

PLANNING APPLICATIONS COMMITTEE
11 December 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 staff for Saturday classes relocated from former premises at Prospect House.

1. INTRODUCTION

- 1.1 This application was first considered by the Planning Applications Committee at its meeting on 16th October. At the meeting members resolved that consideration of the application be DEFERRED so as allow officers to investigate and suggest possible solutions to the concerns raised Members and residents with respect to the issue of vehicle movements and parents' approach the issue of whether to drive their children to school; and to look further at how to address some of the concerns raised by Members and residents, and identify possible solutions which

could enable expansion of the School but with a pattern of traffic/vehicular movement which gives Members greater reassurance that the proposed solutions can be sustained through various planning conditions.

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. The school has three parking spaces accessed from Chatsworth Place.
- 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 has been amended since the application was first considered by PAC. The initial proposal was 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 operate a Saturday school for children and youths with the maximum operating hours being 7.00 a.m to 6.00 p.m and remove the 'primary only' condition for classes on Saturdays (the Saturday school would be limited to a maximum of 90 young people).
- 3.3 Proposals to extend opening hours to enable evening classes on Mondays to Wednesdays up to 10pm have been deleted from the application.
- 3.4 The applicant has clarified by letter that for the Saturday school the children and youths would be between the ages of 5 to 17. This will vary from the operation of the school on Mondays to Fridays insofar as it will not have nursery age children. Approximately a third will be older than those of primary school age.

- 3.5 The applicant has also advised by letter that in regards to the Saturday school, staff members will be allowed to use the spaces in front of the school for parking but will not be using the parking spaces to the rear. The School's intention is not use the back of the site at all on Saturdays but instead to encourage the use of public transport for older children together with a stop and drop system for the younger children as recommended by the Travel Plan advisor.

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.

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 Reconsultation has been carried in respect of the amended proposals. As a result of re-consultation 2 objections have been received from local residents raising the following concerns:

- Parents ignore the 'school traffic plan';
- The green space opposite the school is being monopolised by the School;
- LBM do not have the resources to enforce parking restrictions therefore the current situation will get worse as a result of the proposals;
- LBM have stated there is 'no parking problem' which there is;
- LBM is aware that dustcarts cannot access Chatsworth Place due to current 'double parking' by parents dropping their children off at school;
- Re-consultation has not given enough time for concerned residents to respond;
- The School does not cater for the needs of local residents;
- Nothing has been done to regularise the structure erected in the grounds.

6.3 Transport Planning - Comments on proposals as initially submitted. 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.

6.4 Transport Planning - Comments following deferral of application and on amended proposals. Since the previous meeting of Planning Committee transport planning officers have visited the school twice and the applicant has attended a meeting at the Civic Centre with Planning and Transport Planning officers to consider the concerns of local objectors.

- 6.5 Cricket Green has a mix of residential, employment and retail land uses along its entirety. It is not located within a Controlled Car Parking Zone and there is on-street parking in the vicinity of the site. Cricket Green Road is a no through road with mainly local access use. Access will be taken both from Cricket Green Road and Chatsworth Place. Proof of right of access from Chatsworth Place has been provided. There are two nursery schools also located on Cricket Green Road both of which have peak time vehicle movement on Cricket Green Road.
- 6.6 Date Valley School currently has a Bronze level School Travel Plan. It has fulfilled their conditions related to transport from the previous application and officers understand it has instigated fines to parents who fail to comply (except in extenuating circumstances).
- 6.7 There are two approaches to the school one using public highway (Cricket Green Road) and one via a private road (Chatsworth Place). The school has specified parking bays on Chatsworth Place.
- 6.8 The school keeps a register of all licence plate numbers of parents. The school has implemented a recommendation that they provide stewards in yellow jackets to supervise the dropping off and picking up of pupils.
- 6.9 The school operate an open door policy so any person with concerns about the schools parents dropping off can go to reception and have the situation dealt with immediately. To date no individual has approached the school reception or stewards with these issues for them to take action.
- 6.10 To date the objectors have not taken up the offer of the school to visit and see how they operate. Also they have not provided any details of the alleged offending vehicles that could be crosschecked against the school vehicle register. Council Officers observation continues to be that there are no offences on the public highway.
- 6.11 This school is subject to conditions from the first application that have annual monitoring requirements that are adhered to.
- 6.12 By removing the request for evening classes the only issue is whether the change of hours to include Saturday daytime would have impact on public highway and there is no evidence that this would be counted as even minimal let alone the severe that would prompt a transport objection. The school has agreed to all the mitigation requested.
- 6.13 This is a small school and has made significant efforts to address the concerns of objectors

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'. This report updates that previously presented to members in October 2014.
- 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 policies 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), has the potential to 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.
- 7.7 Saturday classes have the potential to generate additional traffic and parking in close proximity to the school. The applicant has explained that travel patterns are likely to be different with these classes and officers acknowledge that there may be less reliance on the use of cars and greater opportunity to encourage more sustainable modes of travel. However, to ensure that the Saturday classes do not inconvenience existing residents, more likely to be at home at the weekend, it is important that travel patterns are effectively managed and officers recommend that conditions should be imposed with regard to the submission of amended 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.
- 7.8 This temporary condition will give the LPA the opportunity to assess any impact, if any; the extended hours have on parking, noise and disturbance.
- 7.9 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.
- 7.10 The objection letters 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.
- 7.11 While the amendments remove the potential for evening activity to affect neighbours, the proposals nevertheless would extend opening into the weekend when occupiers of neighbouring houses may be at home. It therefore 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.

- 7.12 Initial site visits conducted by the Case Officer suggested 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 At the time the application was considered by PAC in October, Transport Planning officers confirmed that the parking enforcement team had visited the site following neighbour complaints and found 'no enforceable behaviour occurring'. Transport Planning officers did however acknowledge that as the school did not appear to be complying with their own management plan the School Travel Plan Manager would liaise with the school to remind them of their commitments to self-enforce parental parking.
- 7.13 Since the application was first considered the School has advised Transport officers that it keeps records of licence plate numbers of parents' vehicles so as to discourage parking in close proximity to the school and it has also implemented a recommendation that it provides stewards in yellow jackets to supervise the dropping off and picking up of pupils.
- 7.14 Further inspection of the site by the case officer around the start of the school day would suggest that notwithstanding some evidence of short term parking in the vicinity of the school that might be judged inconsiderate, the School is nevertheless taking a somewhat more robust approach to the issue of those arriving at the school and has observed the presence of a steward which is to be welcomed.
- 7.15 A condition to revise the existing Travel Plan to include Saturdays, requested by Transport Planning, remains a recommendation as part of any approval.
- 7.16 To ensure the effective use of existing parking on the site for the extended hours, it is also recommended that the condition relating to Parking Management is amended.

Response to neighbour concerns.

- 7.17 The impact of irresponsible parking has been addressed in the main body of the report. The School would appear to be taking a somewhat more robust approach to this issue and the promotion of more sustainable modes of transport to the

school may be addressed through planning conditions pertaining to the Travel Plan.

- 7.18 The Cricket Green open space is accessible to the wider public and it would be unreasonable to seek to restrict use of the land by those attending the school.

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 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.
- 8.2 Since consideration of the application in October and in response to Member concerns the applicant has modified their proposals so as to reduce potential impact on parking and neighbour amenity by removing the evening class element of their proposals.
- 8.3 Clarification of the mix of pupils attending the Saturday classes would suggest greater potential for the promotion of more sustainable modes of transport to be promoted so as to enable the school to operate in a way that would not impact on neighbour amenity.
- 8.3 Notwithstanding the changes to the proposals and the measures that the applicant has more recently taken, officers still consider it prudent that 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.
- 8.4 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 07.00 and 18.00 hours Mondays to Saturdays. Between 07.00 and 18.00 hours 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 07.00 and 18.00 hours 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. 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.
6. 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.
9. 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.