

Application No: 14/0657C

Location: CHURCH LAWTON GATE PRIMARY SCHOOL, CHERRY TREE AVENUE, CHURCH LAWTON, STOKE

Proposal: Extension and alteration to the former Church Lawton Primary School in connection with its use as a specialist school (Class D1 Non Residential Institution), together with car parking, landscaping and other associated works.

Applicant: C Nagle, NAS Academies Trust

Expiry Date: 05-May-2014

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle of Development
Very Special Circumstance (*Need*)
Impact on Recreational Open Space
Design
Residential Amenity
Highways & Parking
Ecology
Trees
Other issues

REASON FOR REFERRAL

The application is being referred to Southern Planning Committee as the development is major application relating to a site exceeding 1 ha.

DESCRIPTION OF SITE AND CONTEXT

The application relates to the former Church Lawton Gate Primary School, which has been closed since 2009. The school is positioned at the end of Cheery Tree Avenue, which is a residential street falling within the settlement of Lawton gate. The school is situated just outside of the settlement zone line for Lawton Gate and is situated within Green Belt as designated in the Congleton Borough Local Plan. The existing playing fields adjoin the Trent and Mersey Canal situated to the north. Residential properties bound the application site to the

west where Church Lawton Footpath FP4 warps around part of the northern and western boundaries to the site.

DETAILS OF PROPOSAL

This application seeks full planning permission for the 'extension and alteration of the former Church Lawton Primary School to be used as a specialist school (Class D1 Non Residential Institution), together with car parking, landscaping and other associated works'.

The proposal would comprise of the refurbishment of the existing redundant school building and for the erection of 2 new building extensions. The school will be for children with Autism Spectrum Condition (ASC) aged between 4 and 19.

PLANNING HISTORY

None

POLICIES

National Planning Policy

National Planning Policy Framework

Congleton Borough Local Plan First Review 2005

PS7 (Green Belt)
GR1 (New Development)
GR2 (Design)
GR4 (Landscaping)
GR6 (Amenity and Health)
GR9 (Access and Parking)
RC2 (Protected Areas of open Space)
NR1 (Trees and Woodland)
BH9 (Conservation Area)

Local Plan Strategy Submission Version:

SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objection provided that the submitted Travel Plan is implemented.

Sport England: No objection

Environment Agency: No objection subject to conditions requiring submission of a scheme to limit surface water runoff and a scheme to manage the risk of flooding from overland flow.

Canal & Rivers Trust: No objection

Environmental Health: No objection subject to conditions in relation to hours of construction / piling, dust control, submission of an environmental management plan and Travel Plan condition.

VIEWS OF PARISH COUNCIL

The Parish Council considers that the school building has been well thought out & a turning circle for vehicles has been included as previously requested along with ample parking. However, concerns were raised about the removal of trees & shrubs from the site based on landscape and ecology grounds. And therefore Parish Council objects to the removal of trees 3 & 5 into the car area and trees 35 & 36 in the 6th form seating area.

OTHER REPRESENTATIONS

Letters have been received from 2 neighbouring addresses objecting to this proposal on the following grounds:

- Fence adjoining the footpath to the canal is in a poor state of repair
- Bedroom overlooks the lower fencing area
- Removal of the conifers on the site will increase noise
- Loss of privacy
- With the mass of house building in the area, there will be a lack of school places
- The use of this mothballed school will be needed when these houses are built but will be lost if this proposal is allowed

The full content of these objections is available to view on the Council's website.

SUPPORTING INFORMATION

Design and Access Statement
Protected Species / Ecological Survey
Tree Survey
Transport Statement
Travel Plan
Contaminated Land Investigations
Flood Risk Assessment

OFFICER APPRAISAL

Principle of Development

The application site falls within the Green Belt as designated in the Local Plan. National Planning Policy Framework and PS7 of the Congleton Local Plan limit the forms of new buildings permitted in the Green Belt. Within the Green Belt approval will not be given, except

in very special circumstances, for the construction of new buildings unless it is for a number of purposes. Education facilities are not listed as one of those purposes.

Paragraph 89 of the NPPF states that the construction of new buildings as inappropriate in Green Belt. It goes on to list exceptions to this and one of these (*bullet point three*) is: -

'The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;'

The existing accommodation will be reused and reconfigured in order to accommodate the needs of the proposed school. The new proposal would add 818 sq m gross internal floor space and providing the school with a gross internal floor area of 1950 sq m. In relative terms, the proposed additions could either be considered as disproportionate or a new building not covered by the exemptions in Green Belt Policy. As such, the proposal should be acknowledged as being inappropriate development in the Green Belt.

Members will be aware of the presumption against inappropriate development, which should only be allowed in very special circumstances. 'Very special Circumstances' will only exist where it can be demonstrated that other considerations clearly outweigh the harm by inappropriateness together with any additional harm.

However, it is located on areas of existing hard-standing and within the existing school complex and as such it is not considered that the proposal would lead to an encroachment into the countryside or conflict with the other purposes of including land in the Green Belt. The school presently has a number of blocks which protrude from each elevation creating pockets which this proposal would infill. As such, the approach to increasing the floorspace would have minimal impact on the openness of the Green Belt and the impact on visual amenity would be acceptable. The proposal would be read in the context of the existing school and would not result in a harmful intrusion towards the boundaries of the site. Thus, the visual impact of the new development within the designated Green Belt would be minimised.

Very Special Circumstance (Need)

It is considered that a 'Very Special Circumstance' can be demonstrated to clearly outweigh any harm caused by this inappropriateness and loss of openness, especially as paragraph 72 of the NPPF advises that great weight be given by planning authorities to the need to create, expand or alter schools.

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education and raising educational standards. State funded schools (which include Academies and Special Schools) educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that

objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”

In the case of the need for this school, Cheshire East has an identified deficiency in terms of specialist provision for children with Autism. More specifically, the Special Educational Needs and Disability (SEND) Review 2010 recognised that 85 pupils with autism were placed outside of the borough with a further 40 potential pupils within the local catchment area identified to attend the new facility.

The applicant has considered a number of sites before this one, but none can offer the required accommodation other than this site. Further, locationally it is within 21 miles of the boundaries of the catchment area and is therefore centrally positioned in terms of need. Thus, it is clear that there is an established need for the school to provide the proposed additional facilities and it is considered that in the balance, this amounts to a ‘very special circumstance’.

Impact on Recreational Open Space

The site is also designated as an area of protected open space under Local Plan policy RC2 (Protected Areas of Open Space). This policy allows for the development or extension of existing buildings associated with the use of the site, provided that there would be no significant loss of a recreational facility involved or where it would allow for improved facilities on site which would offset any loss.

The proposed extensions would be located predominantly on areas of existing hard-standing and as a result, would not result in the loss of formal grassed space. Sport England have confirmed that whilst parts of the proposal encroach onto formal open space, none the land that is encroached upon is capable of being of forming part of playing pitch. As a result the development would not result in a local deficiency in the quantity and range of open space and the proposal would comply with policy RC2 (Protected Areas of Open Space).

Design

The existing school complex is of modern construction being predominantly single storey. The existing school buildings are of no great architectural merit. The proposed sixth form and arts block would be of a similar height to the adjacent buildings and the scale of the development would sit comfortably on the application site. The design of the building includes two elements of varying heights. The elements would have mono-pitched roofs which would slope in opposite directions and there would be a glazed link between the existing building and the proposed building.

The building extensions have been designed to match the single storey scale of the existing school. A change in elevation design between primary and secondary school areas has been used to create a more domestic scale for the younger children and a more aspirational environment for the older children. The proposed school extensions have been purposefully set back into the site to minimise any disruption to the neighbouring properties and to make use of

infilling the existing block projections to square the building off and reduce the resultant built form.

The main entrance is contemporary in appearance, which projects out of the existing building as are the additions to the north and southeast facing elevations. The detailed design of the proposal is considered to be acceptable and would not appear out of character on this site. The use of cladding on both the existing and proposed would give a visual link between the buildings and would improve the overall appearance of the building and the site and its impact on the adjacent Canal Conservation Area. In design terms therefore, the proposal would be acceptable having regard to Local Plan policies GR1 (New Development), GR2 (Design), BH9 (Conservation Areas) and SE1 (Design) of the Cheshire East Local Plan Strategy Submission Version.

Residential Amenity

The proposed additions have been set back and predominantly relate to the elevations of the building facing away from the nearest neighbours on Cherry Tree Avenue. There would be a separation distance of approximately 16 metres from the nearest point of the proposed building and the nearest residential properties situated at the end of Cherry Tree Avenue. Given the single storey nature of the proposals, limited scale and separation distances involved it is not considered that there would be a detrimental impact to neighbouring residential amenity in terms of direct overlooking, visual intrusion or loss of light. The other elements of the scheme are small-scale and would not have any impact on neighbouring residential amenity over and above the existing lawful site arrangements.

One neighbour is concerned that removal of some conifer trees would be increase the potential for noise disturbance. However, it is important to note that the Councils Environmental Protection Unit has not objected to the proposal and the fact that the site (whilst not currently occupied) is already a school. In any event, the conifer trees would not offer significant noise attenuation and the proposals would not result in significantly greater impact than the school as it stands if it were operating. The proposal would comply with Local Plan policy GR6 (Amenity and Health).

Highways & Parking

The proposal would utilise the existing point of access off Cherry Tree Avenue. The proposed layout would allow for the provision of a turning area reducing vehicle conflict at the current entrance and greatly improving safety for pedestrians. It would also reduce the need for vehicles to park on Cherry Tree Avenue during school pick up and drop off times. The new site road will incorporate some additional parking for visitors adjacent to the new reception entrance.

The Council's Strategic Highways & Transportation Manager has confirmed that the access proposal, internal road layout and parking provision would be acceptable and in accordance with the submitted Travel Plan, the proposal would be acceptable in Highways terms. Overall, as there is no practical increase in the school capacity over the previous school, there are no highway issues raised by the proposed development and no objections are raised.

Ecology

With respect to protected species, the applicant has addressed these through the submission of various Surveys. The Council's Nature Conservation Officer (NCO) has visited the site and has assessed the said submissions. Subject to imposition of conditions that the development is to be carried out in accordance with the submitted surveys, and subject to details of further provisions being submitted, The NCO is satisfied that the protected species identified would not be materially harmed as a result of the proposal.

Trees

The existing planting and vegetations situated along the site boundaries would be respected and retained. None of the trees on the site are afforded TPO protection. However, some tree specimens within the site would be removed to make way for the proposed parking and turning area to the south of the school. Given their positioning within the site, the trees to be removed offer limited screening value and whilst they are identified as being of moderate value (category B and C); it is not considered that their loss would be harmful to the landscape of the site. In any event, a condition requiring submission of a landscaping scheme would be capable of securing replacement trees towards the boundaries of the site where their screening value could be maximised. Thus, subject to condition the scheme would be acceptable in this regard and the comments offered by the Parish Council would not sustain a refusal of planning permission.

Other issues

One objector has expressed concern regarding the condition of the fence bounding the adjoining the footpath. The condition and maintenance of this fence is not affected directly by this proposal, however, the applicant has confirmed that this will be upgraded and as such a condition requiring details of boundary treatments should be imposed.

With respect to the potential lack of school places following the building of new houses, it must be noted that any nearby developments will have accounted for the fact that the existing Church Lawton Gate School does not offer any school places as it has been closed since 2009. Further, as discussed earlier in this report, it has been evidenced that there is a pressing need for the type of school places which are offered as part of this proposal.

CONCLUSIONS

Extensions to schools are not listed in the exception categories to inappropriate development in the Green Belt set out in the NPPF or Local plan policy PS7. Buildings in the Green Belt may be extended so long as the extensions are not disproportionate to the original building. In this case, the original school building would be extended by more than what could be considered to be a "proportionate" amount. The proposal is therefore inappropriate development in the Green Belt.

The proposed extensions would be located on the existing areas of hardstanding and the approach to increasing the floorspace by infilling the existing projections and keeping the building single storey would reduce the impact on the openness of the Green Belt and the impact on visual amenity would be acceptable.

Further, in this case a 'Very Special Circumstance' can be demonstrated to clearly outweigh any harm caused by this inappropriateness, especially as paragraph 72 of the NPPF advises that great weight be given by planning authorities to the need to create, expand or alter schools. The applicant has demonstrated a clear need for the type of school places which are offered as part of this proposal and the resultant proposed extensions.

It is considered that the application proposes an acceptable form of development in design terms will not impact upon the protected open space and will not impact on neighbouring residential amenity. The loss of some tree specimens could not sustain a refusal as they are not afforded protection and offer limited screening value. The proposal is in accordance with the relevant policies of the Development Plan and is therefore recommended for approval. Objections to the scheme have been fully considered. However, subject to conditions, the proposal complies with all other relevant policies of the Development Plan and the Framework.

RECOMMENDATIONS

Approve subject to the following conditions:

1. Standard Time Limit (3 Years)
2. Approved Plans
3. Materials to be submitted and agreed
4. Landscaping to be submitted and agreed
5. Implementation of the approved landscaping
6. Tree protection for retained trees and agreed
7. Details of boundary treatment to be submitted and agreed
8. External lighting details to be submitted and agreed
9. Environmental Management Plan to be submitted and agreed (including measures for dust control)
10. Scheme to be carried out in accordance with submitted Travel Plan
11. Development to be carried out in accordance with submitted Ecological Surveys (with details of 30 metre buffer zone submitted for approval)
12. Survey for nesting birds to be submitted to and approved if works are carried during the bird breeding season
13. A scheme for the incorporation of features for breeding birds to be submitted and approved.
14. Scheme to limit the surface water runoff to be submitted and agreed
15. Scheme to manage the risk of flooding from overland flow of surface water to be submitted and agreed.

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