

DR/30/13

committee DEVELOPMENT & REGULATION

date 26 July 2013

COUNTY COUNCIL DEVELOPMENT

Proposal: **Retrospective application for the continued use of 2 classbases for a temporary period until 31 August 2018 and external refurbishment of the classbases**

Location: **Frobisher Primary and Nursery School, Frobisher Drive, Jaywick, Clacton-on-Sea CO15 2QH**

Ref: **CC/TEN/23/13**

Applicant: **Essex County Council**

Report by Head of Planning, Environment and Economic Growth

Enquiries to: Rachel Edney Tel: 01245 437503



1. BACKGROUND

The school site has a relatively long planning history. A majority of the previous planning applications relate to temporary classrooms and extensions in time for their use. The most recent planning permissions were granted in August 2011 for the continued use of three classbases until 31 August 2016 (CC/TEN/45/11 & CC/TEN/46/11).

2. SITE

Frobisher Primary and Nursery School is located on Frobisher Drive, to the north of Jaywick.

The main school buildings are located to the north of the school site with a car parking area to the east. There are hard play areas to the south and west of the school buildings with playing field areas to the south east and south west and west. The 2 classbases, which are the subject of this application, are located to the west of the main school buildings.

There is vehicular and pedestrian access from Frobisher Drive with an additional pedestrian access from Park Square East.

The school site is in a predominantly residential area with residential properties adjoining the school site to the east and west in Frobisher Drive, south east in Millers Barn Road, south in Park Square East and south west in Spenser Way. There are also residential properties on the opposite side of Frobisher Drive to the school.

There is established boundary vegetation to a majority of the school site.

3. PROPOSAL

The 2 classbases have been on the school site for several years and have previously provided accommodation for a reception class and also for an in-house crèche and meeting space for parents.

There is a relatively high uptake of free school meals by pupils at the school and the school provides a Breakfast Club which gives the school greater opportunities to meet parents and provide pupils with pastoral support.

It is proposed to use one of the existing classbases to accommodate the Breakfast Club and provide pastoral and SEN support for pupils. This would free accommodation within the main school building, allowing the school to reduce class sizes in line with one of the measures to improve educational attainment and better support pupils with special educational needs.

The second classbase would be used to provide in-house training for School Governors, teaching and teaching support staff; training events involving other local schools and planning and preparation space for teaching staff.

It is also proposed to externally refurbish the two classbases to improve the air-tightness and thermal performance of the buildings. It would also help improve the security of the buildings and reduce heat loss.

4. POLICIES

The following policies of the Tendring District Local Plan adopted December 2007 (TDLP) and the Tendring District Local Plan Proposed Submission Draft November 2012 (TDLPS) provide the development plan framework for this application. The following policies are of relevance to this application:

	TDLP	TDLPS
Policy QL9	Design of Development	
Policy COM1	Access For All	
Policy EN12	Design & Access Statements	
Policy SD9		Design of New Development

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration.

It is important to note that Tendring District Council adopted its Local Plan in December 2007. The NPPF Framework (paragraph 214) states that from the date of publication (27 March 2012) for a 12 month period the determining authority can give full weight to the relevant policies of those plans even if there is a limited degree of conflict with the Framework. However this 12 month grace period has now expired meaning the Local Plan falls within the interpretation under paragraph 215. The Tendring District Local Plan Proposed Submission Draft November 2012 is at Pre-Submission Draft stage and is a material consideration.

Paragraph 215 states, in summary, that due weight should be given to the relevant policies in existing plans according to their degree of consistency with the Framework. The level of consistency of the policies within the Tendring District Local Plan adopted December 2007 is considered further in the report.

5. CONSULTATIONS

TENDRING DISTRICT COUNCIL – Objects as a further continued use for a temporary period is considered contrary to Circular 11/95, however an email received from 2 District members (JAYWICK Golf Green) supports the application.

PLACE SERVICES (Urban Design) ENVIRONMENT, SUSTAINABILITY AND

HIGHWAYS – No objection

LOCAL MEMBER – TENDRING – Clacton West – Any comments received will be reported

6. REPRESENTATIONS

48 properties were directly notified of the application. One letter of representation has been received. This relates to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Already suffer from inconsiderate parking by parents dropping off and picking up pupils from the school	See appraisal
Speed limit of 30mph constantly broken	This is a police matter and outside the scope of this application
Newly painted double yellow lines outside the school are a waste of money as parents ignore them	See appraisal

7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Policy considerations
- C. Design
- D. Impact on Landscape & Residential Amenity
- E. Traffic & Highways

A NEED

There are currently 250 pupils on the school role together with a staff of 54.

Tendring District Council is committed to increasing the total housing stock within its urban and rural settlements. Increased housing within the area is likely to increase demand for places at the school. However, the school needs to balance a potential increase in demand for places with a relatively high need for special educational and emotional support for existing pupils. This is evidenced by the uptake of free school meals which currently stands at about 60% of pupils of the school. A Breakfast Club is also provided which gives the school more opportunities to meet parents and provide pupils with pastoral support.

It is proposed that one of the existing classbases would be used to accommodate the Breakfast Club and pastoral or Special Educational Needs (SEN) activities during the school day. This would free up accommodation within the main school buildings to allow existing class numbers to be reduced in line with one of the

measures the school is taking to improve educational attainment and better support pupils with special educational needs.

The second existing classbase would be used for in-service teacher training, Governor training, meeting and community activities. The applicant has stated there is currently little provision for SEN support in the local area and teachers and training assistants need to travel to other parts of the County for specialised training. The proposed training would be provided to small groups of staff from local schools and would create an important resource for Tendring District.

Tendring District Council has objected to the application and has noted that classbases have been on the school site since 2006 and if planning permission were to be granted, would remain on the school site until August 2018. This equates to 12 years of temporary permissions well beyond the period that would normally be expected for a trial run. It does not consider that the application contains any justification for granting a further temporary permission and falls foul of the provision of Circular 11/95.

Paragraph 110 of Circular 11/95 states that where a proposal relates to a building or use which the applicant is expected to retain or continue only for a limited period, whether because they have specifically volunteered that intention, or because it is expected that the planning circumstances will change in a particular way at the end of that period, then a temporary period may be justified.

It is acknowledged that the classbases have been on the school site for a number of years. However the end date of 31 August 2018 was specifically volunteered by the applicant as part of the application submission.

The 2 district local members both support the application as an improvement as the classbases do not meet current buildings regulation standards and are currently unusable. The refurbishment of the classbases as part of the community project would allow the classbases to be brought back into use and enable the school to better support the special needs of pupils at the school in one of the most deprived areas of the County.

The district members have also stated that it is not anticipated or planned that pupil numbers will increase apart from natural local growth in the future and that the sole intention is to improve facilities for the staff teaching arrangements and existing pupils at the school.

It is considered that the need for the continued use of the classbases has been demonstrated as it would provide the school with much needed teaching and ancillary accommodation and would also allow the school to reduce class sizes to help improve educational attainment and better support pupils with special educational needs.

B POLICY CONSIDERATIONS

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are 3 dimensions to sustainable

development: economic, social and environmental.

In summary, the social role involves supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment with local accessible services that reflect the community's needs and support its health, social and cultural wellbeing.

Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and
- Work with school promoters to identify and resolve key planning issues before applications are submitted.

The continued use of the two classbases until 31 August 2018 would provide the school with much needed additional accommodation for use by pupils and staff and would allow the school to reduce its class sizes in line with one of its measures to improve educational attainment and provide better support for pupils with special educational needs. It is therefore considered that the proposal would be in accordance with Paragraph 72 of the NPPF.

C DESIGN

TDLF Policy QL9 (Design of New Development) states inter alia that "*all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted if the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.*"

TDLF Policy SD9 (Design of New Development) states inter alia that "*all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.*" The policy goes on further to state "*the development should incorporate or provide measures to minimise energy and water consumption.*"

The classbases are standard relocatable type, comprising timber framed prefabricated units of 'Relocatable' design constructed in bays specifically designed for ease of transfer, supported by concrete/brick piers.

The general arrangement of windows and external doors would not alter as a result of the proposed refurbishment. However the appearance of the classbases would be improved by new external cladding. The external walls of the classbases would be clad with rigid insulation finished with self-coloured render which would greatly improve the air-tightness and thermal performance of the buildings and is a key objective of the company sponsoring the work.

The existing timber plinths would be renewed using preservative-impregnated stained timber or wood-effect sidings for longevity.

The existing windows in white UPVC would be replaced on a like-for-like basis where they are in poor condition otherwise they would be retained with new reveals and cills to accommodate the depth of the over-cladding.

Existing external doors would be replaced with polyester-powder coated aluminium-framed doors which would help improve security and reduce heat loss. The entrance doors would have level thresholds to comply with Equality Act legislation.

The existing finish to the shallow-pitched roofs would be renewed using high-performance felt or a single-ply membrane in a mid-grey colour.

Place Services (Urban Design) has no objection to the application.

Although the classbases are not new buildings it is considered that the external refurbishment of the classbases would be in accordance with TDLP Policy QL9 and TDLPS Policy SD9 as it would help improve the appearance of the classbases. It is further considered that the classbases relate well to the school site in relation to their siting, height, scale, massing, form, design and materials. It is also considered that the proposed external refurbishment would be in compliance with TDLPS Policy SD9 as it would help reduce the energy consumption of the classbases.

TDLP Policy COM1 (Access for All) states inter alia that *“development involving buildings or spaces to which the public will have access as visitors, customers or employees will not be permitted if the design and layout does not provide safe and convenient access for people of all abilities.”*

TDLPS Policy SD9 (Design of New Development) states inter alia that *“the design and layout of the development must maintain and/or provide safe and convenient access for people with mobility impairments.”*

An existing external ramp between the 2 classbases which is considered to be unsafe would be replaced with a new Equality Act compliant ramp within the same footprint and would provide access to both classbases. It is considered this would be in compliance with Policy COM1 and Policy SD9.

A Design and Access Statement was submitted as part of the application which is considered to be in accordance with TDLP Policy EN12 (Design and Access Statements) which requires that a Design and Access Statement be submitted with most planning applications.

D IMPACT ON LANDSCAPE & RESIDENTIAL AMENITY

Policy SD9 (Design of New Development) states inter alia that *“new development should be compatible with surrounding uses and minimise any adverse environmental impacts.”* It goes on to say that *“the development will not have a*

materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.”

There would not be any changes to the existing landscaping as a result of this application. The existing hedge to the west of the existing classbases would be retained and pruned to improve its appearance. The 2 trees and small grassed area fronting onto Frobisher Drive would also be retained and protected from damage during the proposed refurbishment works. The canopy line of the trees would be raised as necessary to maintain clear pedestrian access beneath them.

The nearest residential property adjoins the western boundary of the school site in Frobisher Drive. This property is side-on to the school and does not directly overlook the classbases. Established boundary vegetation also helps screen the classbases from the view of this property. There are further residential properties in Frobisher Drive which are on the opposite side of the road to the school. Although there are views into the school site established boundary vegetation helps screen the classbases from view.

The classbases have been on site for a number of years and in view of this it is not considered that the continued use of the classbases until 31 August 2018 would have any greater detrimental impact on the landscape, visual or residential amenity of the neighbouring residential properties than existing.

It is considered that the proposal would be in accordance with TDLPS Policy SD9 as it is not considered that the continued use of the classbases would have a materially damaging impact on the privacy, daylight or other amenities of nearby properties.

E TRAFFIC & HIGHWAYS

Access to the classbases for pupils, parents and visitors would be via the main entrance to the school as existing. The double gates fronting Frobisher Drive are for use by maintenance vehicles only.

One letter of representation has been received with regard to the inconsiderate parking of parents dropping off and picking up pupils at the school. Reference is also made to the fact that some motorists break the 30mph speed limit along Frobisher Drive and the fact that the recent painting of double yellow lines outside the school is a waste of money as parents just ignore them.

The issue of inconsiderate parking by parents is a school management issue as opposed to a planning issue but is not a problem unique to this school. Although it is acknowledged it causes problems and inconvenience for local residents it is restricted to short periods of time morning and afternoon.

The new line markings, signage, education and increased patrols to reduce inconsiderate and/or unsafe parking by parents have been undertaken in conjunction with the Colchester Parking Partnership. Whilst these works do not form part of the application it demonstrates the school's commitment to building good relations with residents in the immediate vicinity. The applicant has advised

that enforcement officers have been in attendance in the area to ensure that the new restrictions are adhered to.

In an attempt to help relieve congestion in the local area the school transports 48 children back to Jaywick by minibus at the end of each day.

The school would employ one additional member of staff to cater for the reduction in class sizes. There are currently 23 car parking spaces on the school site together with 2 disabled spaces.

The EPOA Parking Standards Design and Good Practice Guide published September 2009 states that a maximum of 1 vehicle parking space per 15 pupils should be provided for a primary school. There are currently 250 pupils on the school roll which means that a total of 17 spaces should be provided. The number of parking spaces available on the school site is in excess of that set out in the guidance.

8. CONCLUSION

Given the NPPF's emphasis on creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being it is considered that planning permission should be granted for the proposed continued use of the classbases until 31 August 2018. The classbases would provide the school with much needed teaching and ancillary accommodation and would also allow the school to reduce class sizes to help improve educational attainment and better support pupils with special educational needs.

It is considered that the classbases relate well to the school site in relation to their siting, height, scale, massing, form, design and materials. It is also considered that the proposed external refurbishment of the classbases would help improve their appearance and would also improve the air-tightness and thermal performance of the buildings.

It is not considered that the continued use of the classbases would have a significant detrimental impact on the landscape, visual or residential amenity of the neighbouring residential properties.

It is considered that the proposal would be in accordance with Policy QL9 (Design of New Development), Policy COM1 (Access for All) and Policy EN12 (Design and Access Statements) of the Tendring District Local Plan adopted December 2007 and Policy SD9 (Design of New Development) of the Tendring District Local Plan Proposed Submission Draft November 2012.

9. RECOMMENDED

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details of the application reference CC/TEN/23/13 dated 7 May 2013 and validated on 24 May 2013 together with Drawing Numbers 192-01 A (Location & Block Plans) dated April 2013, 192-02 (Existing Plan & Elevations) dated April 2013, 192-03 (Proposed Plan & Elevations) dated April 2013 and the Planning, Design and Access Statement dated May 2013 together with emails from Jon Green, Laurie Wood Associates dated 2 July 2013 13:13 and 2 July 2013 14:41 and in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following condition:
2. The use of the temporary classbases hereby permitted shall cease on 31 August 2018 and within 3 months of that date shall be removed from site and the land restored to its former condition within a further 28 days.

BACKGROUND PAPERS

Consultation replies

Representations

Ref: DM/Rachel Edney/CC/TEN/23/13

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT: The report only concerns the determination of an application for planning permission and takes into account any equalities implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER: In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England)(Amendment No. 2) Order 2012.

LOCAL MEMBER NOTIFICATION

TENDRING – Clacton West

