

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

27 May 2020

REFERENCE: HW/FUL/20/00095

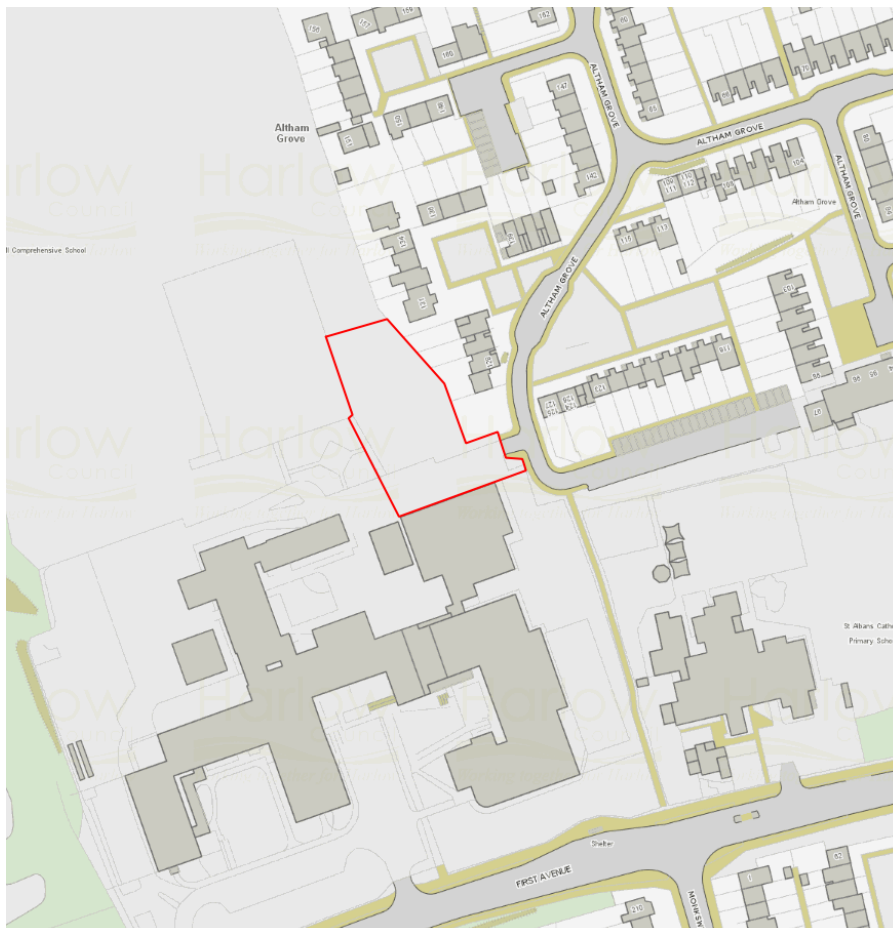
OFFICER: Nicholas Fu

APPLICANT: Naomi Everett

LOCATION: **Burnt Mill Comprehensive School**
First Avenue
Harlow
Essex
CM20 2NR

PROPOSAL: **Retention of modular classroom block to provide 4-classroom accommodation block for Sir Frederick Gibberd College, for an additional one academic year, granted a temporary planning permission with reference, HW/FUL/19/00074.**

LOCATION PLAN



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REASON BROUGHT TO COMMITTEE:

Two representations have been received which are contrary to the officer recommendation.

Application Site and Surroundings

The application site located to the east of the existing Burnt Mill Academy. The boundary extends around the side of the existing school building to the site entrance on First Avenue, including grass pitches and hardsurfaced courts. The site falls entirely within the Burnt Mill Academy curtilage. To the east of site boundary meets the overall school site boundary onto the adjacent residential properties on Altham Grove.

Details of the Proposal

Planning permission was granted in 21 June 2019 under reference HW/FUL/19/00074 for the erection of a single storey temporary classroom on the site until 30 September 2020. This temporary development was required to accommodate 120 Sir Frederick Gibberd College pupils while the permanent College is under construction. The building measures approximately 42m by 12m, with a floor area of approximately 490m² and a flat roof at a height of 3.5m. The building would be removed, and the site would set to return to its previous form when the permission expires.

The applicant states that the programme for the completion of the new school has been delayed to May 2021. The current application is therefore made to seek permission to retain the temporary classroom on the site for an additional academic year. There would be no changes to the building in terms of its siting, location, orientation, size and external application.

RELEVANT PLANNING HISTORY:

Application Reference: HW/FUL/19/00074

Proposal: Erection of a Single Storey Modular Building to Provide Classrooms for a Temporary Period of One Academic Year

Status: Granted Planning Permission

Decision Date: 21 June 2019

CONSULTATIONS:

Internal and external Consultees

HDC - Consultant Arboricultural Officer

No Objections – the retention of the block for an extra academic year will not impact the trees any further than has already been consented under the previous applications. The proposal does not indicate any further works on site which affect the trees, therefore the impacts to the remaining trees is considered to be very low.

Essex County Council - Highways

No Objections – From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative

The school is encouraged to keep working to the approved Travel Plan for the previous consent.

Neighbours and Additional Publicity

Number of Letters Sent: 48

Total Number of Representations Received: 2

Date Site Notice Expired: 5 March 2020

Date Press Notice Expired:

Summary of Representations Received

Two objections from local residents were received. Their reasons for objections can be summarised as follow:

- External lights affecting nearby properties in Altham Grove
- The building looks ugly
- There is no need to retain this temporary classroom as the new school at Passmore should be completed before the coming academic year
- Worries that this temporary classroom would become a permanent structure
- Suspected contaminated land (asbestos)

PLANNING POLICY:

ER13:"Education, Training and Childcare" for new or expanding employment generating uses, provision through planning obligations will be sought for: employment of local people; work related training provision; education opportunities and affordable childcare.

BE1:"Character and Identity" new and extended buildings should relate to their setting to strengthen, enhance, protect or create local character. Permission will be granted for new development providing: it is well connected to and integrated with the wider settlement; the height massing, layout, appearance and landscape makes an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area; building design is specific to the site and its context; it enhances the character, image and perception of the area when highly visible.

NE1:"Green Wedge" will be protected from inappropriate development. Permission will be granted, for small scale development proposals or replacement buildings that do not have an adverse effect on the roles of the Green Wedge.

NE11:"Trees and Hedgerows" in considering applications for development affecting trees or hedges the following may be required: a survey of the site and trees and hedges concerned; oppose the loss of trees and hedgerows of amenity value and wildlife importance; serve TPO's to protect trees with public amenity value; may impose conditions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance and their protection during construction.

T9:"Vehicle Parking" parking shall be provided in accordance with the adopted vehicle parking standards. Justification is required for the amount of car parking proposed on an operational need and, if applicable, a Green Commuter Plan.

CP7:"Community" development of education and training facilities at Harlow College and elsewhere in the district will be granted permission, unless the amenities of adjacent households are unduly affected.

BE16:"Light Pollution" external lighting will not be granted if: it is unacceptably intrusive; its use would cause an unacceptable disturbance to the surrounding area; it causes danger to

road safety; it is proven to have an adverse effect on sites of wildlife importance. Where permission is granted, means of reducing light spillage should be adopted.

BE15:"Contaminated Land" permission will not be granted for developments on or affected by ground that is known to be contaminated until fully investigated.

Harlow Local Development Plan Pre-Submission Publication (2018)

The new Harlow Local Development Plan is currently being examined by an Inspector appointed by the Secretary of State.

Paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging local plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The 'Harlow Local Development Plan Pre-submission Publication' (the 'emerging Local Plan') was submitted for examination in October 2018. The Examination started with public hearings which ran between March and April 2019.

In December 2019, the Inspector wrote to the Council with suggested modifications to the emerging Local Plan. The modifications are necessary in order to ensure the Plan is sound, that issues raised during the Examination have been considered, and that the Plan can, therefore, be formally adopted by the Council.

The detailed Main Modifications to the emerging Local Plan, will be consulted on between March and May 2020. The Inspector will then consider any representations made to these modifications, before issuing his final report, but it is anticipated the Plan will be formally adopted by the Council in summer 2020.

It is considered, therefore, that the policies within the emerging Local Plan are consistent with the policies in the 2012 NPPF, as it was submitted during the transition period between the 2012 and 2018 NPPF versions. Significant weight can, therefore, be given to relevant emerging Local Plan policies at this stage. Relevant policies are discussed within the Planning Assessment section.

PLANNING STANDARDS:

National Planning Policy Framework (NPPF) (2019) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Supplementary Planning Documents/Current Planning Guidance

The Essex Parking Standards: Design and Good Practice (2009)
Planning Practice Guidance (PPG)

PLANNING ASSESSMENT:

The application relates to a single storey temporary classroom building at Burnet Mill School, which was erected following a temporary permission granted in 21 June 2019 (application reference HW/FUL/19/00074) and deemed to expire on 30 September 2020. The classroom provides temporary accommodation for up to 120 students of the Sir Frederick Gibberd College while it is being constructed.

The current application seeks to retain the temporary classroom building for an additional academic year. There would be no material changes including the siting, location, orientation, size and design of the building. Therefore, the principle of development has been established and considered acceptable subject to the compliance with other relevant policies.

This application is linked with the redevelopment of the former Passmores School site for the construction of a new 1700-place school including 1200 pupils aged 11-16 years and 500 sixth form places. The school will be known as the Sir Frederick Gibberd College.

The new school was initially scheduled to be completed in time for the academic year to commence September 2020. However, the completion was delayed to May 2021 at the time this application was made to the Local Planning Authority. Furthermore, due to the recent COVID-19 situation which all construction works were being put to a pause for weeks, it is considered reasonable that this temporary classroom could be retained for an additional academic year while the new school is still under construction.

The community benefit of providing education facility is also an important material condition in favour of the proposed development.

Character and Appearance, including the Green Wedge

The building has limited design and aesthetic value. Nonetheless, it is largely screened by the existing school buildings and not readily visible from outside the site except from a small section of Altham Grove to the east. The building is set in from the eastern boundary of the school by some 13 metres and therefore not considered to be conspicuous or intrusive in the street scene.

The application site is located in a Green Wedge. Policy NE1 states that Green Wedge will be protected from inappropriate development. The proposal to retain the existing temporary classroom for an additional academic would be considered acceptable as it is located on an existing school site, and the site would be returned to its former use after the permission expires.

It is therefore considered the impacts to the character and appearance of the surrounding area including the Green Wedge would be acceptable and, in any event, would be temporary.

Landscape

The current application seeks to retain the existing temporary classroom building for an additional academic year with no extensions or enlargement. It was accepted from the previous permission that the impacts on the surrounding trees, landscaping and ecology would be acceptable. With the arboricultural conditions of the previous permission already been satisfactory discharged, it is not considered that the siting for an additional academic

year would result in any additional impacts. The Council's Arboricultural Consultant was consulted and has no objections to the current application.

It is therefore considered the proposal would have an acceptable impact to the surrounding green infrastructure, in accordance with Policy NE11 of the ARHLP.

Neighbour Amenity

The concerns regarding privacy, overshadowing and noise were discussed in the previous application. Given there is not material changes to the setting of the site and the use of building in question, it is not considered that the retention of building for an additional academic year would result in any additional impacts. There was a condition ensuring the windows facing Altham Grove residents would be obscure-glazed to prevent overlooking. It is considered reasonable that this condition be retained.

During the consideration of the previous application, there were concerns regarding external lights. The details were also assessed by the Environmental Health Officer and considered to be acceptable. The current application proposes no changes to the external lighting as existing.

Nonetheless, an objection from local residents were received regarding external lights. It should be noted that artificial light nuisances can be a statutory nuisance covered by the Environmental Protection Act 1990. There are established complaint mechanism and procedure outside the planning system for the Council to look into such nuisances, and therefore it is not considered necessary to impose a planning condition on this matter. Therefore, it is not considered this reason alone would warrant the application refusal.

Parking and highway

The current proposal would not increase the capacity of the temporary classroom building. It was previously considered that there are no significant parking, access or highway safety issues with regards to the development. There is no material evidence suggesting a different conclusion.

The previous permission included a condition for the submission and implementation of a Travel Plan. This has already been satisfactory discharged, and the approved Travel Plan is attached in the submissions of the current application. A condition should be attached with this consent to ensure the development would continue to follow the approved Travel Plan.

Other matters

Time limit of the temporary permission

A neighbour is concern about the time limit of this temporary building, and worried that accumulative consents would result in a de-facto permanent building being placed in this location.

As previously discussed, the temporary classroom building in question relates to the construction of the new Sir Frederick Gibberd School. Due to the delay in construction schedule, it is considered justified that this temporary classroom is to be retained for an extended period. The current application seeks extension for an additional academic year, which is considered to be a reasonable period. The temporary permission would allow re-assessment of the situation and enable the removal of the building when it becomes redundant or no longer suitable in this location, therefore protecting the amenity of the

surrounding area in the long term, and prevent the building to be placed on the site for an unreasonable duration.

Contaminated Land

A neighbour has raised concerns about possible contaminated land. Nevertheless, the building in question is pre-existing. The Environmental Health Officer during the consideration of the previous application did not point out a contamination record. The concerns on contaminated land, if any, would have been addressed during the construction of this building. Ultimately, the current proposal does not include any operational development, and would therefore be considered acceptable in this instance.

CONCLUSIONS:

This application is related to the redevelopment of the former Passmores School site, and the temporary classroom building in question provides temporary accommodation for up to 120 students while their new college is under construction. The schedule of the redevelopment has been delayed, and it is considered reasonable that this temporary classroom continues to operate to provide education facilities for the pupils affected. The duration sought (another academic year) is also considered to be reasonable. Subject to appropriate planning conditions ensuring the building would be removed and the land to be returned to its previous form, there are no other material considerations suggesting that the retention of this temporary classroom building for another academic year would result in additional impacts to the surrounding area and amenities.

It is therefore recommended that planning permission be granted.

RECOMMENDATION:

That Committee resolve to Grant Planning Permission subject to the following conditions:

- 1 The building hereby permitted shall be removed and the land restored to its former condition on or before 30 September 2021 in accordance with a scheme of work submitted and approved by the Local Planning Authority.
REASON: The proposal represents a use such as the Local Planning Authority is only prepared to approve for a limited period having regard for the provisions of the Adopted Replacement Harlow Local Plan, July 2006 and its effect upon the surrounding area.
- 2 The details as included in the approved Travel Plan (Prepared by Local Transport Projects LTD, Reference LTP/19/3562 Rev.B, dated 19/09/2019) shall be implemented and should continue to be updated as necessary throughout the life of the school.
REASON: To ensure the proposal is accessible by more sustainable modes of transport such as public transport, cycling and walking in accordance with Policy T4 of the Adopted Replacement Harlow Local Plan, July 2006.
- 3 All windows on the northeast facing elevation of the building shall be glazed in obscure glass and shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.
REASON: In the interest of protecting amenity in accordance with Policy BE1 of the Adopted Replacement Harlow Local Plan, July 2006.

- 4 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

REASON: For the avoidance of doubt and in the interests of proper planning.

Plan Reference	Version No.	Plan Type	Date Received
332/008-SOS-00-00-DR-A-0001	P01	Existing Site Plan	28.02.2020
332/008-SOS-00-00-DR-A-0002	P01	Existing Block Plan	28.02.2020
332/008-SOS-00-00-DR-A-0003	P01	Existing Ground & Roof Plan	28.02.2020
332/008-SOS-00-00-DR-A-0004	P01	Existing Elevations	02.03.2020
332/008-SOS-00-00-DR-A-0006	P01	Proposed Site Plan	28.02.2020
332/008-SOS-00-00-DR-A-0007	P01	Proposed Block Plan	28.02.2020
332/008-SOS-00-00-DR-A-0008	P01	Proposed Ground & Roof Plan	28.02.2020
332/008-SOS-00-00-DR-A-0009	P01	Proposed Elevations	28.02.2020

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.