

SECTION '2' – Applications meriting special consideration

Application No : 13/01914/FULL1

Ward:
**Chelsfield And Pratts
Bottom**

Address : The Highway Primary School The
Highway Orpington BR6 9DJ

OS Grid Ref: E: 547078 N: 164431

Applicant : Mr Alex Birks-Agnew

Objections : YES

Description of Development:

Detached single storey building for school/scout use

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Local Distributor Roads
Open Space Deficiency

Proposal

This application seeks permission for a detached single storey building for use primarily by the Scouting Association and the Highway School. The building is primarily to provide an alternative location for the 3rd Orpington Scout Group who have had to move from their previous site at St Olave's School since the lease was terminated.

The building will be 25.2m long, 7.2m deep, 4.2m high to the ridge and 2.4m high to the eaves. It will be constructed from prefabricated timber with green bituminous felt, and with timber windows.

It will include a hall, kitchen, meeting rooms, a leader's room and toilets. Doors will be provided at each end with a porch at the western end, and a door is also proposed on the elevation facing the school.

The applicant has confirmed that the Scouting Group currently comprises around 110 members, although most meetings for different age groups generally occupy two hour slots between 6pm and 10pm on weekday evenings, the younger groups earlier on. It is confirmed that the new building could facilitate new sections with increased membership as there are currently waiting lists.

No significant detail is provided regarding the school use other than that the toilets would be available for pupils during normal school hours. Although at this time there are no specific plans to hire the building out, the applicant has stated that they would not wish for a specific limitation to the Scouts and school as this may be something they might wish to do in the future.

It is confirmed that the only vehicular access via Eton Road (email received 6th September 2013) will be for up to four Scout leaders and that all other users will be picked up and dropped off at the main school entrance in The Highway. It is also confirmed that the maximum hours of use would be between 08:00 and 22:00 on any day, and a suggested condition below sets out more detailed usage restrictions.

The application was withdrawn from a previous committee agenda on 19th September and 17th October 2013 in order that concerns raised by local residents could be explored further. Information provided has been included in the updated report below.

Location

The Highway School is located within a residential area of Orpington and comprises recently rebuilt school buildings with playing fields around. There are some dilapidated and current buildings in the area of the site where this building is proposed including the remains of a former swimming pool and associated buildings, a garage used for storage and a canopy provided for the childrens playground.

The building will be sited within the grounds of The Highway School adjacent to a vehicular entrance to the school from Eton Road to the rear of residential properties. It will be located 1.4m from the boundary with the rear of residential properties in Eton Road with the longer elevation running along the fence.

In general the school is accessed from the southern side at The Highway, although the Eton Road entrance is open during school hours and occasionally used by vehicles for deliveries.

This area of the site has been in use previously for a number of years for a day nursery with an associated temporary building and fenced area. The proposed building will be in a similar position close to the rear boundary of dwellings in Eton Road. The applicant has submitted a plan showing the proposed building overlaid with the previous temporary buildings in this location for the nursery / mothers and toddlers club which is on file.

Comments from Local Residents

A number of objections have been received from local residents and in particular those living immediately adjacent to the proposed location of the building. In addition a petition has been received with 16 signatures from local residents. The objections raise the following material planning issues, and the full text of objections can be viewed on file:

- alternative sites have not been considered
- noise from use of building and school grounds
- building is unnecessarily large for Scout use
- running and construction costs will be met by third party activities
- building will be too close to residential properties
- application is not explicit about other potential users
- wooden building has inadequate soundproofing and could be a fire risk
- the previous building and use in this location caused considerable disturbance
- school have failed to address concerns about boundary fencing
- the site may be a crime risk regarding theft from the building
- lighting may interfere with residential amenity
- parking is already an issue and would cause inconvenience and congestion on Eton Road
- attendees are unlikely to all travel by methods other than private car
- use of the access is inappropriate and dangerous
- previous playgroup at the site caused parking issues
- access may be impaired for emergency vehicles
- evening opening up to 11pm is too late for a residential area
- noise and activities will be ongoing all the time and not just during school hours
- the site would not be appropriate for parties, discos etc due to noise
- rubbish and litter thrown over fences into gardens

One representation in support of the proposal has been received.

Comments from Consultees

Thames Water has no objection to the proposal

The Council's Drainage Engineer requests standard conditions relating to limited discharge of surface water and SUDS.

The Council's Environmental Health Officer (EHO) initially raised concerns regarding the ambiguous nature of the application and extensive hours of use combined with the proposed timber construction. Further discussions have taken place with the applicant who has confirmed that the building would not be in use past 10pm on any day, and also that there is no requirement for any music at all for any activities proposed. On this basis the EHO has no objection to the application subject to a condition preventing any live or amplified music at any time and a further condition limiting the hours of use of the building.

Further discussions were held with the Environmental Health Officer who has provided further comments as follows: Overall the sound reduction from the building is likely to be reasonable although it is unlikely to achieve complete inaudibility in the adjoining gardens at times when noise levels inside the building are high. Obviously there are no windows from the hall section on the rear of the building and there is a boundary fence and 35 metre gap over which noise will attenuate over gardens before the nearest houses themselves. Noise from within

the building would probably only be audible at times within the gardens and then at reasonable levels. If you are aiming for complete inaudibility in gardens I think you would need to refuse the application but I am fairly satisfied that the noise arising from within the building will not be unreasonable with the suggested conditions applied. The Environmental Health Officer has additionally met with local residents at their property to discuss the comments provided and has no further comments to add following this visit except to suggest that details of any external lighting be required by condition.

The Highway Engineer initially requested further information regarding the proposed use and how users travelled to the previous site. Following receipt of further information it has been clarified that the Eton Road entrance will only be used on a restricted basis by leaders, although the applicants are not prepared to accept a condition restricting pedestrian access. They have submitted a parking survey in an attempt to satisfy any concern that pedestrian use of this access would result in parking that might be detrimental to highway safety. The Engineer comments as follows on the survey:

"I have had a chance to have a look at the surveys. They have been carried out between 6pm - 9pm over 4 nights last week. It is more of a snapshot than a full parking survey but it shows there are a number of spaces available at various times in the vicinity of the school entrance. There was no parking on the yellow zig zags, which are not in force at these times, where there is space for about 6 or 7 vehicles. There are between 5 and 10 spaces shown as available nearby at the times of the survey. The survey has obviously been carried out by the applicant so there could be complaints that the survey is not independent. The costs of getting an independent survey company involved would need to be considered against the scale of the development. I understand there were issues of when the Mothers and Toddlers club was on the site with vehicles being left across driveways in the vicinity of the entrance. This is likely to be a different situation where cars are unlikely to wait more than a minute or so while dropping people off and so there is likely to be available space. Cars may wait longer while picking people up but there appear to be a number of spaces available and drivers are unlikely to leave their vehicles. The number of vehicles using the road will increase but such an increase along with additional parking will not necessarily lead to issues of highway safety. I think that in these circumstances with the information we have it would be difficult to justify a ground of refusal on highway safety grounds.

In summary, the Highway Engineer is satisfied with the proposal subject to controls over vehicular access from Eton Road and suggests a condition requiring a construction management plan.

Planning Considerations

The site is not subject to any policy designation and the application falls to be considered with regard to the following policies in the Bromley Unitary Development Plan:

BE1 Design of New Development
C1 Community Facilities
C8 Dual Community Use of Educational Facilities
T3 Parking
T6 Pedestrians
T18 Road Safety

Planning History

A number of planning permissions were granted in the 1980s for buildings within the north eastern area of the site including a garage/store and swimming pool enclosure.

Under ref. 94/00585, the first of a number of temporary permissions was granted for a temporary single storey building for a mother and toddler group with car park, garden and fenced play area. This was renewed under permission ref. 96/00590 and an extension granted planning permission under ref. 99/03000. The permission was renewed again under ref. 00/00542 in 2000, and most recently in 2005 under ref. 05/00521. The building and related development have now been removed and the mother and toddler use has ceased.

In 2010 under ref. 10/00844, permission was granted for the redevelopment of the majority of the school buildings and new car parking and play areas. This has been implemented.

Conclusions

This application seeks permission for a building predominantly for Scout use but which will also be available to the school (in particular during school hours) and potentially to third parties.

Although objections have suggested there are alternative sites elsewhere for this facility, it is not a planning policy requirement that these be explored and this application should be assessed on its own merits, on the basis of whether the proposal is acceptable in this location with regard to relevant planning policies. Notwithstanding the above, the applicant has provided comment on alternative sites suggested as follows:

1. Goddington Park: Not a suitable site and would have to be in partnership with others which would not meet the Scouts requirements.
2. Westcombe Park Rugby Club: Were approached but have had no response. Having looked at their latest planning proposals it is difficult to see how the Scouts could fit in with licensed premises
3. Highfield Avenue, 1st Green Street Green HQ: Again, we have had discussions with the Group who, because of their current meetings, are only able to offer us one evening a week which is not much use to us.
4. Highway School, alternative location: This has not been offered by the School and, we understand, would involve losing grassed playing field area and an Adventure Playground, whereas the proposed site is 'brownfield', where there has been a similar building in the recent past.

It is also not necessary with regard to planning policies to consider whether the Scouts can afford to construct the building or whether it is an appropriate size for the Scout use, although it is of note that a Scout facility recently granted planning permission in Chislehurst (ref. 09/03519) is of similar floorspace. If permission is granted, the use of the building including hours of operation can be the subject of conditions.

Given the primary use of the proposed building for the Scout Association, this is supported by Policies C1 and C8 of the UDP as it will meet a community need. In particular the supporting text to Policy C8 at paragraph 13.27 states "The Council wishes to encourage schools and other educational establishments to maximise the contribution their buildings and grounds can make to the local community". The NPPF also supports community facilities in paragraph 70.

The building was originally designed so that there were only two minor windows facing the rear, which serve toilets, and there is no other fenestration facing residential properties. However, the applicant has submitted an amendment plan (7th October) showing the relocation of these toilet windows to the end of the building to take into account residents' concerns. Due to the design of the building therefore, there will be no overlooking to adjacent gardens. The rear gardens of properties in Eton Road adjacent to the site are approximately 30m long and additionally taking into account the proposed height of the building, there will not be any significant adverse visual impact, loss of light or overshadowing caused by the proposal, which is considered to comply with Policy BE1 in respect of these matters.

From a highways perspective, the use of the Eton Road entrance will be limited to a maximum of four vehicles for Scout leaders. A condition in this regard is suggested to ensure that these are the only vehicles accessing the site, which will prevent any excessive vehicular use of the Eton Road access which runs alongside residential gardens and is of limited width. This restriction would apply to any users of the building. This would address any concerns regarding excessive parking and turning onsite. Although there may be some limited parking in Eton Road, this would not be likely to be of a scale that could impact detrimentally on highway safety and the Highway Engineer has no objection to the proposal subject to conditions. The proposal is considered to comply with Policies C8, T3, T6 and T18 of the UDP.

With regard to potential noise and disturbance, the Environmental Health Officer has visited the site and is satisfied that this can be suitably controlled by conditions restricting the hours of operation and preventing any live or amplified music, which the applicant has indicated they would accept. Given the limited fenestration facing residential properties, the suggested days and times of operation, and the nature of the proposed use, it is considered unlikely that the proposal would increase noise and disturbance to neighbouring properties by an unacceptable amount. Clearly there would be some activity and noise from evening scouting activities, but these would not involve music and would be finished by 10pm for the latest proposed meeting. Subject to conditions, the proposal is considered acceptable with regard to Policies BE1 and C8.

Other concerns raised by objectors include drainage and fire safety, matters which are generally addressed by the Building Regulations. Any external lighting can be controlled via a planning condition. A condition requiring compliance with Secured By Design principles is also suggested to help reduce crime risk for the development.

Although the concerns raised by local residents are understood, planning permission should not be reasonably withheld where conditions can be imposed to remedy any potential harmful impacts. Concerns must also be weighed against the policy support for community facilities, and on balance for the reasons set out above, this proposal is considered acceptable subject to the conditions set out below.

Background papers referred to during production of this report comprise all correspondence on files refs. 84/01270, 88/03918, 94/00585, 96/00590, 99/03000, 00/00542, 05/02217, 08/03608, 10/00844 and 13/01914, excluding exempt information.

as amended by documents received on 06.09.2013 07.10.2013 14.10.2013

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACA04 Landscaping Scheme - full app no details
ACA04R Reason A04
- 3 ACC01 Satisfactory materials (ext'n'l surfaces)
ACC01R Reason C01
- 4 ACD02 Surface water drainage - no det. submitt
ADD02R Reason D02
- 5 ACD06 Sustainable drainage system (SuDS)
ADD06R Reason D06
- 6 Vehicular access to the site by users of the building from Eton Road shall only be for specified individuals the details of whom shall be submitted to and approved in writing by the Local Planning Authority prior to any use of the access.

Reason: In the interests of highway safety and the amenities of adjoining residential properties and to comply with Policies BE1 and C8 of the Unitary Development Plan.

- 7 ACH29 Construction Management Plan
ACH29R Reason H29
- 8 ACI11 Obscure glaz'g/details of opening (1 in) in the northern elevation
ACI11R Reason I11 (1 insert) BE1
- 9 ACI17 No additional windows (2 inserts) northern building
ACI17R I17 reason (1 insert) BE1 and C8
- 10 ACI21 Secured By Design

Reason: In the interest of security and crime prevention and to accord with Policy BE1 of the Unitary Development Plan.

11 ACJ17 No machinery without approval

ADJ17R Reason J17

12 ACK01 Compliance with submitted plan

ACK03R K03 reason

13 ACK03 No equipment on roof

ACK03R K03 reason

14 ACK05 Slab levels - no details submitted

ACK05R K05 reason

15 No live or amplified music shall be played at any time which is audible at any location outside the building.

Reason: In the interests of the amenities of adjoining residential properties and to comply with Policies BE1 and C8 of the Unitary Development Plan.

16 The building shall only be used by the Scouting Association between 8:00 and 22:00 Monday to Saturday and on a maximum of 5 x Sundays per year (a record of Sunday use shall be kept on site and available for inspection upon request by the Council) and not at all on Public Holidays; The building shall only be used by the Highway Primary School between 08:00 and 20:00 Monday to Saturday and not at all on Sundays or Public Holidays. Any other use shall only be between 09:00 and 20:00 Monday to Saturday and not at all on Sundays or Public Holidays.

Reason: In the interests of the amenities of adjoining residential properties and to comply with Policies BE1 and C8 of the Unitary Development Plan.

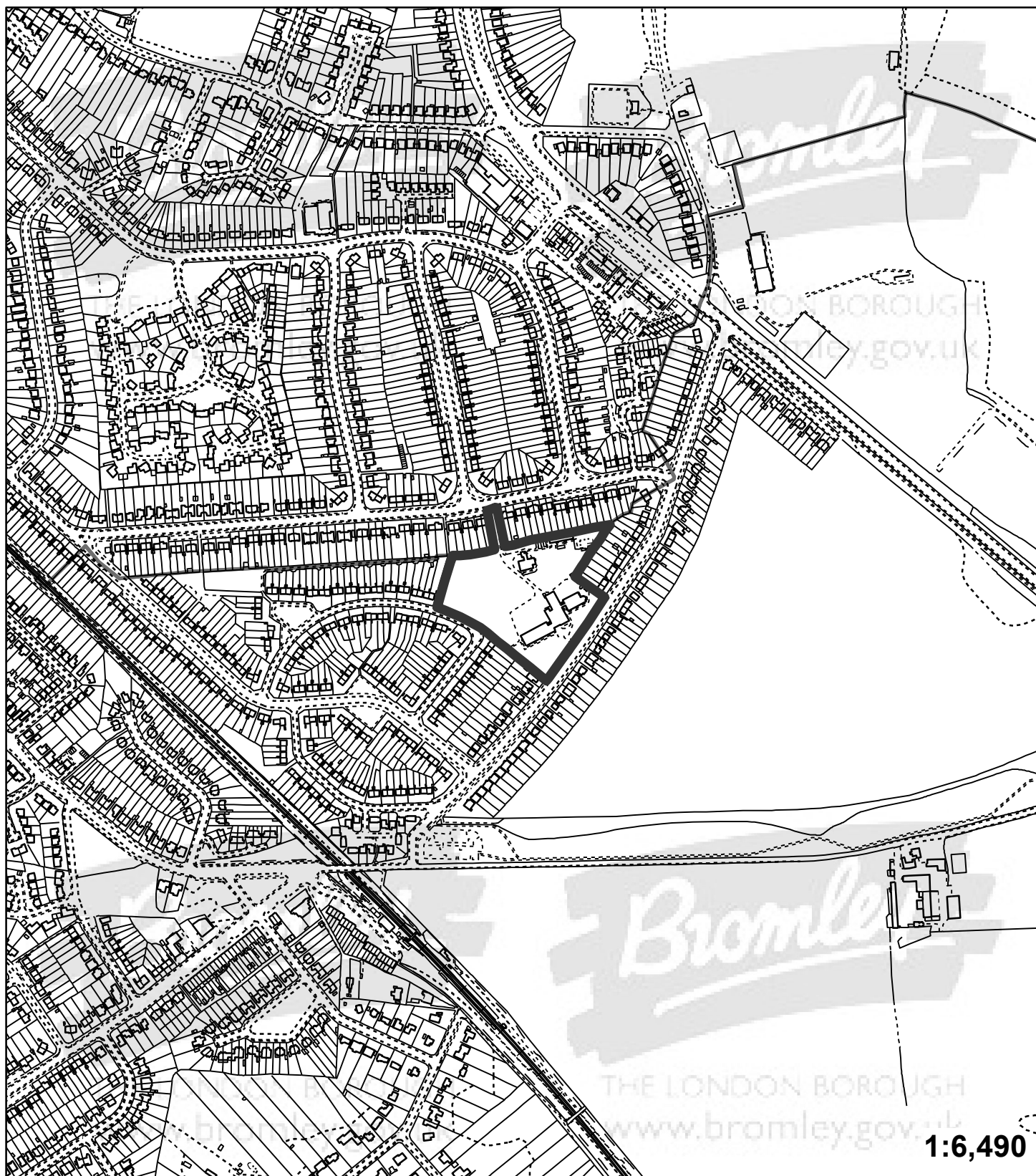
17 No external lighting shall be installed at the premises without the prior approval in writing of the Local Planning Authority. If any lighting is agreed it shall be retained in accordance with the approved details.

Reason: In the interests of the amenities of adjoining residential properties and to comply with Policies BE1 and C8 of the Unitary Development Plan.

Application:13/01914/FULL1

Address: The Highway Primary School The Highway Orpington BR6 9DJ

Proposal: Detached single storey building for school/scout use



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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