
Appeal Decision

Hearing Held on 11 December 2019

Site visit made on 11 December 2019

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 January 2020

Appeal Ref: APP/J2210/W/18/3209455

Former St. Mary Bredin School, Rhodaus Town, Canterbury, Kent CT1 2RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Canbury Holdings Ltd against the decision of Canterbury City Council.
 - The application Ref 17/02456, dated 25 October 2017, was refused by notice dated 17 May 2018.
 - The development proposed is the demolition of the existing building, erection of new student accommodation building comprising of 146 bedrooms in 17 cluster flats, associated facilities and associated external works.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building, erection of new student accommodation building comprising of 146 bedrooms in 17 cluster flats, associated facilities and associated external works at Former St. Mary Bredin School, Rhodaus Town, Canterbury, Kent CT1 2RH in accordance with the terms of the application, Ref 17/02456, dated 25 October 2017, subject to the conditions set out in Schedule 1 of this decision.

Main Issues

2. The main issues in this appeal are:
 - The effects of the proposal on the significance of the City Wall
 - The effects of the proposal in relation to the loss of the existing building and on archaeological remains, including the existing mound.

Reasons

Effects on the City Wall

3. The appeal site accommodates the former school building which sits on slightly elevated ground, adjacent to the dual carriageway of the A28. The building is said to date from around 1860 and was last used for car sales and then a site office for an adjacent development. Beyond the road and sitting behind a wide grassed verge is the City Wall, which is a Scheduled Ancient Monument (SAM) and inside that is the Dane John Mound which is also a SAM. The appeal site sits within the Canterbury City No 1 Conservation Area.

4. Although there is a variety of building styles and sizes on this side of the A28, which sit opposite the City Wall along its length, adjacent to the appeal site is the recently constructed 5 storey Palamon Court which accommodates students. Beyond that is a 4 storey building of Augustine House.
5. From the appeal site, the City Wall appears separated to a significant degree. The busy dual-carriageway of the A28 and the traffic that it carries provides a substantial physical and visual barrier between the City Wall and the appeal site. I have noted the other buildings which have recently been erected nearby which are of 4 or 5 storeys. Although it is not for me to seek to justify them, in my view they have no negative effect on the setting of the City Wall and I have no information before me that the Council differed from this view when considering these schemes. In visual terms, the appeal site sits partly opposite an area where the dual-carriageway begins to widen out in the lead up to the adjacent roundabout; the verge next to the City Wall also widens at this point. Rather than making the appeal site more sensitive, I consider that it displays greater separation from the City Wall, as a result.
6. The proposed building itself would be marginally lower than Palamon Court in parts. It has been designed with a variety of roof forms and provides a vertical emphasis. In my judgement, the proposal is a well-considered design which would be in keeping, or represent an improvement, with its setting. I note that the overall design was supported by Historic England (HE) and I find no reason or evidence to lead me to disagree.
7. As a result of these factors, I consider that the proposal would have no harmful effects on the setting of the City Walls. Therefore, the significance of this historic asset would be preserved by the proposal, consistent with the requirements of Policy HE1 of the Canterbury District Local Plan 2017.

The existing building and archaeology

8. The existing building has some acknowledged historical and architectural interest. It is agreed that it makes a positive contribution to the character and appearance of the Conservation Area. However, I consider that this contribution is limited due to the poor condition of the building and the changes that have been made to its immediate setting.
9. The appellant's evidence, which is acknowledged by the Council, includes an assessment of other possible uses for the building. A detailed viability assessment considered a range of appropriate alternative uses. It also assessed the physical state of the building which would require extensive renovation and structural works. The assessment concludes that, taking account of the costs involved, there is no viable use for the existing building. The Council has specifically agreed this in the Statement of Common Ground.
10. The design of the proposed building is mentioned above but requires specific consideration in relation to its effects on the character and appearance of the conservation area. The design has been carefully arrived through an arrangement of vertical elements which are designed to reflect the divisions within a historic local street. The roof design is varied and reflects these divisions. I consider that it would provide an attractive building of an appropriate scale and complementary design, which would be a positive feature within the conservation area. Taking account of the harmful effects of the removal of the existing building and weighing this against the positive aspects

of the proposed building, due to the factors set out above, I consider that the proposal would have a positive impact on the character and appearance of the conservation area.

11. In relation to archaeological interest, the site lies within a wider Area of Archaeological Importance and has been the subject of, most recently, an evaluation undertaken in 2017. There is evidence that the site contains Norman, late Saxon, Roman and perhaps some prehistoric remains. The significance of these remains would be likely to be affected by the poor survival of them.
12. The proposal would involve the reduction of the ground level to approximately that of the adjacent road and this would remove some potential evidence. In addition, any piling and ground beams would remove ground within their limited extent. Historic England (HE) have provided a consideration of the proposal and I note that whilst they acknowledge that parts of the Norman castle feature fall partly within the site, they indicate that any such remains are likely to be quite degraded and would represent only a small element of the significance of the castle as a whole. HE then adds that any such harm should be weighed against public benefits, including securing the site's optimum viable use. They also indicate that archaeological benefit would be created by providing the opportunity to improve the understanding of the heritage asset. HE was provided with the appellant's Written Scheme of Investigation, which it supported.
13. Taking the above matters into consideration, whilst the proposal would give rise to some harm to this archaeological historic asset, I conclude that harm to be less than substantial. The proposal would bring about public benefits in the form of the viable use of the site as well as providing for a programme of archaeological works which would give a better understanding of any such remains, which could appropriately record and preserve them.
14. I have also taken account of other features within the locality, which have been drawn to my attention, including the Dane John Mound and gardens and the listed structures therein. Having seen these on site and given full consideration to them, I find that the proposal would have no harmful effects. The fact that the proposed building would be seen from the mound and above the City Wall from the gardens, would not involve any harm in my view, due to the appearance and distance of the proposed building.

Other Matters

15. The proposal would bring about a significant contribution to meeting the recognised severe need for purpose-built student accommodation within the area, which is supported by the Local Plan. It would deliver a high-quality building within a sustainable location, whilst replacing the rather run-down existing building. This unused site will be provided with a viable new use.
16. I have taken account of the submitted Unilateral Undertaking, which includes obligation relating to the development being 'car-free', and funding works to the public realm and open space within the vicinity of the site. I am satisfied that its provisions are necessary to make the proposal acceptable and are related in scale and kind to the proposal. Therefore, I shall take them into account in determining the appeal.

Conditions

17. I have taken account of the advice set out in the national Planning Practice Guidance in relation to the use of conditions in planning permissions. The appellant and the Council have agreed a schedule of conditions and I have had regard to these. So that there is certainty, I shall include a condition which identifies the approved drawings. Due to the significance of the existing building and the archaeological remains, a condition to record and investigate within an agreed scheme is justified, as well as one to approve the method of piling works. So that suitable drainage is provided, conditions for approved schemes and the prevention of ground water infiltration are necessary. Conditions in relation to contamination, investigation, remediation and verification are necessary due to the likely presence of contamination.
18. So that the construction process does not give rise to undue effects on the locality, conditions relating to a Construction Environmental Management Plan and to the provision of vehicle turning and wheel washing are necessary. Due to the use of the proposed building, an updated noise impact assessment is required once the types and locations of plant/equipment have been decided, so that residents are not unacceptably affected. So that access and travel arrangements are in place in a timely manner, conditions requiring the access, car parking, bicycle storage and a Travel Plan are necessary. In order to protect against harm to bats, a condition requiring an updated report is necessary, if the existing building has not been demolished by August 2021.
19. In order that provision is made for amenity space in a timely manner, a condition requiring the provision of the roof terrace is necessary. Provisions for bins and recycling should be in place prior to occupation and I have included a condition to this effect. The provision of screen walls and fences is necessary to prevent overlooking and these should be of an agreed design and in place prior to occupation; a suitable condition is included. As the proposal is for a specific sector, I shall include a condition to ensure that its use remains only for student accommodation. Taking account of the possible effects on the locality, I have included a condition which requires the implementation of a Student management Plan.
20. So that the proposal has an acceptable appearance conditions relating to external materials and including details at an appropriate scale, and external lighting are necessary. In the interests of air quality within the building, a condition requiring mitigation measures is necessary. Due to its location and possible use, a condition to control activity on the roof garden is necessary.

Conclusion

21. For the reasons set out above, the appeal is allowed.

S T Wood

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

P Village QC
C Miele
G Hollaway
J Buckwell
C Thomas

FOR THE LOCAL PLANNING AUTHORITY:

C Pragnall

INTERESTED PERSONS:

I Linfield
C Nolan
N Eden-Green
C Tucker
D Vane-Wright
T Carlyle
S Scott

DOCUMENTS SUBMITTED AT THE HEARING:

- 1) Transcript of Members comments at Committee Meeting
- 2) Completed Unilateral Undertaking

SCHEDULE 1 CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the submitted drawings:

Site Location Plan – 15.066-GHA-XX-PL-DR-A-005-S0-00
Existing Site Plan - 15.066-GHA-XX-PL-DR-A-010-S0-00
Existing Ground Floor Plan - 15.066-GHA-XX-PL-DR-A-020-S0-00
Existing Roof Plan - 15.066-GHA-XX-PL-DR-A-021-S0-00
Existing Elevations 01 - 15.066-GHA-XX-PL-DR-A-030-S0-00
Existing Elevations 02 - 15.066-GHA-XX-PL-DR-A-031-S0-00
Proposed Site Plan - 15.066-GHA-XX-PL-DR-A-100-S0-00 Revision A
Proposed Ground Floor Plan - 15.066-GHA-XX-PL-DR-A-200-S0-00
Revision A
Proposed First Floor Plan - 15.066-GHA-XX-PL-DR-A-201-S0-00
Proposed Second Floor Plan - 15.066-GHA-XX-PL-DR-A-202-S0-00
Proposed Third Floor Plan - 15.066-GHA-XX-PL-DR-A-203-S0-00
Proposed Fourth Floor Plan - 15.066-GHA-XX-PL-DR-A-204-S0-00
Proposed Roof Plan - 15.066-GHA-XX-PL-DR-A-205-S0-00
Proposed Elevations 01 - 15.066-GHA-XX-PL-DR-A-300-S0-00
Proposed Elevations 02 - 15.066-GHA-XX-PL-DR-A-301-S0-00
Proposed Long Elevation - 15.066-GHA-XX-PL-DR-A-302-S0-00
Proposed Sections 01 - 15.066-GHA-XX-PL-DR-A-400-S0-00
Proposed Sections 02 - 15.066-GHA-XX-PL-DR-A-401-S0-00
Proposed Sections 03 - 15.066-GHA-XX-PL-DR-A-402-S0-00
Ground Floor – General Landscape Arrangement Plan – 1745_001
Revision H
Roof Terrace – General Arrangement Plan – 1745_002D
Roof Terrace – Planting Plan – 1745_201A
Ground Floor – Sections – 1745_301 Revision C
Roof Terrace – Sections – 1745_302
Ground Floor Tree Pit and Verge Detail – 1745_401 Revision A
Ground Floor Rear Planter Detail – 1745_402A
Roof Terrace Planter and Edge Treatment Detail – 1745_403
Traffic Management Plan (1003 Revision B)

- 3) No development, other than demolition, shall take place until the applicant, or their agents or successors in title have secured the implementation of programme of building recording and archaeological excavation and recording (a Written Scheme of Investigation – WSI), which shall be undertaken in accordance with the approved written specification (Title: Specification for archaeological investigation works on land at the former St Mary Bredin School, Rhodas Town A28, Canterbury Kent CT1 2RH; prepared by Canterbury Archaeological Trust; August 2017. Version: 04 Dated 22/01/2018); and following on from the excavation, any further mitigation measures considered necessary including post-excavation assessment, conservation, publication and archiving.
- 4) No development (excluding demolition or archaeological investigation carried out in accordance with the WSI approved by Condition 3) shall take place until the method of piling (or other invasive) foundations has

been submitted to and agreed in writing by the Local Planning Authority. Any such piling shall thereafter be undertaken in accordance with the agreed details.

- 5) Prior to the commencement of development (excluding demolition or archaeological investigation carried out in accordance with the WSI approved by Condition 3), a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approval given unless otherwise agreed in writing by the local planning authority.
- 6) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- 7) No development (excluding demolition or archaeological investigation carried out in accordance with the WSI approved by Condition 3) shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 8) Any changes to the components outlined in condition 7 should require the express written consent of the local planning authority. The scheme shall be implemented as approved.
- 9) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in

the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

- 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. Prior to the first use 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.
- 11) The development shall be carried out in accordance with the Construction Environmental Management Plan – Revision A (November 2017).
- 12) Provision shall be made for construction vehicle loading/unloading and turning facilities, parking facilities for site personnel and visitors and wheel washing facilities prior to the commencement of construction work on the site and shall be maintained for the duration of the development.
- 13) Before the first occupation of the development an updated noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority once the types and locations of all plant/equipment to be installed have been determined. The updated assessment must show how the target noise levels in Section 7 of the Noise Assessment Report submitted to accompany the application and compliance with the requirements to be 5dB below the existing background level are to be achieved. The development shall then be carried out in accordance with these details.
- 14) The site access as shown on the submitted plans shall be provided ahead of the first occupation of the development and retained in perpetuity thereafter.
- 15) Prior to the first occupation of the development, the parking facilities, as shown on the approved drawings shall be provided and thereafter maintained.
- 16) Prior to the first occupation of the development, the secure cycle parking facilities, as shown on the approved drawings shall be provided and thereafter maintained.
- 17) Prior to the first occupation of the development hereby granted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed programme shall thereafter be implemented in full.

- 18) If the existing structure(s) have not been demolished by Aug 2021 an updated bat report must be submitted to the Local Planning Authority for written approval prior to their demolition. It must include the following:
 - Bat building assessment
 - Results of any required bat emergence surveys
 - Details of any bat mitigation identified during the building assessment or emergence surveys.
 - Timings of proposed works.
- 19) Prior to the first occupation of the development, the roof top terrace, as shown on the approved drawings shall be provided and thereafter maintained.
- 20) The refuse storage and recycling facilities as specified on the approved drawings shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times.
- 21) Prior to the first occupation of the development, details of all screen walls and fences shall be submitted to the Local Planning Authority for its approval and then erected in accordance with these details.
- 22) The development shall not be occupied other than as student accommodation. Other than staff associated with the management, maintenance and security of the development, no person other than a full time student and students attending academic courses attending any institute, college or university within the City of Canterbury shall occupy any part of the development at any time. Such occupation shall be deemed to include any guest, partner or dependent of a student satisfying the above criteria and temporarily resident in the same unit of residential accommodation at the same time as the occupying student. The owner, landlord or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times.
- 23) Before the development hereby approved is first occupied a final Student Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall then be implemented fully in accordance with these approved details.
- 24) Prior to the installation of any external lighting, full details including fittings, illumination levels and spread of light shall be submitted to, and approved in writing by the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.
- 25) Prior to their first use in the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.
- 26) The development shall be carried out in accordance with the mitigation measures outlined within the Air Quality Assessment Report submitted to

accompany the application and the proposed mechanical ventilation and heat recovery systems, including the locations of fresh air inlets, shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

- 27) Prior to the first use of the roof garden hereby approved, the developer shall submit to and receive the LPA's written approval for the:

- hours of use
- noise control, including level for any amplified or live music
- details of privacy screening
- landscaping

Such measures shall be maintained in perpetuity thereafter.

- 28) Prior to above ground works commencing, 1:5/10 details of the following shall have been submitted to the local planning authority and approved in writing:

- the facades;
- roof edges;
- typical fenestration;
- heads, cills and jambs of openings;

The development shall thereafter be carried out in accordance with the details within these approved plans unless otherwise approved in writing by the Local Planning Authority.