

A02

F/TH/17/1440

PROPOSAL: Erection of a single storey timber framed therapy and education centre for children with special needs, with associated access and parking

LOCATION:

Quex Park Land Adj To The Secret Garden Nursey Quex Park
Birchington Kent

WARD: Birchington South

AGENT: Mr D Brown

APPLICANT: Mr A Curwen

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered DB/QP/9/1, DB/QP/9/2, DB/QP/9/3, DB/QP/9/4,, DB/QP/9/6 and the Design, Access and Heritage Statement, received 28 September 2017, DB/QP/9/3 received 24 October, 2017, DB/QP/9/6a received 29 November 2017 and, DB/QP/9/1 (Phase 1) received 05 January 2018.

GROUND:

To secure the proper development of the area.

3 Prior to the construction of the external surfaces of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.

4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance

with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

GROUND:

To ensure that features of archaeological interest are properly examined and recorded.

5 Prior to the first use of development hereby approved, full details of both hard and soft landscape works, to include:

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway
- o walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

GROUND:

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

7 Prior to the first use of the development hereby permitted, the location, design and materials of the refuse storage and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The refuse stores and cycle stores shall be provided in accordance with the approved details prior to the first use of the development hereby permitted, and thereafter maintained.

GROUND:

To secure a satisfactory standard of development and in the interests of the amenities of the area and to promote increased cycling, in accordance with Policies D1 and TR12 of the Thanet Local Plan.

8 Prior to the first use of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented and thereafter retained.

GROUND:

To enhance biodiversity in accordance with the NPPF.

9 Prior to the removal of the section of hedgerow shown on the approved plan numbered DB/QP/9/6a received 29 November 2017, the applicant, or their agent, or successors in title, shall secure the implementation of a watching brief for the avoidance of disturbance to breeding birds and reptiles. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved by the Local Planning Authority.

GROUND:

In order to safeguard protected species that may be present, in accordance with guidance within the National Planning Policy Framework.

10 In the event that contamination is found that was not previously identified at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken at that time in accordance with a site characterisation report that shall be submitted to and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority, including remediation measures to render harmless the identified contamination given the end use of the site and the surrounding environment, including controlled waters. The remediation measures shall be implemented as approved and completed prior to the recommencement of works. Prior to the occupation of the approved development and following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the National Planning Policy Framework.

11 Prior to the first use of the development, the area shown on submitted plan DB/QP/9/6a received 29 November 2017 for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area approved shall thereafter be maintained for that purpose.

GROUND:

Development without adequate provision for the parking or turning of cars is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

12 The premises shall be used as a Therapy and Education Centre and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

GROUND:

To secure the use as approved on the basis of the special justification for this particular development in the countryside, in accordance with Thanet Local Plan Policy CC1.

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

SITE, LOCATION AND DESCRIPTION

The site is located within the countryside and within Quex Park to the south of Birchington.

Quex Park vehicular access is located on the eastern side of Park Lane. The application site is approximately 0.2 hectares and is located north of the vehicular access road behind a large hedgerow that runs from east to west along the full length of the site and to the south of the high wall that runs along the boundary of the Secret Garden centre.

The site is current used open grazing land and is only visible from the vehicular access road that extends around the east of the site.

RELEVANT PLANNING HISTORY

The wider Quex Park site has an extensive planning history, with a variety of different leisure and tourism having been granted permission.

There is no planning history for the application site.

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a single storey timber framed building to house a therapy and education centre for children with special needs together with associated access and parking.

Construction of the proposed building is split into two phases, with phase one erecting the western half of the building which has a 'U' shaped design and phase two extending the building with two projections on the eastern side of the property creating an 'H' shaped property.

The area to the south of the site between the access road and the hedge is currently in use as an informal overflow parking area for events at Quex Park. A new access road will be created towards the rear of Quex Barn extending to the north with parking on the western side of the site. The parking area will be situated to the south of the hedge, and a 6m wide access created in the centre of the hedge with the road continuing to the north, across the eastern elevation of the proposed building.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Saved Policies

CC1 - Development in the Countryside (urban and rural confines)
CC2 - Landscape Character Areas
CC10 - Farm Diversification
CF1 - Community Facilities
CF3 - Training Facilities
D1 - Design Principles
D2 - Landscaping
EP13 - Groundwater Protection Zones
HE11 - Archaeological Assessment
HE12 - Archaeological Sites and Preservation
TR12 - Cycling
TR16 - Car Parking Provision

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site. Eleven letters of support were submitted during the application process and a further fourteen letters were submitted directly by the applicant raising the following points:

- o Need for this school following closure of the Royal School for the Deaf

- o Current school needs more capacity
- o Quex park would be a beneficial environment for the children
- o Proposed building would have a minimal impact
- o No impact on tourism at Quex Park
- o No impact upon neighbours
- o Employment opportunities

Birchington Parish Council - No objections

CONSULTATIONS

KCC Archaeology - The site lies in an area of high archaeological potential with cropmarks showing buried archaeological landscapes in land to the south of the development. The development of the new centre including the access and parking works may have an impact on buried archaeology and provision for a programme of archaeological works would be appropriate.

I would therefore advise that any forthcoming consent includes the following conditions:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

KCC Highways - The Highway Authority (HA) raises no objection in principle. The existing site within Quex Park has sufficient capacity to cater for drop off movements off of the public highway, and it is not believed these proposals will lead to any highway safety issues.

I confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:-

1.) Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

2.) Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority. It is recommended that at least 2 cycle parking spaces are provided to encourage staff to travel sustainably to the site.

KCC Biodiversity - We have reviewed the ecological information submitted with the planning application and we advise that sufficient information has been provided to determine the planning application.

We are satisfied with the conclusions of the survey that no specific species surveys are required but instead there is a need for a precautionary approach to be implemented when removing the area of hedgerow to avoid impacting breeding birds and reptiles.

The area of hedgerow must be removed under watching brief of an experienced ecologist - we suggest the following wording.

The removal of the hedgerow must be carried out under the watching brief of an experienced ecologist as detailed within chapter 7 of the preliminary ecological appraisal; Calumma Ecology; December 2017

Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife and the report has made recommendations to enhance the site for biodiversity and we recommend that if planning permission is granted an updated landscaping plan is submitted detailing what enhancements will be incorporated in to the site.

This is in accordance with Paragraph 118 of the NPPF "opportunities to incorporate biodiversity in and around developments should be encouraged".

We suggest the following wording:

Prior to the occupation of the building an ecological enhancement plan must be submitted including the following:

- o What ecological enhancements will be incorporated in to the site
- o Dates of when the enhancements will be implemented
- o Simple management plan to demonstrate that they will be maintained for the lifetime of the development.

Environment Agency - We have reviewed the information submitted and due to the nature and scale of this development, we recommend the following conditions be attached to any permission granted:

Condition

If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the. LPA, details of how this unsuspected contamination shall be dealt with.

Any visibly contaminated or odorous material encountered on the site, during the development work, must be investigated. The Planning Authority must be informed immediately of the nature and degree of contamination present.

Reason: The proposed development site overlies a Principal Aquifer and Source Protection Zone 3.

Surface water drainage

There must be no discharge into land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. There must be no discharge to made ground.

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors. Open gullies should not be used.

Southern Water - The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme

Specify a timetable for implementation

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

TDC Conservation Officer - No objection

Natural England - No comment

KCC SUDS - No comment as this is a minor application.

COMMENTS

This application is brought before members as it is a departure from policies CC1 and CC2 of the Thanet Local Plan.

Principle

The site is non-previously developed land, outside of the urban confines and within the Quex Park Landscape Character Area and therefore saved policy CC1 and CC2 of the Thanet Local Plan 2006 apply. Policy CC1 states that within the countryside new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside. The presumption of sustainable development is also a fundamental principle of the NPPF. There is some allowance for the conversion of existing buildings within the countryside, but the presumption is against new development within the countryside.

Policy CC2 states that at Quex Park new development should respect the historic character of the parkland and development proposals that conflict with this principle will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area.

Paragraph 72 of the NPPF states that 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- o give great weight to the need to create, expand or alter schools; and
- o work with schools promoters to identify and resolve key planning issues before applications are submitted.

Policy CF1 of the Thanet Local Plan supports the provision of new community facilities where the proposal is not contrary to other local plan policies and where the community use and location are demonstrated as being appropriate. Policy CF3 of the Thanet Local Plan states that subject to the environmental, transport and other policies of this plan, proposals for new educational and training facilities will be permitted.

The National Planning Policy Framework requires that Local planning authorities take a proactive, positive and collaborative approach to meeting the needs of existing and new communities by ensuring that a sufficient choice of school places are available. As such, the NPPF requires that great weight is given to the need to create, expand or alter schools.

The applicant has submitted a number of letters highlighting the need for the facilities and the submitted design and access statement notes that this demand has come from the closure of the Royal School for the Deaf in Margate and that the current premises are at capacity and they are having to turn children away. It is acknowledged that an identified need exists for special education needs facilities following the closure of the Royal School for the Deaf. The proposed education and therapy use on the site is considered to be acceptable given the local need for the proposed development and its associated social benefits. The principle of this use is therefore considered to be acceptable, subject to other material considerations such as the impact upon the character and appearance of the area, neighbouring living conditions and highway safety.

Character and Appearance

The building will be constructed from a synthetic slate and corrugated aluminium roof, with black cladding and stained timber doors and windows. Samples of the proposed materials will be requested by condition to ensure the building has a high quality appearance and is appropriate for the character and appearance of Quex Park and the countryside location.

Some views of the proposed building will be available through the access created in the hedge and the road to the east of the site, however as the access through the hedge is to the east of the building, and there is a separation distance of 73m to the main Quex Park access road at the east of the site, it is considered to have limited visibility from the public realm.

There are a number of listed buildings and structures at Quex Park, with Quex Farm cottage, a grade II listed building, the closest. The proposed building is located to the north of the hedgerow and there is a separation distance of 54m from the proposed building to Quex Farm Cottages. The Conservation Officer has raised no objection to the proposed development and due to the scale of development and distance of the heritage assets from the development, it is considered that there will be no significant impact upon the listed buildings or their setting.

The proposed building is considered to have a barn like appearance that you would expect to see within the farm setting, and given the limited visibility of the site, and the existing use of the land to the south as a parking area, it is considered that there will be no significant impact upon the character and appearance of the Quex Park landscape character area or the countryside.

Living Conditions

With regard to the impact on neighbouring residents, the application site forms part of the wider Quex Park estate and is approximately 88m from the closest non-associated

residential occupiers. I therefore consider that the proposed development will not result in material harm to the living conditions of any neighbouring residential property occupiers.

Highway Safety

Quex Park Estate is on the periphery of the village of Birchington, which has good transport links. It is appreciated that the proposed use increases the traffic demand to and from Quex Park as there are limited public transport links from Birchington, however given the needs of the children that would be using the facility, it is likely that most of the journeys by pupils and parents are likely to be by car regardless of the location. The majority of the movements to and from the site are likely to be during school term times when the leisure and tourism attractions at Quex Park are likely to be quietest. KCC Highways have raised no objection to the proposed development as there is sufficient capacity for drop off and pick-ups off the public highway, subject to the permanent retention of the parking and access arrangements shown on the submitted plan and the provision of two secure cycle parking spaces. A plan has been submitted indicating the location of the cycle storage and this will be secured by condition along with the parking arrangement.

In light of the above it is considered that the proposed development will have no significantly detrimental impact upon highway safety.

Other Matters

Following the submission of a detailed ecology report KCC Biodiversity have raised no objection to the proposed development subject to watching brief condition for the removal of the section of the hedgerow and details of ecological enhancements for the site.

The Environment agency and Kent County Council Archaeology have confirmed that they have no objection subject to the attachment of conditions - which are considered reasonable.

Conclusion

In conclusion it is considered that the proposed development would not have a significant impact on its surroundings or residential amenity and accords with Thanet Local Plan Saved Policies CC1 and CC2 and the advice contained within the National Planning Policy Framework. It is therefore recommended that members approve the application, subject to safeguarding conditions.

Case Officer

Duncan Fitt

TITLE: F/TH/17/1440

Project Quex Park Land Adj To The Secret Garden Nursey Quex Park Birchington Kent

Scale:

