

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

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Conversion of air-raid shelter to classroom building, St. Alban's Road Primary School, Dartford – DA/10/347

A report by Head of Planning Applications Group to Planning Applications Committee on 27 July 2010

DA/10/347 - Application by St. Alban's Road Primary School for the conversion of existing air-raid shelter to classroom building, with replacement pitched roof and installation of windows at St. Alban's Road Primary School, St. Alban's Road, Dartford.

Recommendation: Permission be refused

Local Member(s): Mr A.Sandhu

Classification: Unrestricted

Site

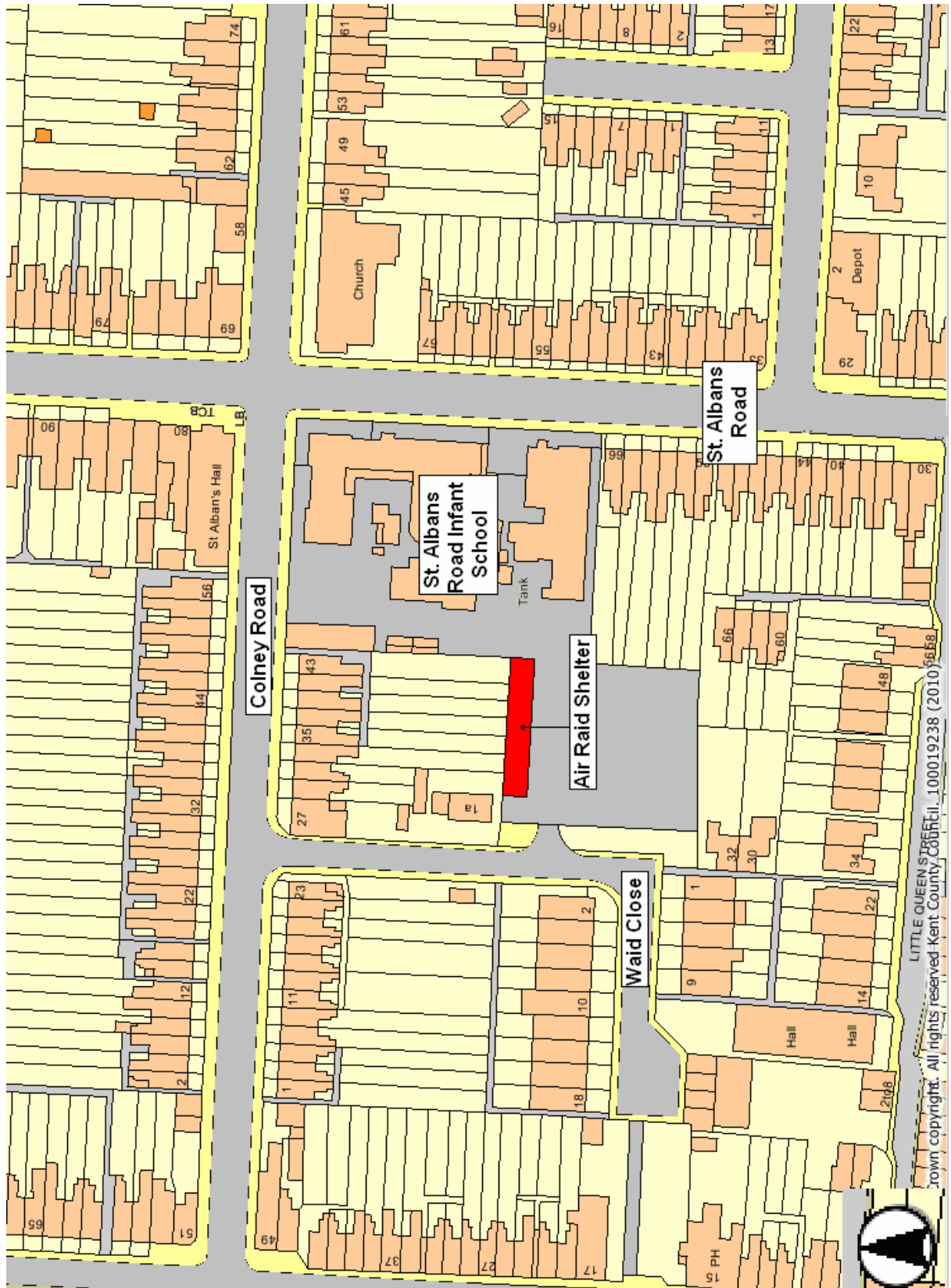
1. St. Alban's Road Infant School is a single storey school with approximately 275 pupils, catering for children from reception class age up to Year 2. It is located in a predominantly residential area on the eastern 'New Town' area of Dartford. The school is accessed via St. Alban's Road, as well as by a pedestrian and service access to the rear of the school along Waid Close, a residential cul-de-sac.
2. The main school building is typical for schools of this period, being single storey and red brick, and is of similar design and materials to the surrounding terraced housing. There is a large tarmac surfaced area to the rear of the school providing recreation space for the pupils at break periods. Within this area is a large air-raid shelter which is used for storage and is the subject of this planning application. The air-raid shelter is situated on the northern boundary of the playground, to the rear end of the gardens of 31-43 Colney Road, and adjacent to a residential property on Waid Close.
3. The recent planning history of the site includes small single storey extensions to the front and rear of the school, granted permission in 2005, and a canopy to the Northern elevation, granted permission in 2004.

Proposal

4. St. Alban's Road Infant School is applying for planning permission to convert the existing air-raid shelter in to usable classroom space. The conversion would involve the bricking-up of three of the existing doors, the installation of windows and one door to the southern elevation and internal works. The main external difference would be the replacement of the flat roof. The applicant is proposing to remove the existing concrete slab flat roof, and replace it with a timber-framed pitched roof with a finish to match the existing. The roof would be of a single pitch, sloping north to south, with 7 roof lights installed and would result in the northern elevation of the building being raised by 1.3m.

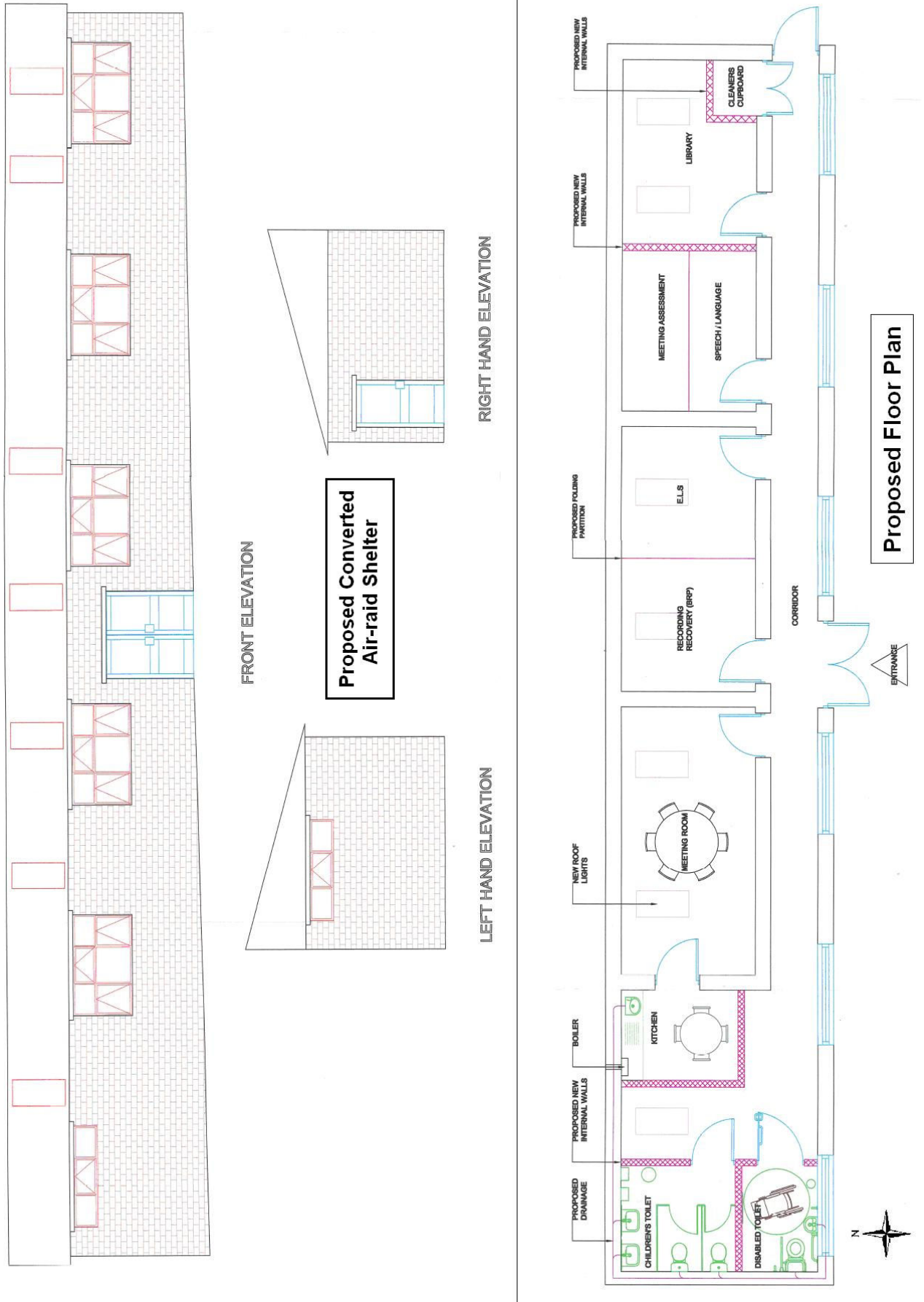
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The shelter is proposed to house a library, meeting rooms, E.L.S. room, toilets and a kitchen. This would be an enhancement to the existing facilities as these are not provided within the main school buildings.

5. The converted air-raid shelter would contain a corridor, classroom space, meeting rooms, a small kitchen and toilet facilities. The applicant has proposed to raise the roof height in order to provide sufficient internal space and to meet Building Regulations requirements, indicating that reducing the floor level would not be a viable alternative due to expense and physical difficulties. The building occupies an area of approximately 159m², being 5.4m wide and 29.35m long, and these dimensions are proposed to remain unaltered.
6. The nearest residential property is along Waid Close, approximately 2m from the existing air-raid shelter. The rear gardens of the houses along Colney Road extend up to the development, however the residences themselves are approximately 30m away. There are several mature trees to the rear of the air-raid shelter, within the gardens of the houses along Colney Road. These trees provide screening between these gardens and the school, and amenity value to the area. The applicant has indicated that works to the trees may be required.



Existing Shelter, Trees and Neighbouring Property

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7. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) National **Planning Policy Statement 1: Delivering Sustainable Development**

Para 27(viii) Planning should seek actively to bring vacant land and underused previously developed land and buildings back into beneficial use.

(ii) The adopted **Dartford Borough Local Plan 1995 Saved Policies (2007)**

Policy H12 Proposals which are incompatible with the residential function of existing housing areas of which adversely affect their amenity or which are otherwise un-neighbourly in planning terms, will not be permitted.

Policy B1 Development proposals should not materially detract from the amenity of adjoining properties and, particularly in the case of residential properties, should avoid giving rise to the loss of daylight or sunlight.

Policy CF3 The Council will support the provision or enhancement of community facilities and will take the following factors into account: suitability of the site and location for the proposed use; effect of the proposal on the amenity of nearby properties and the surrounding area; design of buildings and adequacy of landscaping.

Consultations

8. **Dartford Borough Council:** Raises no objection

Divisional Transport Manager: Raises no objection on highway grounds.

Local Member

9. The local County Member for Dartford North East Mr Avtar Sandhu, was notified of the application on the 27 April 2010, and supports the application as the proposal would give the Infant School the additional room which it requires.

Publicity

10. The application was advertised by the posting of a site notice and the notification of 21 neighbours.

Representations

11. I have received 1 letter of objection from a near neighbour to the development site, and the points raised can be summarised as follows:

- The raising of the roof would result in a loss of natural light to the garden and rear downstairs windows.
- The raised northern elevation would adversely affect the outlook from the property.
- The proximity of the toilets within the building to the kitchen and windows of the property could result in odour and sewage problems.
- The development would result in increased noise.

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- The noise and disturbance during the construction phase would be unacceptable considering the proximity to the garden and kitchen. The development would be only a few metres from the windows, and adjacent to the garden and would therefore impact on privacy.
- The movement of large plant through Waid Close would cause disturbance and interference.
- The works would be likely to take place during the school holidays and would therefore cause maximum disturbance to the amenity of the occupants of the property.

Discussion

12. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
13. This application has been brought for determination by the Planning Applications Committee following the receipt of material planning objections from a near neighbour to the development site. The comments of the neighbour are summarised above, and cover a number of aspects relating to both the use and appearance of the building, and the impacts during the construction phase. In this report, I will approach each consideration individually.

Impact on Residential Amenity

14. This property is 2m from the existing shelter building, and is oriented east to west. The garden of the property would be overlooked by the raised building as the northern elevation is proposed to be increased in height by 1.3m. The photos in the presentation give an indicative representation as to the new line of the proposed roof, and the potential visual impact that this would have on the neighbouring property. It is important to bear in mind that the purpose of the planning system is not to protect the privately obtainable views of individuals, and from private housing in particular. However, the effects on neighbouring properties by virtue of oppressive or overbearing impacts and the potential interruption or loss of daylight or direct sunlight can be a material planning consideration because of the amenity implications.
15. The conversion of the air-raid shelter would result in a large increase in bulk to the elevation overlooking the garden of the neighbouring property on Waid Close. Whilst that would not impact greatly on the other residential properties to my mind, there would be a severe impact on this property in particular. The raised roof line would reduce the amount of natural light enjoyed by the garden and the rear windows, as the shelter is directly south of the neighbouring garden. This impact would be greater during the winter months, when the sun is lower in the sky.
16. It is clear from the plans, and visiting the site, that the increased height would greatly affect the outlook from the neighbouring property, and reduce some natural light. Visually, the increased northern wall would create an imposing and incongruous bare elevation when viewed from the adjacent house and garden. Therefore, in policy terms I consider that the overbearing impact of the proposal would not be acceptable, particularly with regard to Policy B1 of the Dartford Local Plan, as the development would 'detract from the amenity' of an adjoining property, and could give rise to 'the loss

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of daylight and sunlight'. It should be noted that the proposed development is to the south of the nearest property and so could interrupt direct sunlight. Although the development would serve to enhance a community facility, Policy CF3 of the Dartford Local Plan indicates that these developments should be considered in light of their impact on residential amenity, and in this instance the proposal could be seen as being not acceptable due to the impact on the neighbouring property.

17. Discussion was entered with the agents regarding the possibility of reducing the height of the rear elevation. The agents stated that this was not possible as the roof needed to be raised to create sufficient internal space, and digging out the floor was not a viable option.
18. The photos in the presentation show the outlook from the neighbouring garden, and give a representation as to the potential impact of the completed development. The applicant has indicated they are willing to finish the building with a 'hipped-end roof' to reduce the impact; however no plans have been received to demonstrate how this would be achieved.

Visual Impact

19. The design of the converted building is to retain the existing external walls as much as possible. This is considered a preferable option for development in policy terms as it proposes the reuse of a redundant building, and therefore minimises waste and expense of constructing a new building. Therefore the conversion of the air-raid shelter, in principle, can be seen as acceptable in policy terms and in achieving wider sustainable development objectives. However, the relevant planning policies also indicate that the reuse of buildings must be considered on their merits and must not adversely impact on the amenity of the area, and the enhancement of community facilities must be considered against the impact on the amenity of neighbouring properties.
20. The main change to the shelter is the replacement of the flat roof with a sloping single pitched timber-framed roof. This would result in the northern elevation, abutting the boundaries of the neighbouring properties, to be raised by approximately 1.3m. Whilst the southern elevation facing the playground would not impact visually on the surrounding area, I consider that the raised elevation could adversely affect neighbouring amenity given the proximity of the nearest property.
21. Most of the shelter abuts the rear of the gardens of the properties 31-43 Colney Road. These gardens are 30m long and narrow, and are screened from the school site by mature trees. The majority of the gardens also use the end area to house sheds and greenhouses. Therefore, the raising in height of the shelter would not have a significantly adverse visual impact on the amenity of those properties.

Noise

22. The neighbouring resident has expressed concerns that the use of the air-raid shelter would result in increased noise levels close to her garden and rear windows. At present they can hear when the caretaker is using the shelter, due to the proximity to their garden.
23. The applicant has indicated that the construction standards of the building would be improved during the conversion in order to comply with Building Regulations. This would include improved levels of insulation which would dampen noise. Also, the rooms closest to the neighbouring property are designated to be toilets and a kitchen, which

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would not be used as intensively that the other rooms, and are generally quieter activities than classroom use.

24. On balance, I am satisfied that the noise levels will not impact greatly above what is experienced at present. The air-raid shelter is situated on the school playground, and therefore the neighbouring property invariably experiences noisier activities during the school day as a matter of course. However, in order to minimise this impact, the hours of use of the converted building could be limited by condition, to within normal school hours, so as to prevent any additional disturbance beyond that already experienced.

Odour

25. The designation of the western rooms of the converted air-raid shelter as toilets and a kitchen has raised concerns from the neighbour over potential odour issues. The building immediately abuts the garden of the neighbouring property, and is approximately 3m from the nearest downstairs window, and near the kitchen windows. The neighbour is concerned that the ventilation systems from the toilets and kitchen would produce odour which would be noticeable from the garden, and potentially in the kitchen.
26. The applicant has assured that the vents would not be located on the northern elevation, so would not be emitting odours directly towards the property. They are likely to be situated on the western elevation, which is currently used as the storage area for the School's wheelie bins.
27. Whilst the applicant has provided assurances that they are taking steps to prevent any nuisance from odour, any potential impacts could be mitigated or minimised by sufficient ventilation and this could be protected by condition.

Trees

28. There are several mature trees along the boundary adjacent to the air-raid shelter, which are significant features of the neighbourhood amenity. Although the application forms indicated that there would be no work to any trees, and that there are none adjacent to the development, it is clear from visiting the site that if the northern elevation of the shelter is to be successfully raised, significant work would need to be done to at least one tree. The photograph in the presentation shows the tree most likely to be affected, and it would appear that the majority of the main branches and trunks to the tree would need to be removed. This tree is also the closest to the nearest neighbour to the development site, and therefore its removal would further impinge upon the residential amenity of this household further to the impacts caused by the increased building height.
29. The situation regarding the tree has been raised with the agents, and they have indicated that they believe the raised roofline would not cause a major disruption to the trees, and that the rear elevation can be pitched to reduce any impact. However, no plans were received to demonstrate how this would be achieved and therefore the reduced impact of a pitched elevation cannot be assessed.

Effects of Construction

30. The nearest residential property is situated 2m away from the air-raid shelter, and the occupier has expressed concern relating to negative impacts during the construction

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phase should the conversion be granted planning permission. The northern elevation of the shelter is proposed to be raised by 1.3m, and this elevation immediately abuts the boundary with the residential property. The resident is concerned that during the construction of the roof, and the raising of the elevation, they will be subject to excessive noise, dust and a loss of privacy. The concerns relate to the fact that the constructors would be overlooking the garden of this property and the windows to the kitchen and dining room, which are only a few metres away.

31. The resident has expressed concerns that construction traffic would use the rear entrance to the playground, accessed via Waid Close. The road is the only access road to the Waid Close cul-de-sac and is used for parking and therefore the neighbour is concerned about disturbance and safety issues.
32. Whilst the effects of the construction phase of a development are not by prescription material to the determination of a planning application, the impacts of this phase can be minimised and mitigated by the imposition of conditions. The agents, acting for the applicant, have indicated that a 'pre-commencement' meeting would be held with local residents in order to create a construction management scheme. The use of the rear entrance via Waid Close has been indicated as the most appropriate access, as the gates are adjacent to the development site. The Divisional Transport Manager has not passed any comments on the application, however conditions can be applied to limit the hours of use of the access along Waid Close by construction traffic, in order to minimise disruption during peak hours.

Conclusion

33. The conversion of the air-raid shelter to classroom space would be a prudent use of an underused building, and would enhance the provision of classroom space and contribute to wider sustainable development objectives in accordance with PPS1. However, the raised roof height would result in the rear elevation being increased by 1.3m, which combined with its proximity to a neighbouring residential household, would significantly impact on the amenity, natural sunlight and daylight, and visual outlook from this household. Therefore I consider that the development would not be in accordance with Policies H12, B1 and CF3 of the Dartford Local Plan. The proposed development would also potentially impact on a tree significant to the neighbourhood amenity, and insufficient assurances have been provided to allay these concerns.
34. In principle, the conversion of the air-raid shelter would be welcomed and acceptable on policy terms as long as a design solution can be found that minimises the impact on residential amenity by avoiding the northern elevation being raised.
35. On balance I recommend that permission be refused, as the significant detrimental impacts on the neighbouring property outweigh the enhancement of the community facility and the re-use of the redundant building.

Recommendation

14. I RECOMMEND that PERMISSION BE REFUSED for the following reasons:
 - By virtue of the proximity of the shelter to the neighbouring household, the raised elevation would reduce the natural sunlight and daylight enjoyed by the garden and the rear ground floor windows, and would be an oppressive and dominant feature over a residential property, and would therefore not be acceptable under policies H12, B1 and CF3 of the Dartford Local Plan.

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- The development would be likely to result in the loss or reduction of a tree significant to the neighbouring amenity.

Case officer – Jeff Dummett

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Background documents - See section heading
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