

**TO:** PLANNING & REGULATORY COMMITTEE**DATE:** 7 August 2019**BY:** PLANNING DEVELOPMENT MANAGER**DISTRICT(S)** WAVERLEY BOROUGH COUNCIL**ELECTORAL DIVISION(S):****Farnham Central**

Mr MacLeod

**CASE OFFICER:**

Katie Rayner, 020 8541 9322

**PURPOSE:** FOR DECISION**GRID REF:** 483459 146732

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**TITLE:** SURREY COUNTY COUNCIL PROPOSAL WA/2019/0854

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**SUMMARY REPORT****Potters Gate Primary School, Potters Gate, Farnham, GU9 7BB**

**Single storey extensions and associated works to facilitate the expansion of the School without compliance with Conditions 3 (Transport Mitigation Measures) and 5 (Travel Plan) of planning permission Ref: WA/2012/0695 dated 26 June 2012 (retrospective).**

Potters Gate is an 'all through' two form of entry Primary School catering for Children aged 4 to 11 years old. The School is located north west of Farnham town centre, approximately 110 metres north of West Street. The main School buildings are located centrally within the site, with School playing fields located to the west and an area of hard play to the north. The site fronts onto Potters Gate to the east and adjoins Beavers Road to the north. Potters Gate, Beavers Road and Crondall Lane (which runs to the west of the School site beyond residential properties) are all narrow roads. Potters Gate is especially narrow between West Street and on the southern limit of the School site. The School is located about a quarter of a mile west of the Hart car park, which adjoins a Waitrose supermarket.

Planning permission was granted in 2012 under reference WA/2012/0695 for the construction of single storey extensions and associated hard and soft landscaping works to facilitate the expansion of the existing Primary School from a 1 form of entry (210 places) to 2 forms of entry (420 places). Conditions were placed on this permission requiring the further assessment of off-site highway works as proposed at the time (Condition 3) and the submission of an updated School Travel Plan (Condition 5). The buildings and associated works were undertaken on the site in accordance with the details of that permission Ref: WA/2012/0695 (and subsequent Non Material Amendments approved under Ref: WA/2012/1943 and Ref: WA/2012/1637), however Conditions 3 and 5 were not discharged and have therefore not been complied with.

This application has therefore been made under Section 73A of The Town and County Planning Act 1990 (as amended) to vary these outstanding conditions in light of retrospective assessment work that has now been undertaken which seeks to regularise the situation. As such, the applicant has submitted a report by Velocity Transport Planning, dated May 2019, which provides an up to date evaluation of the existing highway infrastructure in order to assess whether the off-site highway improvements suggested as part of the original application remain necessary. The Report concludes that there remains some residual impact on the highway

network surrounding the School and suggests that a number of off-site highway works are implemented to mitigate this impact, which include the provision of uncontrolled crossing points. It is therefore sought to vary the wording of the existing Condition 3 to require the implementation of the measures in accordance with the report within six months. In addition an updated School Travel Plan has been submitted and therefore the applicant seeks to vary Condition 5 to require the implementation of the updated Travel Plan.

The Highway Authority has commented on the proposal and is satisfied with the assessments undertaken and the proposed variation of the Conditions. Officers consider that the applicant has fulfilled the requirements of the original conditions and has undertaken up to date assessments which take into account the existing situation at the School and its impact on the surrounding highway network. As a result the proposed measures for implementation are considered proportionate and relevant to the area to mitigate the highway impact from the expansion of the School in 2012. Therefore the proposed amendments to the conditions to secure the implementation of the proposed measures and Travel Plan are considered acceptable and accord with the development plan policy in this regard.

**The recommendation is to PERMIT subject to conditions.**

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## **APPLICATION DETAILS**

### ***Applicant***

SCC Property

### ***Date application valid***

30 May 2019

### ***Period for Determination***

12 August 2019

### ***Amending Documents***

Covering Letter Addendum, dated 23 July 2019

Report to Satisfy Condition 3 by Velocity Transport Planning, Project No: 2160/110 Doc: TN002, Version 2.0, dated May 2019

School Travel Plan, dated June 2019

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## **SUMMARY OF PLANNING ISSUES**

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

**Is this aspect of the**

**Paragraphs in the report**

	<b>proposal in accordance with the development plan?</b>	<b>where this has been discussed</b>
Highways and Traffic	Yes	20-35

**ILLUSTRATIVE MATERIAL**

**Site Plan**

Plan 1 – Site Location Plan

Plan 2 - Drawing No. 2160/1100/100 Rev D – Highway Improvements - General Arrangements

Plan 3 –Location of the Upper Hart Car Park

**Aerial Photographs**

Aerial 1- Potters Gate Primary School, Potters Gate, Farnham

Aerial 2 - Potters Gate Primary School, Potters Gate, Farnham

**Site Photographs**

None

**BACKGROUND**

***Site Description***

1. Potters Gate is an ‘all through’ two form of entry Primary School catering for 420 pupils aged 4 to 11 years old. The School is located in a predominately residential area to the north west of Farnham town centre, approximately 110 metres north of West Street. The gated Blenheim Mews development is located to the north west of the School site and the University for the Creative Arts (UCA) is located approximately 190m to the north-east of the site. The School site is adjoined to the south and east by a Conservation Area and an Area of High Archaeological Importance.
2. The main School buildings are located centrally within the site, with School playing fields located to the west and an area of hard play to the north. The site fronts onto Potters Gate to the east and adjoins Beavers Road to the north. Potters Gate, Beavers Road and Crondall Lane (which runs to the west of the School site beyond residential properties) are all narrow roads. Potters Gate is especially narrow between West Street and on the southern limit of the School site. The School is located about a quarter of a mile west of the Hart car park, which adjoins a Waitrose supermarket.
3. There are mature trees along the Potters Gate frontage of the School site and between the road and the main buildings, as well as along the boundaries of the playing fields especially on the north and west sides. A small wildlife area including a pond is situated between the main building and Potters Gate.

4. The original Victorian School building is built of red brick and has multi gabled steeply pitched clay tile roofs. This building was remodelled and extended in the 1960s and a detached modern two storey block was added in the early 1970s (Ref. FAR 522/72). This block has a flat roof, walls clad in red brick, mid green fascias and pale green infill panels beneath the windows. Further substantial extensions were built in the late 1980s (Ref. WA86/2022) when St Andrews C of E Junior School was transferred to the site. These later extensions also have flat roofs, walls of red brick and infill panels beneath windows. There are two demountable buildings on the site, one of which is a Children's Centre and the other being used as an after school club.

### ***Planning History***

5. There have been a number of planning applications permitted at the Potters Gate Primary School since it was established in the 1960s. The applications of most relevance to this proposal are listed below:

**WA/2019/0606** – Erection of a single storey extension to provide 4 new classrooms. Currently under consideration by Waverley Borough Council.

**WA/2012/1943** – Non Material Amendment to planning permission Ref: WA/12/0695 comprising additional roof lights to proposed classrooms and to music and drama room. Permitted by Surrey County Council subject to conditions on 24 January 2013.

**WA/2012/1637** – Non Material Amendment (reducing new floor space; deleting a lobby, clerestory and two canopies; adding clerestory windows and smaller canopy) to planning permission Ref: WA/2012/0695. Permitted by Surrey County Council subject to conditions on 8 November 2012

**WA/2012/0695** – Single Storey extensions and associated hard and soft landscaping works to facilitate expansion of existing primary School from 1 form of entry (210 places) to 2 forms of entry (420 places). Permitted by Surrey County Council subject to conditions on 26 June 2012.

**WA/2011/0595** – Installation of a demountable Unit comprising two classrooms for a temporary period of 5 years. Permitted by Surrey County Council subject to conditions on 4 July 2011.

**WA/2009/0855** – Installation of new metal double glazed window to first floor classroom. Permitted by Surrey County Council subject to conditions on 12 August 2009.

**WA/2008/0492**- Installation of a demountable building to provide children's centre facilities following removal of existing demountable building. Permitted by Surrey County Council subject to conditions on 29 May 2008.

**WA/2007/1320** – The erection of an extension to demountable classroom unit and ancillary external works to facilities creation of children's centre. Permitted by Surrey County Council subject to conditions on 28 August 2007.

## THE PROPOSAL

6. Planning permission was granted in 2012 under reference WA/2012/0695 for the construction of single storey extensions and associated hard and soft landscaping works to facilitate the expansion of the existing Primary School from a 1 form of entry (210 places) to 2 forms of entry (420 places). The buildings and associated works were undertaken on the site in accordance with the details of that permission (and subsequent Non Material Amendments approved under Ref: WA/2012/1943 and Ref: WA/2012/1637), but the conditions set out below were not discharged and have therefore not been complied with. As such this application is seeking permission to vary these conditions in light of retrospective assessments that seek to regularise the situation.

**Condition 3:** *The development hereby permitted shall not be occupied unless a further assessment of measures to mitigate the potential transport impacts of the proposed development identified in paras. 6.7 to 6.15 of the School Travel Plan Framework dated 23 May 2012 has been submitted to and approved by the County Planning Authority. Such assessment shall include a scheme for the design and/or implementation of any of those identified measures which are deemed appropriate after that further assessment and the development shall thereafter be carried out in full accordance with that scheme.*

*Reason: To management and mitigate the transportation implications of the development and in the interest of the amenity of residents living in the vicinity of the School in accordance with Policies CF2, CF3 and D1 of the Waverley Borough Local Plan 2002.*

**Condition 5:** *The Draft Framework School Travel Plan dated 23 May 2012 shall be fully implemented upon the first occupation of the development hereby permitted and shall thereafter be maintained, monitored and developed in accordance with details for its review which have been submitted to the County Planning Authority in writing within 6 months of the date of this permission and have been approved by the Authority.*

*Reason: In the interest of the amenity of residents living in the vicinity of the School in accordance with Policies CF2, CF3 and D1 of the Waverley Borough Local Plan 2002.*

7. The current application submits details in order to vary these conditions. In terms of Condition 3, the applicant has submitted a report by Velocity Transport Planning, dated May 2019, which provides an up to date evaluation of the existing highway infrastructure in order to assess whether or not highway improvements suggested as part of the original application remain necessary to address the potential matters resulting from the expansion of the School under Ref: WA/2012/0695. The applicant proposes in light of this assessment to vary Condition 3 to take account of the recommended highway improvement works to read *'The highway improvement work to be undertaken as part of the development hereby permitted shall be completed within six months of the date of this decision in accordance with General Arrangement Drawing No 2160/1100/100 Rev D, as detailed in Appendix B of the Velocity Transport Planning report Version 2.0, dated May 2019'*.

8. In terms of Condition 5 the applicant has submitted an up to date Travel Plan which commits to the annual review of the Plan and is therefore proposing that Condition 5 be varied to read *'The School Travel Plan (dated March 2019) shall be fully implemented from the date of this permission and shall thereafter be maintained and monitored annually in accordance with the approved details'*.

## CONSULTATIONS AND PUBLICITY

### *District Council*

9. Waverley Borough Council - No Objection, subject to Surrey County Highway Authority not objecting to the proposals and any additional conditions or variations, recommended by the County Highway Authority being imposed.

### *Consultees (Statutory and Non-Statutory)*

10. Transportation Development Planning - No objection

### *Parish/Town Council and Amenity Groups*

11. Farnham Town Council - Supports the expansion of the School to meet demand for School places however strongly objects to the expansion without complying with Condition 3 (Transport Mitigation Measures) and 5 (Travel Plan). Formalising speed reductions around the School is vital. Safe routes to School need to be improved as well as crossing points from the allocated parking in the Upper Hart Car park.
12. The Farnham Society - No views received.

### *Summary of publicity undertaken and key issues raised by public*

13. The application was publicised by the posting of one site notice and a total of 219 owner/occupiers of neighbouring properties were directly notified by letter. A total of nine objections have been received in response to the application, which raise the following concerns:
- Retrospective nature of the application, these matters should have been addressed seven years ago and should be based on the current situation seven years later.
  - Greater increase in congestion along Beavers Road following the increase in the size of the School, which will increase further with the new Abbey View development.

- Beavers Road is a single lane with cars parked either side, there are no passing places and nowhere for parents to park to drop off children, so they often park where they can and illegally on corners.
  - There is an increase risk in accidents in the vicinity of the School due to the 'rat-run' nature of the roads, the high speed of traffic, necessity for parents and children to cross between parked cars and the narrow pavements and footpath at the entrance gates to the School which causes over-crowding and obstruction.
  - No drop off facilities at the School mean parents wait until the gates open to arrive which causes a rush.
  - There needs to be a dedicated pick up and drop off point at the School.
  - Beavers Road, Potters Gate and Crondall Lane are 'no go areas' at certain times of the day with residents often unable to drive out of their drives onto Beavers Road.
  - The measures proposed are only essential if the authorities are unable to create new roads to the north of Farnham centre or a link road between A31 and A287, which will reduce traffic in the central area.
  - Crondall Road has areas of no pavement and no crossing south of the Beavers Road Junction.
  - More pedestrian crossings are needed on the Hart and West Street (towards Potters Gate Junction).
  - Nothing is being done to reduce the air-pollution problem which can only increase with more traffic. This is endangering the health of children. Surrey could at least plant a wide barrier of trees and shrubs along the playground edge bordering on Beavers Road. This has been demonstrated in the case of one London Primary School to have led to a marked improvement in the air quality in roadside playground.
14. Officers would like to note that many of the objections received make reference to the current planning application (Ref: WA/2019/0606) which is under consideration by Waverley Borough Council for the further expansion of the School, to provide four new classrooms. The application was made to the Borough Council as the expansion is not being directed or controlled by Surrey County Council. This application is yet to be determined, however Waverley Borough Council have received as a matter of course all objections received in response to the current proposal.

## PLANNING CONSIDERATIONS

### Introduction

15. The guidance on the determination of planning applications contained in the Preamble/Agenda front sheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
16. In this case the statutory development plan for consideration of the application consists of Waverley Borough Council Local Plan Saved Policies 2002 and Waverley Borough Council Local Plan Part 1: Strategic Policies and Sites 2018. The Waverley Borough Council Local Plan Part 2: Site Allocations and Development Management Policies will form the second stage of Waverley's Local Plan and will replace the Saved Policies of the Local Plan 2002. The Local Plan Part 2 will provide more detailed 'development management policies', a review of a suite of local designations and allocated sites needed for housing or other uses in certain areas of Waverley. Following a preferred options consultation carried out in May to July 2018, a pre-submission version of the plan is currently being prepared. Given the early stages of this Plan no weight can currently be applied to the policies.

17. This application has been made under Section 73A of the Town & Country Planning Act 1990 (as amended), to vary conditions of an existing permission at the School site, namely Ref: WA/2012/0695 dated 26 June 2012. The Conditions subject to this application are those which were required by the County Planning Authority (CPA) to be satisfied six months following the date of the decision or prior to the occupation of the development and therefore to date remain outstanding. As such this application is seeking permission to vary these conditions in light of retrospective assessments that seek to regularise the situation.
18. In dealing with applications made under Section 73A, the National Planning Practice Guidance (NPPG) (2014) advises that local planning authorities must only consider the condition that is the subject of the application, it is not a complete re-consideration of the original application, however a new planning permission is issued if permission is granted, which sits alongside the original. The NPPG also advises that such applications be considered against the Development Plan and other material considerations, although local planning authorities should focus attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of planning permission.
19. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case the main planning considerations are the highway and traffic implications as a result of the proposed amendments to the Conditions.

## **HIGHWAY AND TRAFFIC IMPLICATIONS**

### ***Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (WBLP P1 2018)***

Policy ST1 – Sustainable Transport

### ***Waverley Borough Local Plan - Saved Policies 2002 (WBLP SP 2002)***

Policy D1 – Environmental Implications of Development

Policy CF3 – Educational Establishments

20. Since the previous application was granted in 2012, the South East Plan (2009) has been revoked and the Waverley Borough Local Plan Part 1 (WBLP P1) (2018) has been adopted, however Saved Policies D1 and CF3 of the Waverley Borough Local Plan 2002 (WBLP SP 2002) remain relevant. In this context, Policy ST1 of the WBLP P1 2018 has replaced Policies M2 and M14 of the WBLP SP 2002. Policy M2 required development to be designed to a standard suitable for the local highway network and provide safe access for pedestrians and road users. Policy M14 required parking provision to be appropriate for individual development proposals. Although a new Policy is in place, as set out below, the thrust of the new Policy and approach to transport planning has not altered since the original grant of consent in 2012.
21. Paragraph 108 of the National Planning Policy Framework (NPPF) sets out that applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, with regard to the type of

development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

22. Policy ST1 of the WBLP P1 2018 seeks to ensure that development schemes, are located where opportunities for sustainable transport modes can be maximised reflecting the amount of movement generated and the nature and location of the site; make necessary contributions to the improvement of existing, and the provision of new, transport schemes that lead to improvements in accessibility and give priority to the needs of pedestrians, cyclists, users of public transport, car-sharers and users of low emission vehicles; include measures to encourage non-car use such as on-site cycle parking; make appropriate provision for car parking, having regard to the type of development and its location, in accordance with local standards.
23. In addition, criteria contained in Saved Policy D1 of the WBLP SP 2002 resists development which generates levels of traffic that are incompatible with the local highway network or cause significant environmental harm by virtue of noise and disturbance. Saved Policy CF3 of the WBLP SP 2002 sets out that proposals in relation to existing education establishments will be permitted where the existing level of residential amenity will be protected from factors such as excessive noise, overlooking or traffic congestion where relevant and all other relevant Plan policies are complied with, particularly those relating to vehicular access, car parking, traffic movements and accessibility to public transport.
24. Conditions 3 and 5 of planning permission Ref: WA/2012/0695 were required to manage and mitigate the transport impacts of the development which comprised the construction of single storey extensions to the main School building and ancillary works to accommodate an increase in pupils numbers attending the School from 210 to 420. A Transport Assessment submitted with the original application concluded that the development would result in an increase in additional trips by car and on foot to the site, however this was considered gradual, as the School would not be running at full capacity until 2018. At the time it was expected that a total of 219 pupils would reach the School by car, which comprised 118 directly by car, 17 by car sharing and 84 using the park and ride facility at Harts Car Park. In this regard the 2012 Draft Framework Travel Plan submitted at the time of the application suggested various measures which could be considered and implemented to improve the existing pedestrian, cycling and road networks in the vicinity of the School to accommodate the additional trips generated by the proposed development. A summary of the improvements outlined in paragraphs 6.7 to 6.15 of the Draft Framework Travel Plan, dated 23 May 2012, are listed below:
  - Parking enforcement through Policy, PCSOs and School staff
  - Parking enforcement through CCTV
  - Repair of footways and kerbs on western side of Potters Gate
  - Raising of kerbs and use of bollards to prevent parking on footway
  - Making Potters Gate 'no entry' from West Street, and
  - Build outs to improve pedestrian visibility from crossing at junction of Potters Gate, Beavers Road, Falkner Road and UCA site access.
25. The Highway Authority responded at the time of the original application indicating that further investigation from the applicant on the measures proposed was required to

determine whether these are practical and/or desirable. As a result, Condition 3 was attached to the permission requiring the submission of an assessment of the proposed measures to be approved by the County Planning Authority prior to the occupation of the development. However, the development was carried out and occupied following the grant of permission without the details pursuant to Condition 3 having been submitted.

26. It is seven years since planning permission Ref: WA/2012/0695 was granted for the development. The highway network has altered during this time, due to other development in the area and the County Council undertaking upgrades and alterations as part of its regular improvements and maintenance regime. As a result the applicant has undertaken and submitted a full assessment of the existing highway infrastructure in accordance with Condition 3, to determine whether the mitigation measures considered necessary in 2012 are still required and if any works remain necessary to address the potential matters resulting from the expansion of the School under Ref: WA/2012/0695. In addition, an updated Travel Plan has been submitted in accordance with Condition 5.
27. A total of nine objections have been received in response to the proposal, which all raise concern with regard to the impact of the increase in School traffic on the local highway network. In particular, several representations raise concern with regard to the congestion caused within the vicinity of the School at pick up and drop off times and the resulting dangerous behaviour in terms of parking and crossing, which are amplified by the speed of vehicles, the narrow path ways and the lack of crossing points. Furthermore, it is requested that provisions are provided at the School including a dedicated pick up and drop off area, additional crossing points south of Beavers Road Junction and on the Hart, West Street (towards Potters Gate junction) and Crondall Road. Reference is also made to the creation of new roads to the north of Farnham Centre which will reduce traffic in general in the central area, the consideration of which is outside of the scope of this planning application.

### **Condition 3 – Traffic Mitigation Measures**

28. In terms of Condition 3, a report by Velocity Transport Planning dated May 2019 has been submitted, which responds to the requirements of condition 3 and provides a further assessment of the six measures identified in the 2012 Draft Framework Travel Plan. The assessment indicates that the School lies within a controlled parking zone, where controls operate Monday to Friday 8am to 8pm. At the time of the visit on street parking along Falkner and Beavers Road was observed to be close to or at full capacity prior to parents arriving to pick up their children. On Potters Gate there are a combination of single yellow lines and School keep clear markings. Generally parents were seen to observe the parking controls and by 3.15pm only one or two cars were seen to be present. Parental parking on waiting restrictions was observed on the corner of Falkner Road and the access to the UCA where two or three vehicles were seen to be parked, which obstructed the sight lines for motorists wishing to exit the UCA campus and prevented parents and children from crossing.
29. The proposed scheme of works to satisfy the requirements of condition 3 are shown on Drawing No. 2160/110/100 Rev D, submitted at Appendix B of the Velocity Transport Planning Report. The County Highway Authority (CHA) has reviewed the Velocity Report and has the raised the following comments with regard to the measures assessed:

Since little illegal or inconsiderate parking was observed it is not deemed necessary to change or increase existing parking enforcement arrangements. In the event that conditions deteriorate in the future then it is proposed that the School make contact with the parking enforcement team at the County Council and request an increased frequency of patrols for a period.

*Repair of footways and kerbs on the western side of Potters Gate*

The report includes a visual inspection of the footways on the western side of Potters Gate. Based on the evidence provided the CHA considers the condition of these footways does not present a safety hazard to pedestrians travelling to or from the School.

*Raising of Kerbs and Use of Bollards to Prevent Parking on Footway*

During the visit there was no evidence that vehicles are mounting the kerbs or parking partially on the footway causing obstruction to pedestrians. The CHA are therefore satisfied that it is not necessary or appropriate to implement raised kerbs or place bollards in the footway.

*Making Potters Gate 'No-Entry' From West Street*

Changes to prevent traffic turning from the highway network have already been completed by the CHA.

*Build-out to Improve Pedestrian Visibility for Crossing at Junction of Potters Gate Beaver Road/Falkner Road and UCA Site Access*

Pedestrian demand to cross the road near the northern end of Potters Gate was observed. A number of parents were also seen to want to cross the road to the north side of Falkner Road, from a location just east of Potters Gate, however on many occasions their path was blocked due to parked cars. Similarly a number of pedestrians were observed to encounter difficulty when crossing from the north to the south side of Falkner Road at this location, due to sight lines being obstructed by cars parking on the double yellow lines. It is therefore proposed to install a new uncontrolled crossing facility with tactile paving near the north end of Potters Gate opposite the footpath that leads behind the grassed island. In addition the applicant is proposing to undertake maintenance of the overhanging branches and foliage which is currently restricting the width of the footways in the vicinity of the School.

In terms of the build out on the northern side of Falkner Road, the CHA does not consider a build-out at this junction is feasible on highway safety grounds, due to issues associated with the horizontal alignment for vehicles approaching from the south west, and constraints associated with proximity to private accesses. An alternative scheme of works has therefore been agreed, to focus on providing an

improved pedestrian route between the School and the Upper Hart car park. The works comprise provision of dropped kerbs, and where feasible tactile paving.

30. With regard to the above findings, the assessment concludes that there remains some residual impact on the highway network surrounding the School and therefore mitigation measures are required. It is therefore proposed that the condition be varied to take account of the recommended highway improvement works suggested in the Velocity Report and to be delivered in accordance with a defined timescale.
31. Overall the CHA is satisfied that the assessment undertaken has addressed all of the matters raised in the 2012 Draft Framework Travel Plan and are sufficient to mitigate the identified residual impact on the local highway network following the expansion of the School in 2012. As such it is recommended that the condition be varied to require the implementation of the works within six months of any grant of permission.
32. The CHA acknowledge that representations made against the current application cite the need for improvements further from the School, specifically additional crossing points on Crondall Road, South of Beavers Road and on Hart and West Street. However, CHA does not consider it reasonable for the School to deliver improvements at this location, as no harm has been identified in highway safety terms at these locations. The CHA are also aware of concerns raised regarding the speed of traffic on Beavers Road, which has also been subject to a recent petition to the Waverley Local Committee. In response the Committee has agreed to implement a new lower 20 mph zone or limit along the whole extent of Beavers Road, Falkner Road and Potters Gate. This will be supported through the implementation of traffic calming or two vehicle activated signs on Falkner Road or Beavers Road. These works are anticipated to be funded by a Section 106 developer contribution from the 'Hopfields' development on Crondall Lane (Ref: WA/2014/1565), permitted by Waverley Borough Council on 11 September 2015, subject to reserved matters.

#### **Condition 5 – Travel Plan**

33. In respect of Condition 5, the applicant has submitted an up to date School Travel Plan, dated June 2019. The Travel Plan sets out strategies to be put in place 2018/19 to manage journeys associated with a higher level of transport movements and trip generation than proposed in the 2012 permission. It also emphasises the Schools zero tolerance policy is taken towards parents dropping off and picking up in vehicles at the School itself and parking within a 300m walking distance of the School is encouraged. In addition, parents are eligible for 20 minute free parking permits in the Upper Hart public car park located 300m northeast of the School. It is therefore proposed that the 2012 condition be reworded to take the June 2019 document as a baseline. There will be no need to time limit the Condition as the document in itself commits to annual monitoring.
34. The County Highway Authority is satisfied with the updated Travel Plan (dated June 2019) and the proposed variation of the condition to ensure that the measures in the Travel Plan are implemented and thereafter monitored and reviewed by the School.

#### **Conclusion**

- 35. In conclusion, Officers consider that the applicant has fulfilled the requirements of the original conditions and has undertaken up to date assessments of the existing situation at the School and the impact of the expansion on the surrounding highway network. As a result the applicant is proposing to implement measures that are proportionate and relevant to the area to mitigate the highway impact from the expansion of the School in 2012. The combination of the proposed off-site highway measures and the on-going implementation and monitoring of the updated Travel Plan are considered acceptable and accord with the development plan policy in this regard.

**HUMAN RIGHTS IMPLICATIONS**

- 36. 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.
- 37. In this case, the Officer’s view is that while impacts on amenity caused by traffic movements at the start and end of the School day are acknowledged, the scale of such impact is not considered sufficient to engage Article 8 or Article 1 of Protocol 1. Their impact can be mitigated by conditions. As such, this proposal is not considered to interfere with any Convention right.

**CONCLUSION**

- 38. Officers consider that the variation of Conditions 3 and 5 would be acceptable in light of the assessment work undertaken and would accord with the development plan policy in this regard.

**RECOMMENDATION**

- 39. That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. **WA/2019/0854** 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 from 26 June 2012.
- 2. The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:

- Drawing No. E1837-A-01, Existing Location Plan, dated March 2012
- Drawing No. E1837-A-02, Existing Site Aerial, dated March 2012
- Drawing No. E1837-A-03, Existing Site Plan, dated March 2012
- Drawing No. E1837-A-20, Existing GF Plan, dated March 2012
- Drawing No. E1837-A-21, Existing FF Plan, dated March 2012
- Drawing No. E1837-A-40, Existing Elevations, dated March 2012
- Drawing No. E1837-A-14, Revision P1, Proposed Site Plan Diagram, dated 16 April 2012
- Drawing No. E1837-A-15, Revision P2, Proposed Site Plan, dated March 2012.

E1837-A-38, Revision A, Proposed GF Plan, dated March 2012.

Drawing No. E1837-A-38.1 Revision B Proposed FF Plan dated March 2012,

Drawing No. E1837-A-38.4 Revision B Proposed Roof Plan dated March 2012,

Drawing No. E1837-A-41 Revision D Proposed Elevations dated March 2012,

Drawing No. E1837-A-42 Revision B Proposed Sections dated March 2012, and

Drawing No. E1837-A-60 Revision C Images dated March 2012.

Drawing No. E1837 -L-710, Tree Removal, dated January 2012

Drawing No. E1837 -L-720, Detail Landscape Proposals, dated January 2012

Drawing No. E1837 -L-740, proposed Planting Plan, dated January 2012.

3. The highway improvement work to be undertaken as part of the development hereby permitted shall be completed within six months of the date of this permission in accordance with General Arrangement Drawing No 2160/1100/100 Rev D, as detailed in Appendix B of the Velocity Transport Planning Report, TN002 Version 2.0 dated May 2019.
4. The development hereby permitted shall be carried out in all respects in accordance with the details set out in the Traffic Management Plan received on 28 May 2012. Any amendments to the Traffic Management Plan shall be agreed by the County Planning Authority prior to commencement of the development.
5. The School Travel Plan, dated June 2019 shall be fully implemented from the date of this permission and shall thereafter be maintained and monitored annually in accordance with the approved details.
6. No felling of trees or clearance of bushes and scrub required in implementation of this permission shall be carried out between 1 March and 31 July in any year unless they have been inspected by a suitably qualified person who has established that they do not contain any nesting birds.
7. Before any equipment, machinery or materials are brought onto the site for the purposes of carrying out the development hereby permitted, protective fencing in accordance with the Arboricultural Impact Assessment and Method Statement dated February 2012 shall be installed 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.
8. The scheme of replacement tree planting shall be carried out fully in accordance with the details contained in the Tree Planting Plan and Specification and the Tree Planting Plan which form part of the application. The works shall be carried out no later than in the first planting season after the first occupation of any part of the development or in accordance with a programme to be agreed in writing by the County Planning Authority. Thereafter the landscaping shall be maintained for a period of five years. Such maintenance shall include the replacement of any tree or shrub which is removed, uprooted or destroyed or dies or becomes in the opinion of the County Planning Authority seriously damaged or defective. The replacement shall be of the same species and size and in the same location as that originally planted.

Reasons:

1. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended in 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 ensure that the development does not prejudice highway safety, nor cause inconvenience to other highway users, in accordance with Policy ST1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 and Saved Policies D1 and CF3 of the Waverley Local Plan 2002.
4. In the interests of the amenity of residents living in the vicinity of the school in accordance with Policies CF2, CF3 and D1 of the Waverley Borough Local Plan 2002.
5. To ensure that the development does not prejudice highway safety, nor cause inconvenience to other highway users, in accordance with Policy ST1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 and Saved Policies D1 and CF3 of the Waverley Local Plan 2002.
6. To ensure protection of nesting birds in accordance with Policy D5 of the Waverley Borough Local Plan 2002.
7. In the interests of maintaining the character and amenity of the site through its tree cover, pursuant to Policies D1 and D4 of the Waverley Borough Local Plan 2002.
8. In the interests of maintaining the character and amenity of the site through its tree cover, pursuant to Policies D1 and D4 of the Waverley Borough Local Plan 2002.

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.
3. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see

[www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

4. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
5. The applicant is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing or repairing highway surfaces and prosecute persistent offenders. (Highways Act 1980 Sections 131, 148, 149)

## **TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS**

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the report.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to *have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: *if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*.

### **Development plan**

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Plan 2008 (comprised of the Core Strategy, Waste Development and Waste Development Control Policies DPDs)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in the report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

## Material considerations

Material considerations will vary from planning application to planning application and can include: relevant European policy; the National Planning Policy Framework (NPPF) (revised July 2018 and updated February 2019) and subsequent updates; the March 2014 national Planning Practice Guidance (PPG) and subsequent updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2013; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

## National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (NPPF) was revised in February 2019. This replaces the previous version published in March 2012 and revised in July 2018. It continues to provide consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG), as amended, provides related guidance. The NPPF should be read alongside other national planning policies for [waste](#); [traveller sites](#); [planning for schools development](#); [sustainable drainage systems](#); [parking](#) and [Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development which are interdependent and need to be pursued in mutually supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

The presumption in favour of sustainable development in the NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 213 states that in determining planning applications, local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

## 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.

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### **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:

### **Government Guidance**

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

### **The Development Plan**

Waverley Borough Council Local Plan 2002

Waverley Borough Council Local Plan Part 1: Strategic Policies and Sites 2018

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