#### SECTION D DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

<u>Background Documents:</u> the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

# Item D1

# Two classroom extension at Joy Lane Primary School, Whitstable – CA/13/2232 (KCC/CA/0322/2013)

A report by Head of Planning Applications Group to Planning Applications Committee on 24 January 2014.

Application by Kent County Council Property & Infrastructure Support for a proposed extension of the existing Infant building to provide two classroom spaces and general purpose office/WC/welfare facilities at Joy Lane Primary School, Joy Lane, Whitstable – CA/13/2232 (KCC/CA/0322/2013)

Recommendation: Permission be granted, subject to conditions.

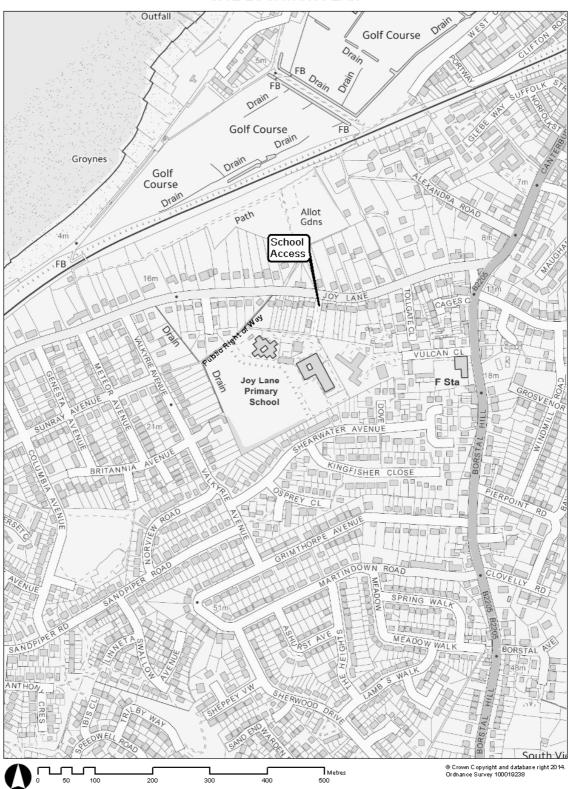
Local Member: Mr M Dance & Mr M Harrison

Classification: Unrestricted

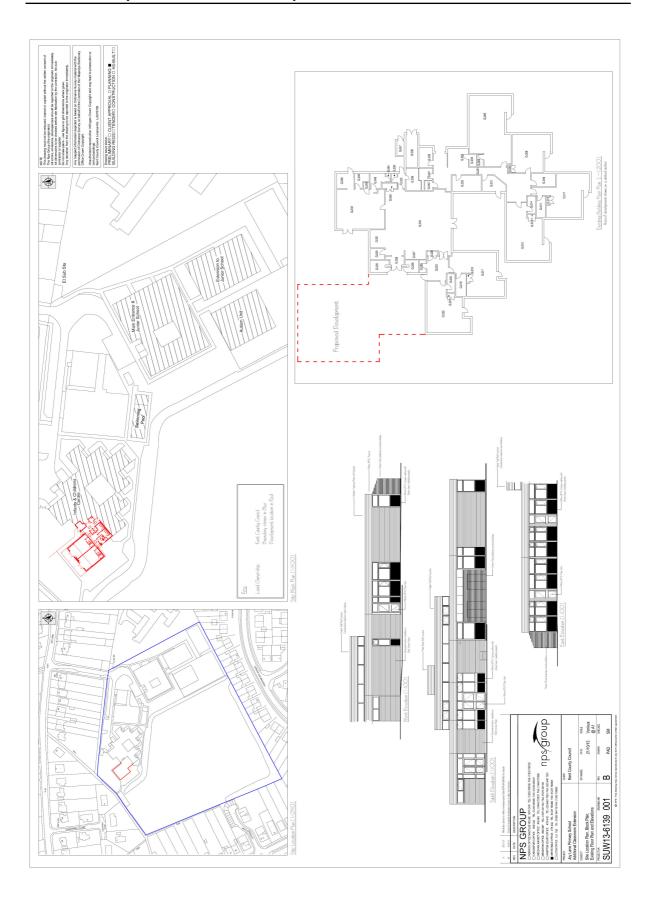
#### **Site/Relevant Planning History**

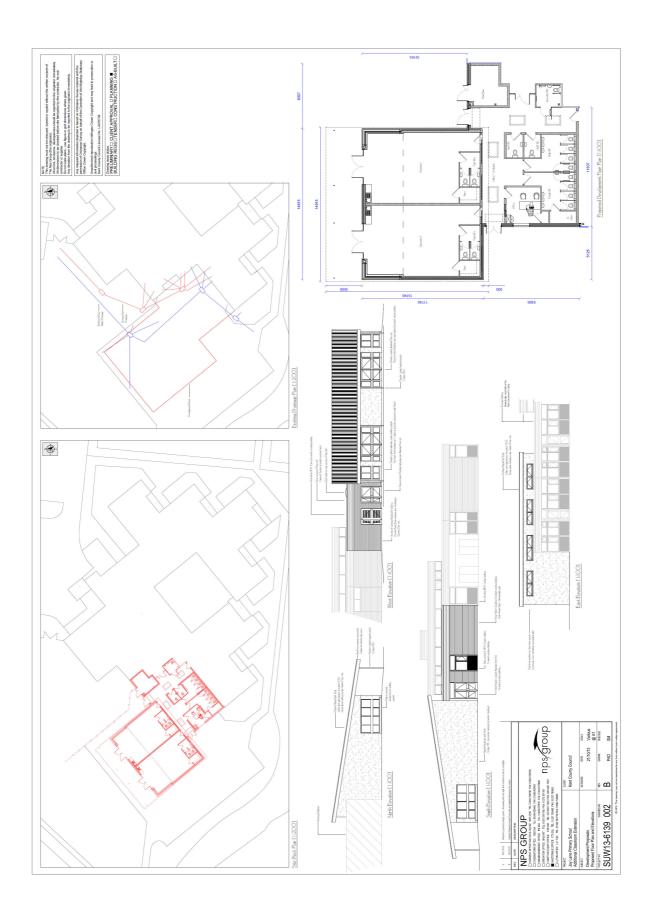
- 1. Joy Lane Primary School is located to the south of Whitstable Town Centre, accessed via Joy Lane which runs east west along the coast between Whitstable and Seasalter. The Primary School lies to the south of Joy Lane, and is sited on a triangle of land which is surrounded on all sides by residential properties. The site is accessed via a long driveway which runs between houses on Joy Lane, and is bounded to the north by properties on Joy Lane which back onto the site. A Public Right of Way runs along part of the school's northern boundary, which connects Joy Lane to Valkyrie Avenue. A gated pedestrian access into the school site is located about half way down this Public Right of Way. Properties in Cundishall Close also lie to the school's northern boundary, separated by the Public Right of Way. Properties in Valkyrie Avenue back onto the school's western boundary, and those on Shearwater Avenue back onto the southern boundary. To the east of the site lies the closed (September 2011) Ledesfield Care Home for the Elderly, a County Council property, accessed via Vulcan Close. A private day nursery is also located on the eastern boundary, to the north of the care home buildings.
- 2. The existing school buildings comprise four main single storey buildings built in 1968, 1971, 1976 and 2012. The most recently completed building was granted planning permission under delegated powers in May 2011, under planning consent reference CA/11/542. That application proposed the construction of a single storey detached building to replace the existing Autism Unit, which was previously housed in a substandard, time expired building. The recently completed Autism Unit is located on an area of existing playground, to the south of the site, and to the east of one of the school's existing buildings. The remainder of the school buildings follow the northern site boundary, separated from it by an access road and a narrow strip of car parking, and it is at the eastern end of this building that the two classroom extension proposed in this current application would be located, upon an existing area of hard play space.
- 3. The boundary of the Whitstable South Conservation Area lies to the east of the school access. The school site is not within the Conservation Area.

A site location plan is attached.



SITE LOCATION PLAN





### **Background and Proposal**

- 4. This application has been submitted by Kent County Council Property and Infrastructure Support and is part of the county wide Basic Needs Programme. The application proposes to extend the existing Infant building, located to the north of the site, to provide two classroom spaces and general purpose office, WC and welfare facilities. The proposed classrooms are expected to be used to accommodate reception age pupils, and would have their own integrated WC and storage areas, wet/craft areas with sink units, and an external play area protected from the sun and inclement weather by the extended roof of the building. In close proximity to the two new classrooms would be further WC facilities, including an independent accessible WC, and office and storage areas. In addition, space reclaimed from the existing building would enable the construction of a dedicated plant room, which would be externally accessible and well placed within the school site to make future maintenance and servicing less disruptive to the school.
- 5. The two classroom extension is proposed to the western end of the existing Infant building, upon an area of existing hard play space. The applicant advises that whilst developing the design for the scheme a careful balance had to be maintained between the existing older buildings on site, and the more modern stand alone Autism Unit. Although the applicant did not have the freedom of design that a stand alone building would convey, the applicant has designed the extension is two distinct parts. The office and welfare facilities, located to the east of the new extension, adjacent to the infant block, would be located within a single storey flat roof element of the new build, which would join onto the existing infant block and follow the same design and roof line. This flat roof element of the extension would link the existing building to the more modern two classroom extension, which is proposed to have a mono-pitched roof and a rendered external finish. The mono-pitched roof would rise in height from the western end of the building, closest to the site boundary, to the east. At the western side of the classroom building the roof line would extend beyond the building line to create a covered play area, and to the eastern end of the roof line the difference in height between the mono-pitched classroom roof, and the single storey flat roofed element of the extension, would enable high level windows to be provided in the eastern elevation. These windows would provide natural light to the classrooms and facilitate cross ventilation.
- 6. The flat roofed element of the extension would measure approximately 11.5 metres by 9.3 metres, and would be 3.4 metres in height, following the existing roof line. The two classroom extension would have a footprint of approximately 15 metres by 11.7 metres, but the roofline would extend a further 3.5 metres beyond the 11.7 metre footprint, to create a covered external play/teaching area. At the western end of the classroom building the roof line would be approximately 2.7 metres above ground level, rising to 4.8 metres at the highest point. The western end of the roofline would be approximately 14.8 metres at the highest point. The western end of the roofline would be approximately 14.8 metres at the furthest boundary at the closest point, and 17.6 metres at the furthest point. As outlined above, the proposed extension would be built upon the existing playground, and would have a gross external square metre floor space of 298sqm. Approximately 242sqm of the playground would be retained.
- 7. The school currently has 44 parking spaces on site, including 6 visitor spaces and 3 disabled spaces. It is not proposed to provide additional car parking or change access arrangements. The applicant advises that the School currently employs 75 staff (53 full time and 22 part time) and that it is not proposed to increase staff numbers as a result of this application. With regard to pupil numbers, the applicant has confirmed that the

pupils that would be accommodated in the proposed extension are already on site but being taught in non teaching areas spaces. No increase in staff or pupils over and above those already on site would therefore arise as a result of this application. I am further advised by the applicant that a second planning application will be submitted in the near future to provide additional classroom space for the September 2014 intake. That application, I am told, would consider and address access and parking matters arising from the expansion of the school in detail.

The application is accompanied by a Design & Access Statement.

# **Planning Policy Context**

8. (i) **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (March 2012), which sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

The NPPF states that, in determining applications, local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- the great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools.

**Policy Statement – Planning for Schools Development** (15 August 2011) sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

#### (ii) **Development Plan Policies**

#### Canterbury District Local Plan First Review: Adopted 2006

- **Policy BE1** The City Council will expect proposals of high quality design which respond to the objectives of sustainable development.
- **Policy BE3** Design statements and/or Development Briefs shall be submitted with planning applications setting out the principles used in the scheme to relate the development within and to its context. This will apply to all planning applications, where the development is visually significant or is significant to its neighbours.

- **Policy BE7** Development within, affecting the setting, or views into and out of a Conservation Area should preserve or enhance all features that contribute positively to the Area's character or appearance.
- **Policy C9** The City Council will apply Kent County Council's adopted Vehicle Parking Standards to development proposals.
- **Policy C11** Proposals for new buildings or uses for local communities to provide social infrastructure will be encouraged and granted planning permission on the basis that any new building is appropriately designed and located, and highway safety would not be prejudiced.

#### Consultations

9. Canterbury City Council raises no objection to the application.

**Kent County Council Highways and Transportation** raise no objection to the application subject to the imposition of a condition regarding the following:

- submission of an updated School Travel Plan prior to the occupation of the development, which must then be implemented as approved and thereafter reviewed on an annual basis to monitor progress in meeting the targets for reducing car journeys.

Public Rights of Way no comments received to date.

#### Local Member

10. The local County Members, Mr M Dance and Mr M Harrison, were notified of the application on the 22 November 2013.

# Publicity

11. The application was publicised by an advertisement in a local newspaper, the posting of 2 site notices and the individual notification of 33 neighbouring residential properties.

# Representations

12. To date, I have received 6 letters of representation from local residents. A summary of the main planning issues raised/points made is set out below:

#### Highways/Access

- Existing car parking and highway problems would be made worse by the expansion of the school;
- Joy Lane, Cundishall Close, Valkyrie Avenue and other local roads are often blocked by parents/carers parking inappropriately, which is not only inconvenient and a nuisance to residents but dangerous;
- A drop off area within the school site should be proposed, along with additional onsite car parking;
- Something needs to be done to address the existing situation, which will only get worse if the school expands, or an accident will happen;

- The behaviour and attitude of some parents towards local residents is poor and not neighbourly;
- Parking/access during the construction phase would be even worse;

Siting/Amenity Matters

- It is believed that the extension is in extremely close proximity to an adjacent property, resulting in an increase in noise and a detrimental impact on views from the property;
- Increased activity on site would result in an increase in noise from the playground, and use of the access via the Public Right of Way;
- The extension is so close to a neighbouring property that the residents would be able to see straight into the classrooms;
- External lighting of the building for security purposes would have a detrimental impact on the privacy and amenity of a neighbouring property;
- The extension is being built on existing playground and no replacement is proposed;
- Some residents do not object to the building itself, and consider the development to be important.

# Discussion

#### Introduction

- 13. This application has been submitted by Kent County Council Property & Infrastructure Support and proposes the erection of a single storey two classroom extension, with associated general purpose office, WC and welfare services. In considering this proposal regard must be had to the Development Plan Policies referred to in paragraph (8) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
- 14. In this case the key determining factors, in my view, are the impact upon residential amenity, the local highway network, and the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on amenity and other material considerations. In the Government's view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in Circular 11/95.

#### Design, Siting, and General Amenity Matters

15. Development Plan Policies promote high quality design, sustainable development, and significant improvements to the built environment. Although no objections to the building design have been received, a local resident has expressed concern regarding the siting

of the development, with regard to loss of privacy, overlooking, and general amenity matters. The proposed single storey extension would be located to the western end of the existing infant building, to the North West corner of the school site, and would provide an additional 298sqm of floor space. The owners/occupiers of the closest residential property to the proposed extension consider the development to be 'extremely close' to their house, impacting upon views from their property, loss of privacy and increased light and noise pollution. First, I must point out that loss of/change of view is not a material planning consideration, although the siting of the development must be considered in terms of amenity and privacy issues.

- 16. The closest residential property is located to the north west of the proposed extension, and is separated from the school site by the Public Right of Way which runs between Joy Lane and Valkyrie Avenue. The school boundary and the boundary of the residential property which border the Public Right of Way are well screened with fencing and planting, none of which is proposed for removal. In addition, the orientation of the neighbouring property, which is a converted bungalow with two dormer windows in the roof of the southern elevation, is such that direct views of the proposed extension would be limited as it would be located to the south east of the property, not directly to the south. There are no windows in the properties western elevation at first floor level, and any views from the ground floor would be severely limited due to existing boundary fencing and planting.
- 17. As outlined in paragraph 6 of this report, the two classroom element of the proposal would have a footprint of approximately 15 metres by 11.7 metres. The roofline would extend a further 3.5 metres beyond the 11.7 metre footprint, to create a covered external play/teaching area. The western end of the roofline would be about 14.8 metres from the site boundary at the closest point, and 17.6 metres at the furthest point. It is the southern corner of the roofline which would be closest to the site boundary, and it is this element of the proposed building which could be visible from the neighbouring property. However, the south eastern corner of the neighbouring property is a further 9.6 metres from the school boundary, including the Public Right of Way, giving an approximate total separation distance between the roof line of the proposed development and the corner of the neighbouring house of 24.4 metres. This exceeds the 21 metre window to window guidance distance provided within the Kent Design Guide (recommended as preventing any undue overlooking or loss of privacy), and it should be noted that window to window distances would be nearer 30 metres. Given the angles of lines of sight, the distances between the neighbouring property and the proposed extension, and the degree of separation afforded by the Public Right of Way, and boundary fencing and planting, I am satisfied that the development as proposed would not have a detrimental impact on the amenity of the neighbouring property with regard to privacy and overlooking.
- 18. As outlined in paragraph 5 of this report, the proposed extension is designed in two distinct parts, a flat roofed element which would follow the roof line of the existing school and match the existing materials, and a more uniquely designed two classroom extension with a mono-pitched roof and rendered finish. Although acceptable in principle, limited information has been provided regarding the colour finishes of the materials proposed. Therefore, in order to control the development and to ensure a satisfactory appearance, I consider that final details of all materials to be used externally should be submitted pursuant to condition, should permission be granted. Subject to the imposition of this condition, I consider that design of the proposed development to be acceptable.

#### Noise

CA/13/2232 (KCC/CA/0322/2013)

19. Concern is also expressed with regard to additional noise disturbance from increased activity on site, and increased use of the pedestrian entrance located along the Public Right of Way. First, as outlined in paragraph 7 of this report, the staff and pupils numbers are not proposed to increase as a direct result of this application. The proposed development is required to provide teaching accommodation to pupils currently being taught in non teaching spaces. Noise from increased activity should not therefore arise. In addition, it should be noted that the proposed building would be built upon an area of existing playground, and the building would not extend beyond the existing playground boundaries. Noise levels could in fact fall slightly as playground space in this area of the site would be reduced, and the accommodation to be provided would be fully insulated and sound proofed. It should also be noted that outside play is only for short periods throughout the day, and is not a constant source of noise. In light of the above, and in considering the existence of both school and residential boundary fencing and planting, I do not consider that this application would lead to an increase in noise nuisance, and see no reason to refuse the application on this ground.

#### External lighting

20. No details have been provided on external lighting for the development, although any such lighting would be limited to security lighting only and would be largely screened from neighbouring properties by existing planting and fencing. However, If permission is granted, it would be appropriate to reserve details by condition so that the type and position of any external lighting can be controlled to ensure any potential nuisance from light pollution can be minimised.

#### Provision of hard play areas

- 21. Local residents have expressed concern over the amount of hard play space on site, and suggest that by building the proposed extension on playground space that insufficient hard play space would remain. The applicant has advised that this matter was considered early in the schemes development, and that calculations show that provisions both prior to and following the development would be satisfactory. I am advised by the applicant that existing hard space place on site amounts to 2024m<sup>2</sup>, and that the development proposed would remove approximately 370m<sup>2</sup> of this. I am further advise that the guidelines within Building Bulletin 99 suggest a provision of 1100m<sup>2</sup> for the pupil numbers currently on site. This guideline would still be exceeded should permission for the extension be granted.
- 22. However, the applicant has further advised that due to the hard play areas on the school site being spread around the school site, a review should be carried out following the completion of the proposed development (should permission be granted) to ensure that the remaining hard play space is suitable for the pupils' needs. Should that review identify that additional hard play space is required for future expansion in pupil numbers, then further hard play would be proposed in a future planning application. The applicant advises that the school site has a surplus in both soft play and sports pitch provision (when compared to the guideline figures), so hard play space could be proposed on such areas in the future. In light of the fact that the proposed hard play provision on site exceeds the current guidelines, and potential future demand has been considered by the applicant, I am satisfied that this matter has been suitably considered and see no reason to refuse the application on this ground.

#### Summary

23. In light of the above, and in summary, I consider that the proposed location of the classroom extension would not be particularly prominent from surrounding residential properties and the scale and massing as proposed is, in my opinion, appropriate and acceptable, complementing and enhancing the existing school buildings. The location of the extension also links well with the existing buildings on site, with only minor internal alterations needed to modify the space to meet the accommodation requirements of the School. Subject to the imposition of a conditions requiring the submission and approval of all materials to be used externally and details of external lighting, I consider the design, siting and massing of the building to be acceptable and in accordance with Development Plan Policies. In addition, I do not consider that the proposed development would have a significantly detrimental effect on neighbouring residential amenity in that regard.

#### Access and parking

- 23. As detailed in paragraph 7 of this report, Joy Lane Primary School currently has 44 on site car parking spaces, including 6 visitor spaces and 3 disabled spaces, and it is not proposed to amend that parking provision or the existing access arrangements in any way. The applicant advises that the School currently employs 75 staff (53 full time and 22 part time) and that it is not proposed to increase staff numbers as a result of this application. Further, I am advised by the applicant that pupil numbers would also not increase as a result of this application as pupils are already on site but being taught in non teaching spaces. The Education Authority has aspirations for the school to expand from 2 Forms of Entry (FE) to 3FE, and I am advised that a further application would be submitted in the near future which would propose accommodation to house the September 2014 intake, and beyond. That application would, I am advised, address access and highway matters in detail. At this time, pupil numbers on site are 428, and this application is seeking to provide appropriate teaching accommodation for those existing pupils only.
- 24. However, this application has met with objection from local residents on access and highway grounds. It is considered that the development would exacerbate existing car parking and highway problems associated with school peak times, including inconsiderate and inappropriate parking on local roads, blocking of driveways, and the poor behaviour and attitude of some parents towards local residents. It is suggested that additional on site car parking and/or a drop off area within the site should be provided. Kent County Council Highways and Transportation are, however, satisfied that the development would not unduly impact upon the local highway network due to the fact that this application does not propose any increase in staff or pupil numbers. The Highway Authority understand that for the school to continue to accept 3FE in September 2014 and beyond, further built accommodation would be required, which would be the subject of a future planning application. The Highways Officer considers that the impact of that further expansion, and the cumulative impact on the highway network, would be considered in the determination of that application.
- 25. Although it is recognised that parents of pupils do park on the local highway, which may be a nuisance for local residents, Kent County Council Highways and Transportation are of the opinion that this application would not increase on street car parking over and above the existing. Unfortunately, parents parking in local roads is an issue associated with all schools, and although considered by local residents to be dangerous and a nuisance, in this instance Kent County Council Highways and Transportation do not consider it to be a highway safety concern. With regard to the behaviour of a small

number of parents, who may park irresponsibly, blocking drives and reducing visibility for other road users, and in some instances being rude to local residents, driver behaviour is not a matter that the Planning Authority can control. However, the County Council's School Travel Planner and the School may be able to provide information to parents explaining the importance of safe parking and general highway safety. This is an important message that the School should relay to parents, in addition to the need to consider local residents when parking. Kent County Council Highways and Transportation have raised no objection to this application, subject to the imposition of a condition requiring the submission of an updated Travel Plan prior to the occupation of the development, which must thereafter be implemented as approved and subject to ongoing monitor and review. The Travel Plan should include monitored targets for reducing car use, but I also consider that the Plan should include initiatives to highlight to parents/carers the impact of inappropriate parking and general highway safety issues. Should permission be granted, an appropriate condition of consent would be imposed to cover these matters.

- 26. It has been suggested by local residents that a drop-off and collection facility, and additional parking, should be created within the school grounds. However, Highways and Transportation consider that such a facility could introduce its own issues that may outweigh any benefit that reducing parking demand in Joy Lane may bring. Making driving facilities easier for parents could encourage more vehicle journeys, as some parents who would otherwise walk or make other arrangements may well find it more convenient to drive in future. Additionally, such a facility would concentrate traffic along the access road and school gates, where pedestrian activity is at its greatest, and could increase the risk of conflict between cars and children. Highways & Transportation advise that the amount of measures required to enable a safe provision of a facility such as this would be disproportionate to the scale of development currently proposed. On balance, therefore, this application is considered acceptable, taking into account the community need for school places, which would otherwise require additional journeys to transport children to schools further afield.
- 27. As staff and pupil numbers on site would not be increasing over the existing as a result of this application, and given the views of Kent County Council Highways and Transportation, I consider that subject to a condition requiring the submission of an updated Travel Plan (to address the matters above), that the development would not have a detrimental impact on the local highway network. I therefore see no reason to refuse the application on this ground.

#### **Construction**

- 28. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also normal on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.
- 29. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. The strategy should include details of the methods of working, location of site compound and operative/visitors parking, details of site security and safety measures and details of any construction accesses and lorry routing. Therefore, should permission be granted, a

Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

30. In addition to the above, should permission be granted, conditions of consent would ensure that dust, noise, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

# Conclusion

31. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. In addition, the development is in accordance with the principles of the National Planning Policy Framework and the Planning Policy Statement for Schools (2011). Subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the local highway network or residential amenity, and would accord with the principles of sustainable development as set out in the NPPF. Therefore, subject to the imposition of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF. Therefore, I recommend that permission be granted subject to appropriate conditions

# Recommendation

- 32. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
  - the standard time limit for commencement of the development (3yrs);
  - the development to be carried out in accordance with the permitted details;
  - details of external materials to be submitted for prior approval;
  - details of external lighting to be submitted for prior approval;
  - protection of trees to be retained during construction works;
  - submission of an updated School Travel Plan prior to occupation, to include targets for reduced car usage and initiatives to highlight to parents/carers the impact of inappropriate parking and general highway safety issues;
  - hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
  - the submission of a construction management strategy, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations;
  - measures to be employed to prevent mud and debris being taken onto the public highway as a result of construction activity.

Case officer – Mary Green	01622 221066

Background documents - See section heading