

Reference:	18/00688/BC4M	
Ward:	West Leigh	
Proposal:	Install plant equipment consisting of three external air handling units (AHU) to roof of main school building	
Address:	Belfairs Academy, Highlands Boulevard, Leigh-On-Sea	
Applicant:	Legra Academy Trust	
Agent:	Barker Associates LLP	
Consultation Expiry:	08.05.2018	
Expiry Date:	13.07.2018	
Case Officer:	Kara Elliott	
Plan Nos:	BA/P18-099-101/A, BA/P18-099-120, BA/P18-099-220, BA/P18-099-141, BA/P18-099-401, BA/P18-099-142, BA/P18-099-402, BA/P18-099-144, BA/P18-099-404, BA/P18-099-143, BA/P18-099-403	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 The Proposal

- 1.1 Planning permission is sought to install additional plant equipment consisting of three external air handling units (AHU) measuring approximately 5 metres wide, by 2 metres deep and approximately 0.6 metres high, to the roof of the main school building.
- 1.2 The new plant equipment is to be located to the south and south west of the roof of the main school building. The equipment would be constructed of galvanised steel in light grey.
- 1.3 The application is defined as major development based on site area (in excess of 1 hectare). The applicant states that the additional equipment is required to support the proposed future expansion of the school, for which a planning application was received on 06.06.2018 and is currently under consideration.

2 Site and Surroundings

- 2.1 The application site is Belfair's Academy a school set within grounds extending to an area of approximately 8.15 hectares to the east side of the Highlands Boulevard. The wider area surrounding the school is residential in character.

3 Planning Considerations

- 3.1 The main considerations are the principle of development, design and impact on the character of the area, traffic and transportation, impact on residential and general amenity and CIL contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework; Core Strategy (2007) policies KP1, KP2, CP4, CP6; Development Management Document (2015) Policy DM1, DM3 and the Design and Townscape Guide (2009).

- 4.1 This proposal is considered in the context of the National Planning Policy Framework, Core Strategy, Development Management Document and the Design and Townscape Guide relating to community services.
- 4.2 Policy CP6 of the Core Strategy (2007) relates to community infrastructure and states that new development should not jeopardise the Borough's ability to improve education attainment, health and well-being of local residents and visitors to Southend. This will be achieved by supporting improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.
- 4.3 The proposal involves new equipment consisting of three air handling units in association with the operation and the proposed future expansion of Belfair's Academy (subject to planning permission) and therefore is acceptable in principle, subject to the determining material considerations discussed below.

Design and impact on the Character of the Area

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

- 4.4 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.5 The proposed plant equipment consists of three external air handling units (AHU) situated on the roof of the main school building which would be finished in light grey galvanised steel.
- 4.6 The equipment will be located on the existing roof of the school and would be seen in association with the existing plant, which it should be noted is taller and more prominent than the proposed units. The structures will be largely screened from the public view.
- 4.7 Partial views of the equipment would be however available, in particular when travelling north along Highlands Boulevard. However its prominence and impact upon the character and appearance of the site and the wider area is not considered to be such that it would appear incongruous or cause demonstrable harm when seen in context with the existing building.
- 4.8 Therefore, no objection is raised in relation to the siting, design, size, scale and bulk of the proposed development or its impact on the character and appearance of the site and wider area.

Traffic and Transportation

National Planning Policy Framework; Core Strategy (2007) policies KP2, CP3 and CP4; Development Management Document (2015) Policy DM3, DM15 and the Design and Townscape Guide (2009).

- 4.9 It is not considered that the proposed development will result in any impact on the highway network or result in increased parking demand.

Impact on Residential Amenity

National Planning Policy Framework; Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policies DM1, DM3 and DM14 and the Design and Townscape Guide (2009).

- 4.10 Policy DM1 of the Development Management Document seeks to ensure that development protects 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.
- 4.11 In terms of impact on nearby residential properties, the proposed development will be located within the existing school site and will be distant from nearby dwellings. The nearest dwellings to the proposed development would be located approximately 35 metres from the units proposed to the south-east of the site immediately adjacent to Highways Boulevard. Distances to the rear of dwellings within Eaton Road to the two proposed units to the south of the building are approximately 53 metres. Due to the resulting distances it is not considered that the proposed development results in any demonstrable harm upon nearby residential occupiers through visual impacts.
- 4.12 In terms of noise impacts, to protect the current prevailing background noise level and ensure background noise levels are not significantly elevated, total noise level due to all items of newly installed plant should normally be designed to a level at least 5dBA below the currently prevailing noise level (during the operational period of the plant). The applicant has provided a noise assessment and technical details for the proposed equipment which confirms that the cumulative rating level from the proposed system should meet this requirement. This has been confirmed to be achievable via the applicant's Acoustician. The Council's Environmental Health officer has assessed the information and has not objected to the proposed development. It is however considered appropriate to include a condition to any positive decision in order to ensure that no loss of amenity is experienced through harmful noise impacts.
- 4.13 Therefore, it is not considered that the proposed development results in demonstrable harm upon nearby residential occupiers in relation to noise or amenity more widely, subject to the conditions recommended.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.14 Although this application is CIL liable, in this instance the chargeable amount has been calculated as a zero rate as applicable to an educational and/or community use, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. This application is therefore recommended for approval subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 Core Strategy (2007): KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure).
- 6.3 Development Plan Document (2015): DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM14 (Environmental Protection)
- 6.4 The Design & Townscape Guide (2009)

7 Representation Summary

Environmental Health

- 7.1 No objection. Suggests conditions in relation to hours of work during construction, no burning of waste materials on site during construction, noise levels and equipment to be installed as per application particulars.
- 7.2 **Officer comment: Whilst conditions are considered necessary to control noise, it is considered that conditions sought in relation to construction are not proportionate or relevant to the proposed development which is minor and relates to the installation of plant equipment. However, an informative in this respect will be added to any positive decision.**

Education

- 7.3 Supports the application due to its association with the expansion of the school.

Public Consultation

- 7.4 A site notice was displayed outside the site and 33 letters were sent to neighbouring occupiers. Representation have been received from six parties making the following objections;
 - Concerns in relation to noise impacts to neighbouring occupiers;
 - Questions the accuracy and content of the noise report;
 - Detrimental visual impact;
 - Neighbours previously informed that any plant equipment would not generate any noise;
 - Existing noise is detrimental to residents;
 - The plant equipment should be relocated away from the south of the building;
 - Additional acoustic screening required;
 - Council tax should be lowered.
- 7.5 It should be noted that additional comments were received in relation to the proposed expansion of the school which are not relevant to the particular application currently being assessed.

7.6 **Officer comment the 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. Please refer to paragraphs 4.10 – 4.13 in relation to impacts upon the amenity of neighbouring occupiers.**

8 Relevant Planning History

8.1 18/01075/FULM - Erect three storey infill extension to form additional classrooms, sports facilities and associated rooms – Pending Consideration;

8.2 11/01368/FUL - Regrade and raise ground level of central landscaped area within site (in connection with redevelopment of the site) – Granted November 2011;

8.3 09/00841/BC3M - Demolish existing school buildings, erect replacement 2 storey school building with lower ground floor (including classrooms for Adult Education). Erect single storey building and refuse stores to South boundary, single storey extension to existing Sports Hall, layout hard courts and court fencing, 138 car parking spaces and cycle stores to northwest boundary, re-locate and widen vehicular access onto Highlands Boulevard, form pedestrian access onto Highlands Boulevard, install gates, associated landscaping and erect 1.8m high fence to boundary – Granted August 2009;

8.4 09/00839/BC3M - Erect two storey temporary building to south west of existing science block incorporating external staircase and covered linkway to existing main building – Granted June 2009

9 Recommendation

9.1 **It is recommended that planning permission be GRANTED subject to the following conditions:**

01 **The development hereby permitted shall begin no later than three years from 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 approved plans and details; BA/P18-099-101/A, BA/P18-099-120, BA/P18-099-220, BA/P18-099-141, BA/P18-099-401, BA/P18-099-142, BA/P18-099-402, BA/P18-099-144, BA/P18-099-404, BA/P18-099-143, BA/P18-099-403, AHU Technical Data and Noise Impact Assessment and Acoustic Design Report dated 3rd April 2018, project number A3630 by Encon Associates Limited.**

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

03 **The noise rating level arising from all plant, infrastructure and other installed equipment in association with this permission shall be at least 5dB(A) below the prevailing background noise level with no tonal elements. The LA90 to be determined according to the guidance in BS:4142 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises.**

Reason: To protect the amenity of people in neighbouring properties and general environmental quality in accordance with National Planning Policy Framework; Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policy DM14 and the Design and Townscape Guide (2009).

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.

Informatives

- 1 You are advised that in this instance the chargeable amount has been calculated as a zero rate as applicable to an educational and/or community use, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**
- 2 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.**
- 3 The developer should also consider control measures detailed in Best Practice Guidance “The control of dust and emissions from construction and demolition”. <http://www.london.gov.uk/priorities/planning/supplementary-planning-guidance>**
- 4 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may 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 Borough.**