

TO: PLANNING & REGULATORY COMMITTEE – BY
DELEGATION

DATE: February 2012

BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DISTRICT(S) EPSOM & EWELL BOROUGH
COUNCIL

ELECTORAL DIVISION(S):
Epsom & Ewell North
Mr Kington

PURPOSE: FOR DECISION

GRID REF: 521656; 165089

TITLE: SURREY COUNTY COUNCIL PROPOSAL EP11/0960

APPLICATION DETAILS

Site Address

Land at Cuddington Community Primary School, Salisbury Road, Worcester Park, Surrey, KT4 7DD

Proposed Development

Construction of single storey extension to form Special Educational Needs Support Centre.

Applicant

Cuddington Community Primary School

Date application valid

14 November 2011

Period for Determination

9 January 2012

Amending Documents

Email dated 7 December 2011 outlining expected increases in pupil and staff numbers resulting from the development

Drawing Number 712.11.P.005, Rev 1 – Proposed West & East Elevations, dated 7 October 2011

Drawing Number 712.11.P.007, Rev 2 – Site Plan, dated 7 October 2011

Drawing Number 712.11.P.008, Rev 1 – proposed Block Plan, dated 1 December 2011

Email dated 9 February 2012 enclosing amended Arboricultural Evaluation

BACKGROUND

Site Description

- 1 Cuddington Community Primary School is a 210 place school for children aged between 5 and 11. The school is located in the residential area of Worcester Park and has vehicular and pedestrian access from Salisbury Road. The school site is approximately 1.7 ha in area and is bounded by residential properties to the northwest, northeast and

southeast; a Scout Hall to the west; and playing fields to the southwest beyond a public footpath which connects Salisbury Road and Cuda's Close. There is a mature tree adjacent to the school site boundary, between it and the footpath.

- 2 The post war buildings are mostly of two storey red/brown brick construction with pitched roofs of a similar shade. There are several flat roofed sections, both two storey and single storey. Extensive hard play areas adjoin the buildings to the north and northeast and an outdoor swimming pool is located to the south. Beyond this are the extensive school playing fields. A gravel surfaced staff car park, with access from Salisbury Road, is situated in the northwest part of the site. This parking area contains two semi-mature trees.

Planning History

- 3 EP10/0527 Construction of single storey, pitched roof front extension to provide extended ancillary office and medical facilities and new entrance, following demolition of existing office and entrance hall (permitted in November 2010).
 - EP07/0721 Retention and redesign of existing gravel surface area for use as a staff car park for school (permitted in November 2007) [This area was previously occupied by the caretaker's bungalow, which was demolished after developing serious structural problems].
 - EP04/0182 Erection of 2m high plastic coated weld mesh fence approximately 50m long along Salisbury Road frontage (permitted in June 2004).
 - EPS10232 Construction of caretaker's bungalow and garage, with access from Salisbury Road (permitted in March 1966).
 - 4 The following have been considered as permitted development: an extension for offices (1966), a single demountable classroom unit (1997) and replacement fencing along an adjoining public footpath.
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THE PROPOSAL

- 5 This proposal is for a single storey extension to the school hall, towards the southwestern site boundary. The extension would have approximately 200 sq m of floorspace to provide a Special Educational Needs Support Centre (SNSC). This would comprise a main group room (about 69 sq m), a therapy/small group room (about 25 sq m, with a folding partition), a sensory room (about 13 sq m), an office of the same size, accessible toilets, a staff toilet and storage/plant rooms.
- 6 The extension would have cavity walls with facing brickwork, a pitched roof with concrete tiles, and polyester powder coated aluminium window frames (in white) and door frames (in burgundy). These frames would be within decorated concrete surrounds. All of these materials and features would match those on the existing building. The extension would have a ridge height approximately 0.75m lower than that of the hall.
- 7 The development also includes the following:
 1. creating a soft play area with a pitched roof canopy (about 12m by 3.5m and a maximum height of about 3.7m) on the east side of the extension;
 2. erecting a pitched roof covered walkway (about 22m by 2m and a maximum of 3.3m high) connecting the adjoining hall to the extension (an internal connecting door is not proposed);
 3. installing a pitched roof canopy (2.4m by 2.4m by a maximum of about 3m high) above the main entrance;

4. inserting a door in the east elevation of existing school hall;
 5. improving and extending the existing gravel parking area to the southwest of the extension by installing a plastic membrane and new gravel;
 6. installing new paving (about 205 sq m of perimeter pathways and additional hard standing to facilitate pupil drop-off and collection in front of the main entrance to the extension);
 7. building retaining walls at changes in ground level and along path boundaries as required, and topping these walls with new 1.2m high green bow top metal fencing;
 8. relocating a section of internal 1.8m high galvanized palisade fencing;
 9. providing ramps with railings between the extension and the playing fields; and
 10. converting a small under-utilised area south of the extension to playing field.
- 8 The canopies and the covered walkway would all have a polyester powder-coated frame and toughened triple walled clear polycarbonate roof panels. These structures would provide protection from weather, the canopy over the play area being needed to enable pupils to experience outdoor learning and play more frequently than at present. The changes to the gravel parking area would involve excavation to a depth of no more than 100mm, laying a geotextile membrane to prevent slumping of parking area and the growth of vegetation, and laying new gravel to match the existing in type and size. The new tarmac surfaced pathways, some of which would be gently sloping, are needed to ensure that the external entrances to the extension would be fully accessible. The proposed tarmac surfaced area adjacent to the west elevation of the extension would facilitate the dropping off and collection of pupils attending the SNSC by minibuses.
- 9 The new door serving the school hall would enable staff and pupils to gain access to the remainder of the school buildings without having to enter the hall.
- 10 The centre would provide places for 14 children, focussing primarily on those with learning difficulties associated with Autistic Spectrum disorders. This level of learning difficulty requires dedicated facilities and specialist teaching in a mainstream school rather than attendance at a special school such as the nearby Linden Bridge School. The proposed centre would serve the northeastern part of Surrey, reducing the number and length of journeys to school for many of these pupils, who currently travel to Bookham. The proximity to Linden Bridge School, which is located approximately one third of a mile from Cuddington Primary School, would enable the two schools to share expertise and enable Linden Bridge to provide outreach activities for certain pupils at Cuddington.
- 11 The applicant has advised that the proposal would result in an increase in staff members (by 4) and in pupil enrolment by 14 or 15, with 2 to 3 pupils attending in year one, the same increase in year two and so on until the capacity is reached. Although seven year groups are anticipated, the number of pupils in each group would vary from 1 to 3, up to the proposed maximum.

CONSULTATIONS AND PUBLICITY

District Council

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| 12 | Epsom & Ewell Borough Council: | No objection but suggest new areas of hardstanding be permeable or porous. |
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Consultees (Statutory and Non-Statutory)

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| 13 | County Highway Authority –
Transportation Development Planning: | No objection subject to a condition requiring |
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the proposed turning area to be permanently maintained for that purpose.

- 14 County Arboricultural Officer: No objection subject to conditions

Parish/Town Council and Amenity Groups

- 15 Cuddington Residents' Association: No comments received

Summary of publicity undertaken and key issues raised by public

- 16 The application was publicised by the posting of 2 site notices. A total of 91 owner/occupiers of neighbouring properties were directly notified by letter. Two representations were received in support of the proposal.

PLANNING CONSIDERATIONS

- 17 The proposal is to be assessed in terms of impact on local residential amenity, impact on trees, transportation issues, drainage, design aspects and access considerations.

The Development Plan

- 18 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 South East Plan May 2009, the Epsom and Ewell Core Strategy DPD 2007 and the Epsom and Ewell District-wide Local Plan 2000.

The Localism Act 2011

- 19 The Localism Bill was introduced to Parliament on 13 December 2010 (including provision for the abolition of Regional Spatial Strategies) and received Royal Assent in November 2011. Addressing themselves of these matters, in addition to those summarised in the above paragraph, Officers do not consider that the issue of weight attributable to The South East Plan May 2009 (SEP) is of significance in respect of this particular application because there do not appear to be any conflicts between the SEP and the relevant national planning policy, and therefore Officers have proceeded to report simply on the basis of the Development Plan as it stands (i.e. including the SEP).

Impact on Local Residential Amenity

Epsom and Ewell District-wide Local Plan 2000

Policy CF1 – New or Improved Community Facilities

Policy CF4 – Educational Facilities

Policy DC1 – General Development Policy

- 20 *Local Plan Policy CF1 permits proposals for new or improved community facilities provided that neighbouring amenity is not unduly harmed. Local Plan Policy CF4 permits extensions to schools subject to the same proviso. Local Plan Policy DC1 permits development which would not cause serious harm to either the living conditions or operational efficiency of adjoining properties (including in terms of outlook, privacy and noise) or the character and appearance of the surrounding area.*

- 21 *There are residential properties on the opposite (northwest) side of Salisbury Road, the nearest property being more than 50m distant, the dwelling being nearly 60m away from the proposed extension. The extension would be relatively small in scale compared with the host building. It is the Officers' view that on the basis of the size of the extension and*

the distance between it these residences, the extension would have no adverse impact on residential amenity in terms of privacy or outlook. Officers also consider that the use of the proposed soft play area would not materially increase the noise emanating from the site, thereby having no detrimental effect on local amenity in terms of noise. On this basis the proposal accords with the Development Plan policies on local amenity.

Impact on Trees

Epsom and Ewell District-wide Local Plan 2000

Policy NE5 – Trees and Hedgerows on Development Sites

- 22 *Local Plan Policy NE5 states that where trees or hedgerows are a significant feature of a development site, planning applications will be required to be accompanied by detailed tree and hedgerow surveys. Proposals will be expected to show the retention of important trees and hedgerows. The application includes an Arboricultural Evaluation which concludes that the impact of the development on trees would be minor and recommends the following measures: a) installation of tree protection fencing around two trees within the existing tarmaced parking area and close to Salisbury Road and b) minor pruning of a mature oak tree located on the opposite side of the fence along the southwest site boundary. The Evaluation accepts the removal of a group of immature saplings within the footprint of the proposed extension.*
- 23 *The County Council's Arboricultural Officer has commented that the proposed development should have no adverse impact on any trees of notable amenity value provided that conditions are imposed to protect retained trees.*
- 24 By protecting significant trees, the proposal complies with Development Plan policies.

Transportation Issues

Epsom and Ewell Core Strategy DPD 2007

Policy CS16 – Managing Transport and Travel

Epsom and Ewell District-wide Local Plan 2000

Policy CF1 – New or Improved Community Facilities

Policy CF4 – Educational Facilities

- 25 Core Strategy Policy CS16 requires development proposals to provide safe and convenient access for all people and to ensure that vehicular traffic generated by the development does not create new on street parking problems or exacerbate existing ones, or materially increase other traffic problems. Local Plan Policy CF1 permits new community facilities provided that there is no adverse effect on highway safety and efficiency. Local Plan Policy CF4 permits extensions to schools subject to the same criterion. Transportation Development Planning have no objection to the proposed development but recommend a condition requiring the turning area to be permanently maintained for that purpose. Officers consider that this condition is not justified because it fails to meet the Government criteria that conditions be necessary and reasonable. Officers consider that planning permission EP07/0721, which permitted the retention of the existing gravel car park, fulfils this role.
- 26 Officers consider that the proposal complies with the Development Plan policies relating to transportation.

Drainage

Epsom and Ewell District-wide Local Plan 2000

Policy DC3 – Surface Water Run Off and the Floodplain

- 27 Local Plan Policy DC3 states that permission will not be granted for development which would result in an adverse impact on the water environment due to additional surface water run-off unless satisfactory measures have been secured to control it. Epsom and Ewell Borough Council have no objection to the proposed development, but have made the suggestion that the new areas of hardstanding (pathways and a portion of a vehicle turning area) be permeable or porous. The Borough Council subsequently advised that this suggestion could be overridden by other factors relevant to a school situation such as maintenance and health and safety. Officers consider that following the Borough Council's suggestion is not warranted in this case. This view is based on advice from the agent that the narrow width of the hardstanding, it being graded and the existence of canopies covering about a third of it would mean that surface water would discharge into soft landscaped areas or the gravel car park. Little or no run off would have a chance to soak through a porous surface. Officers are satisfied that the proposal would have no detrimental impact on the water environment and therefore that the development accords with the Development Plan policy on drainage.

Design Aspects

The South East Plan May 2009

Policy BE1 – Management for an Urban Renaissance

Epsom and Ewell Core Strategy DPD 2007

Policy CS5 – The Built Environment

Epsom and Ewell District-wide Local Plan 2000

Policy BE1 – General Policy on the Built Environment

Policy BE19 – Design of New Buildings

- 28 SEP Policy BE1 requires 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. Core Strategy Policy CS5 requires the design of all development to be high quality and inclusive. Local Plan Policy BE1 requires new development to be designed to make a positive contribution to the quality of the built environment. Local Plan Policy BE19 expects new buildings and alterations to existing buildings to be in keeping with neighbouring buildings in terms of scale, style, materials and colour, and design details (roof line, fenestration, elevations).
- 29 The style and materials of the new extension would be in keeping with those of the original building (pitched roof, matching facing brickwork and concrete roof tiles, replicated eaves details, white polyester powder coated aluminium window and door frames, doors of the same material in burgundy, decorated concrete window and door surrounds). The development includes installation of new metal bow top fencing in green and the reuse of a section of existing green palisade fencing. The fencing is considered to be of suitable design and materials.
- 30 It is the Officers' view that the design of the proposed extension is appropriate and that the development accords with the Development Plan policies on design.

Access Considerations

Epsom and Ewell Core Strategy DPD 2007

Policy CS5 – The Built Environment

Policy CS16 – Managing Transport and Travel

- 31 Core Strategy Policy CS5 states that development is expected to be inclusive in design (that is, accessible and convenient for all people). Core Strategy Policy CS16 requires development proposals to provide safe and convenient access to all, including the disabled and others with restricted mobility. The new extension is proposed to have a

higher floor level than the main building because of changes in ground level. There would be no internal access between that building and the extension. Access to it would be via level and gently graded tarmac paths. Ramped access with handrails would be provided between the extension and the playing field. The proposed extension would be fully accessible and therefore complies with the Development Plan policies on access.

HUMAN RIGHTS IMPLICATIONS

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

- 34 Officers consider that the proposed extension to create a Special Educational Needs Support Centre would have no adverse impact on local residential amenity. The proposed design and materials are considered to be suitable to the purpose of the development and appropriate in the local context. All relevant planning policy tests are considered to have been met. The proposal is recommended for permission subject to conditions including those to ensure protection of retained trees.

RECOMMENDATION

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application number EP11/0960 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 approved shall be carried out in all respects strictly in accordance with the following plans/drawings:

Drawing Number 712.11.P.001, dated 7 October 2011 - Existing Plan
Drawing Number 712.11.P.002, dated 7 October 2011 - Existing East and West Elevations
Drawing Number 712.11.P.003, dated 7 October 2011 - Existing South Elevation
Drawing Number 712.11.P.004, Rev 1, dated 7 October 2011 - Proposed Floor Plan
Drawing Number 712.11.P.005, Rev 1, dated 7 October 2011 - Proposed West & East Elevations
Drawing Number 712.11.P.006, Rev 1, dated 7 October 2011 - Proposed South Elevation
Drawing Number 712.11.P.007, Rev 2, dated 7 October 2011 - Site Plan
Drawing Number 712.11.P.008, dated 1 December 2011 - Proposed Block Plan.
3.
 - (a) Before any equipment, machinery or materials are brought on to the site for the purposes of carrying out the development hereby permitted, protective fencing in accordance with the details and as shown in the Site Plan in the Arboricultural Evaluation attached to an email dated 9 February 2012 shall be implemented in full and shall thereafter be maintained until all equipment, machinery and surplus materials have been removed from the site. For the duration of works on the site no materials, plant or equipment shall be placed or stored within the protected area.
 - (b) Before any equipment, machinery or materials are brought on to the site for the purposes of carrying out the development hereby permitted, steel plates or protective boards shall be laid in the gravel car park beneath the canopy of the Oak tree

identified as T1 in the Arboricultural Evaluation and shall thereafter be maintained until all equipment, machinery and surplus materials have been removed from the site.

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. For the avoidance of doubt and in the interests of proper planning.
3. To minimise the risk of damage to significant trees on and adjoining the site, pursuant to Policy NE5 of the Epsom and Ewell District-wide Local Plan 2000.

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 an approval under the Building Regulations 2000 or for the purposes of any other 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.
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THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

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

The development

- 1 will have the following benefits: providing accommodation for a Special Needs Support Centre serving northeast Surrey;
- 2 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

Epsom and Ewell Core Strategy DPD 2007

Policy CS5 – The Built Environment

Policy CS16 – Managing Transport and Travel

Epsom and Ewell District-wide Local Plan 2000:

Policy CF1 – New or Improved Community Facilities

Policy CF4 – Educational Facilities

Policy DC1 – General Development Policy

Policy DC3 – Surface Water Run Off and the Floodplain

Policy NE5 – Trees and Hedgerows on Development Sites

Policy BE19 – Design of New Buildings

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, Epsom and Ewell Core Strategy DPD 2007 and Epsom and Ewell District-wide Local Plan 2000
