

Variation of details to allow increased ridge and eaves height, removal of external fire escape, addition of air source heat pumps and minor alterations to roofscape and elevations at Wentworth Primary School – DA/17/00648/CPO (KCC/DA/0091/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 19th June 2017.

Section 73 application to vary condition 2 of planning permission DA/16/1328 to allow an increase in the ridge and eaves height of the building to accommodate the steel frame modules, other minor alterations to the roofscape and elevations and the addition of air source heat pumps to the west elevation enclosed with timber fencing at Wentworth Primary School, Wentworth Drive, Dartford, DA1 3NG – DA/17/00648/CPO (KCC/DA/0091/2017)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr J Ozog

Classification: Unrestricted

Site

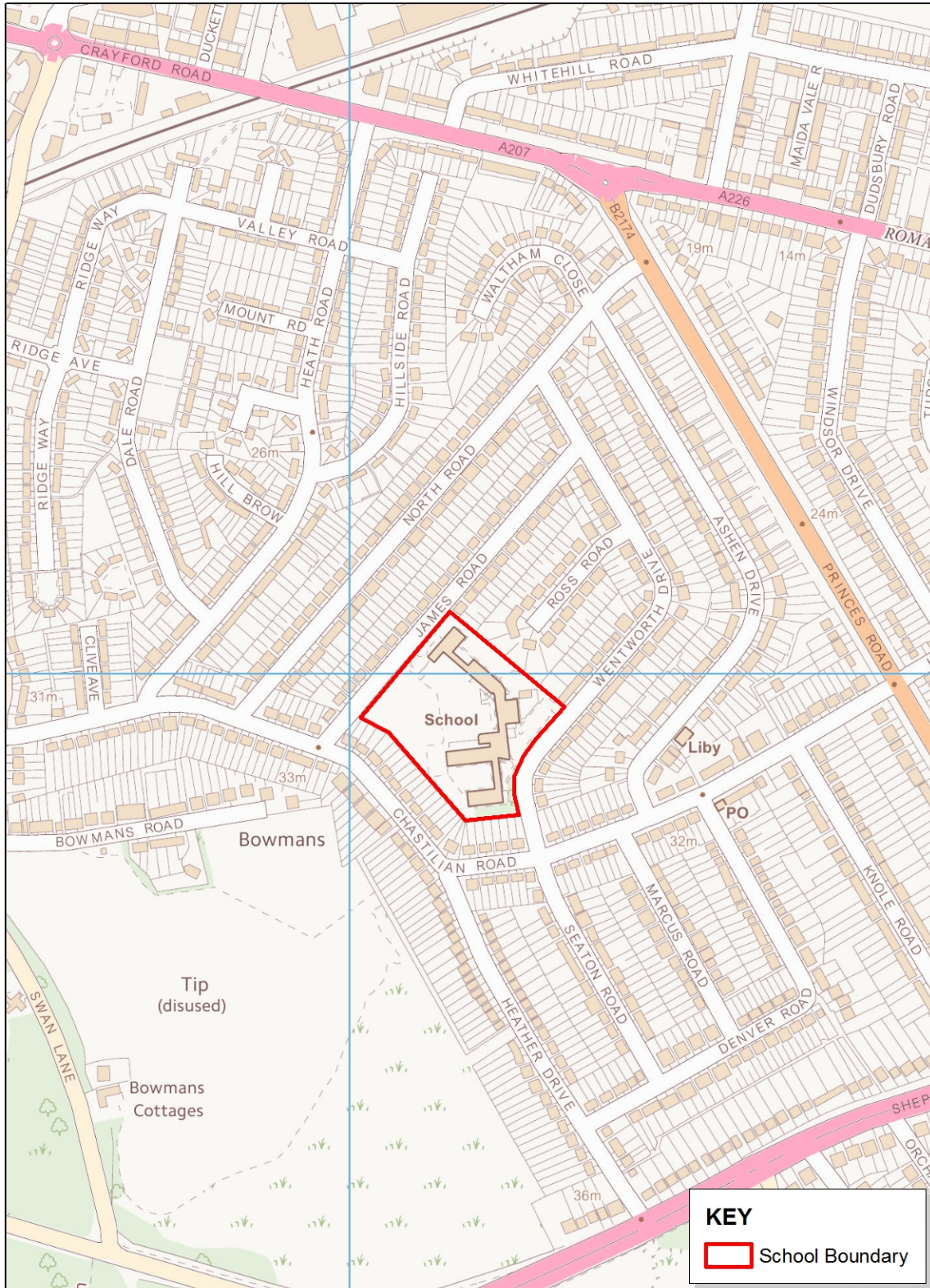
1. Wentworth Primary School is located in a residential area to the west of Dartford Town Centre and to the south east of Crayford. The main entrance to the school is on Wentworth Drive and a secondary entrance is on James Road. There is car parking on site near to both access points.
2. The school buildings are located to the north, east and south of the site enclosing the hard surface play areas and the playing fields which are located to the west of the site.
3. The nearest residential property to the proposed two storey building is approx. 45 metres north east of the proposal in Ross Road, which is a cul-de-sac. To the east the nearest residential property is approximately 54 metres in Wentworth Drive and to the south property is located approximately 92 metres in Chastilian Road. To the west the nearest residential property is located in James Road and Chastilian Road, between 79 metres and 88 metres away.

Background

4. In December 2016 Members of the former Planning Applications Committee resolved that planning permission be granted for the erection of a two storey classroom block alongside the existing Wentworth Primary School providing 7 classrooms and a group room with additional site car parking (DA/16/1328). The proposal allowed an expansion to a 3 FE school, in permanent classrooms and work commenced in early April 2017. In March 2017 the applicants sought advice about alterations to the proposed building. They were advised that they would need to apply for planning permission to vary the details already approved in relation to condition 2 of permission DA/16/1328 which states “the development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted details, documents and plans referred to above and/or as otherwise approved pursuant to the conditions below”. An application was received at the end of March 2017.

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General Location Plan



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Existing approved drawings

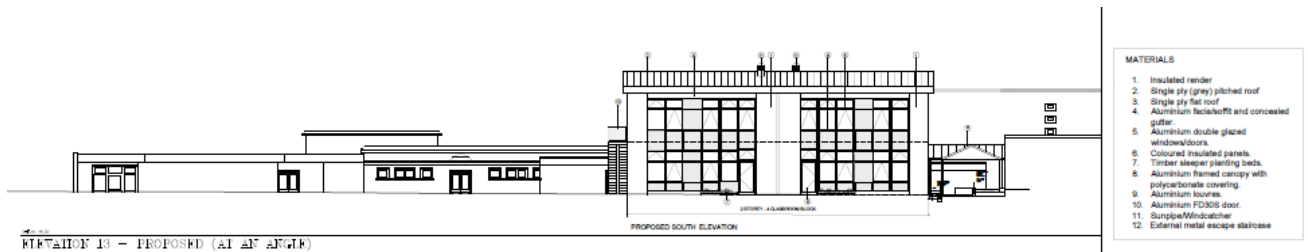
1) Contextual east elevation viewed from front of school



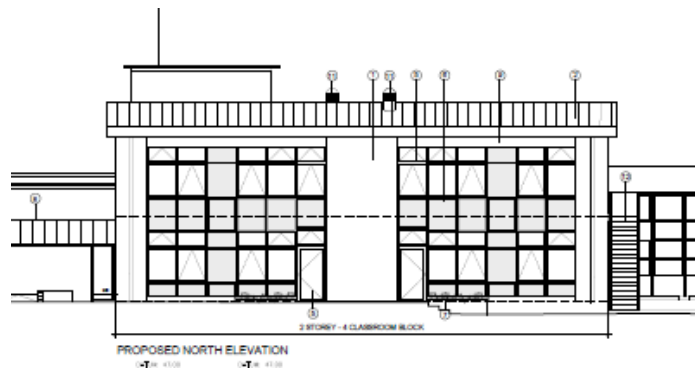
2) Approved contextual west elevation viewed from playground at rear of site



3) Views of Existing approved south elevation

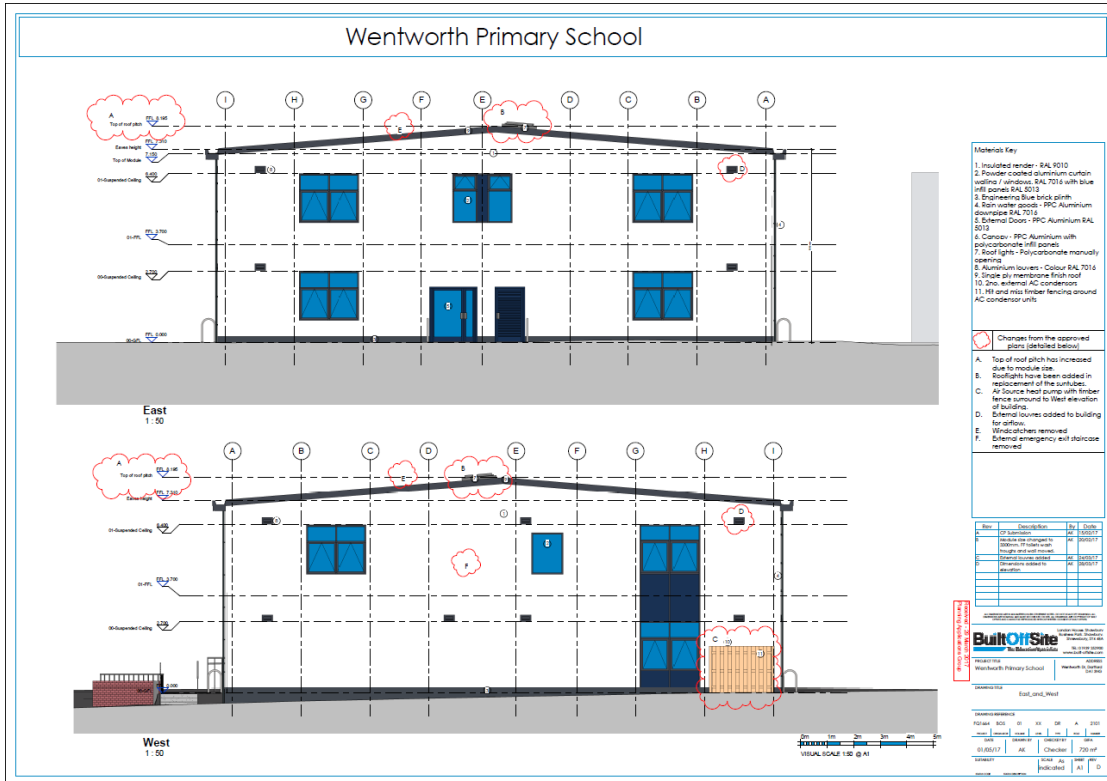


4) View of Existing approved north elevation

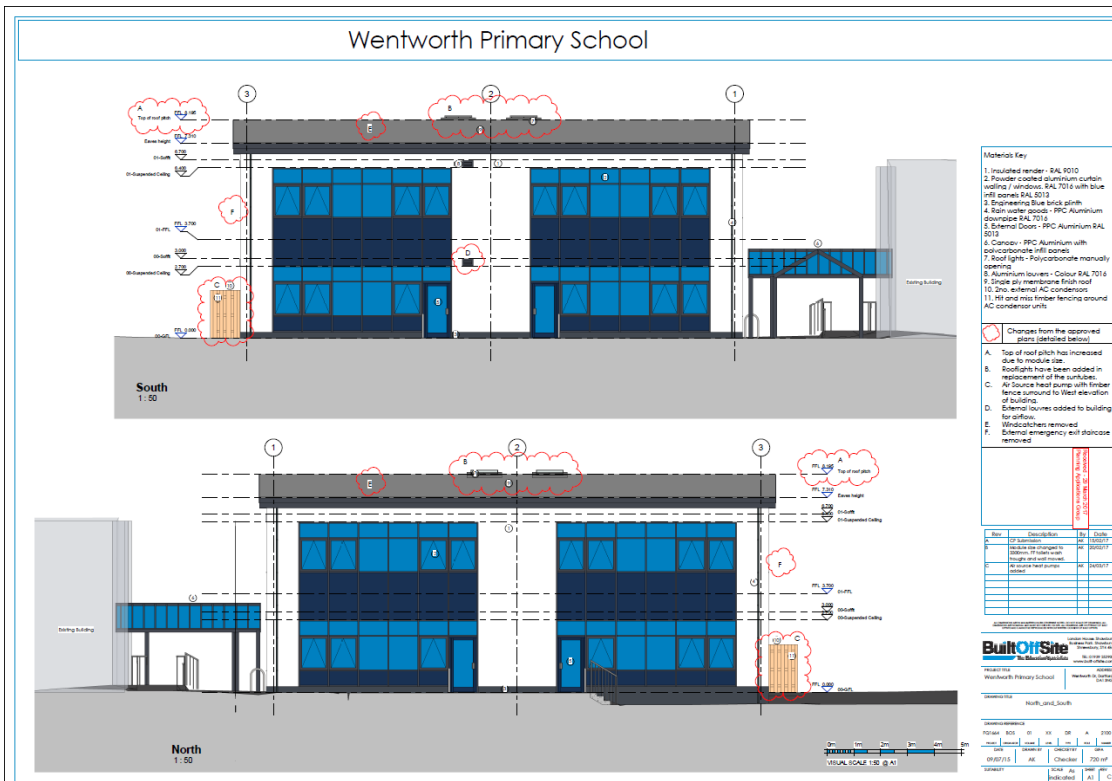


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Proposed amendments to east and west elevation



Proposed amendments to north and south elevation



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Existing view from north west



View from east of site



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View of library and corner window of dining area in relation to extension



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Site History since 2002

5. Granted by Kent County Council

DA/16/1328 Two storey classroom block to provide 7 classrooms and group room and additional site car parking.

DA/09/508 Single storey extension to Wentworth School to form an ICT suite.

DA/06/867 Extension to form new conference room and office.

DA/04/1134 Proposed library extension.

DA/02/1005 New teaching block.

DA/02/665 Proposed additional car parking.

DA/02/636 Proposed external ramp.

6. Granted by Dartford District Council

16/00242/FUL Demolition of existing garage and erection of a single storey extension to provide a new caretaker's room, new glazing, windows and cladding to north and south blocks and new covered walkways to both blocks.

04/00887/FUL Siting of a detached single storey building to provide a new nursery block.

Proposal

7. The application seeks a number of amendments to the DA/16/1328 permission.

8. The two storey building permitted by the DA/16/1328 decision proposed external dimensions of 18.49m by 20.9m with a 5 degree pitched roof. The proposed height of the building to the eaves was 6.565m and to the ridge 7.52m. As originally proposed it included an external metal escape staircase to the west elevation providing a second means of access from the first floor of the building.

9. This application proposes to increase the height of the building to the eaves to 7.31m which is an increase of 0.745m to the existing permission. The height of the building is proposed to be 8.195m at the top of the roof pitch which is an increase of 0.67m to the existing permission. The top of the prefabricated modular frame structure is proposed to be 7.150m. The prefabricated modular frame structure to 7.150m is in place at the site and is shown in the photographs above.

10. The application also seeks to remove the wind-catchers and sun tubes from the roof of the building; replace the sun tubes with automatic opening roof lights to allow for more natural sunlight into breakout areas; include air source heat pumps and a timber fence to the West elevation of the building; to add external louvres to the building for ventilation purposes and to omit the external emergency exit staircase and replace it with a window.

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Planning Policy

11. (i) **National Planning Policies** are set out in the **National Planning Policy Framework (NPPF) (March 2012)** and the **National Planning Policy Guidance (March 2014)**, which sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

The NPPF states that, in determining applications, local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- consideration of whether and safe and suitable access to the site can be achieved for all people;
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- the great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools.

(ii) **Policy Statement – Planning for Schools Development** (15 August 2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

Development Plan Policies

(iii) **The adopted Dartford Borough Local Plan 1995 Saved Policies (2011)**

Policy B1 Development proposals should be appropriate for the location and should not have a detrimental amenity impact on the local area. A high standard of design should be implemented in proposals with layout, materials, adequate infrastructure, access and parking taken into consideration.

Policy B14 Development proposals should provide access for, and otherwise make suitable provision wherever possible, to meet the needs of disabled people, the elderly, and the less mobile.

Policy S6 Development proposals should conserve and improve the existing built environment and a high quality and standard of design shall be achieved in new development.

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(iv) The adopted Dartford Core Strategy (2011)

Policy CS21 Seeks effective provision of community services.

Policy CS23 Seeks to minimise carbon emissions including through energy efficiency and use of renewable energy. The Council will require all new development to demonstrate that reductions in energy use through passive design and layout of development have been explored and applied, where practical.

(v) Emerging Dartford Development Policies Plan (Publication (Pre Submission) Document 2015)

Policy DP1 **Presumption in Favour of Sustainable Development:** A positive approach to considering development proposals will be had, reflecting the presumption in favour of sustainable development contained in the NPPF and the development needs of the Borough set out in the Core Strategy.

Policy DP2 **Good Design in Dartford:** Development will only be permitted where it satisfies the locally specific criteria for good design in the Borough by (a) reinforcing and enhancing localities to create high quality places, (b) ensuring heritage assets are retained, re-used and respected, (c) facilitating a sense of place through a mix of uses and careful design, (d) providing clear pedestrian and cycle linkages and permeability, active frontages and a mix of buildings and spaces. Provides further advice about determining planning applications in relation to scale, massing, form, materials, Conservation Areas and areas of heritage sensitivity, inclusive, safe and accessible places, management of natural resources and flood alleviation, and appropriate signage and advertisements.

Policy DP5 **Environmental and Amenity Protection:** Development will only be permitted where it does not result in unacceptable material impacts, and consideration must be given to potential amenity/safety factors such as traffic, access and parking, anti-social behaviour and littering, and intensity of use (amongst other matters).

Consultations

12. **Dartford Borough Council** verbally raise no objections to the proposal.
13. **Kent County Council Highways and Transportation** raise no objection
14. **Kent Fire and Rescue Service** – no response received

Local Member

- 15 The local County Member, Mr Jan Ozog was notified of the application on 6th April 2017.

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Publicity

16. The application was publicised by the posting of two site notices, and the individual notification of 115 residential properties.

Representations

17. In response to the publicity, 3 letters of representation have been received. A summary of the main planning issues raised/points made to date are set out below:

- Objection to the removal of the external fire escape from the proposal with concern that there is a reduction of the fire safety provision to the minimum standard and that in order to have a safe escape strategy the school will have to compromise the operation of the new building; the deletion of the first floor second escape route puts the children at increased risk. The location of the disabled escape refuge in the flow of the only remaining exit stairs further compromises the exit strategy. There is no clear indication of any mitigating actions in the application and no justification as to why the original design is being varied and the safety provision reduced.
- Concern that this is a very large and imposing building which is being built in close proximity to the single storey section of the school building and as such the canteen and library will no longer benefit from any natural light.
- Concern about the planning process in particular the applicants and contractors regard for the planning process, as work has already started on installing the prefabricated sections of the building before the publicity for the application had been completed and the application had been decided.

18. A number of points that were made in the representations refer to points of principle and are not material to the consideration of this application. These include the following and with the exception of the final point have already been considered in relation to the determination of the previous application DA/16/1328:

- Concern that the school cannot cope with the increased intake in numbers and that the infrastructure surrounding the school cannot support the additional traffic that this extension will create.
- Concern about the disregard for yellow zigzag restrictions, the blocking of residents' driveways, and safety for children crossing roads.
- Restricted parking to residents of James Road due also to commuter parking exacerbated in school time by parents using the James Road entrance.
- Considers that the Zig Zag lines opposite 83 James Road are unnecessary as the padlocked gate is not used. Requests that the school formalise the closure of the disused gate and remove the zig zag lines.

Discussion

19. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (11) 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 the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include the

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acceptability of changes to the permitted building design, the access matters raised in the representations received and whether the development remains sustainable in light of the NPPF.

20. Members should note that this is partially a retrospective application and arises as a result of changes during detailed design. However, the need and principle of a two storey development in this location for the development has already been established. As the application does not amend any detail relating to car parking or add to the existing capacity of the school or seek to amend any of the details relating to highways matters, there are no new highways impacts to consider as a result of the proposal. Furthermore, Kent County Council Highways and Transportation advise that they have no objection to the application.

Design issues

21. Whilst the DA/16/1328 proposal attracted neighbour objection in relation to the size and scale of the proposal amongst other matters, it was considered to be acceptable within the context of the site and its surroundings. Therefore the former Planning Applications Committee resolved that planning permission be granted, subject to conditions.
22. National Planning Policy seeks to achieve good design and planning policy guidance states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
23. Dartford Planning Policy B1 seeks to ensure that development proposals are appropriate for the location and that they should not have a detrimental amenity impact on the local area, whilst encouraging a high standard of design with regard to layout, materials, infrastructure, access and parking. Policy S6 requires a high quality and standard of design in new development.
24. As a number of amendments to the design are now being sought, the policy as it relates to the amended design needs to be considered afresh. The amendments result from the method of construction that has been chosen by the applicant which is prefabricated modular design rather than the timber panel design originally proposed. The use of fixed modular structural frame sizes at this site results in a higher ceiling height at both floors and higher eaves. Allowing for the 5° pitched roof, a higher roof ridge also results.
25. A local resident has responded to the application with concern about the proposal which in their view is considered to be a very large and imposing building built in close proximity to the single storey section of the school building and impacting on the natural light received in the canteen and library. The resident also has concerns about the planning process and that the building is already taking place ahead of approval. This is discussed further below.
26. The top of the modular frame structure is proposed to be 7.150m, which is above the currently permitted eaves height of 6.56m. The modular frames have already been installed at the site. When viewed from neighbouring property I do not consider this increase will be significantly different to that already approved given the distance between the proposal and residential properties.
27. The proposed height of the building to the eaves in this application is 0.745m higher than previously approved. However, in my view when viewed in the context of the

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surrounding buildings again this is not a large increase and not so significant as to warrant refusal on the grounds of its design and residential amenity impact.

28. As a result of the change in method of construction, the overall height of the building is proposed to be 8.195m at the top of the ridge which is an increase of 0.67m to that already permitted. Care needs to be taken to ensure that the massing of the development is not unacceptably increased as a result of these amendments. However, in my view, the proposed amendments to eaves height and ridge height are not large and would not significantly change the overall appearance of the building to that already approved. In my view the scale of the amendments being proposed is acceptable when viewed within the site context. Furthermore, given the range of building types and heights at the site, I do not consider that the proposal would be out of place when sited amongst buildings ranging in height from 6.43 metres to 8.89 metres. I also do not consider the increased scale and massing of the building to be inappropriate in this location given the mix of existing buildings at the site. The building is partially screened by existing school buildings from the nearest residential property in Wentworth Drive and the west elevation is sufficiently distant from properties in Chastilian Road and James Road to not be overbearing. Views from the north and south would be partially screened by the existing buildings at the site.
29. With regard to the impact of the proposal for amendments to the availability of natural light for the canteen and the library, it is noted that the applicant would have had regard to building regulation requirements in relation to light and shading in the design of the original building and in these proposed amendments. The applicant has submitted sun path information to show that the proposal would not affect direct sunlight to the existing library and dining hall during a typical school day.
30. The extension is sited 8.7m from the library and 6.7m from the dining area and therefore a small increase in the eaves height may slightly reduce the amount of daylight received through the windows in these buildings. The applicant has submitted further information with regard to the effect of the proposal on daylight using Design Builder “Sunlight” modelling software. The model demonstrates that there is no overshadowing or loss of sunlight amenity during the school day as a result of the proposal. The model calculates the Average Daylight Factor (ADF) to check light levels within the library and canteen area before and after the proposal to demonstrate the impact of the proposal on the daylight within the library/canteen area. The results show that whilst there is a 0.71% reduction in the ADF from 4.06% prior to any development to 3.35% within the library/canteen, both of the results are above the Building Research Establishment (BRE) guidance of 2% ADF for good daylight practice in educational buildings. The impact of the proposal does not therefore in my view have a significantly adverse impact to the light levels within the library/canteen, or cause these existing buildings to fail the industry standards in relation to daylight.
31. It should be noted that the canteen is served by extensive full height glazing, in the eastern elevation and is therefore well lit from the east. The library building design includes extensive corner curtain glazing as well as velux roof windows. Having visited the library and the dining hall area with the modular in place to a height of 7.150m, there does not appear to be an unduly adverse impact to light received within the library or canteen. It should be noted also that additional roof windows could be added to the existing library building on the elevation facing the proposal to increase the natural light received to the library should it become necessary. It should also be noted that the dining hall and library are rooms which are intermittently used by the children within the site.

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32. Furthermore, it should also be noted that the nearest residential property is sufficiently far from the site to be unaffected by overshadowing and loss of daylight or sunlight.
33. The application also proposes the removal of sun tubes and wind catchers from the roof of the new building. The permission DA/16/1328 had required further details of these to be submitted pursuant to condition 11, including details of the number, design and layout and these details have not been submitted or approved. The applicant proposes to replace the sun tubes with automatic opening roof lights to allow for more natural sunlight into breakout areas. Two rooflights are proposed (shown on the roof plan) measuring 1m by 1m. The removal of the approved roof structures from the design, which are typically up to 1.2m tall and 1m wide for a wind catcher and 0.6m tall and 0.5m wide for a sun tube and replacement with opening roof lights, would in my view result in an overall improvement to the visual appearance of the proposal.
34. The applicant proposes to include two ground located air source heat pumps (air conditioning units) with a surrounding timber fence to the West elevation of the building. These will be screened by 'hit and miss' timber fencing and would not have adverse visual impact at ground level when viewed against the context of the school building. They would also be sufficiently distant from residential property to not cause adverse noise impacts.
35. External louvres have also been added to the southern, eastern and western elevations to the building for ventilation purposes which do not significantly alter the appearance of the building.
36. The proposal also includes the removal of the approved external fire escape from the western elevation. The applicant considers that the building will meet building regulations and the legal fire safety requirements without the external fire escape and that the external fire escape is not necessary to the design. It would appear that there are differing interpretations of the Building Regulation requirements but Building Regulation requirements per se are not, in my view, matters for the planning authority to consider.
37. However, the proposal to remove the external fire escape has met with objection from a local resident/parent at the school as detailed above. Whilst it would have been helpful in the application to include more information about the reason for the amendments being sought and the level of compliance without the external fire escape in the design, the applicant did provide further information to expand on the proposal in relation to the removal of the fire escape and this was included in the application during the course of processing it. The applicant did also correspond directly with the resident with regard to the concerns although notwithstanding this the objection has not been resolved.
38. The NPPF guidance on building design is that buildings should function well, form safe and accessible developments and make places better for people with consideration to the lifetime of the development. However, whilst the means of access and the visual impact of the arrangements for access are important design considerations in planning, the requirement for an adequate fire escape within the design of a building is governed by Building Regulations and Fire Safety Regulations. If it is necessary to have a fire escape then one should be provided and designed appropriately, whereas if one is not necessary the building should be designed appropriately without it. In this case, the Applicant's Approved Building Control Inspector considers that an external fire escape is not necessary in order to meet the statutory compliance of the building as all relevant statutory requirements are in their view met by the internal escape route. Therefore, the

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design and visual appearance of the western elevation of the building without the fire escape needs to be considered. The design of the western elevation is not in my view unacceptable with the proposed window amendments and with removal of the external staircase.

39. I have received confirmation from the applicant that proposal has been checked by the Building Control Approved Inspector to ensure compliance with Building Bulletin 100: Design for Fire Safety in Schools and a Fire Safety Schedule has been produced. Fire safety information is required to be given to a “responsible person” (as defined by the Regulatory Reform (Fire Safety) Order 2005, before the Approved Building Control Inspector can issue the final Fire Certificate for the building and this will aid the “responsible person” in carrying out their fire risk assessment. The use of space in the future and the fire safety arrangements once the building is in use are measures for the school to manage directly to ensure they meet their fire safety responsibilities after the building has been handed over to the school.
40. I therefore conclude that Building Regulation requirements in relation to whether or not a fire escape is required and Fire Safety requirements once the building is occupied are matters that are addressed by other legislation and that the removal of the external fire escape from the building does not adversely impact on the visual appearance of the building. I have consulted the Kent Fire and Rescue Service on the proposal and await their response.

Sustainability

41. The proposal to remove the sun tubes and to replace these with 2 openable rooflights is intended to increase the natural light entering the building and to assist with providing adequate ventilation for people in the building and in order to assist with the control of indoor air quality.
42. The removal of wind catchers from the design and the introduction of air source heat pumps results from the Applicant reassessing their energy model in relation to the overheating criteria for the type of construction used for the warmer months. The air source heat pumps are to provide cooling and warming of the building in a carbon efficient manner. I am informed by the Applicant that the amendments meet the Simplified Building Energy Model (SBEM) requirements which are used to determine CO² emission rates for new buildings in compliance with Part L (covering conservation of heat and power) of the Building Regulations and to generate energy performance certificates on construction.
43. Given that the amended proposal meets the Building Regulation requirements in relation to energy performance and ventilation strategy, I am satisfied that the planning policy requirements in relation to sustainability are also met.

Highways and traffic issues

44. National Planning Policy and Local Planning Policy seeks to address the highways and traffic impacts of development proposals. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The highways and traffic issues contained within the representations as summarised in paragraph 18 above are not material to the consideration of this application to allow an increased ridge and eaves height of the

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building and other minor alterations to the roofscape and elevations. These matters were addressed in the report to committee in December 2016 and deemed to be acceptable and the application does not seek to change any of the highway related aspects of the proposal.

45. The representation concerning the necessity for zig zag road markings if the pedestrian access gate to the school opposite 83 James Road (to the south at the corner of the school field) is no longer used was not previously considered in the report to the December 2016 committee. The representation asks for the school to formalise closure of the disused gate and remove the zig zag lines which would allow additional on road parking to occur. The parking restrictions are no stopping on entrance markings between 0800 and 0930 hours and 1430 and 1600 hours Monday to Friday. However, the removal of the pedestrian access from James Road to the school and the removal of current parking restrictions on the highway outside of the pedestrian entrance are not included in this application and are matters for the school to consider outside of this planning application process. The use of the pedestrian access gate is therefore a matter for the school to manage and is not material to the consideration of this application. Notwithstanding this, it is noted that the School Travel Plan included within the DA/16/1328 application includes actions to increase walking to school. I would therefore suggest that an Informative could be used to request that the school give further consideration to the use and purpose of this pedestrian access and any amendments required to the associated road markings in James Road in their annual School Travel Plan review.

Process issues

46. The proposed increase to the eaves and to the overall building height is less than 1m. In my view, these are relatively small increases which do not significantly impact on the visual appearance or design of the proposal from nearby residential property. However, because of the wording of condition 2 and because of these changes in combination with the other amendments being sought, the applicant was required to submit a new application to allow consideration of the impacts afresh.
47. Since the application for the proposed amendments was made, building on site has progressed using the prefabricated modular frame construction method and the ground floor and first floor level is in place as shown by the photos above. The proposed amendments have met with some objection as described above, including the concerns with regard to the planning process given that the frame was installed before the publicity for the application had been completed.
48. The progress of the development in the absence of the relevant approvals being in place for the increased eaves and ridge height is clearly at the applicants own risk. However, whilst the Applicant has continued with work at the site I am informed by the Project Manager that works above the frame and to the roof have been postponed pending the Committee's decision.
49. Alleged contraventions of planning are considered by the County Councils Regulation Committee and this case will be reported to that Committee when it meets in July. However, it should be noted that as far as possible, the County Council endeavours to deal with a breach of planning control by negotiation and informal action, and if appropriate through the submission of a planning application to regularise the activity, which in this case has been done. This reflects good planning enforcement practice.

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Importantly, when considering retrospective planning applications, there are assessed on the basis that the development has not taken place.

50. The NPPF guidance on decision making is to approve development proposals that accord with the development plan without delay and to approach decision taking in a positive way to foster the delivery of sustainable development, looking for solutions rather than problems and that decision-takers at every level should seek to approve applications for sustainable development where possible. Therefore, in my view a decision on this proposal should not be delayed until after the Regulation Committee as applications are required to be considered in a timely fashion.
51. In my opinion, the proposal is in accordance with the development plan and there are no material considerations that indicate that Members should consider refusal of the proposal.

Conclusion

52. Given the presumption in favour of sustainable development and that planning proposals should be granted if they accord with planning policy without delay, I conclude that the development would not give rise to any significant material harm; is in accordance with the general aims and objectives of the development plan policies and accords with the National Planning Policy Framework and Planning Policy Statement for Schools (2011). Subject to the imposition of the conditions referred to below, I consider that the changes being sought to the development would not have a significantly detrimental impact on the character and appearance of the area by virtue of the design and would accord with the principles of sustainable development as set out in the NPPF. Therefore, I recommend that permission be granted subject to appropriate conditions.

Recommendation

53. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- that the development be carried out in accordance with the permitted details;
 - that all other conditions on permission DA/16/1328 continue to apply.

And Informatives:

- Concerning compliance with planning permission requirements
- Concerning fire safety requirements and compliance with Building Regulations.
- That the School give further consideration to the use and purpose of the pedestrian access and associated road markings to the south of James Road within the School Travel Plan review.

Case Officer: H Mallett	Tel. no: 03000 411200
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Background Documents: see section heading
