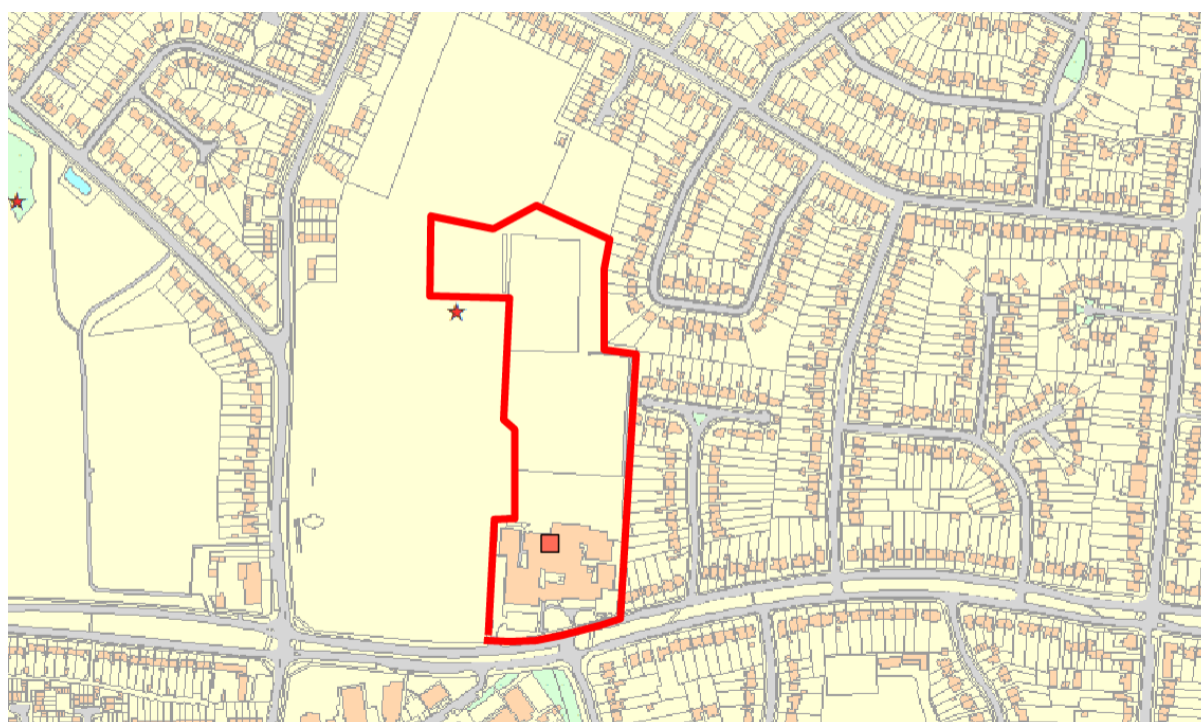


<b>Reference:</b>	17/01306/FULM	
<b>Ward:</b>	Blenheim Park	
<b>Proposal:</b>	Erect two storey building creating additional class rooms and fitness suite and associated accommodation, layout 10 additional car parking spaces and erect cycle store, layout Multi Use Games Area and associated works	
<b>Address:</b>	St Thomas More High School, Kenilworth Gardens, Westcliff-on-Sea, Essex, SS0 0BW	
<b>Agent</b>	St Thomas More High School	
<b>Applicant:</b>	Ingleton Wood LLP	
<b>Consultation Expiry:</b>	21.09.2017	
<b>Expiry Date:</b>	14.12.2017	
<b>Case Officer:</b>	Janine Rowley	
<b>Plan No's:</b>	<b>001 Revision C; 100 Revision D; 101 Revision D; 102 Revision C; 103 Revision E; 104 Revision C; 108 Revision F; 004 Revision A</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



*This application has been deferred for a site visit from Development Control Committee on the 8<sup>th</sup> November 2017. The report is unchanged except for the inclusion of Education comments and updates on public consultation responses under the Representation Summary plus the addition of a Travel Plan condition.*

## **1 The Proposal**

- 1.1 Planning permission is sought to erect a two storey pitched roofed teaching block and fitness suite, to lay out 10 additional car parking spaces, erect a cycle store and form a Multi-Use Games Area, together with associated works.
- 1.2 The proposed two storey detached building would be located to the north of the existing school buildings, sited on an existing hardstanding area, which is currently used as three tennis courts. The proposed building is 35m wide x 32m deep x 9.8m high and would provide new classrooms a drama/music studio, practice rooms, a fitness suite with associated changing rooms, storage, toilets, plant rooms and associated offices. The fitness suite would be open to the public. The overall internal floorspace of the extension is approximately 1540sqm. The floorspace of the fitness suite is 150sqm.
- 1.3 The materials to be used in the construction of the new teaching block include powder coated aluminium double glazed windows and doors in grey, composite grey roof panels for the pitched roofs, yellow stock brick, coloured trespa panel, aluminium surrounds to the windows, copper cladding and red bricks to match the existing buildings.
- 1.4 The proposal includes the creation of a new Multi Use Games Area to the north of the playing fields. The surface would allow all year round activity and will enable a number of different sports to be played together with four tennis courts marked out (to replace the three that would be lost as a result of the wider development). The proposal will result in an overall increase of 272sqm of play area. No flood lights are proposed as part of this application.
- 1.5 The proposal also includes new car parking and 10 additional spaces would be created by remodelling the existing hardstanding area in front of the new building. A new cycle store is proposed to the east of the new building.
- 1.6 The planning statement states the proposed development would enable a further 151 students to be accommodated and would provide specialist teaching rooms, staff and administration areas and associated space for the 2018 intake.
- 1.7 The existing number of students on site is 995 (750 years 7-11 and 245 years 12-13). This proposal will increase the number of students to 1146 (151 additional students in years 7-11). The existing members of staff include 141 (111 full time and 30 part time), this proposal will increase the members of staff by 5 to 146 (116 full time and 30 part time).

- 1.8 A planning statement, design and access statement, energy statement, transport statement, ground investigation report, archaeological site investigation report have been submitted for consideration.

## **2 Site and Surroundings**

- 2.1 The school site is located along Kenilworth Gardens. The existing school building fronts Kenilworth Gardens and the playground, grass and artificial sports pitches are to the north of the existing buildings. To the east of the site are two storey residential properties in Arundel Gardens. To the immediate west of the site are playing fields used by Westcliff High Schools for Girls and Boys. The site includes two vehicle accesses onto Kenilworth Gardens to the east and western boundaries. To the south of the site are Westcliff High School for Boys and Girls and there residential properties on the junction of Eastwood Boulevard and Kenilworth Gardens and to the north and east of the playing fields.
- 2.2 The playing fields to the north and east of the new educational building are designated as 'Protected Green Space' by the Development Management Document.

## **3 Planning Considerations**

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

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2, CP4, CP6, CP7; Development Management Document (2015) Policies DM1 and DM3, and the Design and Townscape Guide (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 proposed development will improve the facilities available at St Thomas More, thus the proposal is in principle 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. This proposal would not result in the loss of playing fields but would result in the loss of an existing hardstanding area which is currently used as tennis courts. This is proposed to be mitigated by the creation of a new Multi Games Use Area on land currently vacant and not capable of being used as playing field. Overall the proposal will result in the net gain of 272sqm playing area. The sports pitches to the immediate north of the existing school buildings would remain unaltered.
- 4.3 Sport England have raised no objection to the development, stating that the Multi Use Games Area would provide a larger size play surface with four tennis courts marked out and designed for formal sport, enabling the school to host tournaments and competitive tennis matches, which the existing games courts are not suitable for. The superior quality of the Multi Use Games Area would offer greater potential for meeting local community tennis court needs. In addition, the proposed fitness suite within the new teaching block would widen the range of physical activities that the school can offer as part of the Physical Education curriculum, providing additional capacity to meet the needs of the expansion. In relation to the impact on the playing field, the existing area to where the Multi Use Games Area is proposed, includes rough grassland, is poorly drained and has not been previously used for playing pitches. Sport England have raised no objections subject to a number of conditions relating to the Multi Use Games Area design specifications, phasing and delivery and the implementation of community use agreement as set out below.

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

#### **National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4; Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009)**

- 4.4 Policy DM1 of the Development Management requires any new development to respect and enhance the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, layout, proportions, materials and overall townscape. The proposed development will result in a replacement of tennis courts with a contemporary building providing extra internal floorspace for pupils at the existing school and future expansion.
- 4.5 The overall design is simple and contemporary with varying pitches to the roof being the main feature. The proposed materials will relate satisfactorily to the existing buildings including the use of brickwork to match the existing development with modern wood effect cladding to add interest. It is considered the overall design and scale of the building does not detract from the character and appearance of the existing school building or the surrounding area. Although the proposal will be visible from Kenilworth Gardens from the west of the site, the building is set 125m from the street frontage and will have limited visual impact.

- 4.6 Given the simplicity of the design, the success of the proposal will depend on the quality of materials, which can be controlled by condition.
- 4.7 The resiting of the tennis courts and formation of a Multi-Use Games Area will not result in any material harm to the character and appearance of the area.
- 4.8 In light of the above, subject to suitable conditions, the proposed development is considered to relate satisfactorily to the character and appearance of the existing school buildings and will provide a positive addition. The proposal is therefore considered to be in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document, and the Design and Townscape Guide.

### **Traffic and transportation**

#### **National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4, CP3; Development Management Document (2015) Policy DM15, and the Design and Townscape Guide (2009).**

- 4.9 The primary vehicle access to the school is from Kenilworth Gardens in the south-western corner of the school, via a gated access. There is also a gated entrance for additional car parking to the south-eastern corner to the east of the main entrance. There are currently 86 parking spaces on site for visitors and members of staff. The proposal will include the formation of 10 additional places to the rear of the site resulting in 96 spaces available on site.
- 4.10 The eastbound and westbound Kenilworth Gardens carriageways are separated by wide verges in the vicinity of the site, with traffic calming provided by the on street parking that occurs in one lane in each direction. There are a number of safe pedestrian crossing points for children.
- 4.11 Existing bus stops are on either side of Kenilworth Gardens with a number of services.
- 4.12 Vehicle parking standards set out in Policy DM15 of the Development Management Document require a maximum of 1 space per 15 students for years 7-11. For schools with further education years 12-13 1 space per 15 students for full time equivalent staff plus 1 space per 15 students for student parking are sought as a maximum. Based upon current planning policy a maximum number of 10 spaces are required for the development as proposed (which results in 151 additional students and 5 staff). Thus the 10 additional car parking spaces that are proposed will meet policy requirements. It should also be noted that parking for the site as a whole (96 parking spaces including those now proposed) exceeds the current maximum standards as set out by Policy DM15 of the Development Management Document.

- 4.13 The transport statement for the school has been updated (in terms of pupil numbers and members of staff) to take into account the proposed development. The document states that the majority of new trips generated to and from the school will be made by sustainable means, with the majority being by bus, walking and cycling. It estimates that there would be an additional 41 traffic movements as a result of the development. It is not considered that the additional traffic generated as a result of the proposed development will result in harm to the highway network or highway safety.
- 4.14 Furthermore, evidence has been submitted to demonstrate that the existing travel plan operated at the school successfully encourages travel by sustainable means; and that approximately 84% of students use sustainable means of transport. A condition will be imposed should permission be granted to ensure the travel plan is updated and reviewed annually and sustainable transport modes continue to be encouraged.
- 4.15 The current proposal will allow for the provision of additional cycle spaces to be provided. Policy DM15 of the Development Management Document states 1 space per 5 staff plus 1 space per 3 pupils is required. The applicant has confirmed currently there are cycle spaces on site. In order to ensure the proposal meets the current cycle parking standards as set out above, 55 spaces can be required by a suitable condition should permission be granted in which case the proposal would be policy compliant in terms of cycle provision.
- 4.16 Taking the above, the parking and impact on the highway network is considered to be compliant with Policy DM15 of the Development Management Document.

#### **Impact on residential amenity**

**National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1, and DM3 the Design and Townscape Guide (2009).**

- 4.17 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. policy DM1 of the Development Management requires that all development should (inter alia):

*“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”*

- 4.18 The proposed two storey building is located 63m from the boundary with properties in Arundel Gardens with a further 35m from the rear elevation of those properties. Whilst there are windows at the first floor of the new building they are set 83m from the eastern boundary. Taking into account the separation distance to the properties to the east of the site it is considered sufficient to mitigate any material harm on the existing residents in terms of overlooking, loss of privacy and light and the development being overbearing.
- 4.19 The two storey building will be sited 222m from the nearest properties to the west of the site, with sport pitches operated by Westcliff Grammar School for Girls and Boys.
- 4.20 The proposed Multi Use Games Area is located to the east of the existing sports pitches and, the applicant has confirmed no floodlights are proposed in this application. There is an overall separation distance of 93m from the nearest property to the east in Treecot Drive, 106m from the nearest property in Winsford Gardens and 193m from properties in Bridgwater Drive, which is sufficient to mitigate any material harm to the existing residents in terms of noise and disturbance.
- 4.21 In terms of noise and disturbance, there are no restrictions of the opening hours of the school. It should be noted no conditions were imposed on the school when originally constructed in terms of hours of use. The additional parking is proposed to be accessed from Kenilworth Gardens. In terms of impact of noise and disturbance it is considered negligible and no objection is raised in relation to noise on this basis. However the Community Use agreement will contain details of hours of operation of the MUGA and fitness centre and this will protect the amenities of nearby properties.

### **Sustainability**

#### **National Planning Policy Framework (2007); Core Strategy (2007) Policy KP2; Development Management Document (2015) Policy DM2 and the Design and Townscape Guide**

- 4.22 Paragraph 97 of the National Planning Policy Framework states that local authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. Policy DM2 of the Development Management Document advocates the need to ensure the delivery of sustainable development whereby all development proposals should contribute to minimising energy demand and carbon dioxide emissions in accordance with the energy hierarchy.
- 4.23 The drawings submitted illustrate that a large area of photo voltaic panels are proposed to the roof. Air source heat pumps are discussed within the supporting information. This approach is acceptable in principle but the 10% energy policy requirement will need to be demonstrated as no definitive calculations have been provided to demonstrate the proposal will meet the requirements of Policy KP2 of the Core Strategy. This will be dealt with by condition.

- 4.24 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 4.25 The applicant has submitted details of the drainage suggesting existing foul and surface water drainage will be extended and connected to existing drainage. Further details will be required by condition to demonstrate the proposal will increase surface water runoff and how it will incorporate the principle of SuDs. .

### **Other Matters**

#### *Lighting*

- 4.26 No additional lighting has been proposed at this time. However, a suitable condition will be imposed to ensure full details are submitted for consideration should this be proposed at a later date to mitigate against any potential harm to surrounding residential properties.

#### 4.27 *Flood Risk Assessment*

The site is located within flood zone 1 and is therefore suitable for all types of development without the need to pass the sequential test of exception test. The site is not at a significant risk of flooding and as referred to above further details on the Sustainable Urban Drainage Systems are to be required by condition.

#### 4.28 *Archaeology*

An archaeological desk based assessment prepared by the applicants suggests that there are several features on site that may result from buried archaeological ditched features and that a further site investigation should be undertaken within the northern part of the school grounds within, and possibly around the MUGA to mitigate against the potential impacts of the development. A condition will be imposed to ensure that further site investigations are carried out and if any archaeology is discovered during the demolition and construction works, full details are to be submitted to the Council and recorded.

#### 4.29 *Ecology/Bat Survey*

The National Planning Policy Framework (section 11) states that local authorities should aim to conserve and enhance biodiversity. Planning decisions must prevent harm to bio-diversity and impose adequate mitigation measures where appropriate. The applicant has confirmed there are no endangered or priority species inhabiting the site or any features of notable ecological value. Officers consider an appropriate condition shall be imposed to ensure relevant mitigation measures are implemented in relation to ecology matters that may arise during the construction of the development.



## *Trees*

- 4.30 The Multi Games Area is sited in close proximity to mature trees. No objections are raised subject to conditions to ensure all work in the vicinity of the trees is undertaken in accordance with the guidelines set out in BS5837 to ensure root protection areas are calculated for each tree with protective fencing erected prior to start of the development works.

## *Contamination*

- 4.31 The proposed Multi Games Use Area will be located on open space and the new building above an existing playground. Whilst the area is not known for contamination, during development contamination not previously identified if found present at the site, can be controlled by condition.

## **Community Infrastructure Levy Charging Schedule**

- 4.32 Although this application is CIL liable, given the development is a new teaching block, 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.

## **Conclusion**

- 4.33 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development is acceptable and will provide an improved education facility and new multi-use games area. The development would not result in the loss of playing fields or sports facilities. The design and scale of the proposed development relates satisfactorily to the existing school buildings and will provide an improved education facility. The increased number of students and members of staff will have limited impact on the highway network or neighbour amenity and the number of parking spaces provided is policy compliant. This application is therefore recommended for approval subject to conditions.

## **Planning Policy Summary**

### **5 National Planning Policy Framework**

- 5.1 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Traffic and Highways), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space)
- 5.2 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM5 (Southend on Sea Historic Environment), DM15 (Sustainable Transport Management)

- 5.3 Design & Townscape Guide 2009.
- 5.4 Community Infrastructure Levy Charging Schedule

5.5 **Representation Summary**

**Design & Regeneration**

- 6 No comments.

6.1 **Children and Learning**

No comments.

6.2 **Traffic and Transportation**

The applicant is providing 96 car parking spaces for the proposed school expansion which will total 1146 students by 2022 for years 7-11. Sixth form student numbers remain unchanged. The expansion will increase the current staffing levels by 5 to 146 which include 30 part time staff. The number of car parking spaces provided for the proposal exceeds the current Development Management Document Policy DM15. 130 existing cycle parking spaces are being provided for staff and student use currently and the applicant has agreed to provide additional cycle provision in accordance with Policy DM15.

The applicant has provided a comprehensive design and access statement which includes a transport statement and travel plan detailing current modes of travel for all students. The travel plan will also be monitored annually by the highway authority. The travel plan has also referenced the previous highway improvements at the front of the site which provides a dedicated contract bus pick up and drop off area which is used by a large number of students. In addition to this there are existing bus stops within the local area which all links to services throughout the borough. The location of the school is also located to close Prittlebrook cycleway which provides good links to Leigh and Central Southend.

Given the above information no highway objections are raised as all aspects of the parking provision are policy compliant. The site benefits from being in a sustainable location with regard to public transport which has good links in close proximity and provides an alternative travel choice for all students and staff at the school. It is not considered that the additional school intake and 5 members of staff will have a detrimental impact on the public highway.

### 6.3 Education

SBC is currently running an expansion programme of the non-selective secondary schools to match the recent primary school expansions that was needed due to higher births and pupil population increases. St Thomas More High School is the second school on this programme and the project is being fully funded via the Council's Education Capital Programme and Central Government Grant. The build project is being managed by the Academy and it will add a further 30 places per year from September 2018 as well as enhancing sport and dining facilities.

### 6.4 Trees

The proposal is acceptable subject to conditions that all work in the vicinity of the trees is undertaken in accordance with the guidelines set out in BS5837, that all trees in the vicinity of the Multi Use Games Area are identified and the root protection areas calculated for each tree with protective fencing erected prior to start.

### 6.5 Environmental Health

No objections in principle subject to conditions in relation to contamination and noise as follows:

1. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority a remediation strategy detailing how this unsuspected contamination shall be dealt with. All agreed remediation works must be implemented in their entirety prior to further construction works commencing unless otherwise agreed in writing by the LPA.  
**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework, sections 120 and 121.
2. Due to the proximity of the site to other residential buildings, the hours of work will need to be restricted. The hours of work are therefore restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday. No demolition or construction shall be carried out on Sundays or Bank Holidays.

3. Due to the proximity of the site to other residential buildings, full details of mitigation measures to be taken to minimise and/or control noise and potential fugitive dust emissions resulting from the works must be submitted in writing for approval by the local planning authority prior to demolition or construction commencing, taking into consideration control measures detailed in *Best Practice Guidance "The control of dust and emissions from construction and demolition"*.  
[http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)

## 6.6 Sport England

### Statutory Role and Policy

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 on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England'.

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 expansion of St Thomas More High School to 6FE. This would principally involve a new teaching block and additional car parking spaces that would be sited on part of the existing games court area and a new multi-use games area (MUGA) that would be sited on part of the natural turf playing field adjoining the artificial grass pitch. The proposed teaching block would include a fitness suite and ancillary changing facilities.

#### *Assessment against Sport England Policy*

As the application relates to the provision of new outdoor and indoor sports facilities on the existing playing field, it therefore needs to be considered against exception E5 of the above policy, which states:

- E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

The existing and proposed playing fields have been assessed against the above policy to determine whether the proposals meet exception E5.

### *Sports Development Benefits*

The key potential sports development benefits of the proposed development are considered to be as follows:

- Multi-Use Games Area (MUGA): While the MUGA would be directly replacing part of the existing games court area that would be lost to the classroom block, as set out in the Planning Statement, the MUGA would offer a number of benefits when compared to the games court area that it would replace:
- It would be larger in size (net increase of 2232 sqm) and would allow 4 tennis courts to be marked out which would increase the number of tennis courts available on the site by one court.
- The surface would be designed for formal sport as it would be a sports macadam surface and would be expected to be superior in quality to the games court area it would replace which appears to be a standard hard play area surface;
- The MUGA would be fenced which would offer ball stop, security and maintenance benefits
- The quality of the MUGA would allow the school to host tournaments and competitive tennis matches which the existing games courts are not suitable for;
- The superior quality of the MUGA compared to the games court would offer greater potential for meeting local community tennis court needs. At present, there is no community use of the existing games courts by the community but the new courts proposed on the MUGA would offer greater potential for meeting community needs due to the surfacing and fencing proposed. The school have also confirmed that the MUGA would be made available for community use.
- Fitness Suite: The new teaching block would include a fitness studio and ancillary changing facilities. The school's existing sports hall is unsuitable for permanent fitness equipment to be installed due to the need to maintain it for indoor sports. The fitness suite would widen the range of physical activities that the school can offer as part of its PE curriculum and provide additional capacity to meets the needs of the expansion. It is also proposed that the suite would be made available for community use outside of school hours which may help to meet local community needs for fitness suite provision.

### *Impact on Playing Field*

In terms of the impact on the playing field, the MUGA would be sited on an area of the school's natural turf playing field adjoining the artificial grass pitch to the north of the site.

While it would be a relatively large encroachment onto the playing field, it is understood that this area is rough grassland and is poorly drained.

Consequently, it is not used for marking out playing pitches and has not been in the past. This area is also constrained by trees which would prejudice the potential for marking out pitches in any case. An existing athletics jump pit would also be displaced but this would be relocated to the south of the artificial grass pitch.

The teaching block would result in the loss of about half of the existing games court area but as set out above this would be replaced by the MUGA which would be a superior facility in size and quality. The relative remoteness of the MUGA to the school buildings is undesirable but the school have advised that this will not be an issue in relation to meeting the school's needs. The Lawn Tennis Association has been consulted and have advised that the remoteness of the MUGA from changing/toilet facilities may have an impact on potential community use although it is acknowledged that the artificial grass pitch that is used by the community is in a similar location. An existing footpath would be extended around the artificial grass pitch to ensure suitable and inclusive pedestrian access to the MUGA.

### *Conclusion*

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception E5 of its Playing Fields Policy i.e. the potential sports development benefits associated with the proposed MUGA and fitness suite would outweigh the detriment caused by the impact on the playing field. The absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

Multi-Use Games Area Design Specifications: While the proposed outline specifications for the construction, surfacing and fencing of the MUGA that have been provided by the applicant are acceptable in principle, the detailed construction specifications for the MUGA that will be implemented are not available at this stage. Consequently, these details will need to be submitted prior to commencement of development of the MUGA to demonstrate that the detailed design is of a suitable quality and follows the outline specifications. The specification should include details of the surface, fencing and court markings. This is justified to ensure that the facility does deliver the benefits to sport identified above which mitigate the impact on the playing field. It is requested that the following condition and informative be imposed on any planning permission to address this matter (which is based condition 9 of our model conditions schedule <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-applications/>):

*“No development of the multi-use games area shall commence until details of the design and layout of the multi-use games area including the surface specification, fencing specification and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.*”

*The multi-use games area shall not be constructed other than in accordance with the approved details.*

*Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy \*\*.*

*Informative: The applicant is advised that the design and layout of the [sports facility] should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England and National Governing Bodies for Sport. Particular attention is drawn to Sport England's 'Artificial Surfaces for Outdoor Sports' guidance note (2013) [www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/](http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/) and the Lawn Tennis Association's Porous Macadam Tennis Courts and Floodlighting Outdoor Tennis Courts guidance notes <https://www.lta.org.uk/venue-management/facilities-advice/>.*

- Community Use Agreement: A condition requiring a community use agreement for the school's MUGA and fitness suite to be submitted and approved by the local planning authority (in consultation with Sport England) prior to first occupation of the development in order to ensure that community access to the proposed sports facilities is secured in practice. A community use agreement sets out a school's policy and arrangements for community use of its facilities and covers matters such as hours of use, pricing policy, types of bookings accepted, restrictions on community use, facility management arrangements, lettings policy etc. The agreement is usually between a school and the relevant local authority or leisure trust (e.g. Southend-on-Sea Borough Council) but may involve additional bodies. Sport England regularly secures the completion of such agreements through planning conditions on planning permissions for school developments.
- Such a condition is justified to ensure community use of the proposed facilities is secured in practice and to ensure that the community use arrangements are safe and well managed. Without suitable community access being secured over a long term period in practice, one of the principal sports development benefits of the proposals would not be realised and consequently there would not be a basis for Sport England to make no objection to the impact of the development on sports facilities. A community use agreement also provides clarity and formalisation with respect to community access arrangements for all parties. Community use agreement templates, examples of completed agreements and further advice can be provided upon request. For information, Sport England's guidance for schools on preparing for and delivering community use is available on our 'Use our School' toolkit at <http://www.sportengland.org/facilities-planning/use-our-school/> .

- The school's existing community lettings policy for its sports facilities can be incorporated into a community use agreement. The following condition is requested to be imposed to address this which is based on model condition 16 of our schedule:

*"No occupation shall commence of the development hereby permitted until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the multi-use games area and fitness suite and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."*

*Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy \*\*.*

- Multi-Use Games Area Phasing & Delivery: A condition requiring details of the phasing and delivery of the proposed multi-use games area to be submitted and approved prior to commencement of development. Indicative phasing proposals for the MUGA has been provided with the planning application which suggests that the facility would be phased so that it is available during the summer period when there is greatest demand for its use but the detail of the phasing is unavailable at this stage as this is subject to when planning permission is granted and the contractor's construction programme.

It is therefore necessary to consider the actual proposed phasing and delivery arrangements when the planning application has been approved to assess the acceptability of the arrangements in order to ensure that the phasing minimises disruption to the delivery of the PE curriculum and ensures that it is delivered in practice within an acceptable timescale. The following condition is requested to be imposed to address this which is based on model condition 7 of our conditions schedule

*No development shall commence until details for the phasing and delivery of the multi-use games area hereby permitted, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development hereby permitted shall not be carried out other than in accordance with the approved details.*

*Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy \*\*.*



## 6.7 **Southend Airport**

No objections. If a crane or piling rig are required to construct the proposal, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport authority.

## 6.8 **Essex and Suffolk Water**

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

## 6.9 **Natural England**

No comments. Natural England have not assessed this application for impacts on protected species.

## 6.10 **Essex County Fire and Rescue Service**

It is not clear whether vehicles will be able to turn in the area for the access to the proposed building and more detailed observations on accesses and facilities for the fire service will be considered at Building Regulation consultation stage.

The development would be required to comply with the relevant requirements of the Building Regulations.

Water supplies for fire fighting maybe necessary for this development.

Sprinkler systems may be required.

## 6.11 **Public Consultation**

Site notice displayed on the 30<sup>th</sup> August 2017 and 34 neighbours notified of the proposal. Eight letters of objection have been received stating:

- Consultation on the application was inadequate
- Loss of playing fields
- Visible from the houses in Arundel Gardens and would obstruct views from homes
- Increase noise and disturbance
- Opening hours should be controlled if the fitness suite is to be open for the public
- Arundel Gardens is a 6<sup>th</sup> former car park, there should be a foliage screen
- Traffic and congestion increased
- Overdeveloped site
- Loss of playground space

- School travel action plan gives data and number of staff and students travelling to school and claims the trend by car is reducing but does not analyse the 6<sup>th</sup> form students travelling by car
- Application documents inaccurate
- Adverse impact on access including access for emergency vehicles
- Unacceptable parking impacts
- Scheme should include a foliage screen plan
- Any further extension to the school will cause hardship to the neighbours in surrounding streets due to the increase in commuter parking and littering
- Increase in road safety risk due to the increase in the number of parents dropping and collecting their children
- 10 additional parking spaces is a gesture as the application is for 13 classrooms which will mean extra teaching and administration staff who will be car users
- The classes are intended for sixth form users and this will mean an increase of some 120 students [**Officer comment - the classrooms do not provide accommodation for sixth form students**]
- Noise and Waste Pollution
- Local feeling that the community is being overlooked
- No consideration regarding restrictive parking
- Informed that both Westcliff High Schools for Boys and Girls recruiting children from London Boroughs
- Affect quality of life
- Insufficient parking and increased parking in the adjacent streets. A resident permit parking system should be introduced to the area
- Arundel Gardens Neighbourhood Watch Group with 26 members of the 42 houses in the Gardens. A ballot on email for 22 of the properties has a view on their preferences for the wording relating to a parking permit.

A letter from an objector has been circulated to residents raising concerns in relation to (inter alia):

- 13 additional classrooms; 10 parking spaces are not sufficient, parking provision not acceptable. Exacerbate existing parking/traffic problems.
- Emergency services will not be able to gain access to the site and would be obstructed along Kenilworth Gardens

In addition, staff are aware that a resident has written to Members highlighting a number of concerns which are on the subject themes already addressed within the main body of representation summary above.

These concerns are noted and they 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.

## **7 Relevant Planning History**

- 7.1 There is an extensive history relating to this site but the most relevant application are as follows:
- 7.2 Replace existing panelling, windows and doors to Blocks A and C- Granted (17/00162/FULM)
- 7.3 Erect single storey infill extension- Granted (15/00069/FULM)
- 7.4 Application for approval of details pursuant to Condition 4 (materials) of planning permission 13/01684/FULM granted 10.03.14- Agreed (14/01091/AD)
- 7.5 Extend existing front car park by fifteen spaces- Granted (13/01684/FULM)
- 7.6 Erect freestanding canopy/shelter adjacent to north end of building- Granted (13/00856/FUL)

## **8 Recommendation**

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

- 1 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans 001 Revision C; 100 Revision D; 101 Revision D; 102 Revision C; 103 Revision E; 104 Revision C; 108 Revision F; 004 Revision A.**

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

- 3 Notwithstanding the details shown on the plans submitted otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings and hardsurfaced areas at the site have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in full accordance with the details and samples approved under this condition before it is occupied.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of surrounding locality. This is as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).**

- 4 No development of the multi-use games area shall commence until details of the design and layout of the multi-use games area including the surface specification, fencing specification and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The multi-use games area shall not be constructed other than in accordance with the approved details and retained thereafter.**

**Reason: To ensure the satisfactory, quality of compensatory provision and to ensure that the development is fit for purpose and sustainable and to accord with Development Plan Document Policy CP7 of the Core Strategy (2007).**

- 5 No occupation shall commence of the development hereby permitted until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the multi-use games area and fitness suite and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.**

**Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport in accordance with Development Plan Policy CP7 of the Core Strategy DPD1.**

- 6 No development shall commence until details for the phasing and delivery of the multi-use games area hereby permitted, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development hereby permitted shall not be carried out other than in accordance with the approved details.**

**Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use (phasing provision) and to ensure that the development is fit for purpose and sustainable and to accord with Development Plan Document Policy CP7 of the Core Strategy (2007).**

**7 a) No development associated with this permission shall take place until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. This must include details of the suitably qualified person or organisation that will carry out the archaeological work and reasonable notification to the local planning authority when the work will be undertaken.**

**(b) The archaeological work and development must then be carried out in accordance with the approved scheme. A written report of the investigation and findings must be produced, showing that the archaeological work and development has been carried out in accordance with the approved scheme and recommendations within the report carried out. Copies of the written report of the investigation and findings must be sent to Southend Borough Council.**

**(c) No part of the construction work shall commence until the local planning authority has provided written confirmation that it is satisfied that the archaeological fieldwork and development has been carried out in accordance with the approved scheme.**

**Reason: To avoid damage to archaeological remains on site as set out in the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM2 and Design and Townscape Guide (2009).**

**8 Prior to first occupation of the development 10 additional car parking spaces to serve the development shall be provided in accordance with drawing 108 Revision F hereby approved and shall thereafter be permanently retained for use by staff and visitors to the school. Permeable paving shall be used for the hardstanding area associated with this use.**

**Reason: In the interests of highway management and safety, residential amenity and general environmental quality in accordance with the NPPF, Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).**

**9 Notwithstanding the details shown on the plans submitted otherwise hereby approved prior to occupation of the development hereby approved details of the 55 bicycle parking spaces to be provided at the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved bicycle parking spaces shall be provided prior to the occupation of the building and permanently maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with policy CP3 of the Core Strategy (2007) and policy DM15 of the Development Management Document (2015).**

- 10 Prior to first use of the development hereby approved a Travel Plan which encourages travel to and from the site by sustainable mode of transport shall be submitted to and agreed in writing by the local planning authority. The Travel Plan shall be implemented in full accordance with the approved details and measures from the first occupation of the development. At the end of the first and third year's operation of the development hereby approved, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The updated Travel Plan must thereafter be implemented in accordance with the approved details.**

**Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4, Policy DM15 of Development Management Document (2015), and the Design and Townscape Guide (2009).**

- 11 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) no floodlighting shall be installed at the site without the receipt of express planning permission in writing.**

**Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.**

- 12 No site clearance, preparatory work or development shall take place until a scheme of mitigation for the protection of the trees adjacent to the Multi Use Games Area and those identified on plan ref 108 revision F and the appropriate working methods (the Arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and agreed in writing by the local planning authority.**

**The approved mitigation measures shall be installed before the commencement of works and the development implemented in full accordance with the approved measures and methods.**

**Reason:** In the interests of visual amenity and to ensure a satisfactory standard of tree protection, pursuant to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

- 13** No site clearance, preparatory work or development shall take place until a scheme of mitigation measures to show how the developments potential effects on biodiversity, protected species and habitats would be mitigated against during the construction of the development. The construction works must then be carried out only in accordance with the approved measures.

**Reason:** To protect the biodiversity of the environment in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

- 14** A scheme detailing how at least 10% of the total energy needs of the new building will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the building. This provision shall be made for the lifetime of the development.

**Reason:** In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015).

- 15** No development other than demolition and site clearance works shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed in accordance with the approved details before the development is occupied and brought into use and be maintained as such thereafter. Those details shall include:

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;

ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme.

The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

iv) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

**Reason:** In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2.

**16** 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. 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 decorative displays and facilities for public viewing, where appropriate
- v. details of drainage/surface water to ensure the proposal does not discharge onto Network Rail land including foul drainage.
- vi. measures to control the emission of dust and dirt during construction
- vii. plant and materials
- viii. scaffolding
- ix. piling
- x. lighting
- xi. a scheme for recycling/disposing of waste resulting from demolition and construction works
- xii. future maintenance of the site

**Reason:** To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance National Planning Policy Framework; Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3.

**17** If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until written approval from the Local Planning Authority has been received for a remediation strategy detailing how this unsuspected contamination shall be dealt with that has previously been submitted to the Local Planning Authority in writing.



**All agreed remediation works must be implemented in their entirety prior in full accordance with the approved remediation strategy to further construction works commencing unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework, sections 120 and 121 and Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).**

- 18 Construction and demolition shall only take place between the hours of 07:30 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.**

**Reason: To protect residential amenity and general environment quality in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).**

- 19 During construction and demolition the loading or unloading of goods or materials shall take place on the land only between the hours of 07:30 hours -18:00 on Monday to Friday, 08:00 to 13:00 on Saturdays, and not at all on Sundays or Bank Holidays.**

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

- 20 The development shall not be occupied until refuse and recycling details have been submitted to and agreed in writing by the Local Planning Authority. The waste management of the development shall thereafter be carried out in accordance with the approved details before it is occupied.**

**Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).**

## **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.
- 2** You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website [http://www.southend.gov.uk/info/200011/building\\_control](http://www.southend.gov.uk/info/200011/building_control) for further information.
- 3** 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 also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
- 4** In relation to condition 4 above The applicant is advised that the design and layout of the [Multi Use Games Area] should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England and National Governing Bodies for Sport. Particular attention is drawn to Sport England's 'Artificial Surfaces for Outdoor Sports' guidance note (2013) [www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/](http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/) and the Lawn Tennis Association's Porous Macadam Tennis Courts and Floodlighting Outdoor Tennis Courts guidance notes <https://www.lta.org.uk/venue-management/facilities-advice/>.

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.