

# Regulatory Committee

**Dorset County Council**



Date of Meeting	09 June 2016
Officer	Head of Economy
Subject of Report	To consider planning application 8/16/0138 for retention of modular building for use as a pre-school (previous ref 8/2013/0081) at Highcliffe St Mark Primary School, Greenways, Highcliffe, Christchurch, Dorset BH23 5AZ.
Executive Summary	The proposal is for the retention of a modular building for use as a pre-school. Temporary planning permission was granted in April 2013 so that the impact of the use could be monitored and reassessed. Objections have been received from the occupiers of neighbouring residential properties and Christchurch Borough Council has requested imposition of a further temporary period restriction. However, it is considered that the pre-school does not unduly detract from residential amenity and that retention of the building for continued use as a pre-school is in accordance with the development plan and acceptable. A permanent grant of planning permission is recommended.
Impact Assessment:	Equalities Impact Assessment: The report concerns the determination of an application for planning permission and not any changes to any new or existing policy with equality implications.
	Use of Evidence: The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the main body of the report.

	Budget/Risk Assessment: No budget/risk assessment implications.
Recommendation	Grant planning permission subject to the conditions set out in paragraph 8.2 of the Report.
Reason for Recommendation	The reasons for granting planning permission are summarised in paragraph 6.19.
Appendices	01. Site Context Plan. 02. Elevations. 03. Site Plan.
Background Papers	Planning Application File 8/16/0138.
Report Originator and Contact	Name: Mr Huw Williams Tel: (01305) 228264 Email: <a href="mailto:H.R.Williams@dorsetcc.gov.uk">H.R.Williams@dorsetcc.gov.uk</a>

## 1. Background

- 1.1 Highcliffe St Marks Primary School is located off Greenways in Highcliffe and caters for children aged 4-11. There were 468 pupils on the school roll in September 2015.
- 1.2 The school site extends to approximately 2.6 hectares with residential development to the north, west and south and an area of woodland and common (Chewton Common Site of Nature Conservation Interest) situated to the east. Vehicular access is from Greenways with pedestrian access available from Greenways (west) and Chewton Common Road (east).
- 1.3 Chewton Common Playgroup established as a pre-school in 2005 and operated initially from within the main school buildings. Planning permission 8/2013/0081 was granted on 17<sup>th</sup> April 2013 for the transfer of a modular building to the site and associated external works. The building was proposed to be used by the pre-school, freeing up space within the main buildings for school use.
- 1.4 Planning permission 8/2013/0081 was subject to a condition requiring that the permitted use should cease 01 May 2016, with the building to be removed and the land reinstated in accordance with a scheme of work to be submitted and approved. The condition was imposed to enable the impact of the use to be monitored and reassessed, with the officer's report making particular reference to concerns raised regarding potential noise and additional activity.
- 1.5 A further planning permission (Ref: 8/15/0210) was granted in July 2015 for extensions to the main school buildings and associated works including the extension of the main car park (staff). This development, which is underway, will facilitate expansion of the school.

## **2. Site Description**

- 2.1 The school site is generally well screened by vegetation and woodland. It contains a range of school buildings that are arranged in an L-shaped pattern in the central and south-western sections of the site. The school's playing field is located to the south-east of the main school buildings with hard play areas and the main school car park to the north.
- 2.2 The modular pre-school building is located to the west of the main car park within a woodland area in the north-western sector of the school site. Trees within the woodland area are subject to a Tree Preservation Order (No: 2009/5).
- 2.3 The nearest dwellings to the pre-school are located to the north on the south side of Braemar Drive, with the modular building being approximately 17 metres from the nearest residential boundary and approximately 35 metres from the nearest dwelling. A timber canopy extends approximately 2.7 metres from the end elevation of the building towards the properties in Braemar Drive.
- 2.4 Planning permission for a small wooden sensory shed was granted in January 2015 (Ref: 8/14/0621) and this building now stands adjacent to (west) of the modular classroom.
- 2.5 The site context is illustrated at Appendix 01 of this report.

## **3. The Proposal**

- 3.1 The current proposal is for the retention of the modular building for ongoing use as a pre-school.
- 3.2 The building measures approximately 21.2 by 8.6 metres. It is a modest single storey structure with green painted walls beneath a flat felt roof. Accommodation includes a classroom, store, office toilets, group room and lobby. Immediately adjoining outdoor play areas are enclosed by timber picket fencing, with the woodland beyond. The pre-school has space for 26 children aged 2-5 and operates each weekday from 8.45am to 11.45am and from 12 noon to 3pm during term time only. There are currently 95 children on the roll for the pre-school.
- 3.3 Elevations and a site plan are presented at Appendix 02 and 03 of this report.

## **4. Consultations and Representations**

- 4.1 The application was advertised by site notice and consultation letters were sent to 8 properties.
- 4.2 **County Council Ward Member**  
No response received.
- 4.3 **Christchurch District Council**  
Christchurch Borough Council raises no objection, subject to development in accordance with approved plans and a time limit of three years from the decision date being imposed.

#### 4.4 **Highway Liaison Engineer**

No objection.

#### 4.5 **Other Representations**

4 objections have been received from neighbouring residents raising concerns in relation to noise, parking/'drop off' issues, making a temporary arrangement permanent and renegeing on previous understanding that pre-school would be re-accommodated in main school building as part of ongoing development works.

### 5. **Planning Policy Framework**

5.1 Applications for planning permissions must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the *Christchurch and East Dorset Local Plan Part 1 - Core Strategy* adopted April 2014 and the saved policies of the Borough of Christchurch Local Plan originally adopted in January 2002. The term 'material considerations' is wide ranging, but includes national and emerging planning policy documents. Material to all applications is the *National Planning Policy Framework* (the NPPF) issued in March 2012 which sets out the Government's planning policies for England and the associated online Planning Practice Guidance. The most relevant policies and provisions are:

#### 5.2 **Development Plan**

Christchurch and East Dorset Local Plan: Part 1 – Core Strategy, 2014:

- Policy KS1 – Presumption in Favour of Sustainable Development.
- Policy KS2 – Settlement Hierarchy.
- Policy HE2 – Design of New Development.
- Policy HE3 – Landscape Quality.

Borough of Christchurch Local Plan, March 2002:

- Saved Policy ENV 3 Pollution and existing development.

#### 5.3 **Other Material Considerations**

National Planning Policy Framework:

- Achieving sustainable development – paragraphs 6-10 and 14.
- Requiring good design – paragraph 56.
- Promoting healthy communities – paragraph 72.
- Decision Taking – paragraph 186.
- Conditions and obligations – paragraph 206.

Planning Practice Guidance (PPG):

- Use of Planning Conditions – ID: 21a-005-20140306 and 21a-014-20140306.

### 6. **Planning Assessment**

6.1 Having regard to the provisions of the development plan, the information submitted in support of the application and the representations received, the main issues in the determination of the application relate to:

- (i) the acceptability in principle of the proposed development;

- (ii) impact on the character and appearance of the surrounding area;
- (iii) impact on the amenities on neighbouring occupiers; and
- (iv) whether or not a further temporary grant of planning permission would be appropriate.

#### Principle of Development

- 6.2 The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this, economic, social and environmental gains should be sought jointly and simultaneously (paragraphs 6 and 8). Planning authorities are advised to approach decision taking in a positive way to foster the delivery of sustainable development (paragraph 186), looking for solutions rather than problems and to approve applications for sustainable development where possible (paragraph 187). Development proposals that accord with the development plan should be approved without delay (paragraph 14).
- 6.3 Policy KS1 of the *Christchurch and East Dorset Local Plan: Part 1 – Core Strategy* (the adopted Core Strategy) endorses the presumption in favour of sustainable development set out in the NPPF.
- 6.4 Policy KS2 of the adopted Core Strategy provides that the location, scale and distribution of development should conform to the settlement hierarchy in which Highcliffe is identified as a District Centre and, as such, will provide for smaller scale community development.
- 6.5 Paragraph 72 of the NPPF explains that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should give great weight to the need to create, expand or alter schools.
- 6.6 The application provides for the retention of development within a developed site in the urban area of Highcliffe, a location wherein smaller scale community development is acceptable in principle (Core Strategy Policy KS2). The proposal also provides for the retention of an existing building for which there is an ongoing educational need. Retention of the building is in accordance with both development plan policy and the principles of sustainable development.

#### Impact on Character and Appearance of Area

- 6.7 Paragraph 56 of the NPPF provides that the government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development.
- 6.8 Policy HE2 of the adopted Core Strategy provides that the design of development must be of a high quality, reflecting and enhancing areas of recognised local distinctiveness. Policy HE3 further provides that development will need to protect and seek to enhance the landscape character of the area.

- 6.9 Whilst the pre-school is accommodated within a modular building, it is a modest structure within a much larger school complex and is not visually prominent within the wider area. A condition of planning permission 8/2013/0081 secured the preparation and approval of an Ecological and Landscape Management Plan to ensure the remaining woodland within the application area is conserved and adequately maintained. Implementation of that plan is ongoing and its continued implementation can be secured by means of planning condition. Overall, the design and appearance of the development is considered to relate satisfactorily to its surroundings and retention of the buildings is considered to be acceptable from a design, ecology and landscape perspective.

#### Noise and Disturbance

- 6.10 Amongst other matters, paragraph 1.7 of the NPPF states that planning should seek to secure a good standard of amenity for all occupants of land. Saved Local Plan Policy ENV 3 provides that development proposals which create noise, discharges or emissions to the environment will not be permitted if the health, safety or amenities of the users or occupants of pollution problems can be overcome by mitigation measures.
- 6.11 Concerns have been raised by local residents regarding noise and disturbance arising primarily from the use of the outdoor play space adjacent to the building. However, it is not unusual to find school and pre-school facilities with residential areas and I do not consider that the use is unduly intrusive or disruptive.
- 6.12 Concern has also been raised over the safety and amenity implications of increased traffic activity associated with the pre-school, particularly during drop-off and pick-up periods.
- 6.13 Parking restrictions have been implemented in a number of the adjoining streets which operate during the busiest periods in the morning and afternoon. In accordance with the requirements of planning permission 8/2013/0081 a pedestrian guardrail has been installed in the public footway adjacent to the newly formed pedestrian access to the pre-school from Greenways.
- 6.14 Whilst it must be acknowledged that use of the new pedestrian access and changes to traffic and parking patterns in the area may have given rise to some irritation, paragraph 32 of the NPPF provides that development should only be refused on transport grounds where residual cumulative impacts are severe. In my opinion, the traffic impact of the pre-school is not severe and any harm to amenity is substantially outweighed by the public benefits associated with provision of the pre-school.
- 6.15 Provision for additional parking to serve the school site was made through planning permission 8/15/0210 and those arrangements are currently being implemented. Access and parking arrangements are therefore considered to be adequate.

### Temporary or Permanent Planning Permission

- 6.16 Temporary planning permission was granted in 2013 so that the impact of the use could be monitored and reassessed. Paragraph 206 of the NPPF provides that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (the six tests). Planning Practice Guidance (Reference ID: 21a-014-20140306) adds that a condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity and that it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so.
- 6.17 Planning permission 8/2013/0081 was granted having regard to former development plan policies. Although there have been significant changes to the planning policy framework since the granting of the previous planning permission, very similar considerations continue to apply and the proposal is considered to be in general accordance with the development plan.
- 6.18 The pre-school building is still required for the pre-school use and great weight is to be given to the need to create, expand or alter schools. As the proposal is considered to be in accordance with the development plan and it is considered that retention of the building will not unacceptably affect either local amenity or the character and appearance of the area, granting planning permission for a further temporary period would be inconsistent with national planning policy.

### Conclusion

- 6.19 For the reasons set out above, the proposal is considered to represent a sustainable form of development that is in accordance with the development plan. There are no material considerations indicating that the application should be determined other than in accordance with the development plan. Accordingly, planning permission can and should be granted.

## **7. Human Rights Implications**

- 7.1 The provisions of the Human Rights Act and principles contained in the Convention of Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols of particular relevance are:
- (i) Article 8 - Right to respect for private and family life; and
  - (ii) The First Protocol, Article 1 - Protection of Property.
- 7.2 Having considered the impact of the development, as set out in the assessment above as well as the rights of the applicant and the general interest, the opinion is that any effect on human rights does not outweigh the granting of the permission in accordance with adopted and prescribed planning principles. However, in order to address concerns about noise and

additional activity, it is proposed to attach a three year time limit on the permission, to allow the ongoing monitoring of impact on the development.

## **8. Recommendation**

8.1 Grant planning permission subject to the conditions set out in paragraph 8.2 below.

### **8.2 SCHEDULE OF CONDITIONS**

#### Time Limit – Commencement of Development

1. The development hereby permitted shall be begun not later than the expiration of 3 years beginning from the date of this permission.

#### Reason

In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

#### Ecological and Landscape Management Plan

2. The management measures set out in the Highcliffe St. Mark's Primary School Woodland Management Plan approved pursuant to condition 5 of planning permission 8/2013/0081 shall be implemented in accordance with the approved arrangements.

### **8.3 INFORMATIVES**

#### Statement of Positive Involvement

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Dorset County Council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the applicant/agent in a positive and proactive manner by updating the applicant's agent of issues as they arose in the processing of the application.

#### Further Information

2. Further details including application documents and the Planning Officers report can be viewed by entering the application reference given above in to the relevant search field at the following url: [www.dorsetforyou.com/ePlanning/searchPageLoad.do](http://www.dorsetforyou.com/ePlanning/searchPageLoad.do).

Matthew Piles  
Head of Economy  
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