

PLANNING APPLICATIONS COMMITTEE
16 October 2014

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P2812	21/07/2014
Address/Site:	Date Valley School Cricket Green Mitcham CR4 4LB	
Ward:	Cricket Green	
Proposal:	Application for variation of condition 4 (hours of use) and 6 (use as Primary School only) attached to LBM planning permission reference 10/P2095 for the use of the Date Valley School (Mitcham Court) for education purposes.	
Drawing No's:	JDD/MC-P1, 02, 03, 04 and 05.	
Contact Officer:	Joyce Ffrench (020 8545 3045)	

Recommendation: GRANT PLANNING PERMISSION subject to conditions

CHECKLIST INFORMATION.

- " S106: N/A
- " Is a screening opinion required: No
- " Is an Environmental Statement required: No
- " Has an Environmental Impact Assessment been submitted - No
- " Press notice - Yes
- " Site notice - Yes
- " Design Review Panel consulted - No
- " Number of neighbours consulted - 99
- " External consultations - No
- " Density - N/A
- " Additional employment - 9 employees

1. INTRODUCTION

- 1.1 This application is brought before Committee for Members' consideration due to the high number representations received from local residents. It is considered that determination of the application by Officers would fall outside the scheme of delegation.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a school which educates children from the ages of 2 – 11. The school building faces directly onto the historic Cricket Green and is on a road which is a cul-de-sac. The school operates from a locally listed building.
- 2.2 The school has run a Saturday school in other properties locally and these are due to close on 11th October.
- 2.3 This branch of the road called Cricket Green is an unclassified road which is to the east of the Green and has parking restrictions in the vicinity of the school where Cricket Green meets London Road but is otherwise unrestricted apart from dropped kerbs that serve private properties. There is a small residential development branching off Cricket Green, a clinic with its own parking area, a church and detached residential properties. To the rear of the school Chatsworth Place is a residential development which currently has no parking restrictions
- 2.4 The property is in the Cricket Green Conservation Area and has a PTAL rating of 3.

3. CURRENT PROPOSAL

- 3.1 The current proposal is to vary conditions 4 & 6 of planning application 10/P2905 which restrict the use of the school to primary teaching and limits hours of operation to Monday – Friday 7am – 6pm.
- 3.2 The school wishes to extend their hours in order that they can continue to operate a Saturday school for children and youths and remove the ‘primary only’ condition in order that they can offer evening classes.
- 3.3 Evening classes would involve the teaching of English, Arabic reading and writing, sewing and parenting workshops. These classes would be limited to a maximum of 36 persons and would operate Monday – Wednesday up to 10pm
- 3.4 The Saturday school would be limited to a maximum of 90 young people and would run from 8.30am – 5.30pm

4. PLANNING HISTORY.

- 4.1 The application site has an extensive history. Below is the recent history that is relevant to this application:-

10/P2095 - use of existing office building (class B1a) for educational purposes by date valley school (use within class D1 - non-residential institutions), including erection of new fencing and alterations to parking layout – approved at Planning Committee

Condition 4 states:- The use hereby permitted shall operate only between the hours of 07.00 to 18.00, Monday to Friday.

Condition 6 states:- The premises shall only be used as a primary school or for any use within Class B1a (Offices) and for no other purpose, (including any other purpose within Class D1 (Non-residential institutions) of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Copy of decision letter appended to report.

11/P1548 – application for discharge of condition No.3 (scheme for storage of refuse & recycling), No. 8 (travel plan), No.9 (parking management), No. 10 (traffic management) attached to LBM planning application 10/P2095 dated 19/01/2011 relating to the use of existing office building (class B1a) for educational purposes by date valley school (use within class D1 - non-residential institutions), including erection of new fencing and alterations to parking layout – discharge of conditions granted.

4.2 Relevant planning history of Vestry Hall

09/P1773 - use of two public halls [use within Class D1 - non-residential institutions] located at first floor level for private functions [use within Class D2- assembly and leisure] - approved with conditions

14/P2056 - use of two public halls located at first floor for private functions (use within class D2 - assembly and leisure) application for variation of condition 2 (operating hours) attached to LBM planning permission 09/P1773 (dated 03/11/2009) – approved with the condition:-

The use of the halls hereby permitted shall not operate outside the hours of 09.00 through to 01.00 of the following morning on Mondays to Saturdays. From 16th July 2015 the use of the halls hereby permitted shall not operate outside the hours of 09.00 to 23.00 hours Monday to Saturday. The use of the halls shall not operate outside the hours of 09.00 through to 22.00 hours on Sundays.

5. RELEVANT POLICIES.

National Planning Framework [March 2012]

- 5.1 The National Planning Framework was published on the 27 March 2012. This document is put forward as a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.

5.2 The document reiterates the plan led system stating that development which accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework states that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent development. To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, local planning authorities need to approach development management decisions positively and look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

5.3 Site and Policies Plan 2014

DM D2: Design considerations in all developments
DM D4: Managing heritage assets
DM EP2: Reducing and mitigating noise
DM T2: Transport impacts of development
DM T3 Car parking and servicing standards

5.4 Merton LDF Core Planning Strategy (2011)

CS 2: Mitcham Town Centre
CS 11: Infrastructure
CS 13: Open Space, Nature conservation, leisure and culture
CS 19: Public Transport
CS 20: Parking Service and Delivery

5.5 London Plan 2011

Policy 3.1 Ensuring equal life chances for all.
Policy 3.16 :- protection and enhancement of social infrastructure.

6. CONSULTATION

- 6.1 The submitted planning application was publicised by means of a press notice in the Local Guardian Newspaper, a site notice erected by LBM and individual consultation letters sent to 99 neighbouring properties. In response 10 letters of objection have been received raising concerns with regard to the following:-
- Parking – irresponsible parent parking in Kingsleigh Place and Cricket Green, not adhering to Travel Plan;
 - Additional noise as a result of increase in vehicle movement;
 - Parking problems have been exacerbated by other local venues and this application will worsen the current situation;
 - The charm and quality of this part of the Cricket Green area should be respected

- There is no 'drop off' point in the Canon's;
- Unacceptable use of the historic Cricket Green will continue.

6.2 Transport Planning have been consulted and support the scheme subject to a review of the existing Travel Plan and a requirement for a Travel Plan in relation to the proposal for a Saturday school.

7. **PLANNING CONSIDERATIONS**

7.1 The key planning issues are the principle of the extended use of the school and the impact on neighbour amenity in terms of additional noise and disturbance as a result of additional parking and 'dropping off'.

7.2 The development which the application under S.73 seeks to amend has by definition have been judged to be acceptable in principle at an earlier date. Local planning authorities are required, in making their decisions, to focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.

7.3 Where an application under s.73 is granted, the effect is the issue of a fresh grant of permission. A decision notice describing the new permission should be issued, setting out all the conditions pertaining to it. The submission therefore provides an opportunity to consider both the planning issues around the specific conditions the applicant seeks to amend and to review other conditions attached to the earlier application to determine whether they remain relevant or require necessary adjustment.

Principle of use

7.4 The council has accepted in principle the use of the building as a school. Enhancement of community facilities is supported by both the London Plan and Merton LDF policies. The key issues, therefore, relate to the impact of varying the manner of operation on parking, neighbour amenity and the character of the Conservation area. This site is a locally listed building within the Cricket Green Conservation area. The Cricket Green open space makes a significant and positive contribution to the character of the conservation area. Policy DM D4 states that its aim is to conserve and, where appropriate, enhance Merton's heritage assets and distinctive character. Policy CS 2 of the Core Planning strategy seeks to recognise and enhance the distinct cultural identities of the area and to encourage leisure and community outlets that contribute to this but also states that the council will ensure that development conserves and enhances the Cricket Green. Policy CS.11 supports the multi use of social, educational, cultural and educational facilities. LBM polices are also supported by the London Plan which states that facilities should be accessible to all sections of the community and be located within easy reach of walking, cycling and public transport.

Neighbour Amenity and Parking

- 7.5 The school, as evidenced by this application to extend its hours, is a successful enterprise and, as a result, attracts additional traffic and parking to this area with associated noise and activity from the comings and goings of vehicles. The potential additional stress on the highway in terms of on-street parking was addressed by imposing conditions at the time of the approval of the planning application at Planning Committee in 2010 requiring Travel Plans and restricting hours of operation
- 7.6 The proposal to extend the operation of the school, while supported in principle by policies CS 2 and CS 11 and the London Plan (3.16), will bring about additional noise and activity in terms of traffic and parking to this part of the Conservation Area. Policy CS 20 of the Core Planning Strategy seeks to ensure that proposed schemes which will increase traffic and parking do not adversely affect the convenience of local residents, policy DM T3 seeks to ensure that non-residential parking is managed to minimise its impact on local amenity and policy DM EP2 seeks to ensure development has minimal impact on the local environment and residential amenity. Evening classes have the potential to generate additional parking in close proximity to the school. To ensure that this does not inconvenience existing residents and to maintain a reasonable degree of peace and quiet the residents currently enjoy in the evenings and at weekends it is important that the potential for attendees to use cars is effectively managed and officers recommend that further conditions should be imposed with regard to the submission of travel plans. A temporary condition of one year is proposed, as was also imposed with the recent Vestry Hall application for the extension of their hours of operation.
- 7.7 This temporary condition will give the LPA the opportunity to assess any impact, if any, the extended hours have on parking, noise and disturbance.
- 7.8 Policies DM D2 & CS 20 seek to ensure that new development does not increase noise and pollution so that the living conditions of existing and future occupiers are not unduly diminished and that traffic activity does not adversely impact on the day to day lives of those living or working nearby.
- 7.9 The letters received in objection to this application predominantly concern parking. The requirement for a revised travel plan and a limited period consent would enable the Council to review the overall impact of the additional hours and additional classes on local residents.
- 7.10 Given the quieter evening environment locally, it may be prudent to attach a new condition so as to ensure potential noise impact from for example amplified sound does not harm neighbour amenity. Conditions relating to restricting noise from the operation of any plant and equipment associated with the use should remain in place.

- 7.11 Site visits conducted by the Case Officer confirmed that there did not appear to be any monitoring of parking by school staff and that parents were parking on the pavement in Chatsworth Place when dropping off and collecting their children and parking on double yellow lines to the front of the school. No obstruction to residential properties was observed. It is noted that, due to lack of parking restrictions along this part of Cricket Green, the road is heavily parked which effectively results in a single carriageway being usable which is unsuitable for large numbers of vehicles.
- 7.12 It is understood that there are plans to impose parking restrictions in Chatsworth Place which will further limit available areas that parents can legally park.
- 7.13 Transport Planning have confirmed that the parking enforcement team have visited the site following neighbour complaints and found 'no enforceable behaviour occurring'. However, Transport Planning officers acknowledge that as the school does not appear to be complying with their own management plan the School Travel Plan Manager will liaise with the school to remind them of their commitments to self-enforce parental parking.
- 7.14 A recommendation to impose a condition to revise the existing travel Plan to include Saturday morning has been requested by Transport Planning and a separate travel plan for the adult education classes in the evening to demonstrate how the evening classes will be managed with minimum impact on the local public highway. To ensure the effective use of existing parking on the site for the extended hours, which may give rise to some space being available within the existing car park it is recommended that the condition relating to Parking Management is amended.

Response to neighbour concerns.

- 7.15 Neighbour concerns are addressed as follows:-
- 7.16 Noise and disturbance as a result of irresponsible parking has been addressed in the main body of the report and will be addressed through planning conditions.
- 7.17 The use of the Cricket Green open space is not in the control of the LPA. However, in response to concerns regarding potential use of the land by the School as a result of the extension of the school hours, confirmation has been sought from the Principle to the effect that none of the additional classes would require access to the Cricket Green open space which will ensure that extension of hours would be unlikely to impact on the character of the open space and Conservation area

8. CONCLUSION

- 8.1 The principle of the proposal of varying conditions 4 & 6 of planning permission reference 10/P2095 limiting hours and user of the school for primary education extended hours to allow for evening and Saturday classes is supported by London Plan and LBM policies providing the change of use does not increase noise, traffic and parking to the detriment of local residents. In order to better assess the impact of the changes to the operation of the school on highway conditions and local resident amenity, permission should be granted subject to a review of the Travel Plans and a temporary, one year, condition.
- 8.2 Other conditions including those relating to the maintenance of the car parking for use by the school, hours of deliveries and servicing, refuse facilities and noise from plant and equipment should remain in place with appropriate adjustment.

RECOMMENDATION

Grant permission for the continued use of the premises as a school subject to the following conditions:

1. A.7 The development hereby permitted shall be carried out in accordance with the following approved plans:- See drawing numbers above.
Reason:- For the avoidance of doubt and in the interests of proper planning.
2. The premises shall only be used as a school or for any use within Class B1a (Offices) and for no other purpose, (including any other purpose within Class D1 (Non-residential institutions) of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification subject to the provisions of Condition 3. Reason. The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the amenities of the area and to ensure compliance with the Merton's adopted planning policies.
3. The school shall not operate outside the hours of 7am – 10pm on Mondays to Fridays and 7am – 6pm Saturdays. Between the hours of 7am & 6pm Monday – Friday it shall only operate as a primary school. From one year from the date of this decision the use of the school hereby permitted shall not operate other than as a primary school and shall not operate other than between the hours of 7am to 6pm Monday to Friday. Reason: To enable the Council as local planning authority to review the impact of the extended opening hours after one year, to safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 3.16 of the London Plan 2011, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of the Sites and Policies Plan 2014

4. Prior to the extended hours of use for Saturday classes coming into operation, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
 - (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the ongoing monitoring of the Plan;
 - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
 - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.The development shall be implemented only on accordance with the approved Travel Plan. Reason. To promote sustainable travel measures and to ensure compliance with the Merton's adopted planning policies.
5. Prior to the extended hours of use for evening classes hereby permitted coming into operation, a separate Travel Plan relating to the adult education evening classes shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
 - (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the on-going monitoring of the Plan;
 - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
 - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.The development shall be implemented only on accordance with the approved Travel Plan. Reason. To promote sustainable travel measures and to ensure compliance with the Merton's adopted planning policies.
6. The vehicle parking area shown on the approved plans shall be retained for parking purposes for occupiers and users of the development and for no other purpose for as long as the approved use continues. Reason. To ensure the provision of a satisfactory level of parking and to ensure compliance with Merton's adopted planning policies.

All deliveries, loading, unloading or other servicing activities shall take place between the hours of 07.00 - 18.00 Monday to Friday. Reason. To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with Merton's adopted planning policies.

7. No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building. Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

8. All plant and machinery required in association with the uses authorised by this permission shall be enclosed and soundproofed so as to not increase the background noise level by no more than 2dB (A) (L90 5 minute measurement period) and there shall be no increase in one third octave band dB between 50Hertz and 160Hertz.
Reason: To protect the amenities of the occupiers of neighbouring properties and to ensure compliance with Merton's adopted planning policies.
9. For so long as the use operates as a primary school it shall operate in accordance with the Travel Plan, Parking Management Plan, and Traffic Plans submitted and approved by the Council under reference 11/P1548.
Reason. To promote sustainable travel measures and to ensure compliance with the Merton's adopted planning policies.
10. For so long as the use as the premises is used as a school operates it shall provide refuse and recycling facilities in accordance with the details submitted and approved by the Council under reference 11/P1548. Reason. To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with Merton's adopted planning policies.