

ITEM NO

TO: PLANNING & REGULATORY COMMITTEE – BY
DELEGATION

DATE: July 2012

BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DISTRICT(S) MOLE VALLEY DISTRICT COUNCIL

ELECTORAL DIVISION(S):
Ashtead
Mr Townsend

PURPOSE: FOR DECISION

GRID REF: 518113 157435

TITLE: SURREY COUNTY COUNCIL PROPOSAL MO12/0830

APPLICATION DETAILS

Land at West Ashtead Primary School, Taleworth Road, Ashtead, Surrey. KT21 2PX

Erection of a freestanding 'Qube' building to replace existing demountable building used as a music room.

Applicant

West Ashtead Primary School

Date application valid

6 June 2012

Period for Determination

1 August 2012

Amending Documents

Email dated 26 June 2012 and attached photographs, email dated 29 June and attached Construction Method Statement

BACKGROUND

Site Description

1. West Ashtead Primary School is situated in a residential part of the urban area of Ashtead. The site is located between Taleworth Road, a residential road consisting of essentially large detached properties and the A24, Leatherhead Road. The existing school buildings are predominantly single storey with both pitched and flat roofs. The school buildings are located to the front of the site with the playing courts to the north east and the playground and playing field to the rear of the site. The music room is located to the rear of the school site behind the main school building. The music room is a single storey prefabricated portacabin constructed in wood with a pitched roof.

Planning History

- Recent planning history has included the granting of planning permission in April 1995 (ref. MO95/0144) for the removal of six demountable units and a toilet block, and the erection of a five-classroom extension and the laying out of a playground. Planning approval was subsequently given (ref. MO95/0569), in June 1995, of details of the proposed playground. In November 1999, planning permission was granted (ref. MO99/1575) for a junior playground and extension to the infant playground. Planning permission was granted in August 2004 (ref. MO04/1164) for the erection of 2.75 metre chainlink security fencing, the extension of playground hard surface and provision of five additional parking spaces. In January 2005 approval was given (ref. MO04/1995) of details of the landscaping scheme pursuant to planning permission MO04/1164. In 2009 permission was granted for the erection of two single storey extensions to provide classroom, teachers' preparation area, changing room and extended staff-room and installation of timber storage building (ref: MO09/0021).

THE PROPOSAL

- The current proposal is for the erection of a freestanding 'Qube' building to replace an existing demountable building used as a music room. The existing music block has fallen into disrepair with rot and a leaking roof and is no longer fit for purpose. The new building would provide space for a new library and would also be used to teach music lessons. It was originally proposed to provide a library within the existing school buildings as part of MO09/0021 however, an additional 30 pupils are proposed to be admitted to the school in September 2012. It is proposed to accommodate these pupils within the existing school building therefore resulting in no further space for the proposed library. As such a replacement building is proposed to accommodate the library and music room in order to free up space within the existing school for the additional pupils.
- The proposed building would be located to the south east of the existing school building adjacent to the existing playground and would replace the existing demountable building on the same footprint. The proposed building would be detached from the main school and would be raised up from the ground with access via steps or a ramp. The building would be a permanent structure built in the shape of a Qube with a flat roof and would be clad with wood panels. The south western elevation of the building would be completely glazed with folding doors which would open out onto a large decking area. The building would measure a maximum width of 7.4m, a maximum depth of 9.8m and a total height of 4.8m.

CONSULTATIONS AND PUBLICITY

District Council

- Mole Valley District Council : No objection

Consultees (Statutory and Non-Statutory)

County Highway Authority

- Transportation Development Management : No objection subject to conditions

Parish/Town Council and Amenity Groups

- None

Summary of publicity undertaken and key issues raised by public

8. The application was publicised by the posting of two site notices. A total of 28 owner/occupiers of neighbouring properties were directly notified by letter. No letters of representation have been received to date. The consultation period expires on 9 July.
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PLANNING CONSIDERATIONS

9. The site is not designated as having any environmental or ecological constraints. The site is located within a residential area. The proposal will be assessed in terms of the impact on design and visual amenity as well as the impact on residential amenities and any highways implications of the development. The development will be assessed against relevant policy within the South East Plan 2009, the Mole Valley Core Strategy 2009 and the Mole Valley Local Plan 2000.
10. In May 2010 the Government announced its intention, through the Localism Bill, to abolish Regional Spatial Strategies i.e. The South East Plan 2009 (SEP), which would mean that the SEP would no longer form part of the Development Plan. By letter dated 6 July 2010 the Secretary of State revoked Regional Spatial Strategies including the SEP. That decision was subsequently quashed by the High Court on 10 November 2010 in the Cala Homes decision whereupon Government advised local authorities to continue to attach considerable weight to its intention to abolish Regional Spatial Strategies. That advice was challenged on the ground that the Government's intended revocation of Regional Spatial Strategies was legally immaterial to the determination of planning applications. On 7 February 2011 the High Court rejected Cala Homes' second challenge to the ministerial advice, and dismissed the argument that the intention to abolish regional strategies was not capable of being a material consideration, and held that the Government's letter dated 27 May 2010 and subsequent November 2010 statement were lawful. The weight to be attached to the South East Plan 2009 is, in the light of the intention to abolish RSSs, a matter for planning authorities to decide.
11. The Localism Bill was introduced to Parliament on 13 December 2010 (including provision for the abolition of Regional Spatial Strategies) and gained Royal Assent in November 2011 and came into force in April 2012. Addressing themselves to these matters, in addition to those summarised in the above paragraph, Officers do not consider that the issue of weight attributable to the 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 the Mole Valley Core Strategy 2009 in particular, and have therefore proceeded to report simply on the basis of the development plan as it stands i.e. including the SEP.
12. The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.

DESIGN

South East Plan 2009

Policy BE1 – Management for an Urban Renaissance

Mole Valley Core Strategy 2009

Policy CS14 – Townscape, Urban Design and the Historic Environment

Mole Valley Local Plan 2000

Policy ENV22 – General Development Control Criteria

Policy ENV23 – Respect for Setting

Policy CF2 - Provision of New Community Facilities

13. Provision of good design respecting and enhancing the character of the local area is sought by Policy CS14 of the Mole Valley Core Strategy 2009. The policy states that poor design will be resisted. The development control criteria in Local Plan Policy ENV22 includes respect for the character and appearance of the locality, appropriateness to the site in terms of scale, form, appearance and external building materials, and having regard for features of the site such as buildings which contribute to the character of the locality. Policy ENV23 supports development which respects its setting taking account of the scale, character, bulk, proportions and materials of the surrounding built environment. Development should take account of townscape features and familiar landmark buildings. Roofs should normally be pitched. The criteria in Policy CF2 to be applied to new community development include that the proposed use should not detract from the character and appearance of the property and surrounding area. Policy BE1 of the South East Plan 2009 states that local authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment, they will promote and support design solutions relevant to context and which built upon local character, distinctiveness and sense of place.
14. The proposal is to provide a free standing 'Qube' building with an associated ramp and steps to the building and an area of decking to the front (south west) of the building. The 'Qube' building would be positioned on the site of the previous music block and would be orientated in the same manner. The 'Qube' building would be of the same height, scale and massing as the previous music block and would also be constructed of wood similar to the previous building.
15. Officers consider the 'Qube' building is a functional building in a location where the music building previously stood thereby ensuring minimal disruption. The building has been designed to be similar to the previous music block but to provide a sense of space through the provision of sliding doors to the south western elevation opening onto the area of decking. The building has been designed with materials in order to integrate with the existing buildings on the site and to reduce the impact of the proposal on the surrounding area. The building would be single storey with a flat roof which would also help to limit the impact of the development. The existing school buildings are single storey with both pitched and flat roofs. The scale of the proposed building would not dominate the site and would be appropriate when taken in the context of the overall school buildings and as such would be in keeping with the existing site.
16. Whilst the application area is on an elevated area of ground, the application area is set back from the Taleworth Road with the main school building in between ensuring that the proposal would not be dominant when viewed from the street scene or the surrounding area. Given the location of the building, use of materials and acceptable height, Officers consider that the proposal would not result in an adverse impact on the site or surrounding locality as such the proposal would accord with Policy BE1 of the South East Plan, Policies ENV22 and ENV23 of the Mole Valley Local Plan; and Policy CS14 of the Mole Valley Core Strategy.

IMPACT ON NEIGHBOURING AMENITY

Mole Valley Local Plan 2000

Policy ENV22 – General Development Control Criteria

17. Local Plan Policy ENV22 requires development not to significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking or its overpowering effect, noise, traffic or other adverse environmental impact.
18. The proposed 'Qube' building is to be located in the same position on elevated ground as the music block to the rear of the school building. The closest residential property to the application area is number 31 Leatherhead Road. The curtilage of this property is some 4m to the east of the application area with the property itself being approximately 12m to the east. The school boundary between the application area and no. 31 is a dense hedge interspersed by trees – this can be seen by Photograph 1 with the hedge in the background – providing a visual screen. Additionally whilst the application area is elevated from the main school building, it is on the same ground level as no. 31. As such views of the application area from no. 31 are limited. As the proposed 'Qube' building is to be of the same height and massing as the music block seen in the photographs, Officers consider that the proposal would not introduce any new elements along this part of the school boundary and would not have an adverse impact on residential amenity in terms of visual amenity or outlook. Whilst the proposed 'Qube' also makes provision for an area of decking in front of the building, this would be orientated away from no. 31 so that the 'Qube' building itself would restrict any views of the decking and provide screening in terms of noise. The proposed 'Qube' would not introduce any new activities to this part of the school site as the school propose to use the 'Qube' as a music room as existing, and also incorporate the library into this building. Officers are satisfied the proposal would not cause any material harm to residential amenity of no. 31 with regard to noise.
19. Due to the positioning of the proposed 'Qube' behind the main school buildings, the 'Qube' would not be visible from residential properties to the north along Taleworth Road and would therefore have no impact on residential amenity on those properties.

TRAFFIC AND HIGHWAYS

Mole Valley Local Plan 2000

Policy MOV2 – The Movement Implications of Development

Policy ENV22 – General Development Control Criteria

20. Local Plan Policy MOV2 permits development only where it can be demonstrated that it is or can be made compatible with local transport infrastructure and environmental character. Policy ENV22 states that development should not significantly harm the amenities of the occupiers of neighbouring properties by reason of traffic impact.
21. The proposal is for the replacement of the music block with a structure similar in height and massing. Whilst the proposal itself would not result in an increase in pupils to the school or generate any additional traffic, the proposed 'Qube' building is to house the schools library which is being displaced within from the main school building due to the school having to accommodate an extra 30 pupils. The school are to accommodate these extra pupils regardless of this application. The County Highway Authority have raised no objection to the proposal on traffic grounds and are aware that the additional pupils are to be accommodated at the school. The County Highway Authority are of the opinion that as the proposal facilitates the provision of space within the main school building (i.e. moving the library out of the main school building frees space up as an extra classroom) that a Travel Plan be provided to outline how the traffic implications of the additional pupils would be dealt with. This requirement is to be imposed by Condition.
22. The County Highway Authority also requested a Construction Method Statement be submitted to demonstrate how the times of deliveries would be managed so to avoid school pick up and drop off times and to ensure construction does not happen at antisocial

times for residents. The applicant has subsequently provided a Construction Method Statement to address this stating that all work would be carried out during the school holiday period to avoid school pick up/ drop off times, that deliveries would be made from Taleworth Road during normal working hours; and that all unloading and storage of materials would take place in the school playground with materials being stored in a secure compound. The County Highway Authority have reviewed the Construction Method Statement and are satisfied with its content and proposals. The County Highway Authority and Officers are satisfied with the proposal with regard to traffic implications and consider it meets the requirements of the Development Plan.

HUMAN RIGHTS IMPLICATIONS

23. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
 24. In this case, it is the Officer's view that the development proposed does not interfere with any convention rights.
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CONCLUSION

25. Officers consider that the proposed development is of an appropriate design, height and massing being similar to the music block which it seeks to replace. As the proposed 'Qube' is of a shape and form similar to the music block and is to make provision for teaching music as existing alongside a library, Officers consider that the proposal would cause no material harm to residential amenity in terms of outlook or overlooking and noise. Officers recognise the proposal itself would not increase pupil numbers or traffic to the school but as it would facilitate the additional pupils to the school, Officers are satisfied this can be address through a Travel Plan. Officers consider the proposal meets the requirements of the Mole Valley Local Plan 2000, the Mole Valley Core Strategy 2009 an the South East Plan 2009.

RECOMMENDATION

That, pursuant to regulation 3 of the Town and Country Planning General Regulations 1992, application no. MO12/0830 be PERMITTED subject to the following conditions;

Conditions:

1. The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:
Site & Location Plan 'Qube' Units 12031/1A dated 26.04.2012
Proposed Plans & Elevations 12031 02 dated 26.04.2012
Existing Site Plan 12031/3 dated 15.05.2012
2. 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.
3. Construction shall be carried out strictly in accordance with the Construction Traffic Plan and Construction Method Statement.
4. Within 6 months of the date of this permission, the applicant shall submit a Travel Plan for the expanded school to the County Planning Authority for approval and it shall thereafter be implemented, maintained, monitored and developed in accordance with the submitted details

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. 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.
3. In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with Policy MOV2 of the Mole Valley Local Plan 2000
4. To ensure that the development will not prejudice highway safety nor cause inconvenience to other highway users or to pedestrians, and in the interests of protecting local residential amenity, pursuant to Policy MOV2 of the Mole Valley 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.

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 provide the following benefits: a fit for purpose music block and library
- 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:

South East Plan 2009

Policy BE1 – Management for an Urban Renaissance

Mole Valley Core Strategy 2009

Policy CS14 – Townscape, Urban Design and the Historic Environment

Mole Valley Local Plan 2000

Policy ENV22 – General Development Control Criteria

Policy ENV23 – Respect for Setting

Policy CF2 - Provision of New Community Facilities

Policy MOV2 – The Movement Implications of Development

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

South East Plan 2009

Mole Valley Core Strategy 2009

Mole Valley Local Plan 2000
