan which has already been sequentially tested. However the example quoted in the FRA was for 8 residential properties in First Avenue that pre-dates the December 2006 publication of PPS25. They have therefore not been sequentially tested in accordance with PPS25, and there is no evidence within the FRA that other, lower risk sites have been considered, although as stated in paragraph 20 consideration of other nearby sites has been undertaken but discounted.

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

30. As stated in paragraph 27, paragraph D9 of PPS25 makes it clear that all three elements of the Exceptions Test must be passed for the development to be permitted. As mentioned earlier in the discussion there is a clear wider community benefit for the proposal to be permitted as the site was previously developed land. However it is deemed that the submitted FRA fails part C of the Exceptions Test on account that it does not:
- Demonstrate that the development is 'safe' because' the likely depth and impact of potential flooding has not been adequately assessed; nor
 - Address the opportunities presented by this development for reducing flood risk. For example, there are no flood mitigation or resilience measures proposed such as raised floor levels, safe refuge on an upstairs floor or flood resistant construction techniques.
31. The applicant suggests some flood risk mitigation methods in the submitted FRA but the measures are not considered sufficient or robust enough to satisfy the EA. These measures include the introduction of Sustainable Urban Drainage techniques (SUDS) on the development's surface water drainage system to control off-site flows, in order to limit the impact on local drainage systems; such methods could include green roofs and rainwater harvesting. These are considered to have limited scope for reducing site runoff during extreme events due to the small surface area of the proposed building. A Flood Action and Evacuation Plan was mentioned in the FRA that would be in accordance with The EA's Flood Warning Codes of:
- Flood Watch
 - Flood Warning
 - Severe Flood Warning
 - All Clear
32. The key trigger for activating a Flood Action Plan is the receipt of flood warnings from the EA, although these cannot be guaranteed during extreme weather conditions. These flood warnings alert the site occupier to the imminent risk of flooding and allow actions to be undertaken. A Flood Action Plan would include a set of actions to be carried out when a Flood Warning is received and a Flood Evacuation Plan, which would be implemented as a matter of urgency when a Severe Flood Warning is issued. However, to date no formalised plans have been submitted.
33. Although the residential properties permitted under permission reference SW/03/1011 were permitted without the benefit of sequential testing it is worthy of note that whilst they are two storey, in my view it is considered unlikely that the risk to users of the proposed children centre would be any greater than residents of these 8 properties. However this cannot be confirmed due to the Sequential and Exceptions Test not being carried out. Members will note that the rationalised layout of the proposed Children's Centre (see plan on page D4.3), with all rooms located off a single main corridor, would not result in a particularly complex evacuation of the Centre, should the need arise in an emergency situation.
34. The FRA also mentions potential flood protection measures to aid the protection of people and places during a flood event, that could be employed at the proposed development including measures such as raising electrical sockets above flood level and raising floor levels to above flood levels. However, none of the suggested

Item D4

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

measures have been formalised as part of the proposal, and as such there are no formal flood protection measures proposed for the development.

35. Although in planning terms the proposed development is considered *minor*, for the purposes of PPS25 it is classified as *major* development and coupled with its status as a 'more vulnerable' use, should the application be approved against the advice of the EA, it must be referred to the Secretary of State for her to check the general compliance with PPS25 and to consider whether it would be appropriate to call it in for determination.
36. As detailed above, no Flood Action Plan, Flood Evacuation Plan or formal flood prevention methods have been submitted. However, should Members be minded to grant permission, the robustness of the mitigation measures mentioned in the FRA should be weighed against the potential increase to flood risk and whether the wider sustainability benefits to the community outweigh this flood risk.
37. PPS25 is explicit in its requirement for Local Planning Authorities to take into account all material considerations when determining planning applications including that of flood risk. Consequently there has been nominal information provided by the applicant to try and mitigate the flood risk concerns of the Environment Agency, namely by failing to provide a satisfactory FRA and carry out the Sequential Test and Exceptions Test. Therefore in view of the site's location within Flood Zone 3, I have to conclude that the application is contrary to the emerging South East Plan Policy NRM3, Structure Plan Policy NR10 and Swale Borough Local Plan Policy E4 in relation to development in areas of high flood risk. The information currently provided is insufficient to form a considered opinion on the potential flood risk and flood prevention measures and to satisfy the requirements of development plan policy and Government guidance. I therefore, recommend that the application be refused on these grounds.

Conclusion

38. In light of the above consideration, in my view, the proposed Children's Centre would be acceptable in terms of its location/siting, design, parking/access and I do not consider that it would result in an adverse impact on residential amenity. I do not under the circumstances consider the application to be contrary to Structure Plan Policies SP1, QL1, QL11, and Swale Borough Council Local Plan Policies SP1 and E19 relating to quality of design.
39. However, the application site is within Flood Zone 3 and accordingly stringent flood risk mitigation measures must be complied with. To date the applicant has provided insufficient information and an objection is maintained by the EA. Whilst it is acknowledged that the EA is not opposed to the application in principle, there is insufficient information available to reach a decision on the issue of flood risk, and thus, on balance I would echo the objections voiced by the EA and accordingly recommend that the application be refused on flood risk grounds.

Item D4

Modular building for use as a community Children's Centre, on Land to the corner of Rushenden Road and First Avenue, Queenborough – SW/07/1184

Recommendation

40. I RECOMMEND that PLANNING PERMISSION BE REFUSED ON THE FOLLOWING GROUNDS

- i. The development is contrary to the emerging South East Plan Policy NRM3, Structure Plan Policy NR10 and Swale Borough Local Plan Policy E4 in relation to development in areas of flood risk.
- ii. The applicant has failed to satisfactorily demonstrate compliance with PPS25. In particular the Flood Risk Assessment produced does not satisfy the requirements of Sequential Test and Exceptions Test, in accordance with that set out in PPS25 for development sites with Flood Zone 3.

Case officer – Adam Tomaszewski	01622 696923
---------------------------------	--------------

Background documents - See section heading
--