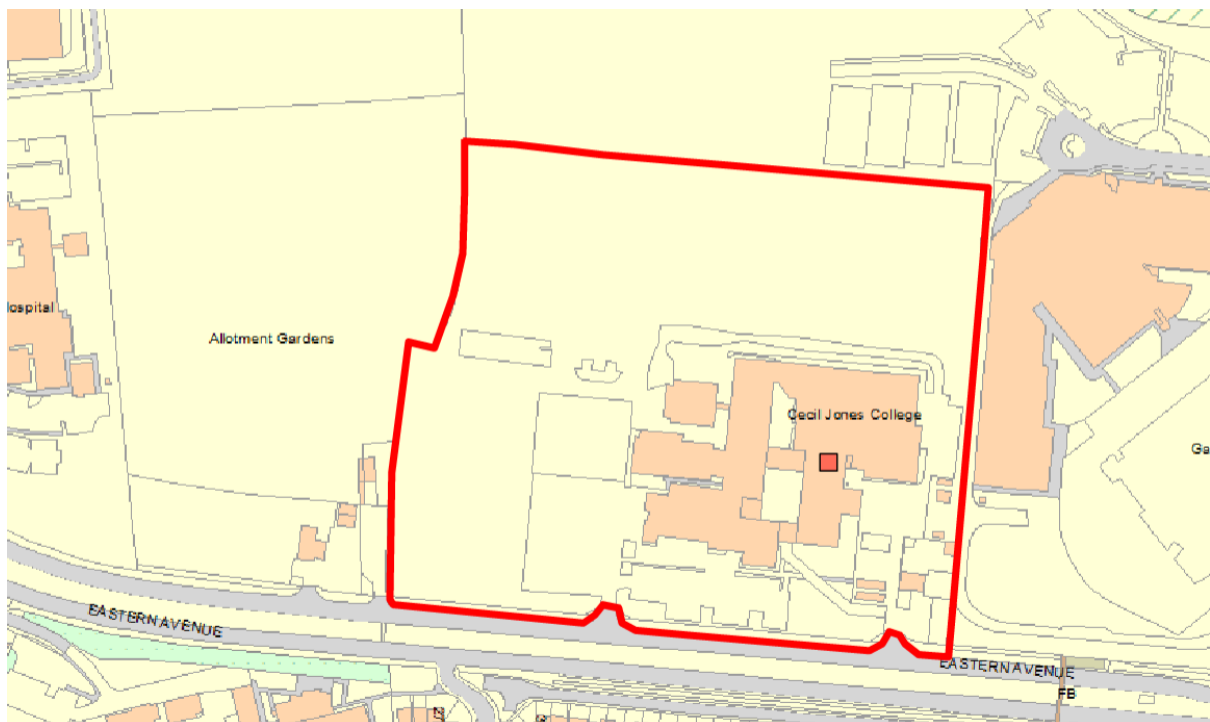


<b>Reference:</b>	16/01765/FULM	
<b>Ward:</b>	St Lukes	
<b>Proposal:</b>	Site 10 temporary portacabins for use as classrooms ancillary to the main school building (Retrospective)	
<b>Address:</b>	Cecil Jones, Eastern Avenue, Southend-on-Sea, Essex, SS2 4BU	
<b>Agent</b>	Portakabin Limited	
<b>Applicant:</b>	Cecil Jones Academy	
<b>Consultation Expiry:</b>	08.11.2016	
<b>Expiry Date:</b>	11.01.2017	
<b>Case Officer:</b>	Janine Rowley	
<b>Plan Nos:</b>	HD/CRS/06D; HD/9254/02; TSED220134256E	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 The Proposal**

- 1.1 Planning permission is sought to retain ten temporary portacabins for use as classrooms ancillary to the main school building located to north of the existing buildings.
- 1.2 The Design and Access Statement accompanying this application states the temporary classrooms have been installed as a result of the fire that took place at the school on the 22<sup>nd</sup> August 2016. The buildings are to be used whilst repairs take place to the affected building, after which time the buildings will be removed from the site. The supporting information accompanying this application states the portacabins are required for 78 weeks (approximately 20 months) from the date of a decision on this planning application.

## **2 Site and Surroundings**

- 2.1 Cecil Jones Academy is a secondary school and sixth form, located to the east of Southend on Sea. The site is located to the northern side of Eastern Avenue. To the west of the site are existing playing fields and the main school buildings are to the north and east of the site.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are the principle of the development and loss of a playing field, design and impact on the character of the area, traffic and transportation, impact on residential amenity.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework, (Core Strategy) policies KP2, CP4, CP6; DPD2 (Development Management Document DPD2) policy DM1, DPD2 (Development Management) policy DM1, DPD1 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 Policy CP6 of the Core Strategy advocates the need to improve educational facilities to ensure that the needs of the local community are met. The policy states that subject to the maintenance of satisfactory environmental conditions and residential amenities, the Borough Council will support the improvement or extension of existing public and private education establishments and will encourage the use of their facilities for community purposes where this would meet identified requirements. The retention of the portacabins for a temporary time period will ensure the students have full access to adequate education facilities whilst the building works take place relating to the existing classroom block that was significantly damaged by a fire in August 2016, this is considered to be in accordance with Policy CP6 of the Core Strategy.
- 4.2 Policy CP7 of the Core Strategy states the Council will normally refuse permission for proposals involving the complete or partial loss of school playing fields.
- 4.3 The portacabins are sited on a substantial part of the playing field to the north of the

school which, prior to the portacabins being sited, was marked out for a senior football pitch in the winter period and an oval running track and softball pitches in the summer period. Their siting has prevented the northern part of the playing field from being used for marking out any winter or summer playing pitches. The proposal involves the retention of 10 temporary portacabins for a period of 78 weeks on part of Cecil Jones Academy's playing fields while part of the main school building is repaired due to fire damage as referred to above.

- 4.4 The school have confirmed the portacabins would be removed at the end of the temporary period. Sport England have been consulted on the proposal and consider whilst the development would involve a significant encroachment onto the school's playing fields and displace several winter and summer playing pitches, they consider the proposal acceptable as the portacabins are only proposed to be sited on the playing field for a temporary period of just over a year after, which they would be removed and the area would be reinstated to playing field use.
- 4.5 The temporary impact on the school's use of the pitches has been addressed through the school using the public playing fields on the adjoining Garon's Park site and through playing home match fixtures at away team venues, which is welcomed. The school still has access to the natural turf pitches and a small artificial pitch on the western part of its playing field which are not affected by the development. Finally there is there is no current community use (outside of school hours) of the playing field that would be affected by the temporary impact. In light of the above, Sport England have raised no objection, subject to appropriate conditions to require the removal of the portcabins and reinstatement of the sports playing field.

#### **Design and Impact on the Character of the Area**

**National Planning Policy Framework; DPD2 (Development Management) policy DM1, DPD1 (Core Strategy) policies KP2, CP4; (Development Management Document DPD2) policy DM1 and Design and Townscape Guide SPD1.**

- 4.6 Given the siting of the temporary portacabins to the north of the existing school buildings. A condition will be imposed to ensure the portacabins are retained on a temporary basis only as the retention of the buildings in the long term could affect the overall character and appearance of the existing school site.
- 4.7 In light of the above, the retention of the ten portacabins on a temporary basis will not harm the character and appearance of the existing school building nor the surrounding area given they are not visible from the any public vantage point taking into account Garons to the east of the site and the playing fields to the west of the site. The proposal is therefore consideration in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management and the Design and Townscape Guide.

#### **Traffic and transportation**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; (Development Management Document DPD2) policy DM15 and the Design and Townscape Guide SPD1.**

- 4.8 The proposed canopy will not result in any highway implications as they reprovide

existing floorspace.

### **Impact on residential amenity**

**National Planning Policy Framework; DPD1 (Core Strategy) policies CP4; DPD2 (Development Management Document DPD2) policy DM1 and the Design and Townscape Guide SPD1 (2009).**

- 4.9 Policy DM1 of the Development Management Document supports the need for any new development to protect the amenity of the site, immediate neighbours and the surrounding area with regard to privacy, overlooking, outlook, noise and disturbance and the sense of being overbearing.
- 4.10 Given the nearest residential property is in excess of 170m away, it is not considered the development will have any adverse impact on the residential amenities enjoyed by occupiers to the south in Eastern Avenue or the resident caretaker at the school.
- 4.11 In light of the above, the proposal is considered to satisfy Policy CP4 of the Core Strategy and Policy DM1 of the Development Management Document DPD2.

### **Community Infrastructure Levy (CIL) Charging Schedule.**

- 4.12 Although this application is CIL liable given the floorspace is 1560sqm for the temporary portacabins, in this instance the chargeable amount has been calculated as a zero rate as applicable due to the school is registered with Local Education Authority and makes no profit relevant evidence has been submitted. In addition, the portacabins will be conditioned to be only retained for a temporary period.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP3 (Traffic and Highways), CP7 (Sports Provision)
- 5.3 Development Management Document policies DM1 (Design Quality), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009.
- 5.5 Community Infrastructure Charging Levy

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 No comments.

## **Children and Learning**

- 6.2 This application is fully supported by the Local Authority. The Portacabins are needed to temporarily replace a large classroom block that suffered severe fire damage at the end of August. By retaining them the school will be able to remain open to its pupils whilst the damaged building is rebuilt.

## **Traffic and Transportation**

- 6.3 No comments.

## **Sport England**

- 6.4 It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy to protect playing fields, 'A Sporting Future for the Playing Fields of England' (see link below):

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

### **The Proposal and Impact on Playing Field**

The proposal involves the retention of 10 temporary portacabins for a period of 78 weeks on part of Cecil Jones Academy's playing fields while part of the main school building is repaired due to fire damage. The portacabins would be removed at the end of the temporary period. The portacabins are sited on a substantial part of the playing field to the north of the school which, prior to the portacabins being sited, was marked out for a senior football pitch in the winter period and an oval running track and softball pitches in the summer period. Their siting has prevented the northern part of the playing field from being used for marking out any winter or summer playing pitches.

### **Assessment against Sport England Policy/NPPF**

While the proposal would involve a significant encroachment onto the school's playing fields and displace several winter and summer playing pitches, I am mindful of the following characteristics:

- The portacabins are only proposed to be sited on the playing field for a temporary period of just over a year after which they would be removed and the area would be reinstated to playing field use;

- The temporary impact on the school's use of the pitches has been addressed through the school using the public playing fields on the adjoining Garon Park site and through playing home match fixtures at away team venues. The school still has access to the natural turf pitches and a small artificial pitch on the western part of its playing field which are not affected by the development;
- There is no current community use (outside of school hours) of the playing field that would be affected by the temporary impact.

Having considered the nature of the playing field and its ability to accommodate a range of pitches and address the temporary impact, it is not considered that the development would reduce the sporting capability of the site if assessed in the context of a short term impact. As such, Sport England is satisfied that the proposed development broadly meets the intention of the following Sport England Policy exception although it would not accord with it in practice:

*E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.*

This being the case, Sport England does not wish to raise an objection to this application subject to the following condition being attached to the decision notice should the local planning authority be minded to approve the application:

- Removal of Development at end of Temporary Period and Reinstatement of Playing Field: A condition requiring the portacabins to be removed at the end of the 78 week period (a shorter period would be preferred if part of this period has already elapsed since the application was submitted) that planning permission has been applied for and for the area to be reinstated to playing field use. This condition is necessary to ensure that the impact on the playing field is of a short term temporary nature in practice and to ensure that the area can be brought back into playing field use at the end of the temporary period. This would help ensure that the length of time that this part of the playing field is unavailable is minimised and to ensure that the potential that this area offers for meeting school sports use is not permanently prejudiced. This is justified as Sport England has had experience of 'temporary' buildings sited on playing fields not being removed as originally proposed in planning applications where such conditions have not been imposed on planning permissions which has often resulted in permanent or long term losses of playing fields.

It should be emphasised that our 'no objection' position on this planning application is principally due to the proposal being of a short term temporary nature as explained above together with the exceptional circumstances that apply i.e. the urgent need for portacabins while the fire damaged building is repaired in order to maintain continuity of the school's operations. If the proposal had been for a permanent or long term temporary use of this area then it would have been considered to have had a major impact on the playing field which would not accord with any of the exceptions in the above policy and an objection would have consequently been made.

Consequently, our position on this application is made without prejudice to any future

applications for extending the temporary period for this proposal (if permitted) or any alternative proposals on the area of the playing field affected.

## **Public Consultation**

- 6.5 A site notice displayed on the 7<sup>th</sup> September 2016 and no letters of representation have been received.

## **7 Relevant Planning History**

- 7.1 None relevant to this application.

## **8 Recommendation**

**Members are recommended to GRANT PLANNING PERMISSION subject to the following condition:**

- 1 The buildings subject of the permission shall be removed within 78 weeks of the date of this permission or on completion of the repair works to the fire damaged classrooms (whichever is sooner) and the affected playing field area reinstated to playing field use.**

**Reason: The application has only been made for permission for a temporary period and would be unacceptable on a permanent basis due to the loss of the playing field which is only acceptable in the particular circumstances of the application on a short term basis and should be reinstated upon completion of the main school building works.**

## **Informatives**

- 1 You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use.**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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.**