

**Application Number:** CC/CPT/52/22

**Case Officer:** Rachel Edney

**Ext:** 03330 136815

**Site:** Cedar Hall School, Hart Road, Thundersley, Benfleet, Essex, SS7 3UQ

**Description:** Construction of two-storey standalone teaching block, removal of existing temporary classrooms, extension to existing hard surface play area, and associated works.

**Applicant:** Essex County Council

**Secretary of State Referral:** No

**Date:** 29 July 2022

## 1. BACKGROUND

There is a fairly short planning history for the school site with a majority of applications relating to the provision and continued use of temporary accommodation. The most recent planning permission was granted in June 2013 for the provision of a modular building (CC/CPT/18/13).

## 2. SITE

Cedar Hall School is situated on Hart Road in Thundersley to the south of Rayleigh in a predominantly residential area. The site is accessed from Hart Road.

There are residential properties to the north on the opposite side of Hart Road, to the east in Hart Road, to the south in The Chase and to the west in Main Road. To the south-east and south of the site are areas of open space.

The overall school site is approximately 1.7 hectares and the development area approximately 0.36 hectares.

The school accommodates pupils aged between 5-16 years with moderate learning difficulties and additional needs. The proposed development would not result in an increase in pupil numbers at the school. It would merely replace existing temporary accommodation with permanent purpose-built accommodation and allow the school to function more effectively. The proposed building would accommodate Key Stage 3 & 4 pupils (11-16 years).

The main school building occupies the northern part of the site with car parking to the north and east. A hard play area and MUGA are to the south of the main school building.

The location for the proposed building is an existing area of informal open space adjacent to the eastern boundary of the site.

The site is located within the safeguarding zone for Southend Airport and the southern part of the site lies within the Green Belt.

The site is also within the Southend-on-Sea North Rochford Critical Drainage Area.

### **3. PROPOSAL**

It is proposed to remove four existing temporary classbase buildings from the school site.

It is proposed to construct a standalone 2 storey building, measuring approximately 18m x 32m x 9.5m in height. The ground floor of the building would comprise of a classroom, art space, activity workshop, library, group room, office space, toilet facilities (including accessible), storage, plant room and changing rooms. Canopies would be provided to the main entrance of the building and entrance to the activity workshop.

The first floor of the building would comprise of 4no. classrooms, staffroom, group rooms and toilet facilities (including accessible).

There would not be an increase in pupil numbers at the school as a result of the application.

The removal of the temporary accommodation would allow additional informal hard play to be provided together with new landscaping and biodiversity enhancements.

### **4. POLICY CONSIDERATIONS**

The following saved policies of the Castle Point Borough Council Local Plan adopted 1998 provide the development plan framework for this application. The following policies are of relevance to this application:

#### Castle Point Borough Council Local Plan adopted 1998 (Saved Policies)

Policy EC2 – Design

Policy EC3 – Residential Amenity

Policy EC13 – Protection of Wildlife and their habitats

Policy EC22 – Retention of Trees, Woodlands and Hedgerows

Policy EC23 – Tree and Shrub Planting

Policy EC6 – Energy Efficiency

Policy CF2 – Education Facilities

Policy T8 – Parking Standards

Policy CF14 – Surface Water Disposal

Policy RE3 – Retention of informal open space, playing fields and children's play space for recreational purposes

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 saved policies contained within the Castle Point Borough Council Local Plan adopted 1998 is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

At a meeting of Castle Point Borough Council on 15 June 2022 the New Local Plan 2018-2033 was withdrawn. A programme for the preparation of a New Plan is to be agreed by the Council in due course.

#### NEIGHBOURHOOD PLAN

There is not a neighbourhood plan in place for the area.

## **5. CONSULTATIONS**

CASTLE POINT BOROUGH COUNCIL – No objection but has concerns

regarding the proximity of the building to the eastern boundary and potential for overlooking; potential for undue noise from activity workshop to occupiers of land to the east; concerns over provision of 2 storey building

CASTLE POINT ENVIRONMENTAL HEALTH – No objection subject to conditions

SPORT ENGLAND – No objection

SOUTHEND AIRPORT – No objection

ESSEX FIRE & RESCUE – No objection

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions

HIGHWAY AUTHORITY – No comments received

PLACE SERVICES (Urban Design) – No objection subject to conditions

PLACE SERVICES (Landscape) – No objection subject to conditions

PLACE SERVICES (Ecology) – No objection subject to conditions

PLACE SERVICES (Arboriculture) – No objection subject to conditions

LOCAL MEMBER – CASTLE POINT – Thundersley – No comments received

## **6. REPRESENTATIONS**

Twenty three properties were directly notified of the application. No letters of representation have been received.

## **7. APPRAISAL**

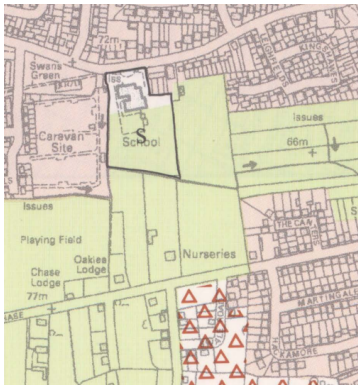
The key issues for consideration are:

- A. Need and Principle of Development in the Green Belt
- B. Policy Considerations
- C. Design, Layout and Sustainability
- D. Impact on Playing Field
- E. Impact on Residential Amenity
- F. Traffic and Highways
- G. Impact on Natural Environment
- H. Flood Risk

### **A NEED AND PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT**

The existing built development of the school lies outside the Green Belt. However, the south of the site, including the school playing field is located within

the Green Belt as identified on the adopted Castle Point Proposals Map.



The NPPF is a material consideration in the determination of planning applications and in this instance is considered particularly important as there are no saved policies relating to the Green Belt relevant to this application.

Paragraph 133 of the NPPF states that the government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Education development does not fall within the limited category of appropriate development in the Green Belt, which is limited to agriculture, forestry and other minor uses.

Paragraph 134 of the NPPF sets out the 5 purposes of the Green Belt, which are as follows:

- To check the restricted sprawl of large built-up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the NPPF states that *“as with previous Green Belt policy, inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

Paragraph 144 of the NPPF goes on to say that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

Paragraph 145 of the NPPF states inter alia that *“a local authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- a) Buildings for agriculture and forestry*

- b) *The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial ground and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.*
- c) *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*
- d) *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*
- e) *Limited infilling in villages*
- f) *Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:*
  - i. *Not have a greater impact on the openness of the Green Belt than the existing development; or*
  - ii. *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

The proposed construction of a two-storey standalone building to the south-east of the main school building would, by definition, be considered inappropriate and therefore 'very special circumstances' need to be demonstrated.

Paragraph 94 of the NPPF states that *"it is important 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 through the preparation of plans and decisions on applications; and*
- *Work with schools' promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."*

Adopted Policy CF2 (Education Facilities) states inter alia that *"the Council will encourage the enhancement and improvement of existing educational facilities."*

Cedar Hall School is an established SEN school in Thundersley.

Essex County Council has a statutory duty to ensure that there are sufficient school places for children living in the county. Whilst there is no requirement to provide specialist schools, or specialist provision, there is a clear need to place pupils, parents and carers at the heart of planning and provisions for SEND.

A SEND Capacity Assessment 2020/2021 undertaken by Essex County Council

demonstrates that there is a deficit in all areas for pupil populations in 'ambulant' schools. Moreover, accounting for Castle Point & Rochford combined, the growth need for South Essex shows that there is a rising need between 2020-2025:

2020: 344  
2021: 360 (+16)  
2022: 384 (+40)  
2023: 403 (+59)  
2024: 409 (+65)  
2025: 395 (+51)

Alongside the need for SEND places across South Essex, there is a rising number of pupils being educated in SEND schools across the wider area. Between 2018 and 2021 the number of pupils being taught at Cedar Hall increased from 150 to 164. This growth is consistent with that across 6 other schools in south Essex that, within the same time period, cumulatively increased pupil numbers from 944 to 1,080. The range of need has also increased during this period, specifically in relation to Autism Spectrum Disorder (ASD), Physical Disability (PD) and Speech, Language and Communication Needs (SLCN).

The increasing demand and need for places, together with a widening range of SEND to be accommodated has placed ever increasing pressure on the existing accommodation. Specialist spaces are needed to meet both increased pupil numbers and a wider range of needs. Cedar Hall has a relatively large cohort of pupils with either SLCN or Social, Emotional and Mental Health (SEMH) needs. It is anticipated that there would be a greater need for more discrete areas for more individual pupil support, speech and language therapy and counselling rooms for pupils whose behaviour is a barrier to learning.

The existing temporary classbases are coming to the end of their useful life. A condition survey undertaken in May 2019 identified that one of the classbases was approximately 35 years old which is significantly in excess of the projected lifespan for a temporary teaching facility. Another temporary classbase has been subject to a number of repairs in recent years, including the replacement of the access steps, repairs to the internal floor to resolve unevenness and sinking and numerous leaks to the roof. In a severity rating up to 12, this classbase scored 10.

Another temporary classbase scored a severity rating of 11. The amount of work required to provide the classbases with longevity would not be economically viable. The school has been reliant on the temporary accommodation for many years and without the provision of new permanent purpose-built accommodation, would no longer be able to meet the increasing demand for pupil places or the increasing range of needs.

Castle Point Borough Council has confirmed its general support for the improvement of educational facilities within the Borough as enshrined within the provision of Policy CF2; however, as the proposed development would be within

the Green Belt, very special circumstances must be demonstrated.

When considering the 'very special circumstances' it is important to recognise that the sum of a number of considerations can together represent 'very special circumstances' and it is not therefore necessary for each consideration alone to be considered special.

The purpose of including the land within the Green Belt is not necessarily wholly for its openness, given that it is an allocated school site with buildings. In the now withdrawn replacement Local Plan it was intended to remove the school site from its Green Belt designation and re-designate it as a 'Community Facility' with the southern area of the site re-designated as 'School Playing Field'. The site adjoining the eastern boundary of the school proposed for housing development was also to have been removed from its Green Belt designation.

The 'very special circumstances' put forward by the applicant in this case include the necessity for the replacement of existing temporary accommodation with permanent to provide sufficient school places for children with SEND living within the south Essex area.

The school site is an established educational site and the proposed building would replace existing dilapidated temporary accommodation and provide much needed permanent teaching accommodation to help meet demand for SEND places in the county.

Due to site constraints the location for the proposed building is limited. However, it has been located as close as possible to the main school building. The proposed building is two storeys in height and would therefore have some impact on the Green Belt. However, in terms of use with the site being specifically designated for use as a school, the proposed building is considered to be compatible with this use. This is considered to be a material consideration when considering the acceptability of development in the Green Belt.

The removal of existing temporary accommodation would help increase the open space around the school site. Established boundary vegetation would help screen views of the proposed building from the wider Green Belt to the east, south-east and west. Existing school buildings would also help screen the proposed building from views outside the site to the north. Land to the south of the site, which is also within the Green Belt has been partially developed with a number of residential properties constructed.

In terms of the purposes of the Green Belt it is not considered that the building would contribute to urban sprawl. The building would be located within the confines of the school site and would not result in the merging of Thundersley with Benfleet or Rayleigh.

It is considered that the aforementioned justification does represent 'Very Special Circumstances' to justify the development within the Green Belt and this would be considered to hold significant weight in the determination this planning



application. The school site is an established educational site and the proposed building would provide much needed additional permanent purpose-built teaching accommodation to help meet the demand for SEND school places in the county in accordance with Paragraph 94 of the NPPF and Policy CF2.

Taking all of the above factors into account, it is not considered that the proposed building would conflict with the purposes of including land within the Green Belt and would have a limited impact on the openness of the Green Belt and would therefore be in accordance with provisions of the NPPF.

## B POLICY CONSIDERATIONS

The NPPF states that the purpose of the planning system is to contribute to sustainable development. There are three overarching objectives to the achievement of sustainable development: economic, social and environmental. All are interdependent and should be pursued mutually.

Paragraph 9 of the NPPF states *“these objectives should be delivered through the preparation and implementation of plans and the application of policies in this Framework; they are not the criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”*

Paragraph 11 of the NPPF states that *“plans and decisions should apply a presumption in favour of sustainable development.”*

Relating to the economic objective the proposed development would maintain pupil numbers and therefore retain existing staff and would provide economic benefits resulting in job creation during the construction phase.

The development would contribute to the social objective by maintaining the educational places required by the Local Education Authority and by providing permanent purpose-built accommodation for pupils and staff.

The environmental objective will be considered throughout the report.

## C DESIGN, LAYOUT AND SUSTAINABILITY

Adopted Policy EC2 (Design) states inter alia that *“a high standard of design in relation to new buildings will be expected. When considering development proposals the Council will have regard to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings.”*

Cedar Hall School is set back from Hart Road with car park and drop off provision for pupils and staff to the front of the site. The school was originally built circa 1970 and has since has a number of small incremental new build

extensions, including the addition of several temporary classbases. The school is single storey but has a large water tower feature and a higher section set back from the front of the school to house the school hall.

The existing school building was designed with traditional building methods and the introduction of steel to support the larger hall area. The facing materials are a mix of buff brick, dark wood timber cladding with white timber fascias. The windows and doors are white UPVC and there are sections of curtain glazing with brown infill panels to the base of the glazing. The existing school is flat roofed with a number of roof lights to help obtain natural daylight deep within the building and plant equipment is located on the roof to serve the school kitchen and air handling units allocated for some of the internal teaching spaces.

### Design and Layout

The proposed building would be located to the south-east of the main school building adjacent to the eastern boundary of the school site. The building has been orientated to maximise the opportunity for natural light into the building and to align with the net zero requirements relating to heat loss and heat gain. Entrances have been positioned to link externally with the access points of the existing school and within the secure line. General classrooms are located on both ground and first floor linked with internal staircases and a lift for DDA/Part M requirements.

The multi-use activity space has been located for easy access to a covered vehicle maintenance learning area. Changing rooms have been located to the rear of the building at ground floor level to provide easy access to the existing artificial pitch and enable community use without the need to open the entire building.

The proposed building would measure 32m x 18m x 9.5m in height including a 1.1m high brick parapet at roof level. The external covered staircase would measure 10.2m in height and is required to allow safe access to the roof for roof and PV panel maintenance.

Level access would be provided to the main entrance of the building. Steps and a ramp would be required to address the raised floor level to the south of the block. Level access would be provided within the building.

To ensure the proposed building sits comfortably within its context and architecturally with the existing school, the material palette and proposed architectural features were considered at an early stage. The proposed materials and colours have been chosen to complement the existing building whilst also providing a modern, contemporary aspect to the proposed building.

A materials palette of buff brick, dark and light shades of cement board cladding with dark grey UPVC windows and aluminium doors have been chosen. Hit and miss timber cladding is proposed to the external staircase, to help reduce the mass of the building and add interest to the south elevation.

Castle Point Borough Council acknowledges that the buildings across the site are generally flat roofed in form and single storey therefore having limited impact on the landscape. It considers that the provision of a two storey flat roofed building of the size proposed would present an obtrusive and unattractive feature in the landscape with limited substantial planting to mitigate such impact.

Due to site constraints it would not be possible to provide the same amount of accommodation in single storey form without adversely impacting on existing open space within the site.

The County's Urban Designer has welcomed the improvements made to the scheme following the pre-application meeting. These include:

- A welcoming entrance and gathering space for students
- Some attempt to integrate the building into the overall site plan, including softening of the proposal from views from the adjacent eastern boundary

It considers that the quality of the scheme could have been improved further by relocating the windows to the classroom in the south-east corner of the first floor of the building from the eastern elevation to the southern elevation thereby allowing for an increased active frontage. However, overall, it is considered the scheme has made some positive moves to address previous comments and no objection is raised to the scheme.

Two conditions were requested. The first requiring the submission of details of the external materials for the proposed building and the second requiring the submission of details for the external canopies and the air source heat pump compound.

Details and photographs of the proposed external materials were included within the Design and Access Statement supporting the application and it is not considered appropriate to require the submission of these details again.

Castle Point Borough Council's Environmental Health Officer has stated that the sound insulation of the building should comply with the levels recommended by Building Bulletin 93 which is controlled by Building Control and the Schools Inspectorate. It considers that the design proposals are reasonable in environmental health terms and has not raised any objections to the application. It has requested that should planning permission be granted a condition be attached requiring the submission of a demolition method statement and construction method statement. The statements should include control measures for dust, noise, vibration, lighting, delivery locations, restrictions of hours of work and all associated activities audible beyond the site boundary, advance notification to neighbours/interested parties of proposed works and public display of contact details for persons responsible for the site works.

## Sustainability

Adopted Policy EC6 (Energy Efficiency) states that “*proposals for new development are expected to have regard to energy conservation in their siting, orientation, layout and design.*”

The proposed building would include the provision for effective ventilation to provide a wholesome environment and encourage the use of natural ventilation wherever practical without creating cold draughts in winter with the incorporation of full fresh air, automatic controls, heat recovery and acoustic attenuation in the overall design.

Air source heat pumps are proposed to address the issue of keeping the building within acceptable temperature ranges.

The building design has been tested against CIBSE DSY1 2050 (50<sup>th</sup> Percentile range) medium emissions and the London Weather File which has confirmed that the design achieves passively without the need for mechanical ventilation.

The building has been designed to optimise use of daylight predicted using climate-based daylight modelling and minimise glare. Energy efficient lighting and controls would be included to reduce energy consumption. Good lighting, both artificial and natural would have a powerful effect on the atmosphere and the space and reinforce positive attitudes towards the learning environment. Lighting, both artificial and natural, would be harnessed and controlled to best practice in terms of effective illumination, form, colour rendering, shading, glare and heat gains and losses.

Photovoltaic panels would be fitted to the roof to help reduce the electrical operation costs of the building. The panels would be tilted to a 15° angle to reduce cleaning maintenance costs.

## Building Access

All pedestrian approaches to the proposed building would be DDA compliant and all entrances to the proposed building would have level thresholds. Paths, access points, gates and surfaces have been designed in accordance with DDA guidelines to ensure that all users and visitors have good quality and safe means of access.

All new internal doors would have low force overhead cam closers coupled with finger guards.

A colour and lighting scheme has been designed in line with Part M of Building Regulations taking into account the needs of people with visual impairments.

The design, layout and selection of materials for internal finishes would follow best practice guidance in terms of widths of corridors and doors, manoeuvring spaces, surface finishes to walls, floors and ceilings, colour and luminance

contrast, lighting and the usability of features such as control panels and switches.

Overall, it is considered that the proposed development would be of appropriate design for its function as part of a school. It would take account of its surroundings and provide a focal point for pupils, staff and visitors to the school and would be in compliance with Policy EC2. The proposed development would also provide environmental efficiencies in compliance with Policy EC6.

#### D IMPACT ON PLAYING FIELD

Paragraph 97 of the NPPF states inter alia that *“existing open space, sports and recreational buildings and land, including playing fields, should not be built on.”*

Adopted Policy RE3 (Retention of Informal Open Space, Playing Fields and Children’s Playspace for Recreational Purposes) states inter alia that *“where a need for informal playing fields exists, the development of such land for any purpose other than for open recreational use will be refused.”*

The proposed building would be located on an area of soft informal play. However, due to its boggy nature, the school do not currently use the space for any formal sporting activities. The school has a large MUGA pitch which is used as the main sporting facility and with its all-weather surface is usable all year round. The existing MUGA measures 2,687m<sup>2</sup>.

The area of soft informal play where the proposed building would be located equates to 534m<sup>2</sup>.

A calculation was undertaken to assess what additional soft informal play area would be gained with the removal of the temporary accommodation. The total accumulative area equates to approximately 500m<sup>2</sup>. To caveat the loss of approximately 43m<sup>2</sup>, it is proposed that the area gained by removing 2 of the existing temporary buildings is hard surfaced to provide additional hard play area.

As the proposed building would encroach onto the school’s existing playing field Sport England is a statutory consultee.

Sport England has considered the application in light of the NPPF and against its own playing fields policy.

The proposal involves the removal of 4 existing demountable buildings, an extension to the existing hard surfaced play area and the construction of a new teaching block. The new teaching block would occupy a substantial part of the remaining natural turf area of Cedar Hall School’s playing field. The loss of the playing field would be mitigated by extending the school’s hard play area onto an area occupied by two of the demountable buildings following their removal. This proposal includes the provision of a new outdoor sports facility on the existing playing field which therefore needs to be considered against Sport England’s

exception policy 5.

The proposed extended hard play area would increase the capacity of the school's hard play area which is used for marking out a netball court and for informal play. This would provide more space and flexibility for formal and informal sport and play activities to take place which would help improve the delivery of the PE curriculum and support informal play. In terms of the impact on the playing field, the teaching block and associated external works would result in the loss of the remaining natural turf playing field. The majority of the school's playing field is occupied by a 3G artificial grass pitch which was constructed around 10 years ago and the school use this facility for delivering their outdoor formal sports needs. While aerial photos indicate that the small residual area of natural turf playing field has been used in the past for an informal football pitch, the area is too small to accommodate the recommended dimensions for the smallest playing pitch (mini 5V5 football pitch). The school do not currently use this area for formal sport in practice and its natural turf nature restricts its use by the school during the winter period due to surface conditions. On balance, the benefits of extending the hard play area to create a larger all-weather surface that could be used throughout the year would be considered on this occasion to outweigh the detriment caused by the loss of the residual area of the school's natural turf playing field.

Sport England considers that the proposal would meet its exception policy 5 and paragraph 97 of the NPPF and does not wish to raise an objection nor does it wish to recommend any conditions should planning permission be granted.

Castle Point Borough Council has not raised any objection to the proposed development on the existing school playing field.

Although the proposed building would encroach onto the school's existing playing field, the removal of existing temporary accommodation would provide an opportunity to increase an existing hard play area which could be used by the school throughout the year as well as providing additional informal soft play areas which is considered to be in accordance with Policy RE3.

## **E IMPACT ON RESIDENTIAL AMENITY**

An on-line public consultation was held between 13-27 April 2022. This was complemented by a press release and publications on social media channels. Leaflets were also sent to residents of adjacent properties and given to pupils and staff at the school. Presentation boards were made available to view as part of the on-line consultation.

Two responses were received. One response was fully in support of the proposals and the second was generally supportive of the proposals but queried whether windows would be openable, whether each classroom would have a sink area and requested that eco-friendly building materials were incorporated.

The applicant confirmed that all windows would be openable and restricted to

100mm; sinks would be provided in all classrooms and that the proposed development would comply with current Building Regulations which would be achieved through a 'fabric first' approach, including the provision of appropriate insulation. Design measures to minimise water consumption, such as aerated taps and dual flush toilets would be provided.

Adopted Policy EC3 (Residential Amenity) states that "*development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.*"

The nearest residential properties adjoin the north-eastern boundary in Hart Road and western boundary in Main Road. The proposed building would be constructed adjacent to the eastern boundary of the school site.

Castle Point Borough Council has expressed concern at the proximity of the proposed building to the eastern boundary and the potential that this offers for significant overlooking of the land to the east. However, planning permission has been refused for the development of land to the east for residential purposes. It is considered that the current concerns of overlooking are unsubstantiated. The eastern boundary is well screened by established vegetation and this would help screen the proposed building from views to the east. The proposed building would be approximately 28m from the eastern boundary of the school site. The nearest residential properties to the north of the proposed building would be approximately 65m away. The nearest residential properties to the east of the site are approximately 90m away, separated from the school site by an area of open land.

Castle Point has noted that the proposed motor vehicle maintenance facility proposed to be located on the eastern side of the building has been replaced with an 'activity workshop'. The Council has expressed concern at the potential use of this space which could result in undue noise and disturbance to occupiers of the land to the east. Its preference would be for the activity workshop to be relocated to the western side of the building.

The applicant has stated that the use of the activity workshop as a vehicle maintenance learning area would be appropriate to the age and abilities of students at the school and would not be a typical car garage where activities would be of a particular nature occurring beyond typical working hours and weekends.

No representations have been received from neighbouring properties with regards to the construction of a two-storey building adjacent to the eastern boundary of the school site.

It is not considered that the proposed development would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance and would be in accordance with Policy EC3.

## F TRAFFIC & HIGHWAYS

Adopted Policy T8 (Car Parking Standards) states inter alia that *“the council will apply the revised standards for car parking published by ECC.”*

The proposed development would not result in an increase in pupil or staff numbers at the school.

A School Travel Plan was submitted in support of the application. There are currently 164 pupils at the school together with 70 members of staff.

48 car parking spaces including one designated disabled space and 5 visitor parking spaces are available for use. Additional hard standing is available for use by the school's 3 minibuses. Ten cycle parking spaces are currently available for use. However, pupils must gain a Bikeability award and wear a cycle helmet if they wish to cycle to school.

A majority of pupils are transported to school by a Local Authority approved provider. 98 pupils are transported on behalf of ECC. The extensive catchment area of the school means pupils travel from areas including Romford, Southend, Canvey Island, Rochford, Basildon and Thurrock.

Two pupils cycle to school and one uses public transport.

To avoid congestion, pick up times between the primary, middle and secondary elements of the school are staggered.

There are existing problems with inconsiderate parent parking, however it is not expected that the proposed development would exacerbate these problems and parents are regularly reminded about the need for responsible parking.

Initiatives are already in place to promote sustainable travel. These include Bikeability training and the continuation of the cycle club for pupils more proficient at cycling. Pupils are also encouraged to choose cycling as a golden time activity.

Staff and parents are encouraged to consider car sharing and this is promoted within the school newsletter.

Parents are also encouraged to walk their children to school where possible. However, this is dependent on pupils' individual abilities.

Pupils have regular trips into the local community to gain experience of using public transport. They also have the opportunity to participate in the annual 'Try a Train' initiative.

Prior to moving onto college placements pupils in Year 10 and 11 take part in Travel Training provided by ECC.



The school also promotes 'Park and Stride' with parents by providing information on parking places which encourage a slightly longer walk. Again, the success of this scheme is dependent on pupils' individual abilities.

A Construction Management Plan was submitted in support of the application. This includes details of the site set up and logistics and phasing plan for the construction period.

The Highway Authority has not commented on the application but as the proposed development would not give rise to an increase in traffic within the surrounding area it is considered to be in accordance with Policy T8.

## G IMPACT ON NATURAL ENVIRONMENT

Adopted Policy EC22 (Retention of Trees, Woodland and Hedgerows) states inter alia that *"in schemes for new development, existing trees and hedgerows shall be retained wherever possible. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction."*

Adopted Policy EC23 (Tree and Shrub Planting) states inter alia that *"in order to improve the physical environment, encouragement will be given to the planting of native trees and shrubs in appropriate cases."*

Adopted Policy EC13 (Protection of Wildlife and their Habitats) states that *"the council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats."*

The application was supported by a Tree Survey, Implications Assessment and Outline Method Statement.

The proposed development would not require the removal of any existing trees. One tree may need some minor canopy lifting to facilitate construction vehicle access.

The proposed site compound has been adjusted so that it would not encroach into the root protection areas of existing trees. Protective fencing would be required to some existing trees to prevent damage from construction traffic.

The survey concludes that providing protection measures are in place the proposed development should not give rise to any adverse impact on existing trees.

The County's Arboriculturist has no objection to the proposed development. It has reviewed the information submitted with the application which has confirmed that there would be a low impact to trees within the site boundary with only the potential for minor facilitative pruning to one tree to enable construction access into the site. All other trees are located outside the proposed construction area with Tree Protective Fencing shown on plans giving confidence that there would

be no unnecessary incursions into Root Protection areas of retained trees.

New planting has been specified and it is suggested that a proposed Silver Birch be changed to a specimen with a longer life expectancy that would also not contribute to any future damage to any adjacent hard surfaces.

It has recommended that 3 conditions be attached should planning permission be granted. These include the provision of tree protection prior to development, the retention of existing trees and no works to trees or works within root protection areas of trees without prior written notification.

A Preliminary Ecological Appraisal was submitted as part of the application.

There are 2 European Protected Sites, SAC or SPA and Ramsar sites within 10km of the school site. However, the proposed development is considered unlikely to cause any likely significant effects.

There are not any National Nature Reserves but 2 SSSI sites within 2km of the site. The site is within the Impact Risk Zone of several SSSI's but development of the type proposed does not require consultation with Natural England.

No European Protected Species were recorded within or adjacent to the site.

The temporary classbases scheduled for removal appeared well maintained and sealed and considered to be of negligible bat roosting potential.

The school pond is considered to be of low suitability for great crested newts.

No other habitats or features on site were considered to be suitable to support any European Protected Species.

The County's Ecologist has no objection to the proposed development and after reviewing the submitted documents is satisfied that there is sufficient ecological information available.

The mitigation measures identified in the PEA should be secured by conditions and implemented in full. This is necessary to conserve and enhance protected and Priority species.

A condition requiring the submission of a Construction Environmental Management Plan has been requested which includes the control of invasive species. The CEMP should also include a precautionary method statement for Badger for the construction phase.

The proposed reasonable biodiversity enhancements such as bat roosting and bird nesting provisions, wildflower meadow areas, neutral grassland areas and native hedgerow planting recommended by the PEA are supported.

To ensure that the enhancements are managed appropriately in the long term to

maintain their ecological functionality a condition requiring the submission of a Landscape and Ecological Management Plan has been requested.

Should any external lighting be proposed a condition requiring the submission of a sensitive lighting scheme has been requested.

It is considered that impacts would be minimised such that the proposal is acceptable subject to proposed conditions.

A Soft Landscape Specification in the Outline Planting Plan was submitted as part of the application.

It is proposed to plant new trees, new hedgerows, wildflower meadow, new grassland and coppice mixed planting to tie in with existing boundary planting.

The County's Landscape Architect has no objection to the proposed development. No additional soft landscape plans are required; however, it is recommended that all proposed trees should be 10-12cm. It has recommended that a number of trees should be larger where location allows to provide a sense of maturity to the scheme. It also recommends that the proposed *Betula pendula* is replaced with a longer-life expectancy tree that has stature and presence.

A condition requiring the submission of a hard landscaping plan has been requested.

It is considered that with the imposition of suitably worded conditions the proposed development would be in accordance with Policy EC22, Policy EC23 and Policy EC13.

## H FLOOD RISK

The application included a site-specific Flood Risk Assessment which concludes that the site is situated in Flood Zone 1 and the development is considered suitable for the location.

The site is outside flood zones for rivers and the sea. The site includes areas of surface water flood risk. The proposed building is outside the nominal flood area. Localised surface water flood risk is recorded within the site extents. However, this area is already developed and is not being altered as part of the proposed scheme. The proposed development would not increase the flood risk of the existing buildings. The drainage for the new development would be designed to a 1 in 100 year return period with additional 40% uplift for climate change.

The Lead Local Flood Authority (LLFA) has no objection to the proposed development subject to a number of conditions including the submission of a detailed surface water drainage scheme, the submission of a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works, the submission of a maintenance plan and the maintenance of yearly logs of maintenance. However, it is not

considered that the requirement for the maintenance of yearly logs of maintenance meets the tests for attaching conditions to a planning decision. It is however, considered appropriate to attach this requirement as an informative.

It is considered that subject to the imposition of appropriate conditions the proposed development would be in accordance with Policy CF14.

## **8. CONCLUSION**

In conclusion it is considered that there is an identified need for the proposed removal of existing temporary accommodation at the school and the construction of a standalone two storey building at the school and this should be given great weight in accordance with the provisions of the NPPF. The proposed building would also comply with the encouragement for the enhancement of community facilities as per Policy CF2.

The key considerations are the acceptability of the principle of such development in the Green Belt, the location and design of the stand-alone building and the impact on the amenity of the nearest residential properties.

In terms of the principle of the development, whilst the site is allocated for Green Belt purposes in the adopted Local Plan, the site is an established special needs school site. This factor, coupled with Government advice in respect of the provision of a wide range of high-quality educational opportunities and the identified need for SEND school places in the area, which together with the limited impact of the proposal on the openness and strategic function of the Green Belt in this location are considered to represent the very special circumstances required to outweigh the harm to the Green Belt.

The layout and design of the proposed building is considered appropriate for the school site. It is considered it would take account of its surroundings and provide a focal point for the school. Subject to conditions, the development would be in compliance with Policy EC2.

It would also provide environmental efficiencies in compliance with Policy EC6.

The development proposes ecological enhancements considered to be in accordance with Policy EC13.

New hard and soft landscaping is proposed as part of the new development considered to be in accordance with Policy EC23.

The development is not considered to have unacceptable impacts on privacy, overlooking, security, noise and disturbance, pollution, daylight and sunlight, it is considered that subject to proposed conditions, amenity would be protected in accordance with Policy EC3.

The proposed development would not lead to an increase in pupil or staff

numbers at the school. There are not considered to be any reasons for refusal related to traffic and highway impact.

A site-specific Flood Risk Assessment has demonstrated that the site would comply with Policy CF14.

Finally, the environmental objective of the NPPF is considered to have been met, resulting in a 'sustainable development' for which there is a presumption in favour. The development would also provide the necessary facilities to support sustainable communities and would be accessible and compatible with the character and needs of the local community in compliance with Policy CF2.

## **9. RECOMMENDATION**

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 begun before the expiry of 3 years from the date of this permission.

Reason: *To comply with section 91 of the Town and Country Planning Act 1990 [as amended].*

- 2 The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/CPT/52/22 dated 6 June 2022 and validated on 6 June 2022 together with Drawing Numbers:
  - 121229-CDP-ZZ-XX-DR-A-2019 P3 – Site Location Plan – 26.5.22
  - 121229-CDP-ZZ-XX-DR-A-0105 P2 – Existing Site Plan – 27.5.22
  - 121229-CDP-ZZ-XX-DR-A-2021 P1 – Existing Floor Plan 2 of 2 – 27.5.22
  - 121229-CDP-ZZ-XX-DR-A-2021 P1 – Existing Floor Plan 1 of 2 – 27.5.22
  - 121229-CDP-ZZ-00-DR-A-2001 P4 – Ground Floor General Arrangement – 26.5.22
  - 121229-CDP-ZZ-00-DR-C-2004 P1 – Site Levels Plan – 26.5.22
  - 121229-CDP-ZZ-01-DR-A-2001 P4 – First Floor General Arrangement – 26.5.22
  - 121229-CDP-ZZ-B1-DR-C-2001 P5 – Drainage Plan – 26.5.22
  - 121229-CDP-ZZ-R1-DR-A-2001 P5 – Roof General Arrangement – 25.5.22
  - 121229-CDP-ZZ-XX-DR-A-2004 P5 – Proposed Elevations – 26.5.22
  - 121229-CDP-ZZ-XX-DR-A-2010 P5 – Sections A-A & B-B – 26.5.22
  - 121229-CDP-ZZ-XX-DR-A-2011 P5 – Sections C-C, D-D & E-E – 26.5.22
  - 121229-CDP-ZZ-XX-DR-C-6001 P2 – Drainage Details – 26.5.22
  - 121229-CDP-ZZ-XX-DR-L-2002 P3 – Proposed Site Plan – 26.5.22
  - 121229-CDP-ZZ-XX-DR-L-2004 P1 – Outline Planting Plan – 26.5.22
  - 2220-WWA-ZZ-XX-DR-L-0703 PO1 – Tree Protection Plan 2 of 2 – 14.4.22

- 2220-WWA-ZZ-XX-DR-L-0702 PO1 – Tree Protection Plan 1 of 2 – 9.5.22
- 2220-WWA-ZZ-XX-DR-L-0700 PO1 – Tree Survey Sheet 1 of 2 – 14.4.22
- 2220-WWA-ZZ-XX-DR-L-0701 PO1 – Tree Survey Sheet 2 of 2 – 14.4.22

And

- Tree Survey, Implications Assessment & Outline Method Statement (Ref: 2220-WWA-ZZ-XX-RP-L-601 PO1) – Wynne Williams Associates – May 2022
- Design & Access Statement Version 1 – Concertus – 26.5.22
- Flood Risk Assessment (Ref: 121229) Version 1 – Concertus – 28.3.22
- School Travel Plan – September 2021
- Framework Travel Plan – May 2022
- Planning Statement – Lanpro – May 2002

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 conditions:

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 the development is carried out with the minimum harm to the local environment and in accordance with Policy EC2 (Design), Policy EC3 (Residential Amenity), Policy EC13 (Protection of Wildlife and their habitats), Policy EC22 (Retention of Trees, Woodlands and Hedgerows), Policy EC23 (Tree and Shrub Planting), EC6 (Energy Efficiency), Policy CF14 (Surface Water Disposal), Policy CF2 (Education Facilities), Policy RE3 (Retention of Informal Play Space, Playing Fields and Children's Play Space for Recreational Purposes) and Policy T8 (Parking Standards) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 3 No works, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of the CIRIA SuDs Manual C753.
- Limiting discharge rates to 0.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/all relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off-site flooding as a result of the

development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- Demonstrate that all storage features can half empty within 24 hours of the 1 in 30 plus 40% climate change critical storm event, OR if impracticable
- Demonstrate that the features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change
- Final modelling and calculations for all areas of the drainage system
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDs Manual C753
- Detailed engineering drawings of each component of the drainage scheme
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels and location and sizing of any drainage features
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy
- Clarification of how roof run-off will be infiltrated into the porous paving substrate in order to benefit from its treatment capacity

The scheme shall subsequently be implemented prior to first beneficial occupation of the development hereby permitted.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDs features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment and to comply with Policy CF14 (Surface Water Disposal) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 4 No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved details.

*Reason: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution and to comply with Policy CF14 (Surface Water Disposal) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 5 Prior to the first beneficial occupation of the development hereby permitted a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the County Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason: *To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and to comply with Policy CF14 (Surface Water Disposal) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 6 No development above slab level shall take place until details of a hard landscaping scheme have been submitted to an approved in writing by the County Planning Authority. The details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials, means of enclosure; hard surfacing materials and minor artefacts and structures. The scheme shall be implemented prior to the occupation of the development hereby permitted.

Reason: *In the interest of visual amenity and to comply with Policy EC2 (Design) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 7 No development above slab level shall take place until details and samples of the materials to be used for the entrance canopy, activity workshop canopy and the air source heat pump compound have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: *In the interest of the local amenity and to comply with Policy EC2 (Design) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 8 The development hereby permitted shall be carried out in accordance with the landscaping scheme shown on Drawing Number 121229-CDP-ZZ-XX-DR-L-2002 P1 – Outline Planting Plan – May 2022.

Reason: *To comply with section 197 of the Town and County Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Policy EC23 (Tree and Shrub Planting) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 9 Any tree or shrub forming part of the landscaping scheme approved in connection with the development hereby permitted that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have been received the prior written approval of the County Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy EC23 (Tree and Shrub Planting) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*



10 No development or any preliminary groundworks shall take place until:

- All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and
- Notices have been erected on the fencing stating "Protected Area (No operations within fenced area)"

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

Reason: *In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Policy EC22 (Retention of Trees, Woodlands and Hedgerows) of the Saved Policies of the Castle Point Borough Council 1998.*

11 No retained trees shall be cut down, uprooted or destroyed, nor shall any retained tree branches, stems or roots be pruned.

Reason: *In the interest of the amenity of the local area and to comply with Policy EC22 (Retention of Trees, Woodlands and Hedgerows) of the Saved Policies of the Castle Point Borough Council 1998.*

12 No works to trees or works within the root protection area of a tree (RPA as defined in BS:5837) shall take place unless written notification of the date of the proposed works has been provided to the County Planning Authority within 7 days of the works to trees or works within the root protection area taking place.

Reason: *To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with Policy EC22 (Retention of Trees, Woodlands and Hedgerows) of the Saved Policies of the Castle Point Borough Council 1998.*

13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Richard Graves Associates, May 2022) as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities and works shall be carried out in accordance with the approved details.

Reason: *To conserve and enhance protected and Priority species and allow*

*Essex County Council to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species) and to comply with Policy EC13 (Protection of Wildlife and their habitats) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 14 No development shall take place (including any demolition or preliminary groundworks) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements including Badger)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs
- i) Containment, control and removal of any invasive species such as non-native species, such as Himalayan Balsam, present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: *To conserve protected and Priority species and allow Essex County Council to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species) and to comply with Policy EC13 (Protection of Wildlife and their habitats) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 15 No development above slab level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the County Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures
- b) Detailed designs to achieve stated objectives

- c) Locations of proposed enhancement measures by appropriate maps and plans
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- e) Persons responsible for implementing the enhancement measures
- f) Details of initial aftercare and long-term maintenance

The works shall be implemented in accordance with the approved details prior the first beneficial occupation of the development hereby permitted and shall be retained in that manner thereafter.

Reason: *To enhance protected and Priority species & habitats and allow Essex County Council to discharge its duties under s40 of the NERC Act 2006 (Priority habitats & species and to comply with Policy EC13 (Protection of Wildlife and their habitats) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 16 Prior to the first beneficial occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the County Planning Authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details.

Reason: *To allow Essex County Council to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy EC13 (Protection of*

*Wildlife and their habitats) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 17 No fixed lighting shall be erected or installed on site unless details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as to why these are considered appropriate.

The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site, detailing the likely spill from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The details shall identify those areas/features on site that are particularly sensitive for bats and those that area likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging.

The details shall show how and where external lighting would be installed through the provision of appropriate lighting contour plans and technical specification, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places and details the proposed hours of operation.

The lighting shall thereafter be erected, installed and operated in accordance with the proposed details.

Reason: *To minimise the nuisance and disturbance to neighbours and the impact on ecology and to comply with Policy EC3 (Residential Amenity) and Policy EC13 (Protection of Wildlife and their habitats) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 18 The development hereby permitted shall be carried out in accordance with the details of the Construction Management Plan prepared by Morgan Sindall (undated).

Reason: *In the interest of highway safety and residential amenity and to comply with Policy EC2 (Design) and Policy EC3 (Residential Amenity) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

- 19 No development (including any demolition or groundworks) shall take place until a Construction Method Statement is submitted to and approved in writing by the County Planning Authority. The Statement shall include but not be limited to details of working hours, control measures for dust, noise, vibration, lighting,

delivery locations. Advance notification to neighbours and other interested parties of proposed works and public display of contact details including phone contact to persons responsible for the site works for the duration of the works.

The development shall be implemented in accordance with the approved details.

Reason: *To ensure that the amenity of neighbouring occupiers is not adversely affected by noise, vibration, dust or lighting or other emissions from the site during the construction period and to comply with Policy EC3 (Residential Amenity) of the Saved Policies of the Castle Point Local Plan 1998.*

- 20 No demolition or construction work or associated activities audible beyond the site boundary shall take place outside of the following times:

- 08:00 - 18:00 hours Monday to Friday
- 08:00 - 13:00 hours Saturdays

and there shall be no working at any other times including on Sundays, Bank or Public Holidays.

Reason: *In the interest of limiting the effects on local amenity, to control the impacts of the development and to comply with Policy EC3 (Residential Amenity) of the Saved Policies of the Castle Point Borough Council Local Plan 1998.*

Informatives

#### Yearly logs of Maintenance

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the County Planning Authority.

#### Drainage features

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

#### Changes to existing watercourses

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.

#### Discharge into offsite ditch/pipe

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream

riparian landowners.

### Safeguarding

If a crane or piling rig is required to construct the proposed development, this will need to be safeguarded separately and dependent on location may be restricted in height and may also require the full co-ordination with the Airport Authority.

Any crane applications should be directed to [sam.petrie@southendairport.com](mailto:sam.petrie@southendairport.com) 01702 538521.

### Building Regulations

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called “the Authority”) in accordance with “Building Regulations and Fire Safety – Procedural Guidance”.

Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

### Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters 01376 576000.

### Sprinkler Systems

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

### Notification to neighbours

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of the works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the work and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

### **REASON FOR APPROVAL**

**Subject to the imposition of the attached conditions, the proposal is considered acceptable having been assessed in the light of all material considerations, including weighting against the following policies of the development plan:**

#### Castle Point Borough Council Local Plan adopted 1998 (Saved Policies)

Policy EC2 – Design

Policy EC3 – Residential Amenity

Policy EC13 – Protection of Wildlife and their habitats

Policy EC22 – Retention of Trees, Woodlands and Hedgerows

Policy EC23 – Tree and Shrub Planting

Policy EC6 – Energy Efficiency

Policy CF2 – Education Facilities

Policy T8 – Parking Standards

Policy CF14 – Surface Water Disposal

Policy RE3 – Retention of informal open space, playing fields and children's playspace for recreational purposes

### **Statement of Reasons**

In conclusion it is considered that there is an identified need for the proposed removal of existing temporary accommodation at the school and the construction of a standalone two storey building at the school and this should be given great weight in accordance with the provisions of the NPPF. The proposed building would also comply with the encouragement for the enhancement of community facilities as per Policy CF2.

The key considerations are the acceptability of the principle of such development in the Green Belt, the location and design of the stand-alone building and the impact on the amenity of the nearest residential properties.

In terms of the principle of the development, whilst the site is allocated for Green Belt purposes in the adopted Local Plan, the site is an established special needs school site. This factor, coupled with Government advice in respect of the provision of a wide range of high-quality educational opportunities and the identified need for SEND school places in the area, which together with the

limited impact of the proposal on the openness and strategic function of the Green Belt in this location are considered to represent the very special circumstances required to outweigh the harm to the Green Belt.

The layout and design of the proposed building is considered appropriate for the school site. It is considered it would take account of its surroundings and provide a focal point for the school. Subject to conditions, the development would be in compliance with Policy EC2.

It would also provide environmental efficiencies in compliance with Policy EC6.

The development proposes ecological enhancements considered to be in accordance with Policy EC13.

New hard and soft landscaping is proposed as part of the new development considered to be in accordance with Policy EC23.

The development is not considered to have unacceptable impacts on privacy, overlooking, security, noise and disturbance, pollution, daylight and sunlight, it is considered that subject to proposed conditions, amenity would be protected in accordance with Policy EC3.

The proposed development would not lead to an increase in pupil or staff numbers at the school. There are not considered to be any reasons for refusal related to traffic and highway impact.

A site-specific Flood Risk Assessment has demonstrated that the site would comply with Policy CF14.

Finally, the environmental objective of the NPPF is considered to have been met, resulting in a 'sustainable development' for which there is a presumption in favour. The development would also provide the necessary facilities to support sustainable communities and would be accessible and compatible with the character and needs of the local community in compliance with Policy CF2.

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

The proposed development would not 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 necessary or appropriate. This approach has been taken positively and proactively in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**And there are no other policies or other material considerations which are overriding or warrant the withholding of permission.**

## **DECISION**

**By virtue of the powers delegated to me I hereby accept and approve the above recommendations**

Signed by: X

01/08/2022

X C. Tomalin

Signed by: Claire Tomalin  
for Chief Planning Officer (County Planning and Major Development)