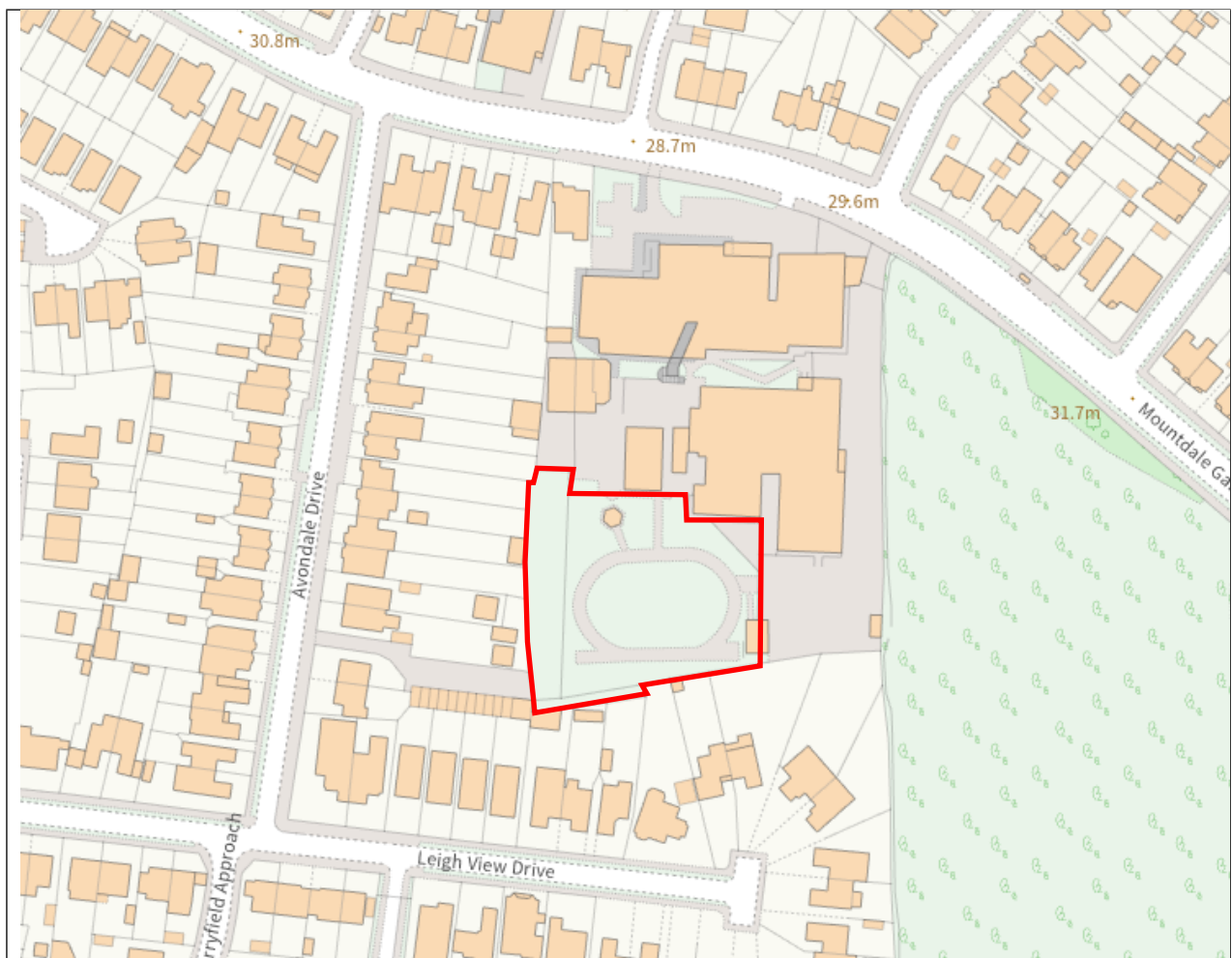


Reference:	24/01006/FUL	
Application Type:	Full Application	
Ward:	Blenheim Park	
Proposal:	Erect a detached single storey flat roof building with downlighting on elevations and PV solar panels and rooflights to roof to provide a four classroom block with supporting accommodation to rear boundary (south) of main school building, install external timber storage for push buggy/strollers, provide space for emergency vehicle turning, extend existing footpath and other associated works	
Address:	The St Christopher School, Mountdale Gardens, Leigh-on-Sea, Essex SS9 4AW	
Applicant:	Audrey McLellan of The St. Christopher School	
Agent:	Mr Sam Milne of The Livemore Partnership	
Consultation Expiry:	19.12.2024	
Expiry Date:	20.12.2024	
Case Officer:	Abbie Greenwood	
Plan Nos:	17478-12I, 17478-14D, 17478-16C	
Additional information:	<p>Planning, Design and Access Statement by The Livemore Partnership dated 06.06.24</p> <p>Supporting Information Statement dated November 2024</p> <p>Waste Management Strategy dated June 2024</p> <p>Drainage Strategy Report by DBS reference 230327 dated July 2024 (Drainage layout plan superseded)</p> <p>230327-04 T3 Indicative Drainage Layout Plan</p> <p>Arboricultural Report – Tree Survey and Protection Method Statement by Tree Fella Rev 1 dated 18.6.24</p> <p>Tree Protection Plan dated 20.5.24</p> <p>230327-01 T3 General Arrangement Pile Setting Out Plan</p> <p>Biodiversity Net Gain Assessment by Matthew Game rev 2 dated 10.6.24</p> <p>Biodiversity Net Gain Small Sites Metric dated 10.6.24</p> <p>Habitats Map MGC-000-G-0014</p> <p>Preliminary Ecological Appraisal by Matthew Game rev 2 dated 10.6.24</p> <p>Ecological Enhancement and Management Plan by Matthew Game rev 2 dated 10.6.24</p>	

	<p>Noise Impact Assessment by HA Acoustics reference HA/AG168/V1 dated 20.5.24</p> <p>Energy Strategy by Hulley & Kirkwood Issue 1 dated May 2024</p> <p>Email from agent dated 13.11.24</p>
<p>Recommendation</p>	<p>DELEGATE to the Executive Director for Environment and Place, Director of Planning and Economy or the Service Manager - Development Management and Enforcement to grant planning permission subject to the conditions set out in the main report provided any additional representations received up to the end of 19 December 2024 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.</p>



Site Location Plan

1 Site and Surroundings

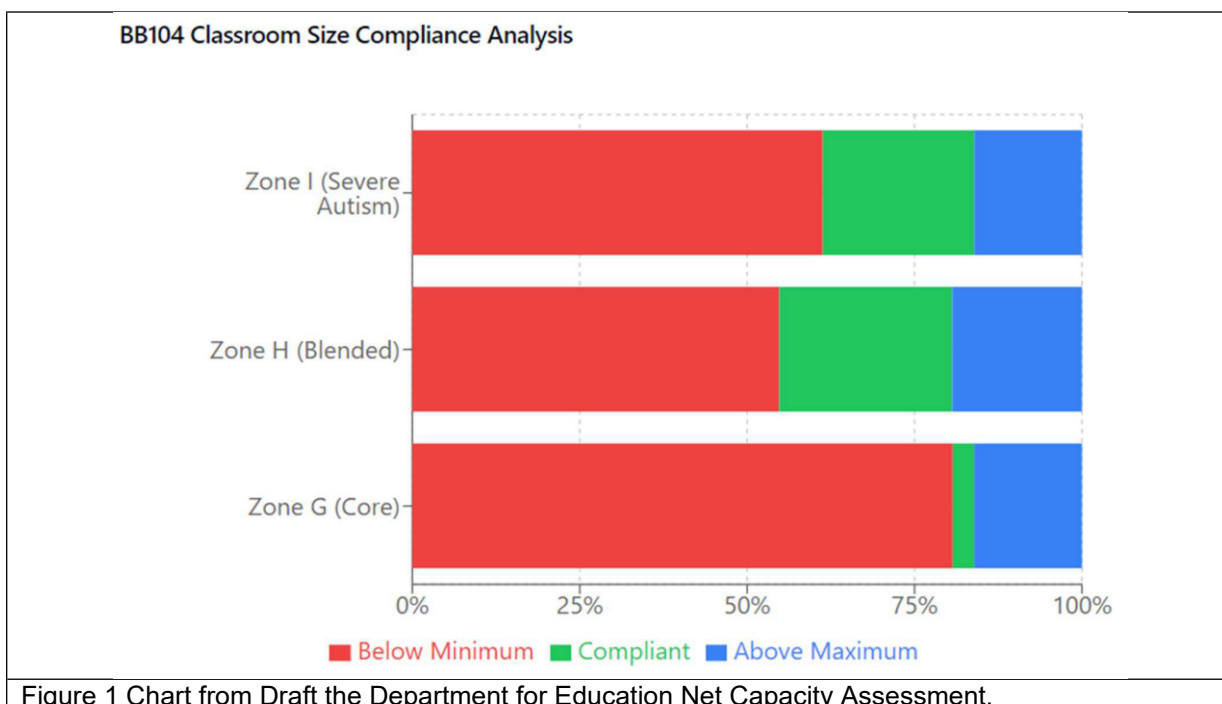
- 1.1 The St Christopher's School is accessed off Mounddale Gardens. The wider school site is laid out with the school campus buildings located towards the northern and central part of the site with its associated sports facilities and playing fields to the south of the site. The site is bounded by residential properties of single and two storey scale to the north, south and west. Blenheim Park is to the east.

- 1.2 The site has no specific allocation within the Development Management Document Proposal's Map and is not within a Conservation Area or near a Listed Building. No part of the site is designated as Protected Green Space.
- 1.3 There are a number of mature trees to the rear of the site near the proposed building.
- 1.4 The documentation submitted with the application states that The St. Christopher School is an academy special school situated in Leigh-on-Sea. The school caters for children and young people who have learning disabilities, in particular ASD (Autism Spectrum Disorder) & ADHD (Attention-Deficit/Hyperactivity Disorder). The school site is open from 6:30am – 7pm. There are currently 263 pupils at the school of between 3 and 19 years of age. All of the pupils have an Education, Health and Care Plan (EHCP).

2 The Proposal

- 2.1 The proposal seeks planning permission for a detached, single storey classroom block to be erected near to the rear, southern boundary of the site. The building would be a maximum of some 34.8m wide x 17.5m deep x 3.9m high (taken from lowest ground level). The building would have a contemporary, flat roof design, finished in render with aluminium windows and doors and a feature-coloured canopy to its northern side which will provide shelter to the 4m deep enclosed play areas to the north side of the building (one per classroom). The design includes hooded downlighting on the building for security reasons.
- 2.2 The building would provide 4 new classrooms, a sensory room and ancillary facilities. The Design and Access Statement submitted with the application states that *'The school is currently operating beyond the guidelines set out in the DfE Building Bulletin 104. The proposed new classroom block will help alleviate the current overcrowding, improving the school experience for both students and staff.'* The development will not result in an increase of pupils or staff at the site.
- 2.3 The proposed classrooms will be used for early years children. A small timber buggy shelter 2m x 3.75m and 2.1m in height is proposed next to the southern boundary.
- 2.4 No additional parking spaces are proposed. The current number of parking spaces will remain unchanged at 59 and 16 cycle spaces. The application confirms that an area suitable for the turning of a fire engine will be retained within the remaining recreational area to the east of the building.
- 2.5 The school employs 119 full-time staff members and 49 part-time staff members who look after 263 pupils. There will be no increase in staff or student numbers, as the new classroom block is intended to accommodate the existing staff and students already attending the school.
- 2.6 In support of this application the submission states that:
 - *"The present school roll is 263 learners but the site is presently only compliant for 212 learners resulting in an overcapacity of 24%. Our analysis of current classroom spaces against Building Bulletin 104 (BB104) non-statutory guidance demonstrates that our school is operating significantly beyond safe capacity, creating an urgent situation 80.6% of classrooms are below the minimum size requirements and some rooms are less than 30% of the recommended size. Only 6 out of 31 classrooms meet the minimum space standards. Basic teaching space is in deficit by 221.07sqm. This poses a health and safety risk and detrimentally impacts on the school's ability to function effectively. This analysis is supported by the Department for Education Net*

Capacity Assessment.



- *The Local Authority has supported planned growth and there is a funding agreement in place. Options of a satellite site were considered and 2 sites were identified but this proved to be cost-prohibitive.*
- *The St Christopher School needs to expand its current classroom facilities to seek to comply with the requirements of Building Bulletin 104. There is no proposed increase in pupil numbers, but the new facility will enable current specialist teaching areas such as the ICT suite and the Science Room to be returned to specialist use for all pupils.*
- *The school requires a new 4-classroom block to addresscompliance issues and meet the fundamental needs of our changed student population. Over the past decade, our cohort has shifted dramatically from 80% Moderate Learning Difficulties (MLD) to predominantly Severe Learning Difficulties (SLD) and Autism Spectrum Disorder (ASD) learners (70% SLD, 30% MLD). (For) Pupils with autism who need more personal space and may experience sensory overload, under-sized rooms increase risk of behavioural incidents. BB104 specifically states that areas below recommended minimums could pose health and safety risks.*
- *The proposal would enable the school to achieve full compliance with Building Bulletin 104 Area guidelines of SEND [Special Educational Needs and Disabilities] and alternative provision (BB104) and meet non-statutory requirements for early years provision. It would provide compliant classrooms, create appropriate learning environments and outdoor learning spaces for Early Years and includes essential sensory and specialist learning zones.*
- *Our school needs to expand its facilities to meet the needs of our current learner population, which has grown significantly due to Local Authority placements and tribunal decisions largely outside of our control. The facility expansion is required to provide additional space to ensure the safety and education of our current learners. There is no plan to further increase learner numbers. We previously entered into an agreement with the Local Authority to increase our student capacity to maximum levels, with the understanding that additional facilities would be constructed. This expansion was intended to enable the reinstatement of our specialist learning spaces, which have been temporarily repurposed as standard classrooms to accommodate growing student numbers. Currently displaced specialist facilities include Primary ICT Suite – now a class for 10 learners; Science room – now a class*

for 10 learners; Design & Technology Workshop – now a class for 8 learners and Business & Enterprise Centre (currently housing two class groups 1 x 6 learners and 1 x 10 learners).”

2.7 In regard to the impact on the existing sports facilities at the site the submission states:

- *“Although the development will impact on an existing Astro turf area, this dilapidated space has been redundant for several years and the school has already established additional sport and recreation areas more suitable to the current pupil needs and is compliant with Building Bulletin 104 requirements for Physical Education without the use of this space. These spaces include a wildlife garden, playground with trampolines and other play equipment and a basketball court as well as a multipurpose indoor sports hall.*
- *Our present cohort has fundamentally different needs compared to previous years, particularly in how they access physical education. Our learners require PE to be delivered in smaller groups and more structured environments, making conventional approaches to team sports and athletics impractical. The traditional model of large group PE sessions is no longer suitable for our learners, who need more contained, carefully designed spaces that can accommodate their specific learning and sensory requirements.*
- *While the (proposed) building will partially overlap with our existing running track, our development plans include dedicated play areas for each new classroom (4 in total), equipped with appropriate sporting and play equipment such as trampolines and swings. This arrangement ensures that our learners can access physical activity in safe, structured environments that meet their individual needs.*
- *As part of our ongoing commitment to enhancing educational facilities, we will be implementing a comprehensive outdoor development strategy that prioritises our students' physical and sensory needs. Our approach to this development is deliberately measured and strategic. We have adopted a phased implementation plan to ensure minimal disruption to both learning activities and daily operations.*
- *In the past the school comprised 80% moderate learning disabilities and only a small percentage of students with severe learning disabilities which meant that traditional sports and team games were feasible but over the last 10 years the percentage of students with severe learning disabilities has risen to 70%. This has changed the requirements in terms of sporting provision. There is now a need to cater for smaller groups so multiple small well defined sensory appropriate flexible spaces for individual and small group activities are prioritised over team sports.*
- *It is also important to note that the current area is not used by the local community. It is not fit for purpose due to its poor state of repair, non-standard size, located on a gradient and close to the on-site 6-bed respite facility (Christopher's Cottage) which operates all year round. It is therefore not feasible to let the space after school or during holidays.”*

2.8 The application seeks a compliant re-balance of teaching space and sport and activity space within the existing school site with an overall improvement in facilities for all existing pupils. Failure to proceed with this application would perpetuate non-compliance with BB104 and Early Years Foundation Stage requirements which will continue to compromise learning outcomes for most vulnerable learners, restrict the school's ability to provide appropriate specialist support and limit the effectiveness of interventions for children with severe learning difficulties and autism.

3 Relevant Planning History

3.1 The most relevant planning history for the determination of this application is shown on

Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
15/00845/FULM	Erect single storey extension to existing therapy suite building.	Granted
14/00635/FULM	Extend existing secure school play area consisting of construction of new 90sqm timber deck with new 2.78m high boarder fence and the provision of a canopy over the existing decking.	Granted
14/00022/FULM	Extend existing secure school play area consisting of construction of new 90m timber deck with privacy screening new 2.8m high boarder fence and the provision of a canopy over the exiting decking.	Refused
13/00228/FUL	Erect single storey timber building at rear for use as family room.	Granted
11/00308/FULM	Erect single storey front extension, retain portable classroom, re-position ramp, amend parking layout and alter elevations including steel staircase at rear (part retrospective).	Granted
09/01440/FULM	Erect part single/part first floor front and side extensions incorporating two roof terraces with stairs leading to rear playground, reconfigure external area including creation of new pedestrian entrance, re-position vehicular access, amend parking layout and form astro turf football pitch inside existing running track.	Granted
09/01420/FULM	Erect one temporary portable cabin.	Granted
08/00741/FUL	Erect single storey infill extension to rear of front block.	Granted
07/00888/FUL	Erect single storey extension to rear block to form additional classrooms.	Granted
06/00444/FUL	Erect single storey extension to classroom.	Granted
03/00330/FUL	Erect single storey extension to west side of main building.	Granted
02/00258/FUL	Erect single storey building at rear to provide school hall and eight-bedroom respite care centre and layout additional parking spaces (amended proposal).	Granted
01/00607/FUL	Lay out car park at rear of proposed respite centre (variation of conditions 04, 06 and 07 on Planning Permission 99/01006/FUL dated 09/12/1999).	Granted
01/00557/FUL	Erect single storey infill extension at rear to form additional classroom.	Granted
00/00233/FUL	Alter front and side elevations and roof of store and provide glazed link from main building.	Granted
99/01006/FUL	Erect single storey building at rear to provide school hall and eight-bedroom respite care centre and lay out ten additional parking spaces (amended proposal).	Granted

4 Representation Summary

Public Consultation

4.1 Fifty-two (52) neighbouring properties were notified of the application by letter, two press notices were published and two site notices were displayed. The expiry for the press and site notices is 19 December 2024 and the continuing period for representation submission is reflected in this report's recommendation. At the time of writing fourteen (14) letters of representation from nine (9) addresses have been received raising the following summarised issues:

- Consider there to be a lack of parking and traffic implications arising from more teachers and more pupils. Highway and pedestrian safety issues. There are already problems caused by cars linked to the school blocking driveways in the surrounding streets and impacting on safety including reducing visibility and blocking zebra crossing zig zags. Impact on access for emergency vehicles and refuse lorries and forcing delivery lorries onto pavements. A dedicated drop off point is needed for mini buses bringing pupils to school. More parking for teachers should be provided on the site. Concerns relating to the turning circle proposed causing increased traffic and safety risk to children and residents.
- Consider the proposal is an over development of the site - the school needs another satellite site to accommodate expansion or to relocate to a larger site. The school has outgrown its site.
- Impact on residential amenity. Overbearing visual impact of the proposed building on neighbouring properties. Loss of privacy, overlooking and loss of sunlight. Concern over increased noise and disturbance from pupils, cars and plant and during construction and increased footfall. The entrance to the building is close to residential properties. Concerns relating to floodlighting. Impact on mental health of neighbours and work from home environment. Impacts quality of life of residents and their quiet enjoyment of properties/gardens.
- Design concerns, unsightly from neighbouring properties.
- Impact on adjacent oak tree. Impact on biodiversity and wildlife including foxes and badgers.
- Concern over surface water flooding, drainage and water levels and a local water source/well in the area.
- Concerns relating to the building size and its height and its siting.
- Concerns regarding fire risks.
- Concern over the loss of outdoor recreation space at the school on pupil wellbeing and that this may result in staggered lunchtimes resulting in greater noise and disturbance.
- The proposal contravenes planning policy in relation to protection of neighbour amenity.
- Work seems to have commenced.
- Public consultation letters should have been sent to more residents.
- Reduce property values.

[Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. Public consultation was undertaken in accordance with legislative requirements. The agent has confirmed that works have not commenced on site.]

Highways

- 4.2 There are no highway objections to this proposal. Staffing and pupil numbers are not increasing. The applicant has provided robust information contained within the design and access statement to support this proposal.
- 4.3 It is not considered that the proposal will have a detrimental impact on the local highway network.

Parks

- 4.4 The protective fences are adequate for trees T1, T3 and G1. The measures for ground protection for T2 during construction are also adequate. The construction is not individual classrooms brought on to site and manoeuvred but a 4 classroom block built on site. Therefore, it is important the foundations are suitable in the RPA [Root Protection Areas] of T2. I would recommend pile foundations in positions where trial holes show no presence of significant roots. Standard trench foundations would not be suitable. The proposed building sits under the canopy of Tree T2 and the height is not in conflict. However, due to the roof span it is likely that a crane or similar may be used to lift the trusses (or other structures). If a crane is to be used, rather than alternative lifts, then a method statement stating how damage to tree T2 is to be avoided would be helpful.

[Officer Comment: The agent has confirmed that all foundations will be piled and that no cranes are needed.]

Environmental Health

- 4.5 No objection. The submitted noise impact report assesses the impact of the proposed new plant associated with the extension and also classroom/activity noise on the nearby houses. In terms of classrooms and external noise, the proposed extension will reduce noise levels from the existing external play areas as it will provide some screening. The noise from the proposed plant (2 condensers) has been assessed using British Standard BS4142. An acoustic enclosure has been proposed and with this, noise levels are predicted to be 19dB(A) below existing background noise levels. This reduction exceeds our standard criteria of noise from new plant and equipment being 10dB(A) below background. In this respect, in terms of noise, the proposal is considered to be acceptable.
- 4.6 Conditions are recommended in relation to the noise mitigation measures, lighting and construction management. Informatives are recommended in relation to construction outside of normal hours and land contamination.

Lead Local Flood Authority (LLFA)

- 4.7 The drainage statement has been reviewed. More information is required in relation to drainage calculations, the proposed soakaway, the management of surface water during construction and a SuDS management plan.

[Officer Comment: These additional details can be required by condition.]

Strategic Planning

- 4.8 The Southend Playing Pitch Strategy 2018 includes St Christopher's School within the Action Plan as a "standard quality smaller sized (36m x 22m) sand-based AGP [Artificial Grass Pitch] which is not available for community use or floodlit." It is recommended that it is retained for curricular and extra-curricular demand. It is identified in the action plan as a low priority site within the site hierarchy tier. These "tend to be single pitch or single

sport sites and often club or education sites with local specific importance but that may also contribute to addressing the issues identified in the assessment for specific users.”

The pitch at St Christophers is not mentioned in any of the sport specific summaries or recommendations. As a sand-based AGP, it would make a contribution quantitatively towards the current and future needs for Hockey, but lacks supporting facilities e.g. floodlights, which is recognised in the action plan.

For the city as a whole, the quantitative requirements for Hockey are:

- Current shortfall of 1 x full sized AGP suitable for Hockey
- Future demand to 2037 is 1 x full sized AGP suitable for Hockey

The quantitative demand for Hockey is shown on a city-wide basis rather than subdivided into the three study analysis areas of west, central and east. At the time of the 2018 study there were sand-based AGPs at Warners Bridge (1) and St Thomas More School (1). The latter was found to be of poor quality and has since been converted to a 3G Artificial Grass Pitch therefore there is currently only 1 sand based AGP pitch in Southend. There are ambitions for Southend Hockey to develop a new sand AGP at Garon Park to mitigate against the loss at St Thomas More Southend Playing Pitch Strategy update 2023, which would serve the city.

The site makes a modest contribution towards overall quantitative provision of outdoor sports, notwithstanding there is currently no wider community access.

It should be noted that the 2018 study Strategic Recommendations state that “The PPS Assessment shows that all currently used outdoor sports sites require protection or replacement and therefore cannot be deemed surplus to requirements because of shortfalls now and in the future. Lapsed, disused, underused and poor-quality sites should also be protected from development or replaced as there is a requirement for playing field land to meet the identified shortfalls. Therefore, based on the outcomes of the PPS, local planning policy should reflect this situation”.

Core Strategy (2007) policies CP6 and CP7 are both relevant to this proposal, and National Planning Policy Framework paragraph 103 also applies. It states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

It does not appear that any of the above criteria would be met by the proposal.

In terms of access to alternative facilities nearby, the school lies just to the south of Blenheim Park, which includes playing pitches regularly used by schools and local groups for sports including football and athletics (cross-country).

Sport England

- 4.9 Sport England raises a non-statutory objection to the application because in its current form it is not considered to accord with any of the exceptions to Sport England’s Playing Fields Policy or paragraph 103 of the NPPF.

The proposal principally involves a new teaching block that would be sited on St Christopher School's playing field to the south of the school site. A turning circle to support the access road would also be sited on the playing field adjoining the new teaching block. Collectively, the proposals would result in the loss of the majority of the school's playing field which currently consists of an oval macadam running track, an artificial grass pitch in the running track infield and natural turf spaces surrounding the running track. The remaining space on the playing field if the development was implemented would be minimal and there would not appear to be any proposals to mitigate the loss of the playing field area.

The playing field on the St Christopher School site would not meet the definition of a playing field set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of statutory consultations with Sport England. As explained in paragraph 5 of the above policy [i.e. the Sport England policy], the 2015 Order defines a playing field as "the whole of a site which encompasses at least one playing pitch." As set out in paragraph 7 of the policy, the Order defines a playing pitch as a delineated area which together with any run-off area is of 0.2 hectares or more and which is used for a range of sports including association football. There is an artificial grass pitch in the infield area which would meet Sport England's definition of a delineated area. However, the pitch, because of the containment provided by the macadam running track, is less than 0.2 hectares in size and would therefore not meet the definition. This is why Sport England is not a statutory consultee on this application. However, the lawful use of the site is still a school playing field regardless of its size and the development would still affect a playing pitch (the artificial grass football pitch), albeit one that is less than 0.2 hectares in size. In circumstances where proposals affect playing pitches of less than 0.2 hectares in size, Sport England would continue to apply its playing fields policy but as a non-statutory consultee.

Assessment against Sport England's Playing Fields Policy and NPPF: Sport England have considered the proposals with regard to the specific exception criteria identified in the above policy (which are in line with the criteria in paragraph 103 of the NPPF (2023)) and would make the following assessment:

Exception 1 – Not applicable. It has not been demonstrated that there is an excess of playing pitches in the catchment in terms of school and community playing pitch provision. The St Christopher School's artificial grass pitch was audited as part of this strategy by the Council and was identified as one of only four small size hockey suitable pitches in the local authority area. While acknowledging that the pitch did not have any community use, the strategy's action plan recommended that the pitch be protected for meeting curricular and extra-curricular demand.

While the artificial grass pitch or the running track may not have been made available for community use (outside of school hours) the facilities as long as they are in existence would offer the potential for meeting community needs if made available by the school in view of the established deficiencies that exist. In relation to educational needs, it has not been demonstrated that the playing field is surplus to meeting educational needs. As set out in the letter submitted by the school, it is working at capacity well beyond the guidelines set out in DfE Building Bulletin 104. If this is the case, the loss of the majority of the school's playing field would clearly exacerbate the current situation and it has not been explained how the school will meet its outdoor sports needs if the development is implemented. Sport England have consulted England Athletics, the governing body for athletics, and they have objected to the proposal because the mini track facility that the school has used since around 2006 would be completely lost. Facilities such as this are essential for both curriculum time run/jump/throw activities and school sports days.

Exception 2 – Not applicable. The proposed development is not ancillary to the principal use of the site as a playing field.

Exception 3 – Not applicable. The proposal would result in the loss of an area that is capable of forming a playing pitch as it has been used as an artificial grass pitch for football and other sports for many years.

Exception 4 – Not applicable. No replacement playing field provision is proposed.

Exception 5 – Not applicable. The proposal is not for an indoor or outdoor sports facility.

Conclusion

Based on the above assessment, the proposal would not, in its current form, accord with any of the exceptions to Sport England's playing fields policy or the criteria in paragraph 103 of the NPPF. The proposal is also considered to be inconsistent with Policy CP7 (Sport, Recreation and Green Space) of the adopted Southend-on-Sea Core Strategy which specifically states that planning permission will not be given for the loss of outdoor sports facilities except in special circumstances where it can be shown that alternative facilities are being provided in a convenient and appropriate location.

[Officer Comment: The above matters are considered in the main assessment of the application. The Local Plan referred to by Sport England above is no longer extant and was superseded by the Council's Core Strategy and Development Management Document. Equivalent policies are contained therein.]

Essex Fire Service

- 4.10 No objections. There is space for an appliance to turn within the site. Full details will be considered at building regulations stage.

Essex Police

- 4.11 Essex Police would welcome discussions with the applicant on parking, lighting and security at the site.

Education

- 4.12 The Education, Inclusion and Early Years Department of Southend City Council strongly supports this application. In keeping with the rest of the country, in Southend we are experiencing a long-term increase in demand for special school places, such as those offered at the St Christopher School. Over recent years the Council has asked the school to admit an increasing number of highly vulnerable pupils. This has led to the school having poor, crowded, accommodation for all pupils. The existing facilities are no longer sufficient to meet the specific needs of pupils. The development will not only create compliant classrooms but will also restore specialist learning areas, thereby improving the overall educational experience. This expansion is crucial for maintaining the quality of education and support for our most vulnerable learners and the school's commitment to phased development ensures minimal disruption while maximising the long-term benefits of the improved facilities. We have worked with the school to develop this plan, which will help ensure that our children and young people are educated in appropriate specialist facilities that meet their needs.

Procedural matters

4.13 This application is presented to the Development Control Committee because it has a non-statutory consultation objection from Sports England and the loss of a sports facility represents a departure from the Development Plan.

4. Planning Policy and Legislation Summary

4.14 The National Planning Policy Framework (NPPF) (2023)

4.15 Planning Practice Guidance (PPG) (2024)

4.16 National Design Guide (NDG) (2021)

4.17 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

4.18 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)

4.19 Development Management Document Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and Effective Use of Land), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)

4.20 Southend-on-Sea Design and Townscape Guide (2009)

4.21 Waste Storage, Collection and Management Guide for New Developments (2019)

4.22 Community Infrastructure Levy (CIL) Charging Schedule (2015)

4.23 Town and Country Planning Act 1990 (as amended): Section 90A, Schedule 7A (Biodiversity Net Gain)

5 Planning Considerations

5.1 The main considerations for this application are the principle of the development including its impact on existing sports facilities and the need for the educational facilities, the design and impact on the character and appearance of the area, impact on the residential amenity of neighbouring occupiers, traffic and parking implications, energy and water use and sustainability, refuse and recycling storage, sustainable drainage, ecology including impact on existing trees and biodiversity net gain (BNG).

6 Appraisal

Principle of Development

6.1 The provision of high-quality educational facilities is a key Government objective.

6.2 In regard to the expansion of educational facilities the NPPF states:

“99. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should... a) give great weight to the need to create,

expand or alter schools through the preparation of plans and decisions on applications...”

- 6.3 Policy CP6 of the Core Strategy supports the continued improvement of educational facilities across the City to ensure that the needs of the local community are met.
- 6.4 In relation to development which impacts on existing sports facilities Paragraph 103 of the NPPF states *‘Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.’*
- 6.5 Core Strategy Policy CP7 states that all existing and proposed sport, recreation and green space facilities will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community.
- 6.6 The proposal seeks to erect 4 new classrooms to provide a better and compliant teaching environment for the existing pupils at the school. There are no plans to increase the number of pupils or staff as part of this proposal. Paragraph 2.6 above sets out the School’s justification for the proposed development. This includes explaining the shortfalls of the current school buildings in regard to the Department of Education area guidelines for SEND (Special Education Needs and Disability) schools Building Bulletin 104. This is not disputed and has been confirmed by the Council’s Education service which affirms the pressures currently experienced at the school and strongly supports the proposal and funding has been allocated for the development. The proposal would enable the school to meet these guidelines and is compliant with Government objectives, the NPPF (paragraph 99) and Core Strategy Policy CP6 and is a significant benefit of the proposal and should be given great weight in the planning balance.
- 6.7 The proposed development would, however, impact on the existing sports provision at the school as it would encroach over part of the existing running track and astro turf ‘playing pitch’ to the south of the site. The proposal includes remodelling this area to provide a more informal recreation area of around 1.3ha when combined with other adjacent incidental areas of open space at the site. This area would have a flexible use and would be used in conjunction with other sports facilities at the school including the gym, playground, basketball court and wildlife garden.
- 6.8 Sport England are not statutory consultees in this instance as they acknowledge and explain within the consultation response at paragraph 4.7 above. They have raised a non-statutory objection to the proposal on the grounds that the development would detrimentally impact on sports facilities at the school. The objection is non-statutory because the size of the track and the pitch do not meet the definition of a playing pitch as it is less than 0.2ha (the maximum internal area of the existing ‘pitch’ is some 0.08ha and has curved corners with no pitch markings).
- 6.9 Unlike school playing fields in some other schools across the City, this area is not

designated as protected green space within the Development Management Document Policies Map so less weight can be given to the objectives of Policy CP7 in this instance however as the proposal would result in the loss of the existing sports pitch, it would be contrary to NPPF paragraph 103 and Core Strategy Policy CP7 and as such represents a departure from the Development Plan.

- 6.10 The track and pitch were installed around 2009 when the school had a much higher proportion of pupils with moderate learning difficulties who were able to make good use of this facility. Today the majority of pupils, over 70%, illustrated in Fig 1 at paragraph 2.5 above have severe learning difficulties. These children are not suited to team games so formal sports pitches are no longer needed. The school's supporting statement comments that the current children at the school respond better to sports on a much smaller scale in smaller groups in well-defined spaces where they can access more specialist equipment and be better supervised and supported. The headteacher confirms that the loss of the running track and 'pitch' will not cause harm to the sporting provision at the site or the wellbeing of the pupils. The school have also stated that the existing astroturf area is dilapidated and has been redundant for several years.
- 6.11 Sport England have raised concerns that despite the small scale of the existing facility it would still have the potential to be let out to the public as a community resource and this potential would be lost if the development were to proceed as proposed. However, the pitch is directly next to a purpose built 24 hour respite care centre, St Christopher's Cottage, which is used throughout the year via referrals from Social Care. The school have confirmed that it would not be appropriate to have a community pitch directly adjacent to this facility. The pitch is not used by the community as this would not be appropriate in this instance. There is therefore no potential loss to the community through its loss.
- 6.12 Strategic Planning confirm that the 36m x 22m sand based artificial grass pitch has been identified in the 2018 Southend Playing Pitch Strategy as being an option for community hockey but that the lack of floodlights limits its usability in this regard. The document also fails to acknowledge the slope of the pitch and its current condition as well as the sensitivity of the location. The Southend Playing Pitch Strategy (2023) confirms that there is a current shortfall of 1 x full sized artificial grass pitch for hockey but this would require an area of 91.4m x 55m plus run off areas so the site cannot meet this need in any event. Strategic Planning therefore conclude that the site makes a modest contribution towards overall quantitative provision of outdoor sports, notwithstanding there is currently no wider community access.
- 6.13 No alternative formal sporting provision is proposed at this time to replace the lost track and playing pitch however the remaining area is of a scale which could accommodate a small MUGA (Multi Use Games Area) in the future, if funding became available and the proposed development does not preclude this eventuality. The assessment within this officer report is not predicated on a MUGA necessarily becoming available at a future time and the current application is considered on its individual merits. The 4 new classrooms also include 4 small enclosed outside spaces (one per classroom) which will be equipped with appropriate sporting and play equipment (trampolines/swings) allowing the children to access physical activity in safe, structured environments that meet their needs. The school have confirmed that the proposal is to hold future sports days in the large sports hall, which has previously been used for this purpose on days of poor weather when it has not been possible to hold the event outside. For larger events, such as a mini Olympics, the school have previously used Blenheim Park very nearby which remains an option going forward.
- 6.14 Overall and on balance, this development would not satisfy any of the criteria of NPPF Paragraph 103 above so is contrary to Policy CP7 and is subject to a non-statutory

objection from Sports England. In this particular case, however taking into consideration the current deficiencies of the existing pitch and the fact that it does not meet the needs of SEND children at the school, the shortfall in suitable teaching space within the school buildings to meet Government non-statutory guidelines and the very particular needs of the pupils at this school, it is considered that the benefits to the school and pupils in terms of the improved learning environment, which must be given great weight in accordance with NPPF policy, outweigh the harm caused by the loss of the running track and substandard playing pitch. Within that balanced assessment particular regard is given to the nature and extent of the current accommodation deficiencies and timeframe pressures for their resolution. On this basis, the principle of the development as a departure from policy is therefore considered to be acceptable. In the event that the Committee consider the loss of this school's pitch has not been justified on the particular basis set out above, it would still be necessary to consider carefully the particular needs of the school and its pupils together with the public benefits associated with the development as part of the overall planning balance.

Design and Impact on the Character of the Area

- 6.15 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.16 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 6.17 The proposed building is single storey and would be sited deep in the school site having no harmful impacts on public views. The building is considered to be of a subservient size, scale and bulk in the context of the existing school buildings on the site. There is a good level of articulation to the elevations and the development would sit comfortably within its surroundings. It would not be an unusual feature in the rear garden scene in this context.
- 6.18 The overall design of the proposal is considered to be acceptable and the proposal is policy compliant in this regard.

Amenity Impacts

- 6.19 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.20 The proposed building is single storey only and some 3.9m in height. It would be sited between 2.3m and 3.6m from the western boundary with properties in Avondale Drive to the west. At the southern corner of the site the building would be next to a garage court. To the north of this the proposal would face onto the garages/rear outbuildings of Nos 28-30 Avondale Drive with over 22m to the dwellings themselves.

- 6.21 The building would be sited between 1.3m and 3.7m from the southern boundary with properties to the south in Leigh View Drive. Two of the four properties which back onto the development in this location have substantial outbuildings at the end of their gardens which will provide a buffer to the development. The neighbouring gardens here are between 22m and 26m deep to this boundary.
- 6.22 Due to the separation distances, the relatively low scale of the proposed building and the location of existing garages and outbuildings, it is considered that the development would not appear dominant or overbearing or result in an undue sense of enclosure, overshadowing or cause a loss of light or outlook for the surrounding neighbours in any relevant regards.
- 6.23 Windows in the proposed building which face towards neighbours' boundaries would not cause any material harm to amenity as the building is single storey only and boundary fencing would contain any longer views out from the building.
- 6.24 The proposal would intensify the use of the site in this location. A Noise Impact Assessment has been included with the application. This states that the development would only be in operation during school hours of between 08.30 and 15:30 Monday to Friday during term times. The building would incorporate and includes a small amount of roof plant comprising 2 heat recovery systems which have been modelled in the noise impact assessment as well as the noise from pupils as existing and proposed. The report concludes that the building will provide a buffer between the neighbours and the noise emanating from the existing play areas and will reduce the impact on neighbours in this regard. It also confirms that the noise from the proposed plant would not have a detrimental impact on the amenities of neighbours. The Council's Environmental Health Officer confirms that the proposed building overall will actually result in a reduction in noise levels for the neighbours as the building itself will act as a noise buffer. The predicted noise levels are 19dB(A) below background noise levels compared with Environmental Health's standard criteria of 10dB(A) below background noise levels. Taking this into consideration it would be unreasonable and disproportionate to require post completion noise testing in this instance as requested by Environmental Health. The standard condition requiring the development to meet the Council's criteria can be satisfactorily applied. The proposal is therefore acceptable and policy compliant in this respect subject to the described condition.
- 6.25 Low-lumen downlights will be fixed to the building for security reasons. These will be fitted with glare shields to help direct the light where it is needed, reducing light pollution, and preventing light from spilling into unwanted areas. The submitted report states that the new lights will have Passive Infrared (PIR) sensors to ensure that the lights are only activated when motion is detected, reducing unnecessary light emissions. This feature not only helps to conserve energy but also minimizes the impact on the environment and nearby residents during periods of inactivity.
- 6.26 The Council's Environmental Health Officer has raised no objections to the proposed lighting scheme in relation to its impact on the amenities of neighbours subject to the agreement of details which can be secured by condition. Security lighting is also welcomed by the police liaison officer. The proposal is acceptable and policy compliant in this regard subject to this condition.
- 6.27 Overall, the proposal is therefore acceptable and policy compliant in its impact on neighbour amenity in all regards subject to the described conditions.

Traffic and Transportation Issues

- 6.28 Paragraph 115 of the NPPF states that: "Development should only be prevented or

refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.”

- 6.29 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Maximum parking standards are set out in relation to the proposal.
- 6.30 The current parking arrangement in front of the school building includes 12 spaces designated for staff and 14 spaces for visitors. Additionally, there are 33 car parking spaces located at the rear of the site, accessible via the side access road within the site along the eastern boundary. The site also has 16 cycle parking spaces.
- 6.31 The proposal seeks 4 additional classrooms but will not give rise to an increase in the number of pupils or staff at the site. No parking spaces will be lost due to the proposed development; the current number of spaces will remain unchanged and there will be no increase in staff or pupil numbers, as the new classroom block is intended to accommodate the existing staff and pupils already attending the school. The proposal will therefore have a neutral impact on the local highways network and the Council’s Highways Officer has raised no objections to the proposal in this regard.
- 6.32 Concerns have been raised by third parties about problems caused by parents blocking driveways and access in the surrounding streets at drop off/pick up times. This is an existing situation which will not be materially altered by the proposed development. It would be unreasonable to require the application to address this prevailing matter as it is not a consequence of the proposed development.
- 6.33 Overall, the development is acceptable and policy compliant in regard to parking of vehicles and cycles at the site.
- 6.34 As the development is at the rear of the site, it is required to include an area suitable for turning a fire engine. The agent has confirmed that this will be possible on the remaining open area to the east of the proposed development. No changes are proposed to accommodate this requirement. This area can also be used by the school for recreation during school hours. The proposal is acceptable and policy compliant in this regard.
- 6.35 A Waste Management Strategy has been submitted with the application. This confirms that the proposed development will make use of the existing waste and recycling storage facilities at the site which are in the staff car park. Existing collection arrangements will continue. The proposal is acceptable and policy compliant in this regard.
- 6.36 The Council’s Environmental Health Officer has advised that a Construction Management Plan will be required to ensure that the amenity of neighbours is protected during development and that the construction works do not have a detrimental impact on the surrounding road network. This can be controlled by a pre-commencement condition.
- 6.37 Overall, the proposal is considered to be acceptable and policy compliant in regard to traffic and transportation issues in all relevant regards, subject to the described conditions.

Sustainability

- 6.38 Policy KP2 of the Core Strategy requires that “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).’ Policy DM2 of the Development Management Document states that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.’ All new development that creates additional residential and/or commercial units, should be energy and resource efficient by incorporating requirements such as “Water efficient design measures. Policy DM2 also requires non-residential buildings to achieve a minimum BREEAM rating of ‘Very Good’.
- 6.39 The submitted plans show solar panels are proposed on the roof of the building which it is stated will provide all the necessary electricity for the development and therefore meet the requirement for 10% renewable energy. The submission also confirms the intention is to meet BREEAM Very Good standard and this can be controlled by condition. The proposal is therefore acceptable and policy compliant in this regard.

Ecology and Biodiversity

Ecology

- 6.40 A preliminary ecology report has been submitted with the application. This states that the existing habitat on the site of the building itself is a mixture of modified grass, astro turf and tarmac and is therefore a low value habitat. There are two small ponds on the wider site which are unaffected by the development and the adjacent trees and hedgerows which may offer foraging opportunities for wildlife will also be retained. The report found no evidence of protected species at the site including badgers, but did make some recommendations for mitigation measures to minimise the impact on local ecology including the timing of site clearance, tree protection measures as well as some habitat enhancement measures including wildflower planting and the installation of bat and bird boxes. These measures can be secured by condition.

Impact on Surrounding Trees

- 6.41 There are a number of mature trees close to the rear boundary of the site which provide soft landscape buffers and are positive contributions to the character of the site and the surrounding area. None of the trees are covered by tree preservation orders (TPOs).
- 6.42 An Arboricultural Impact Assessment has been submitted with the application. This confirms that no trees will be lost or pruned to facilitate the development. The proposed building is located within the root protection area of T2, an oak tree on the site close to the southern boundary. The report includes a method statement for carrying out works within the root protection area (RPA) of this tree. This includes that all works within the RPA are to be excavated by hand and supervised by an arboriculturist who will be responsible for any required root pruning. Ground protection will also be used during construction to protect the roots of trees close to the proposed building and tree protection fencing will be installed around all trees in the vicinity of the site.
- 6.43 The Council’s Arboricultural Officer has confirmed that the proposal is acceptable providing that the foundations in this area are piled to prevent damage to the tree roots. The foundations have been confirmed as piled by the applicant to protect the roots of nearby trees.
- 6.44 The proposal is therefore acceptable and policy compliant in this regard subject to the implementation of these recommendations and the general tree protection measures which can be secured by condition.

Biodiversity Net Gain (BNG)

- 6.45 Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) Biodiversity Net Gain (BNG) is mandatory from 12 February 2024 for major schemes and 2 April 2024 for small sites. Schedule 14 of the Environment Act sets out that a general 10% Biodiversity Net Gain (BNG) condition applies automatically to all planning permissions (except those exempt from BNG requirements). BNG is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.
- 6.46 The current site has a habitat value of 0.4836 habitat units. The loss of some modified grass, an area of astro turf and a section of tarmac track results in the loss of 0.4012 habitat units. The biodiversity net gain assessment and metric submitted with the application states that to meet the requirements of the Biodiversity Net Gain (BNG), an area of 42 sqm of wildflower habitat will be created. A seed mix from Emorsgate Seeds (EM4) has been selected for this purpose. The EM4 mix is composed of 20% native wildflowers and 80% slow-growing grasses, aimed at enhancing herbaceous and wildflower areas on the site. This would create 0.5640 habitat units equating to a net change of +0.1917 units or 39.6% in which case it is considered that it potentially meets the requirements of BNG. Full details of these biodiversity measures and their implementation and monitoring will in any event be agreed through the control represented by the statutory condition that requires submission of a Biodiversity Net Gain Plan. An informative of this requirement is included.
- 6.47 Overall, the proposal is acceptable and policy compliant in regard to ecology and biodiversity subject to the described conditions.

Flooding and Drainage

- 6.48 A drainage strategy has been submitted with the application. This states that the rainwater which falls on the proposed building's roof will be collected via a guttering system to be discharged to rainwater gardens which will be positioned under rainwater pipes at each end and will act as filtration and cleaning of the surface water. The water will then discharge to a soakaway subject to appropriate infiltration rates. The Lead Local Flood Authority (LLFA) have reviewed the proposed drainage scheme. They have not objected to the proposal and have requested some additional calculations and clarifications. These can be secured by condition. The proposal is acceptable and policy compliant in this regard subject to such a condition.

Contamination

- 6.49 Although no contamination is expected to be found, Environmental Health have advised that a precautionary condition be applied to set out the procedure if unexpected contamination is found at the site. The proposal is acceptable and policy compliant subject to this condition.

Community Infrastructure Levy (CIL)

- 6.50 Although this application is CIL liable, in this instance the chargeable amount has been calculated on the basis of a zero rate as applicable to its use as part of a school (Use Class F.1). However, it is recommended that a condition be applied to any permission restricting the nature of the proposed development to within Use Class F.1 to prevent future changes in the use of the development to a use that would not be zero rated and would have a greater impact in terms of infrastructure requirements. The reason for this

condition should be to determine the scope of this permission in terms of its impact on community infrastructure in accordance with Core Strategy 2007 Policy CP6.

Equality and Diversity Issues

6.51 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the needs of children and young people who have learning disabilities, in particular ASD (Autism Spectrum Disorder) & ADHD (Attention-Deficit/Hyperactivity Disorder); how those considerations inform the issues, needs and benefits addressed by and associated with the development proposal; and the specific way in which the school is seeking to balance the demonstrable need for improved accommodation to address significant shortcomings and overcrowding and to benefit the existing pupil population whilst providing for the day to day recreational and sporting requirements of this school in which some 70% of its pupils have a severe learning disability. Staff have had careful regard to the Equality Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

6.52 The assessment presented within this report has taken all material planning considerations into account. Careful regard has been had to the particular circumstances of this special needs school and its case for this proposal set within the context of the NPPF which clearly advises the importance of sufficient choice of school places being available to meet the needs of existing and new communities. It says that local planning authorities (LPAs) should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. LPAs should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

6.53 The loss of the sports pitch here is a departure from policy and has attracted an objection from Sport England in a non-statutory, rather than statutory, capacity. For the reasons identified above, the proposal has been found to have demonstrated a justifiable case for a departure in respect of the loss of a substandard sports pitch which is not viable for community use and does not suit the specific needs of the school. The proposal would maintain a useable recreation area and provide an enhanced and compliant learning environment consistent with local and national planning guidelines for education provision attuned to the particular, practical needs of the existing pupils of St Christophers School where some 70% of its children have a severe learning disability. It is considered that the loss of the sports facility in this case is outweighed by the enhancements to the school's learning environment.

6.54 Even if the Committee come to the view that the departure from policy and the objection from Sport England has not been overcome in the manner described by officers, it is considered that a holistic approach to the issues identifies that significant weight should be afforded to the described deficiencies in the existing school accommodation, how those needs and timeframe pressures for resolution are to be addressed by this particular proposal and the significant benefits these would provide for existing pupils including how the teaching, support and sporting functions can thereby be significantly improved overall. It is considered that these considerations materially outweigh any harm associated with

loss of the running track and playing pitch in this particular instance especially as the existing facilities are used only by the school and not for broader community purposes because of the constraints of other sensitive uses present on the site. Officers therefore find that, in the planning balance of this case, the principle of the development overall is acceptable. The proposal is also of an acceptable design and scale and subject to conditions would impact satisfactorily on neighbours' amenities. No materially adverse highways or parking impacts are identified because no increase in pupils or teachers is proposed plus existing on-site parking will not be reduced. The highways, ecology, tree and sustainability impacts of the proposal are acceptable. This application is therefore recommended for approval subject to conditions.

7 Recommendation

DELEGATE to the Executive Director for Environment and Place, Director of Planning and Economy or the Service Manager - Development Management and Enforcement to grant planning permission subject to the conditions set out in the main report provided any additional representations received up to the end of 19 December 2024 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.

- 01 The development hereby permitted shall begin no later than three years of the date of this decision.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans 17478-12I, 17478-14D, 17478-16C.**

Reason: To ensure that the development is carried out in accordance with the Development Plan.

- 03 Before the building hereby approved is brought into first use the materials for its external surfaces shall be as set out on approved plan reference 17478-14D and application form dated 19/06/2024 or in accordance with any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.**

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the National Design Guide (2021).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be carried out prior to first use of the development and the soft landscaping works within the first planting**

season following first use of the development hereby approved. The details submitted shall include, but not be limited to:-

- i) Existing and proposed levels;
- ii) Means of enclosure of the site including any gates or boundary fencing;
- iii) Hard surfacing materials including any replacement astro turf;
- iv) Full details of any associated structures (e.g. benches, planters, play equipment etc.).
- v) Full details of the number, size and location of the trees, shrubs and plants and turf to be retained and planted together with a planting specification and management plan.
- vi) Details of measures to enhance biodiversity within the site.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity of the area and the amenities of users of the development and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015), Policy CP4 of the Core Strategy (2007) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 05 Notwithstanding the details shown on the submitted plans and the Drainage Strategy Report by DBS reference 230327 dated July 2024 and updated Indicative Drainage Layout Plan reference 230327-04 T3 and otherwise hereby approved, no drainage infrastructure, including earthworks, associated with this development shall be undertaken unless and until the following details have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition:

- i) Drainage calculations with greenfield runoff rate utilising a climate change of 45%.
- ii) A SuDS management plan including details of who is responsible for management and maintenance.

The approved drainage scheme shall be implemented in accordance with the approved details before the development is brought into first use and shall be maintained as such thereafter in perpetuity.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 06 Prior to the commencement of development, tree protection measures shall be implemented in full accordance with the details set out in the Arboricultural Impact Assessment by Tree Fella Rev 1 dated 18.6.24 and Tree Protection Plan dated 20.5.24. These protection measures shall be maintained throughout the construction of the development. The development within the root protection areas of adjacent trees shall then be carried out in full accordance with the method statement set out within the Arboricultural Impact Assessment by Tree

Fella Rev 1 dated 18.6.24 and the piling arrangement shown on plan reference 230327-01 T3 (General Arrangement Pile Setting Out Plan).

Reason: A pre commencement condition is required to safeguard the health of existing trees which represent an amenity feature in accordance with Core Strategy (2007) Policies KP2 and CP4, Policy DM1 of the Development Management Document (2015) and the advice contained in the Southend -on-Sea Design and Townscape Guide (2009).

- 07 The development hereby approved shall be carried out in full accordance with the noise mitigation measures detailed in the 'Noise Impact Assessment of Proposed Classroom Extension Block' dated 20 May 2024 by HA Acoustics (report Ref: HA/AG168/V1). The measures shall be fully implemented as set out in this report prior to the first use of the development hereby approved and maintained on site as approved in perpetuity. Noise from plant and equipment including ventilation and heating equipment shall be limited to at least 10 dB(A) below the background noise level including any penalties for noise characteristics such as tone and intermittency.**

Reason: In order to protect the amenities of occupiers of surrounding occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 08 No external lighting shall be installed on the south and west elevations of the building hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light".**

Reason: A condition is justified to protect the amenities of neighbours and to ensure any protected species and habitats utilising the site are adequately protected in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policies DM1 and DM2.

- 09 In the event that contamination is found at any time when carrying out the approved development work must cease and it must be reported in writing immediately to the Local Planning Authority under the terms of this condition. Works must not re-commence until and unless an investigation and risk assessment has been undertaken, submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be prepared, submitted to and approved in writing by the Local Planning Authority before works recommence. The agreed remediation measures must then be implemented in full and a verification report must be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby approved. Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for such purposes.**

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that

the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

- 10 The development hereby approved shall not be first used unless and until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of at least "Very Good" has been achieved for the development and a copy of this certification has been submitted to the Local Planning Authority under the provisions of this condition.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 11 Prior to the first use of the development hereby approved, the requirement for at least 10% renewable energy for the development shall be installed in full compliance with the details set out in the Energy Strategy by Hulley & Kirkwood Issue 1 dated 05.24 and the roof plan on drawing reference 17478-14D or in accordance with any other details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. All sinks and sanitaryware shall be low water usage.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 12 The proposed site clearance and construction works for the development hereby approved shall be carried out in full accordance with the recommendations set out in the Preliminary Ecological Appraisal by Matthew Game rev 2 dated 10.6.24 and Table 2 of the Ecological Enhancement and Management Plan by Matthew Game rev 2 dated 10.6.24 or in accordance with any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: A condition is justified to ensure any protected species and habitats utilising the site are adequately protected during site clearance and construction works in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority under the terms of this condition. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors;
- ii) Loading and unloading of plant and materials;

- iii) Storage of plant and materials used in constructing the development;
- iv) The erection and maintenance of security hoarding including contact details (including out of hour contact details) that are to be displayed on the hoardings;
- v) A Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent;
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- vii) Measures to mitigate noise disturbance during the development;
- viii) Details outlining how surface water will be managed during the construction phase including details on the phasing of drainage installation relative to wider works.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 & DM3.

- 14 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

- 15 The development hereby approved shall only be used for educational purposes falling within use class F.1 as defined within the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason: To determine the scope of the permission in the interest of neighbour amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide.

POSITIVE AND PROACTIVE STATEMENT:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

INFORMATIVES:

01 Community Infrastructure Levy Liability Notice: You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.

03 Biodiversity Net Gain - The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Southend on Sea City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Where development is to proceed in phases Biodiversity Gain Plans are required before development may be begun (the overall plan) and required before each phase of development may be begun (phase plans).

04 Construction outside of normal hours - If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used. If Regulatory Services become aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence. The application form and guidance are available on the Southend-on-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

05 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER. The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.