

DR/35/22

Report to: DEVELOPMENT & REGULATION (23 September 2022)

Proposal: COUNTY COUNCIL DEVELOPMENT - The retention of a classbase for temporary period without compliance with Condition 3 (time limit) attached to planning permission CC/CHL/30/15

Ref: CC/CHL/73/22

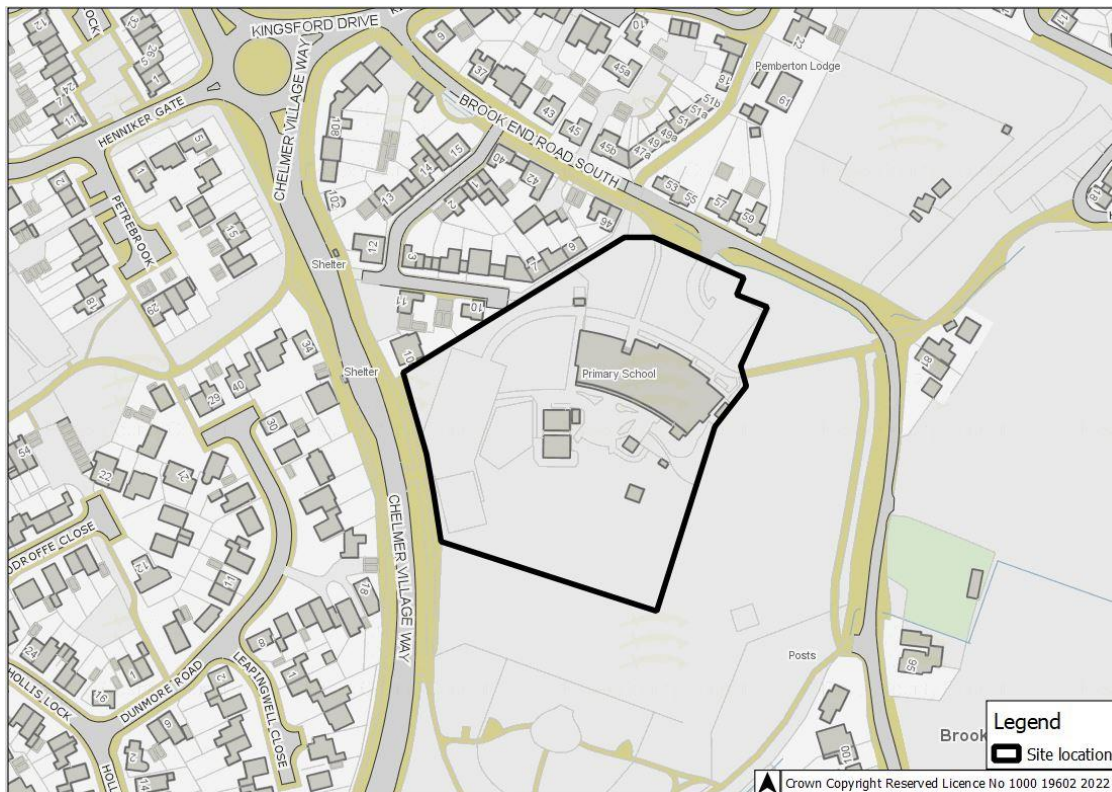
Applicant: Essex County Council

Location: Chancellor Park Primary School, Brook End Road South, Chelmsford, CM2 6PT

Report author: Chief Planning Officer (County Planning and Major Development)

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The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND

There is a fairly short planning history for the school site. The most recent planning permission was granted in July 2015 for the installation of the classbase, which is the subject of this application, for a temporary period until 30 September 2022.

2. SITE

Chancellor Park Primary School is situated on Brook End Road South to the east of Chelmsford Town Centre.

The school site is in a predominantly residential area with residential properties in Webb Close and Brook End Road South to the north and Brook End Road South and Dunmore Road and Leapingwell Close to the west. To the south is public open space.

Vehicular access to the site is via Brook End Road South. There are 2 separate pedestrian access points via Brook End Road South.

The main school buildings are located to the east of the site with a car parking area to the north-east. A hard play area is to the west. The school playing field extends to the southern and part of the eastern boundaries of the school site.

The classbase, which is the subject of this application, is located to the south of the main school buildings on the edge of the school playing field.

There is established low level boundary vegetation to a majority of the northern boundary with established higher level boundary vegetation to the eastern and southern boundaries.

3. PROPOSAL

The application seeks the retention of the classbase for a further temporary period of five years.

The classbase currently accommodates a class of pupils and contributes towards the school's net capacity of both permanent and temporary accommodation.

4. POLICIES

The following policies of the Chelmsford Local Plan adopted May 2020 provide the development plan framework for this application. The following policies are of relevance to this application:

Chelmsford Local Plan adopted May 2020

Policy DM20 – Delivering Community Facilities

Policy DM23 – High Quality & Inclusive Design

Policy DM27 – Parking Standards

Policy DM29 – Protecting living and working environments

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Chelmsford Local Plan adopted May 2020 is considered further in the report.

NEIGHBOURHOOD PLAN

There is not an adopted Neighbourhood Plan in place for the area.

5. CONSULTATIONS

CHELMSFORD CITY COUNCIL - PLANNING DEPARTMENT – No objection.

SPORT ENGLAND – No objection subject to a condition requiring the removal of the classbase at the end of the temporary period and reinstatement of the land to its former condition.

SPRINGFIELD PARISH COUNCIL - Any comments received will be reported.

LOCAL MEMBER – CHELMSFORD – Chelmer - Any comments received will be reported.

6. REPRESENTATIONS

Seven properties were directly notified of the application. Three letters of representation have been received. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
When school was built 20 years ago, it was envisioned it would be a 'walk to school' school for local residents.	Noted.
Not the case with adjacent roads being narrow & having double yellow lines, traffic has moved to Kingsford Drive at the junction of Brook End Road South.	Noted. See appraisal.
This section of road used twice daily as parking area for both Chancellor Park & Barnes Farm Primary Schools.	Noted.
Additional places will equate to more cars putting pressure on the area.	The retention of the classbase would not in itself lead to an increase in pupil numbers.
Also bus route and main road off the estate.	Noted.
Access to properties and pathway crossings regularly blocked by cars.	Noted. See appraisal.
Local residents struggle to park near their homes.	Noted.
Road only changes to 20mph from 40mph 10 metres from junction and with vehicles blocking views this is a recipe for a child to be injured whilst trying to access either school.	Noted.
Existing road infrastructure supporting Chancellor Park cannot support additional pupils.	Noted. The retention of the classbase would not in itself increase pupil numbers at the school.
Parents park in Kingsford Drive with no thought to residents – blocking driveways and parking in unsafe manner up to both roundabouts.	Noted. See appraisal.

Some residents don't have off-road parking so need to park on the road.	Noted.
School needs to address issue of parking. Consideration should be given to use the playground accessible from Chelmer Village Way for parking during drop off and pick up times. School uses the playground for events and coaches for school trips and access is already there from Chelmer Village Way.	Noted. See appraisal.
Objection not to the application for the classbase but the associated impact 30 cars will have on existing drop off and collection times on Kingsford Drive, Brook End Road North & South & associated roads.	Noted. The retention of the classbase will not in itself increase pupil numbers at the school.
Kingsford Drive is bus route, existing delays with drops offs parking across driveways and blocking buses.	Noted. See appraisal.
Accident previously with children and cars in Kingsford Drive.	Noted.
Application for zebra crossing rejected for Kingsford Drive for walking residents dropping off.	This is outside the scope of this application.
Parking restricted in Brook End Road South with yellow lines.	Noted.

7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Impact on Playing Field
- C. Design & Sustainability
- D. Impact on Residential Amenity
- E. Parking & Highways

A NEED

Adopted Policy DM20 (Delivering Community Facilities) states inter alia that *"planning permission will be granted for extensions to existing facilities and services which support the local community"*.

Paragraph 94 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 issues before applications are submitted.

Chancellor Park Primary School sits within the Chelmsford Primary Group 3 planning group. Capacity within that group was most recently assessed as 3,148 places and dates sourced from ECC's School Organisation 10 Year Plan for Essex School Places 2017-2033 document (updated annually) shows that whilst spare capacity exists, this capacity is not at a level that could be met if the existing temporary accommodation was removed from the school site without replacement. A higher number of primary school places are expected to be required to address future local parental demand.

3. Springfield

Current PAN: 420
Current Capacity: 3148

Reception Place Forecast

Year	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
+/-	9	23	6	0	-11	-19	-29	-39	-49	-58
Barnes Farm Infant, Barnes Farm Junior, Beaulieu Park School, The Bishops CE & Catholic Primary, Chancellor Park Primary, Perryfields Infant, Perryfields Junior, Springfield Primary, Tyrrells Primary										

The increased demand for school places is being driven by significant local housing developments. Whilst bespoke solutions are coming forward to mitigate the anticipated impact of increased demand for primary school places in the area, the existing temporary classbase is required to sustain the current number of places being delivered in the area.

The existing classbase contributes 30 of the school's 240 places. The retention of the classbase would provide the school with much needed additional teaching accommodation and help ECC to meet its statutory duty in providing sufficient school places at the school to meet parental demand.

Chelmsford City Council has no objection to the retention of the existing classbase on the school site for a further temporary period.

The applicant has stated that there is not currently a temporary classbase replacement scheme scheduled for the school. There is an on-going programme of replacing temporary accommodation with permanent but because of pressure on budgets, schools are subject to a prioritisation process.

The budget setting process for the financial year 2023-24 is at a very early stage and the Education Capital Programme (which includes the replacement of temporary accommodation with permanent) has not yet been finalised. The classbase was originally required to accommodate a bulge class at the school for a period of 7 years. However, an increased demand for primary school places

at the school has resulted in this application requiring the retention of the classbase for a further temporary period of five years.

The retention of the existing classbase for a further temporary period would provide the school with much needed additional accommodation and it is considered that this would be in accordance with the provisions of the NPPF and Policy DM20.

B IMPACT ON PLAYING FIELD

The classbase is located on the edge of the school playing field. Sport England was a statutory consultee for the original application and has been consulted on this current application.

Sport England has noted that the proposal involves the retention of a modular classroom on part of the school's playing field for a temporary period until August 2027. The current planning permission (CC/CHL/30/15) requires the modular classroom to be removed within 3 months of 30 September 2022. An extended period is now being applied for because the school may need the classroom for an extended period to meet projected educational needs over this period. Sport England was consulted on the original application in 2015 and no objection was made for a number of reasons including the building only being proposed for a temporary period. A condition requiring the removal of the classroom and the restoration of the land to its former condition was imposed on the 2015 planning permission in order to ensure that the siting of the classroom was temporary in practice and to allow this area to be used for playing field use in the future. While the siting of the classroom would be extended by a further 5 years, the impact of the proposal on the playing field would otherwise not be significant and therefore its position on the current proposal would be similar to that on the original application.

It is not considered that the development would reduce the sporting capability of the site and the impact would be temporary in nature. Sport England is satisfied that the proposed development broadly meets the intention of Sport England Policy exemption 3.

Sport England has no objection to the application subject to a condition being attached should planning permission be granted requiring the removal of the temporary classbase at the end of the extended period and the reinstatement of the land to its former condition.

The condition has been requested to ensure that the length of time that the area of the playing field occupied by the classbase is minimised and to ensure that the potential that the area may offer in the future for meeting school sports use is not permanently prejudiced.

It is considered appropriate to impose the requested condition should planning permission be granted.

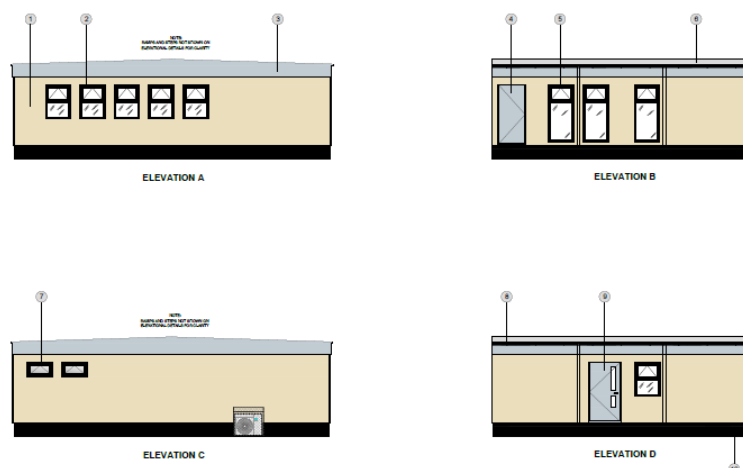
C DESIGN & SUSTAINABILITY

Adopted Policy DM23 (High Quality and Inclusive Design) states inter alia that

“development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.”

The classbase is a single storey modular building measuring 11m x 9m x 3.4m in height. It consists of 1no. classroom, lobby area, storage area and toilet facilities (including accessible).

The classbase is cream in colour with light grey fascias, doors and frames. The windows are white UPVC with black rainwater goods.



The building is of mainly timber construction which is a renewable resource. The building has LED lighting throughout, PIR controlled lighting (motion sensor lighting) to the main areas with daylight dimming and a heat pump system to provide the heating within the building. The building is insulated to achieve the elemental u-value standards (measure of heat loss in a building such as a wall, floor or roof) set out in Building Regulations.

Stepped and ramped access provides access to the building.

Chelmsford City Council has not raised an objection to the retention of the classbase for a further temporary period.

Whilst the design and appearance of the building is not considered appropriate for a permanent building, the continued use of the classbase for a further temporary period is considered to be acceptable, on the basis of educational need and lack of harm to the character and appearance of the area due to its scale, siting, form and materials. It is considered the proposal would be in accordance with Policy DM23.

D IMPACT ON RESIDENTIAL AMENITY

Adopted Policy DM29 (Protecting Living and Working Environments) states inter alia that *“planning permission will be granted for development proposals provided the development safeguards the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does*

not result in unacceptable overlooking or overshadowing. The development shall also not result in excessive noise, activity or vehicle movements.”

The classbase is located to the south of the main school building on the edge of the school playing field.

The nearest residential properties in Webb Close adjoin the northern boundary of the school site (approximately 25 metres). An existing classbase and low-level boundary vegetation help screen the classbase from view.

No letters of representation have been received with regard to the retention of the classbase for a further temporary period.

The classbase has been on the school site for 7 years and in view of this it is not considered that there would be any greater impact on the landscape, visual or residential amenity of the neighbouring residential properties than existing. The existing classbase would remain in educational use and would not in itself result in excessive noise, activity or vehicle movements. It is considered the proposal would be in accordance with Policy DM29.

E PARKING & HIGHWAYS

Adopted Policy DM27 (Parking Standards) states inter alia that *“the Council will have regard to the vehicle parking standards set out in the Essex Parking Standards – Design and Good Practice (2009) or as subsequently amended.”*

The Parking Standards Design and Good Practice document 2009 states that a maximum of 1 car parking space per 15 pupils should be provided. On this basis a maximum of 15 car parking spaces should be provided.

There are 21 car parking spaces provided on the school site and two cycle shelters are provided for use by pupils. No additional provision is proposed as part of this application as there would not be an increase in pupil numbers at the school. It is considered that the existing provision would be in accordance with Policy DM27.

Three letters of representation have been received from local residents raising concerns over existing parking issues relating to both Chancellor Park and Barnes Farm Primary Schools, which includes inconsiderate parking by parents and the impact this has on local residents.

It has been suggested that parents should be allowed to drop off and pick up pupils by accessing the playground area via an existing maintenance access from Chelmer Village Way. However, this has not been put forward as an option by the applicant as part of this application and therefore potential risks for pupil safety and impacts on the highway have not been assessed. As noted further in the report, a School Travel Plan exists and provides other options.

Parking along a majority of Brook End Road South is restricted by single and double yellow lines. The usual parking restrictions exist outside the school in Brook End Road South. However, there are very limited (if any) parking

restrictions on roads surrounding the school site. The surrounding estate roads are narrow and although many properties have off-road parking, insufficient sized garages and off-road parking spaces for larger cars appears to contribute to cars overhanging pavements and parking on the highway, which in turn may contribute to access problems for buses and other vehicles in combination with parent parking at peak times.

The school, through its Travel Plan actively encourages parents and pupils to walk, cycle or scoot to school. Parents who do choose to drive pupils to school are encouraged to park in the nearby Asda supermarket or Chancellor Pavilion car park and walk the rest of the way to school (approximately 1km/0.6 miles).

The school already participates in the annual 'Walk to School' week and pupils undertake road safety training. Pupils also have the opportunity to participate in the 'Bikeability' scheme.

The parking restrictions in place outside the school in Brook End Road South are monitored by staff at peak times and offending cars asked to move by staff.

The school is very much aware of the negative impact inconsiderate parking by parents can have on the immediate locality and uses its school newsletter to highlight issues with regards to parking and remind parents about the importance of parking considerately when dropping off and picking up pupils. Residents can contact the school with concerns about inconsiderate parking and the school acts on this by way of reminders to parents or conversations with identified parents about the expectations for parking.

In September 2022 62% of pupils walked to school, 5% cycled, 6% used a public bus service, 6% 'parked and walked', 1% used a school bus, 15% travelled by car and 5% car shared.

The school monitors the use of cycle and scooter parking with a view to providing additional facilities should there be sufficient demand. It also monitors the number of complaints from residents regarding parking in the vicinity of the school and encourages the reporting of dangerous or illegal parking of cars within the vicinity of the school.

The retention of the classbase for a further temporary period would not in itself lead to an increase in pupil numbers at the school; it is required to sustain existing pupil numbers.

8. CONCLUSION

It is considered appropriate to grant planning permission for the retention of the existing classbase for a further temporary period until 31 August 2027 as it provides the school with much needed additional teaching accommodation.

The existing classbase is considered to be compatible with its surroundings and function on the school site. It is not considered that there would be 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 DM20, Policy DM23, Policy DM27 and Policy DM29 of the Chelmsford Local Plan adopted May 2020.

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 application reference CC/CHL/30/15 dated 12 May 2015 and validated on 19 May 2015 together with:
 - Planning Policy Statement for proposed modular classbase building – I D Planning – May 2015
 - Design and Access Statement – 18 May 2015
 - School Travel Plan
 - Drawing Number 2K1411-13A/SP – Site Plan – 21 April 2015
 - Drawing Number 2K1411-13AOUGD – Underground Drainage – 27 April 2015
 - Drawing Number 2K1411-13A/SL – Site Layout – 21 April 2015
 - Drawing Number 2K1411-13A/E – Elevations – 21 April 2015
 - Drawing Number 2K1411-13A/P Revision D – Plan – 7 November 2014
 - Drawing Number 2K1411-13A/CP – Car Park Plan – 18 May 2015

AS AMENDED BY

- Statement of Need – Infrastructure Delivery – Undated
- Drawing Number 2K1411-13A/SPit – Site Plan – 4 June 2015

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:

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy DM20 (Delivering Community Facilities), Policy DM23 (High Quality & Inclusive Design), Policy DM27 (Parking Standards) and Policy DM29 (Protecting living and working environments) of the Chelmsford Local Plan adopted May 2020.*

2. The use of the temporary classbase hereby permitted shall cease on 31 August 2027 and within 3 months of that date the classbase shall be removed from site and the land restored to its former condition within a further 28 days.

Reason: *To ensure the temporary nature of the permitted use and to comply with Policy DM29 (Protecting living and working environments) of the Chelmsford Local Plan adopted May 2020.*

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality 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) Order 2015.

LOCAL MEMBER NOTIFICATION

CHELMSFORD - Chelmer