

ITEM NO

TO: PLANNING & REGULATORY COMMITTEE –
BY DELEGATION
BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DATE: September 2011

DISTRICT(S) SURREY HEATH BOROUGH
COUNCIL

ELECTORAL DIVISION(S):
Camberley West
Mr Fuller

PURPOSE: FOR DECISION

GRID REF: 486888; 158697

TITLE: SURREY COUNTY COUNCIL PROPOSAL SU11/0540

APPLICATION DETAILS

Site Address

Land at Bristow Infant and Nursery School, James Road, Camberley, Surrey, GU15 2RG

Proposed Development

Construction of timber shelter with polycarbonate roof on north elevation of existing school building.

Applicant

Bristow Infant & Nursery School

Date application valid

19 July 2011

Period for Determination

13 September 2011

Amending Documents

None

BACKGROUND

Site Description

- 1 Bristow Infant and Nursery School is located within the urban area of Camberley on the western side of James Road approximately 0.15 miles north of the M3 Motorway. The school buildings comprise a pitched roof main block built in the early 1960s, an adjoining flat roofed extension and a demountable building used as a library. These buildings and the school grounds in front of them, along James Road, are within a Settlement Area as delineated in the Surrey Heath Local Plan 2000. The Local Plan designates the hardstanding and the playing fields immediately west and south of the buildings as Green Space within a Settlement Area. The school is surrounded by residential uses.

Planning History

- 2 FRI/5173 Erection of a movable classroom (Permitted in March 1963).
NW 12184 Erection of a movable classroom (Permitted in April 1964).
SU/77/573 Erection of a movable classroom (Permitted in September 1977).
SU93/0820 Erection of an entrance lobby and school office extension (Permitted in January 1994).
SU09/0021 Construction of a single storey children's centre, alteration and extension of the school car park and vehicular access, and construction of a new internal footpath (Permitted in March 2009).
SU10/0090 Installation of open sided sun shelter on rear elevation of school buildings (Permitted in April 2010).
- 3 In 1964 a garage type shed for storage of PE equipment was allowed as permitted development because of its small size. In 2004 an extension to the staffroom and a new storage area were allowed as permitted development due to their small size.
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THE PROPOSAL

- 4 This proposal is for the installation of an approximately 24m long and 5m deep rectangular timber shelter along the rear (southwest) elevation of the main school building. The shelter would have a translucent bronze tinted polycarbonate pitched roof sloping from a height of approximately 3.5m adjacent to the building down to about 2.5m on the playground side. The posts would be of pressure treated softwood. The dimensions (apart from the length) and the materials of the shelter are the same as those of an existing shelter which was permitted in April 2010.
- 5 The proposed shelter is intended to provide covered space for outdoor play and learning, offering protection from both sun and rain. Also the shelter would provide a covered location for parents and guardians to wait for their children. The shelter would be erected on the existing surface of paving slabs, and would not hinder access to and from the building. The project also involves the erection of a 1m high wooden picket fence with gates.
- 6 The shelter would extend the existing 16m long shelter which runs along the length of two classrooms. This shelter has been successful in allowing safe 'free flow' learning and play for Early Years pupils in accordance with the national curriculum. The proposed shelter would enable pupils in three more classrooms to have increased opportunity for outdoor learning, quiet reading and talking together.
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CONSULTATIONS AND PUBLICITY

District Council

- 7 Surrey Heath Borough Council: No objection

Consultees (Statutory and Non-Statutory)

- 8 County Highway Authority –
Transportation Development Planning: No objection

Parish/Town Council and Amenity Groups

9 None

Summary of publicity undertaken and key issues raised by public

10 The application was publicised by the posting of 2 site notices. A total of 41 owner/occupiers of neighbouring properties were directly notified by letter. No representations were received.

PLANNING CONSIDERATIONS

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- 11 Bristow Infant and Nursery School is located within the urban area of Camberley. The proposal is to be judged in terms of impact on a Green Space within a Settlement Area, impact on local residential amenity, design aspects and access considerations.
- 12 Pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004, a planning authority must determine a planning application in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the policies of the South East Plan May 2009 and the Surrey Heath Local Plan 2000.

Green Spaces within Settlement Areas

Surrey Heath Local Plan 2000

Policy UE1 – Green Spaces within Settlement Areas

13 Local Plan Policy UE1 does not permit the loss or reduction in size of Green Spaces in urban areas. However, the policy permits proposals for the operational requirements of existing schools provided that any adverse impacts on the function of the Green Space are minimised and there is no conflict with other policies of the Local Plan. The playing fields and hardstanding behind the school buildings are designated as such a Green Space in the Local Plan, based on the visual amenity value and recreational value of these parts of the school site. Officers consider that, as with the adjoining shelter, that proposed is required for the operation of the school and would have no adverse impact on the function of the hardstanding or on playing fields for recreational purposes. In fact it is considered that the shelter would increase the recreational use of the covered area of the hardstanding by enabling it to be used more fully than at present. Officers therefore consider that the proposal complies with this Development Plan policy.

Local Residential Amenity

Surrey Heath Local Plan 2000

Policy CS3 – Provision of Community Facilities within Settlements

14 Local Plan Policy CS3 permits new community facilities in settlement areas where such development has no adverse impact on the amenity of adjoining residential areas. The closest adjoining residence is located more than 25m north of the proposed shelter and it and other residences (including those to the west) would be screened from the development by existing school buildings. Officers consider that any noise generated by the increased use of the area to be covered by the shelter would have a minimal effect on residential amenity. Therefore, Officers consider that the proposal would have no adverse impact on local residential amenity. On this basis, the development complies with this Development Plan policy.

Design Aspects

South East Plan May 2009

Policy BE1 – Management for an Urban Renaissance

Surrey Heath Local Plan 2000

Policy G4 – Design Principles

- 15 *Regional Plan Policy BE1 requires local authorities to use opportunities associated with new development to promote and support design solutions relevant to the local context and which build upon local character and distinctiveness and sense of place. Local Plan Policy G4 requires development to be of a scale, quality, character and materials that are compatible with adjacent development and the surroundings.*
- 16 The proposed shelter would comprise a framework of pressure treated softwood, a translucent polycarbonate roof, fixings of bright plated zinc and stainless steel, and gutters and downspouts of brown plastic. The shelter would tuck underneath the eaves of the host building and would be relatively small in relation to the scale of the building. Officers consider that the design and materials of all elements of the development are of high quality and are appropriate to the type of development. It is also considered that because of its scale and materials, the shelter would not harm the character of the adjoining building or the surroundings and would be compatible with the school buildings. Therefore the proposal complies with the Development Plan policies on design.

Access Considerations

Surrey Heath Local Plan 2000

Policy G7 – Facilities for People with Disabilities

- 17 *Local Plan Policy G7 requires development open to the public to include facilities and access arrangements for people with disabilities. The Design and Access Statement notes that the shelter would not block access in any way, including entrances/exits or access ways. Officers are satisfied that the proposal complies with the Development Plan policy relating to access.*

HUMAN RIGHTS IMPLICATIONS

- 18 The Human Rights Act Guidance for Interpretation, found at the end of this report, must be read in conjunction with the following paragraph.
- 19 Officers consider that the proposed development would have no detrimental impact on local amenity and that the proposal does not interfere with any Convention right.

CONCLUSION

- 20 The proposed shelter would have no adverse impact on local residential amenity. The proposed design and materials are considered suitable and compatible with the adjacent school building. All relevant planning policy tests are considered to have been satisfied. The development is recommended for approval subject to conditions.

RECOMMENDATION

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application number SU11/0540 be PERMITTED subject to the following conditions:

Conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the terms of this permission and the following plans:

Location Plan received on 19 July 2011

Site Plan received on 19 July 2011

Block Plan & Elevations received on 19 July 2011

Reasons:

1. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development in accordance with Surrey Heath Local Plan Policy G4.

Informatives:

1. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as approval under the Building Regulations 2000 or for the purposes of any statutory provision whatsoever.
2. The attention of the applicant is drawn to the requirements of Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and to Design Note 18 'Access for Disabled People to Educational Buildings' published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note.

THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (ENGLAND) (AMENDMENT) ORDER 2003

Reasons for the grant of planning permission and development plan policies/proposals relevant to the decision.

1. The development will provide the following benefits: providing covered space for outdoor play and learning and providing cover for parents waiting for pupils;
2. The development is in accordance with the development plan policies so far as they are relevant to the application and there are no material considerations which indicate otherwise; and
3. Any harm can be adequately mitigated by the measures proposed in the application and the conditions subject to which planning permission is granted.

The proposal has been considered against the following development plan policies/ provisions:

The South East Plan May 2009:

Policy BE1 – Management for an Urban Renaissance

Surrey Heath Local Plan 2000:

Policy UE1 – Green Spaces within Settlement Areas

Policy CS3 – Provision of Community Facilities within Settlements

Policy G4 – Design Principles

Policy G7 – Facilities for People with Disabilities

**HUMAN RIGHTS ACT 1998
GUIDANCE FOR INTERPRETATION**

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

CONTACT

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BACKGROUND PAPERS

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

The Development Plan

The South East Plan May 2009

Surrey Heath Local Plan 2000
