

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: 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

New canopy to the Reception Class external play area –
Hartlip Endowed Primary School, Hartlip, Sittingbourne –
SW/14/502155

A report by Head of Planning Applications Group to Planning Applications Committee on 21 January 2015

Application by the Governors of Hartlip Endowed Primary School and the Diocesan to install a new canopy to the Reception Class external play area, Hartlip, Sittingbourne (Ref: KCC/SW/0241/2014 and SW/14/502155)

Recommendation: Planning permission to be granted, subject to conditions.

Local Member: Mr M Baldock

Classification: Unrestricted

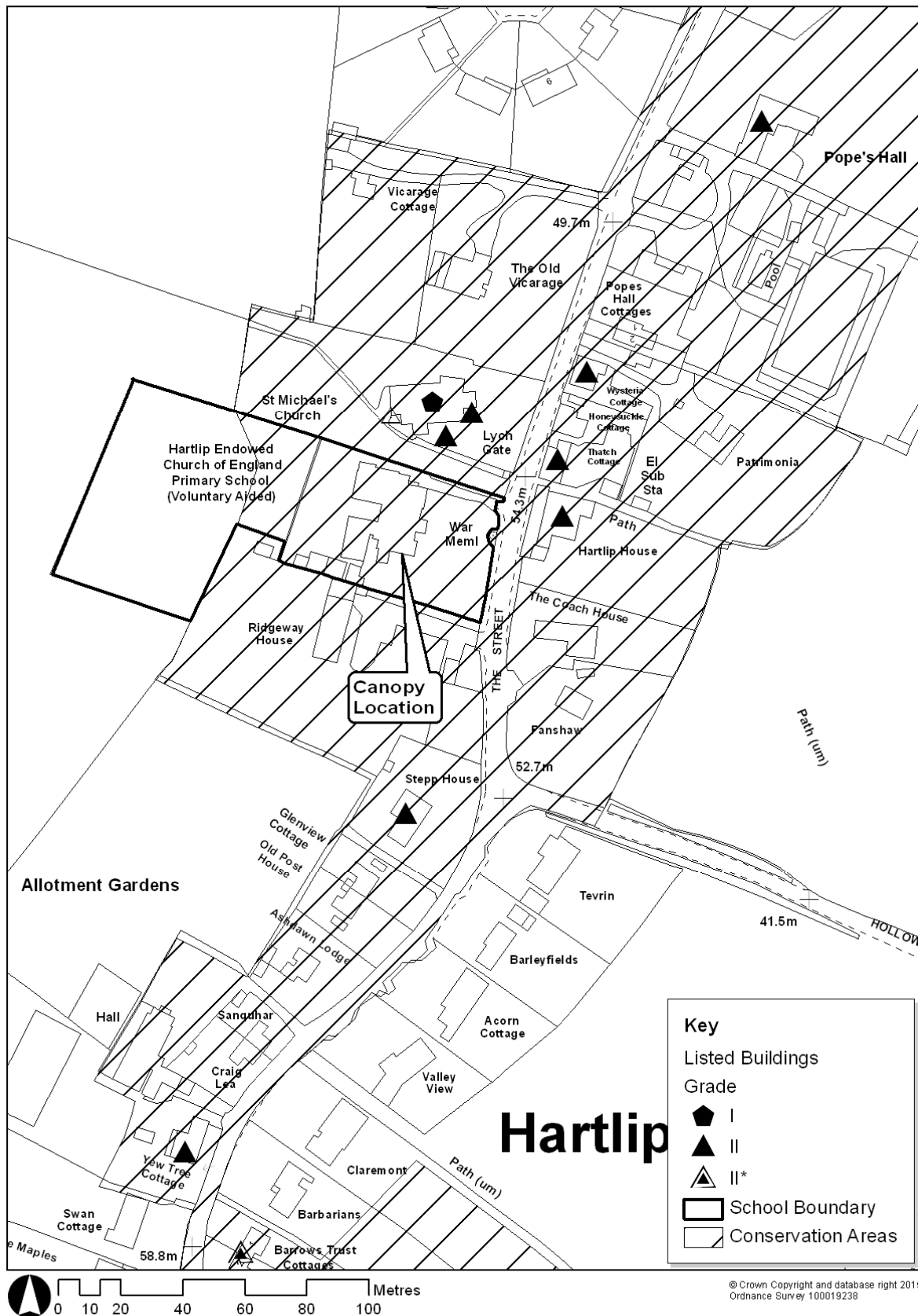
Site

1. Hartlip Endowed Primary School is situated in the centre of the rural village of Hartlip. It is located in the centre of village along The Street, which is the main through road. The school is within the Hartlip Conservation Area and adjacent to the Listed Building of St Michael and All Angels CE Church and a number of Listed Building properties located to the northeast of the school site and to the south a further Listed Building located in close proximity of the school. The school buildings themselves are not listed.
2. The school is set back from the road allowing for a large garden and environmental area to be formed. The war memorial is located to the front of the school site but is separate from the school. The school's main playground is located to the rear of the school site and overlooking fruit orchards. Within this playground and located along the southern boundary are a number of brick and timber clad building providing storage, a garage and playground shelter. These buildings are not visible from the road. Access for deliveries and limited parking provision is provided by a driveway located to the northeast corner and running along the northern boundary. The school's main pedestrian entrance is located to the rear of the school building.

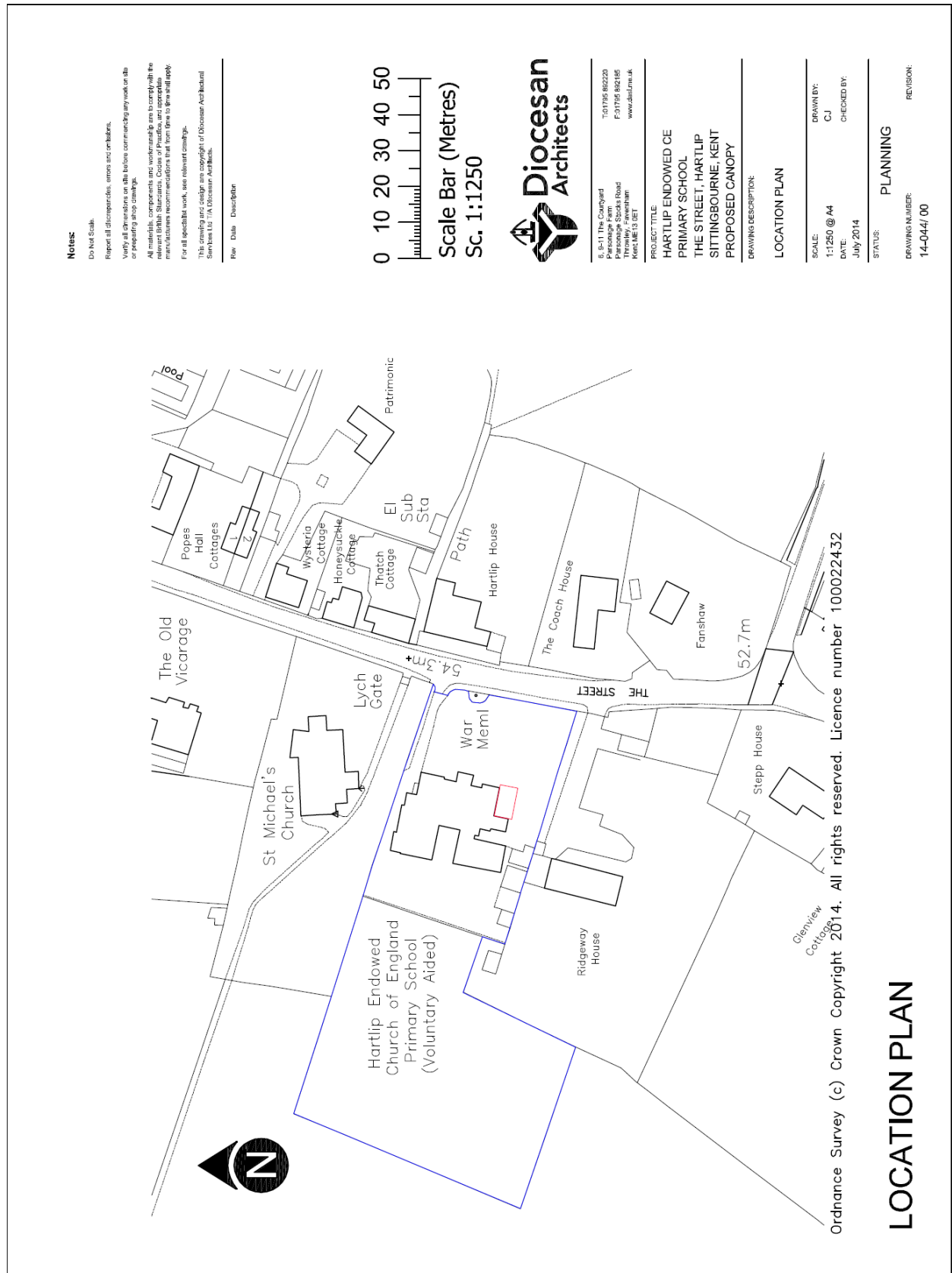
Background and relevant planning history

3. Hartlip Endowed Primary School is a 1/2FE (form entry) Primary School. The school currently consists of an original school building to which has been added a number of extensions to increase teaching facilities and to provide a school kitchen. The kitchen is adjacent to the north boundary of the school site and the Listed Church buildings. The school was constructed in brickwork with plain tile roofing, black rainwater goods and white windows. There is a small area of rendered white walls located to the southeast corner of the school building, and this is the area where the canopy is proposed to be located. It is proposed directly against the external elevation of the main school building, covering a portion of the Reception Class playground area.

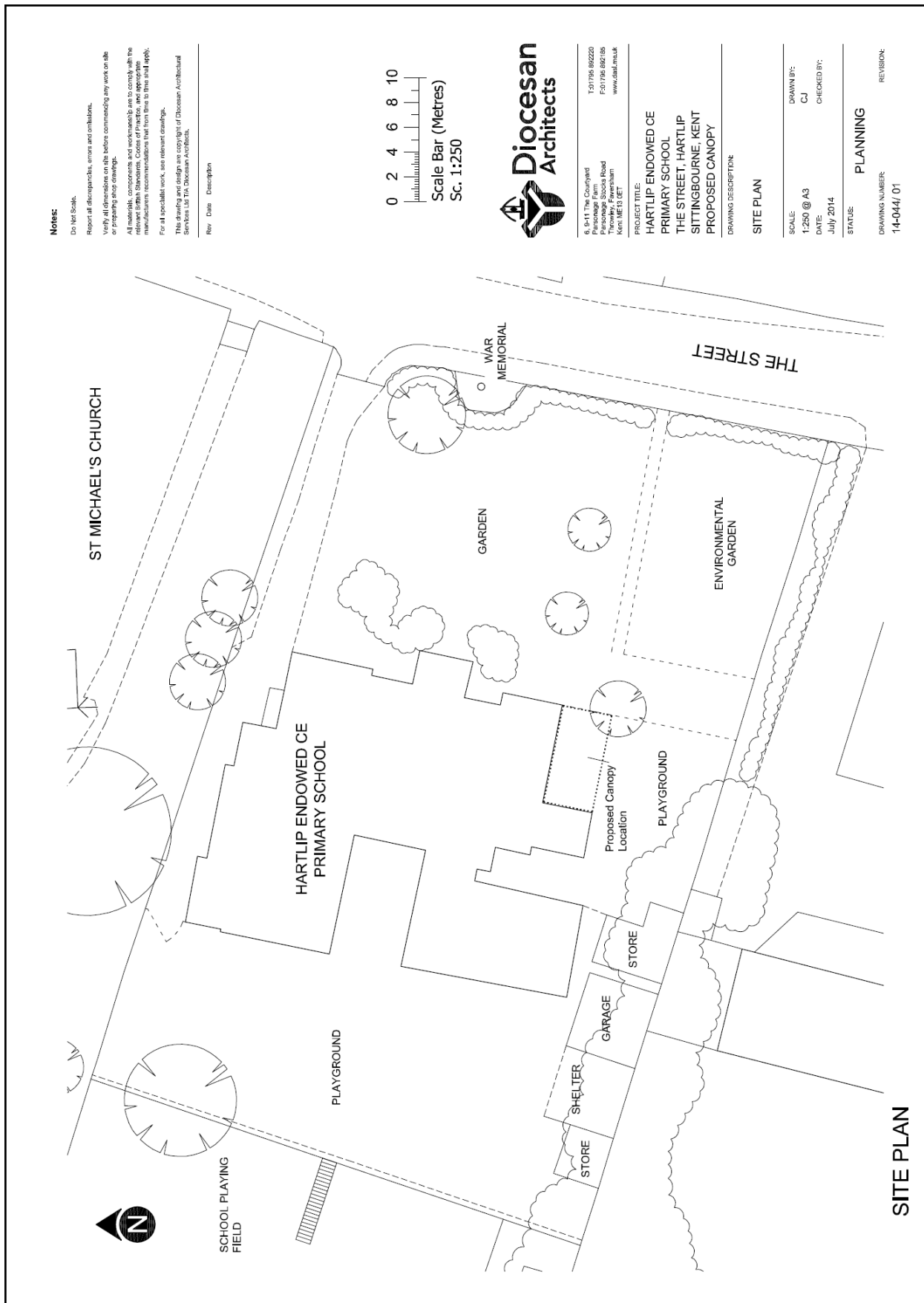
Site Location Plan



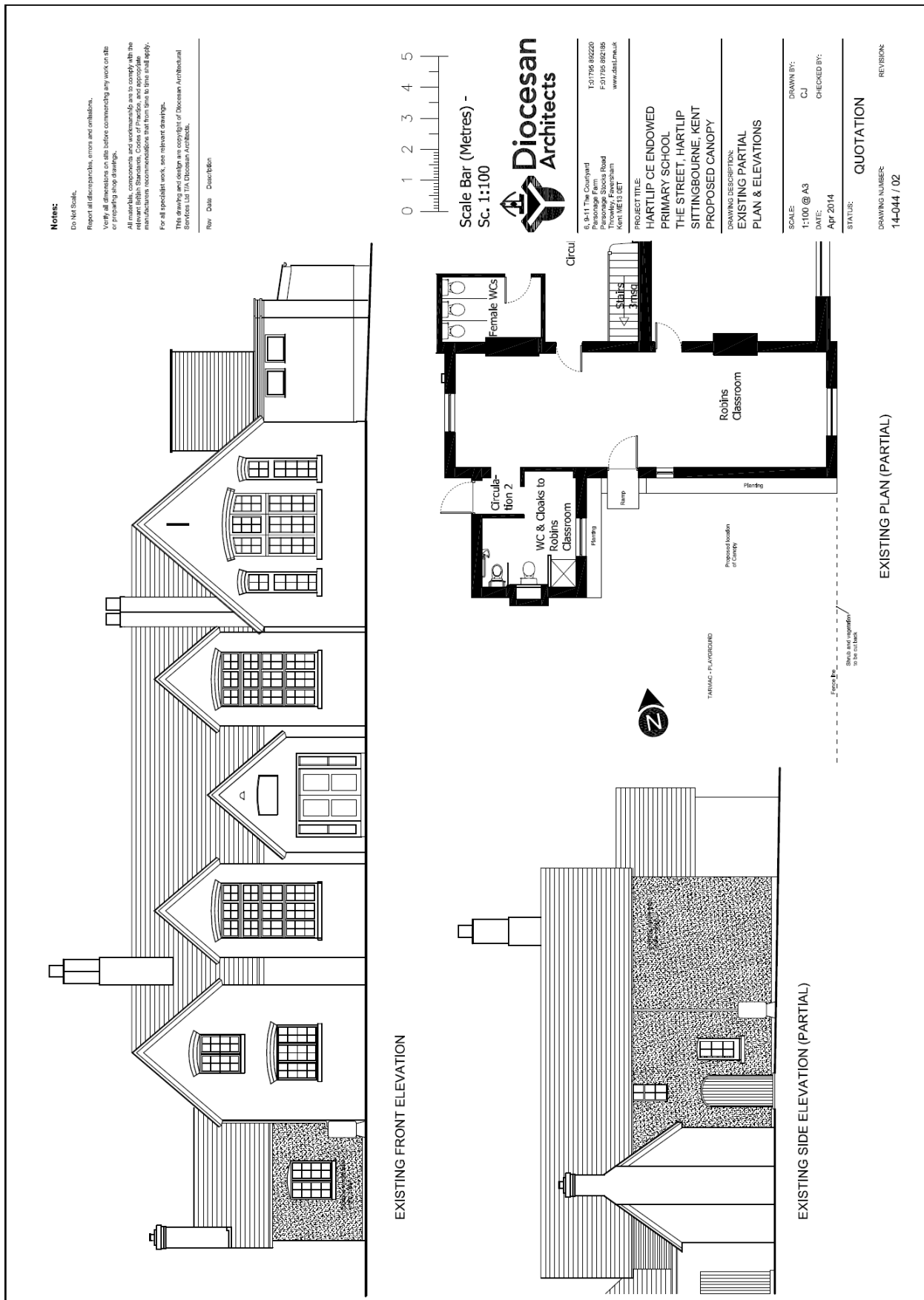
New canopy, Hartlip Endowed Primary School, Hartlip – SW/14/502155



New canopy, Hartlip Endowed Primary School, Hartlip – SW/14/502155



New canopy, Hartlip Endowed Primary School, Hartlip – SW/14/502155





New canopy, Hartlip Endowed Primary School, Hartlip – SW/14/502155

Reception Class External Canopy

Design & Access Statement

APPENDIX A

Site & Building Photographs



South East Building Corner, Proposed Canopy Location



South East Building Corner, Proposed Canopy Location

4. The current school roll is 104 pupils and 5 teaching staff, including the Head Teacher. There are 5 part time teaching assistants and 2 administration staff. There is a further 5 part time supporting staff and a part time caretaker. There are no proposed changes to the current staffing establishment as a result of this planning application.
5. It is a requirement for Reception Class schooling that shading is provided to the external play area to provide safeguarding for the effects of the sun, wind and rain. This shaded play area should be directly accessible from the external door of the classroom to allow the free flow of children between the internal and external environments, so that they may play undercover on sunny or rainy days. This requirement is stated within KCC Nursery and Reception Class Design Brief, where “part of the external space, immediately outside the class/play room should be covered, possibly by extending the roofline, to provide a sheltered activity area. This should also be planned as a transitional area for children who need that safe space before exploring the further reaches of the outdoor area”. This Design Brief also states that the canopy size should be a minimum of 30m² (323ft).
6. There is no recent or relevant planning history to report for this site.

Amendments

7. The planning application has been amended from the original proposal as part of on going discussions from the consultation process. The original planning application proposed to have a red coloured frame for the canopy. This colour was proposed by the School as it is the school's colour. However that drew objections from both the County Council's and Swale Borough Council's Conservation Officers, as well as a local resident raising concern and asking for consideration to be given to the colour of the canopy so that it was sensitive to its surroundings and that it is not obtrusive. Furthermore Swale Borough Council's Conservation Officer also raised further objections, including an objection about the edge of the canopy being visible from the Listed Church Building. Negotiations have taken place with the applicant and the School to reduce both the length of the canopy by 40cm (16ins) (from 8.2m (26ft 11ins) to 7.8m (25ft 7ins)) so that it did not overhang the edge of the school building and to change the colour of the frame from red to black. These changes have been agreed by the School to lessen the visual impact of the proposal. The application has been subsequently amended and it is this amended application will now be outlined below and discussed in this report.

Proposal

8. The application is for the erection of an Ascot Lean-To fabric clad canopy, positioned to the southeast corner and directly against the external elevations of the main school building and covering a portion of the Reception Class playground area. The proposed canopy would measure 7.8m (25ft 7ins) in length and 3.88m (12ft 9ins) in width. As the canopy is proposed to have a curved roof, the height of the frame of the canopy would measure 2.85m (9ft 4ins) at the back of the canopy and 2.1m (6ft 11ins) at the front. The free standing canopy would be constructed from steel framing with a curved roof, which would be polyester powder coated in a black colour. The curved roof would be covered with waterproof, flame retardant coated fabric sheeting, in a white colour. The proposed rainwater goods to the front edge would be black colour coded aluminium and would discharge into the existing rain water butt and onto the playground surface. Although the canopy is to be sited to the southeast corner of the school building which overlooks the garden and The Street, it is considered that the slim nature of the canopy will not affect the general street scene.

9. The canopy would provide shelter for pupils using the Reception Class playground and would enable all year access to both play facilities at break and the planned activities including sand, water and physical needs of the year group. As mentioned in paragraph 5 above, the proposed canopy would enhance the pupil's learning and development experience and would be in accordance with Government's 2012 Statutory Framework for the Reception Class Foundation Stage. This legislation supports the design of school buildings and outdoor areas, promoting ease of access between internal and external spaces. The canopy would provide effective use of the playground space during all weathers.
10. The proposed canopy would therefore cover a portion of the existing Reception Class playground area and there is already a door leading out to this area. This area is already used by the Reception Class pupils for outdoor play and at the end of the school day this is the area where parents wait to collect their children. This proposed canopy would thus also allow for parents to wait under cover.

Planning Policy Context

11. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:
 - (i) **National Planning Policy and Guidance** – the most relevant national planning policies and policy guidance are set out in:

The **National Planning Policy Framework (March 2012)** and the **National Planning Policy Guidance (March 2014)** set out the Government's planning policy and guidance for England, and is a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. The NPPF and its guidance replace the majority of the former Planning Policy Guidance Notes (PPG's) and Planning Policy Statements (PPS's). 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).

In determining applications the NPPF states that 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:

- Supporting a prosperous rural economy by promoting the retention and development of local services and community facilities in villages
- Achieving the requirement for high quality design and a good standard of amenity
- The promotion of healthy communities
- Conserving and enhancing the natural environment, including protecting and enhancing valued landscapes
- Conserving and enhancing the historic environment

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

- (iii) The adopted **Swale Borough Local Plan (Saved Policies) 2008** constitutes the current adopted development for the Borough and can be summarised as follows:

Policy SP1 *Sustainable development:*

Proposals should accord with the principles of sustainable development, and ensure that proper and timely provision is made for social and community infrastructure.

Policy SP2 *Environment:*

Development should avoid adverse environmental impact, and where development needs are greater, adverse impacts should be minimised and mitigated.

Policy E1 *General development criteria:*

Development proposals should accord with the Development Plan unless material considerations indicate otherwise; reflect positively characteristics and features of the site and surroundings; and protect and enhance the natural and built environments.

Policy E14 *Development involving listed buildings:*

Proposals will only be permitted if the building's special architectural or historic interest, and its setting, is preserved.

Policy E15 *Conservation Areas:*

Development proposals within, affecting the setting of, or views into and out of conservation areas, should preserve or enhance all features contributing to its special character or appearance.

Policy E19 *Design quality and distinctiveness:*

Development proposals should be of high quality design and respond positively to design criteria.

- (iv) The draft **Swale Borough Local Plan ('Bearing Fruits')** (August 2013) also contains broadly similar policies on transport, parking, design and general development criteria, but these policies currently carry very little weight, given their draft status and the early stage during the development planning process.

Consultations

12. **Swale Borough Council:** Raises **objection** to the application as the proposed canopy makes little concession to the character of the existing school building in terms of siting, design, materials or colour, and would be highly visible and prominent within the street scene in a manner that would fail to preserve or enhance the character or appearance of the designated Hartlip Conservation Area or the adjacent Grade I Listed Church. The proposal is therefore contrary to Development Plan Policies.

Furthermore detailed comments from **Swale Borough Council's Conservation Officer** have been received and which read as follows;

“The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Hartlip Conservation Area and the setting of the Grade I Listed church and other Listed Buildings.

The village school is a set-piece Victorian gothic school which is well preserved and makes a valuable contribution to the character of the Conservation Area and the setting of the Grade I Listed Building. Any alterations or extensions need to be designed with the sensitive context in mind. The NPPF and Local Plan policies attach great significance to the conservation of designated heritage assets and their settings. The NPPF also requires the planning authority to require applicants to assess the significance of heritage assets and their settings which are affected. The application is incomplete without such heritage assessment.

The design of proposed canopy makes little concession to the character of the school in its design, materials siting or colour. It stands flush with the front elevation in a highly visible location using materials and colours which are alien to their historic and architectural context.

In the first instance I would expect the applicant to have looked at alternative locations for the canopy which have less heritage impact. If alternative locations have been considered and ruled out for good reason then these should be detailed in the Heritage Assessment. If no viable alternatives exist then the impact of the proposal should be reduced by careful design, by setting it back at least 1m from the front elevation and by adopting more subdued colours and materials.

The current proposal fails to preserve or enhance the character or appearance of the Conservation Area or the setting of the Listed Building. I would recommend to County that the application be refused.”

Upon receipt of the revised drawing, showing the canopy reduced in length by 40cm and changing the colour of the proposed frame from red to black, the following comments have been received;

“Our opinion is that simply painting the steelwork black does not go far enough and that it does not show the level of ‘special regard’ that is required by statue. The visual impact of the development would still detract from the architectural quality and symmetry of the original school elevation, particularly at this time of the year when there are no leaves on the trees. It would be a simple matter to set the canopy 1m behind the front elevation. The corresponding increase in width to maintain the same floor area would be 300mm. I remain unconvinced that this has been seriously considered.”

Hartlip Parish Council: Raises no comments.

County Conservation Officer: Raises no objection to the proposal in principle and the white canopy covering will complement the white render. The school is set in the heart of the Conservation Area and is built of yellow stock brick with white window/door joinery and black fascia/rainwater goods. The only exception to this is the walling in the area where the canopy is proposed, which is white painted render.

“I do though have reservations over the colour of the framing (proposed red in the original submission). There is nothing else in the area of such a bright colour and I would suggest it should be black to match the rainwater goods and ‘lose’ the impact. However having said that, bright colours are always popular in schools, especially for young children. As the canopy is set well back from the road behind dense hedging and a 1 metre (3ft) fence, it is feasible that the bottom say metre (3 ft) of each leg could be coloured/decorated. The

coloured parts would not be seen from the road and would provide a visual warning of the posts at child eye height which otherwise might be a hazard”.

Upon receipt of the revised drawing, showing the canopy reduced in length by 40cm and changing the colour of the proposed frame from red to black, the following comments have been received:

“Given that a canopy is needed for educational reasons I believe the siting is the best available in this sensitive area. The issue seems to be how far the canopy should be inset from the corner. The original location plan submitted showed the canopy overhanging the corner. This has now been revised to be inset by 40cm (16 ins). Swale Borough Council have asked for the minimum of 1 metre which the School are contesting as the amount of covered area would be greatly lessened. I am of the opinion as long as the front edge is kept to within the recess then the impact of its setting should be minimal to both the Conservation Area and the Listed church building with a 40cm (16 ins) recess.”

County Archaeologist: Raises no comments.

Local Member

13. The local County Member, Mr Baldock, was notified of the application on 22 July 2014.

Publicity

14. The application was advertised by the posting of site notices, the notification of 10 neighbours, and an advert was placed in the local newspaper on 25 July 2014.

Representations

15. One letter of representation has been received from a nearby resident, raising concern about the application. Whilst this resident wholeheartedly supported the application, he asked for consideration to be given to the colour of the canopy so that it was sensitive to its surroundings and that it is not obtrusive.

Discussion

16. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (11) 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, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF), Planning Policy Statement for Schools Development and other material planning considerations arising from consultation and publicity.
17. This application has been reported for determination by the Planning Applications Committee following the receipt of an objection from Swale Borough Council. The main issues relating to this application are siting, design, materials and colours, and the failure to preserve or enhance the Conservation Area or the adjacent Grade I Listed Church.

Need

18. The applicant has stated that there is a requirement for Reception Class schooling that shading is provided to the external play area to provide safeguarding from the effects of the sun, wind and rain. The shaded play area should be directly accessible from the external door of the classroom to allow the free flow of children between the internal and external environments, so that they may play undercover on sunny or rainy days. There is also guidance which states that the canopy should measure a minimum of 30m² (323 ft²).

Siting, Design, Materials and Colour

19. Swale Borough Council has raised objection to the proposed canopy on the grounds that it makes little concession to the character of the existing school building in terms of siting, design, materials or colour. One representation from a neighbouring property was also received which supported the application but asked that consideration be given to the colour of the canopy.
20. The canopy is proposed in a building recess to the southeast corner of the school building and is sited within the Reception Class external play area and covers the exit door from the classroom to the playground. The proposed location has been carefully considered and would allow the canopy area to be accessed at all times of the day and during all weather conditions. Within the Reception Class play area alternative locations were considered and discounted because the canopy would become more prominent and visual intrusive to the surrounding area, street scene and adjoining owner. The canopy would also not provide protection to the class external door and therefore not be immediately accessible.
21. The design of the canopy was considered to provide a structure that would be lightly framed and self supporting to avoid fixings to the existing building. The smooth curve to the canopy roof was chosen to soften the structure and its use to provide a covered play area for the Reception Class. Alternative canopy designs were considered, with the proposed being selected due to its slim nature, the gentle curved roof, colour flexibility and its cost.
22. The proposed location would also afford a level of concealment of the canopy from the street by the existing trees and shrubbery located within the school grounds. As the roof of the proposed canopy would be white, it would blend in with the rendered white walls in this particular location and the proposed black frame would also complement the existing black rainwater goods. Due to the proposed orientation of the canopy, any view of the canopy would just be a side view of it.
23. Alternative locations have been considered by the applicant but have been discounted for the following reasons. A canopy located to the eastern boundary would be more visible when viewed from the road as it would effectively run parallel to it, increasing its visual intrusiveness into the surrounding area and street scene. It would also be extremely prominent to the adjoining owner, being substantial closer to their boundary and considerably taller than the 1.8m boundary wall. It would also not be directly accessible from the Reception Class external door and therefore fail this standard.
24. The applicant considered that a canopy located adjacent to the southern boundary wall would be extremely prominent to the adjoining owner as detailed above. The canopy works would also require the relocation of existing play equipment and the removal of trees and vegetation. The canopy would not be directly accessible from the Reception Class external door and would therefore fail that standard requirement.

25. Furthermore, the applicant has also considered that a canopy adjacent to the western boundary wall would be extremely prominent to the adjoining owner as mentioned above. The canopy works would also require the removal of trees and vegetation and the alteration of a planting area to extend the tarmac play area. The canopy would also not be directly accessible from the Reception Class external door and therefore fail that standard.
26. Finally, to provide a canopy to the rear school playground was completely discounted by the applicant as this area is used by the older children at play times and it is completely remote from the Reception classroom.
27. Therefore alternative locations have been considered and discounted by the applicant on the basis that the canopy would be far more visible than the proposed location and would have greater heritage impacts. I accept that the proposed location chosen for this canopy is the most suitable and only possible location where this canopy can be located and the most logical in that it is proposed directly outside the Reception classroom and within their playground.
28. In terms of design, the type of canopy chosen has a slim support structure to reduce its appearance. Due to comments raised by both Conservation Officers, the proposed colour of the frame has been changed from red to black, to correlate with the existing building eaves and rainwater goods. The proposed white colour of the canopy fabric has been chosen to merge with the colour of the existing white rendered walls in this particular location of the school. If a different type of canopy and structure was considered in this location, then the canopy would be substantial more 'bulky' and would, I consider, not blend into the recess as much as the proposed free standing canopy.
29. The length of the canopy has already been reduced by 40cm, following the comments from Swale Borough Council and their concerns that the canopy would overhang the edge of the school building and thus may be able to be seen from the Grade I Listed Church, which is located to the north of the school site and is also set back from the street, just like the school building. However I question whether the canopy could be viewed from the Church building as the building line of the school includes a porch area which protrudes beyond the front elevation building line and provides some protection in terms of views of this recess area. The proposed canopy could be viewed in some locations within the curtilage of the Grade I Listed Church, but mainly on entering the grounds of the Church from The Street.
30. Swale Borough Council has commented that by setting the canopy 1 metre (3 ft) from the front elevation would go some way of reducing the visual impact of the development and this would make the canopy more acceptable to the Borough. However this suggestion was put forward to the applicant to consider this further compromise. As mentioned already, the proposed canopy has been reduced in length by 40cm (16 ins), and so to reduce it by another additional 60 cm (2ft) would result in the canopy having to be wider to comply with the minimum canopy size of 30m² (323ft²). As the canopy would have to be wider, then the support legs would have to be positioned beyond the end of the return leg of the building and thus further into the main play area. That is considered to create a greater hazard within the environment with the nature of children's play. Furthermore it is considered that the canopy would become more prominent in the street scene as it would be seen to extend beyond the return leg of the building rather than sitting neatly within the recess formed by the building corner. There is also the further possibility that by making the canopy wider, it could also increase its height or affect the shape of the curve currently detailed.
31. I therefore agree that to reduce the canopy further would result in a revised canopy which might look more prominent within the street scene. I do not consider that any views of the proposed canopy would be detrimental to the views from the Grade I Listed Church. The

school porch protrudes from the front elevation and affords some protection of views of the area where the canopy is proposed. I therefore do not support a proposal to reduce the length of the canopy beyond the current 40cm (16ins) reduction.

32. In terms of the proposed colour of the canopy roof and frame, I support the white colour of the roof material as it would blend in with the existing white rendered walls in this location. I also support the black frame of the canopy and the fact that the colour has been changed from the originally proposed school's choice of a red colour. However I do not support the suggestion that the lower 1 m (3ft) sections of the frame could be painted red to provide some visual warning to children playing around the canopy. I believe that this would be difficult to enforce and more of the frame might get painted red than approved. Therefore to remove this element of doubt, I propose that the whole frame is painted black if in the future there is indeed a problem with children running into the canopy posts, then removable padding could be added to the bottom of the posts and this removable padding could be red in colour.
33. In the light of the above and the fact that the applicant has considered other possible locations for the canopy and discounted them as not being suitable or practical, and that the colour of the proposed frame has been changed from red to black and the canopy has been reduced in length to prevent any possible overhanging of the canopy from the Grade I Listed Church, I see no reason to refuse this application on these grounds, subject to the imposition of a condition that the whole frame is to be painted black.

Heritage Impact

34. As discussed above, the application site lies wholly within the Hartlip Conservation Area and the school site is adjacent to the Grade I Listed Church of St Michael and All Angels. The school is a set-piece Victorian gothic school built of yellow stock brick with white window and door joinery and black fascia and rainwater goods. The only exception to this is that walling in the area where the proposed canopy is proposed which is white painted render. The canopy is proposed to be located against this white rendered wall and to have a white roof so that it will blend in with this rendered wall and the black frame is proposed to blend in with the black rainwater goods.
35. Swale Borough Council has objected to this application as the canopy would be highly visible and prominent within the street scene and in a manner that would fail to preserve or enhance the character or appearance of the designated Hartlip Conservation Area or the adjacent Grade I Listed Church. As mentioned previously, the proposed location of the canopy has been carefully considered and alternative locations have been considered but discounted as not being suitable or practical. Therefore the location proposed in this planning application is the only location where this canopy can be suited as it needs to serve the Reception Class pupils whose playground is located in this recess in the school building. Therefore the requirement within the NPPF to consider the impact of the proposed development and to look at alternative locations has been carried out. However the Borough Council did not consider that this assessment of other proposed locations for the canopy was sufficiently robust so requested that the canopy be reduced further in length to prevent any possible overhanging of the canopy and to adopt more subdued colours and materials.
36. As discussed above, I consider that an assessment of other locations has been thoroughly carried out and the location proposed in this application is suitable. I also consider that colours and materials to be suitable for this free standing canopy. I also consider that the impact upon the Conservation Area has been considered and that a light weight free standing canopy is proposed to be less intrusive than a bulkier and heavier canopy might

be. The canopy is proposed within the building recess which is both well set back from the street and is screened with the existing vegetation within the school grounds.

37. The NPPF states that where a development proposal will lead to a less than substantial harm to the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The School has already demonstrated the need for this canopy to safeguard and provide the very best education possible for the Reception Class pupils and it is required to carry out the National Curriculum. It is debatable whether this canopy will be visible from the Grade I Listed Church and thus fail to preserve or enhance the character of this building or the Conservation Area. I believe that the proposed canopy has been sympathetically designed in terms of style and colour and chosen for its lightweight appearance, which should be concealed from views from the Grade I Listed Church. Whilst I shared the Borough Council's initial concerns about this proposal, I do not agree that the visual impact of the development would detract from the architectural quality and symmetry of the original school elevation, since within the proposed recess of the school there is a white rendered wall which the proposed canopy would sit against and blend into. The school is well set back from the street and well screened with existing vegetation, and the School has agreed to some changes to lessen the visual impact of the proposal. I therefore no longer see reason to refuse this application on heritage grounds.

Conclusion

38. In the light of the strong planning policy presumption in favour of new school development, contained in the National Planning Policy Framework and current Government policy guidance, there needs to be substantial evidence of harm arising from other material considerations in order to outweigh that presumption. In particular, the extent of the harm to the Grade I Listed Church and Conservation Area from the proposed lightweight and free standing canopy has been carefully considered and discussed above. The proposed canopy would provide improved provision for the Reception Class pupils by allowing children to play outside under cover and thus protecting the children from the weather.
39. I therefore consider that there are insufficient grounds to outweigh the presumption in favour of development and accordingly recommend that planning consent be given, subject to the condition to control the development.

Recommendation

40. I RECOMMEND that PERMISSION BE GRANTED subject to the following condition:

- the standard 5 year time limit;
- the development to be carried out in accordance with the permitted details;
- the whole of the frame is to be painted black.

I FURTHER RECOMMEND THAT an informative be added that if required, removable red padding could be added to the frame.

Case officer – Lidia Cook	03000 413353
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Background documents - See section heading
