

## DEVELOPMENT MANAGEMENT COMMITTEE – 5 APRIL 2017

<b>Application Number</b>	3/16/2817/FUL
<b>Proposal</b>	Demolition of three classroom blocks and the creation of new block to house 17 classrooms with 6 temporary classrooms
<b>Location</b>	The Leventhorpe School, Cambridge Road, Sawbridgeworth, Hertfordshire, CM21 9BX
<b>Applicant</b>	The Leventhorpe School
<b>Parish</b>	Sawbridgeworth
<b>Ward</b>	Sawbridgeworth

<b>Date of Registration of Application</b>	16 January 2017
<b>Target Determination Date</b>	17 April 2017
<b>Reason for Committee Report</b>	Major Development
<b>Case Officer</b>	Nicola Mckay

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 The site is located within the Metropolitan Green Belt and forms part of the Leventhorpe School which is identified within the adopted Local Plan as a Major Developed Site (MDS). A small part of the site also falls within land designated, in accordance with Policy LRC1 of the Local Plan, for sport and recreation.
- 1.2 As part of the proposal extends beyond the MDS boundary, the new buildings represent inappropriate development in the Green Belt and, in addition to the harm by inappropriateness, some other harm is associated with a loss of openness; reduction in parking provision on the site and lack of detailed surface water drainage proposals. However, the harm caused in respect of these matters is considered to be limited and has to be weighed against the educational benefits of the proposal, something which is supported by national planning policy set out within the NPPF.
- 1.3 On balance, it is considered that the positive aspects of the proposal are sufficient to clearly outweigh any harm to the Green Belt such that very special circumstances can be said to exist to justify the proposed development in the Green Belt.

## **2.0 Site Description**

- 2.1 The application site is shown on the attached OS Map. It is located within the Metropolitan Green Belt to the north of Sawbridgeworth. The site is occupied by Leventhorpe School, a 6 forms of entry (6FE) secondary school academy, which comprises a number of school buildings of varying size and height, and a leisure centre.
- 2.2 The site is bounded to the south and east by predominantly residential areas and to the north and west by open land within the Green Belt.

## **3.0 Background to Proposal**

- 3.1 The application seeks planning permission for the demolition of three classroom blocks at the school and the construction in their place of a new block to house 17 classrooms. Six temporary classrooms are also proposed within the site to accommodate pupils during the construction works.
- 3.2 The buildings to be demolished comprise of a single storey pavilion building and adjacent teaching block and an existing two storey English teaching block. These existing buildings are located on the western edge of the school buildings and adjacent to an existing parking area and sports pitches.
- 3.3 The Design and Access Statement that has been submitted with the application outlines that the existing teaching facilities at the school are overcrowded. It is stated that a feasibility study carried out on behalf of the school identified that the school is deficient by 7 teaching spaces for its current pupil numbers and that the existing class spaces are undersized and fall short of recommended standards. The existing buildings proposed for demolition were identified as inefficient with some risk of asbestos in the exposed curtain linings, ceilings, floors, walls and building fabric. The existing classroom block and pavilion buildings are described as being in an advanced stage of disrepair.
- 3.4 It is proposed to replace these three buildings with a new two storey teaching block on roughly the same footprint as the existing buildings but extending slightly further to the west of the site in place of some parking spaces (resulting in the loss of approximately 12 spaces). The new building would provide the necessary additional teaching spaces required by the school and, together with some internal remodelling of other buildings, would also enable the school to expand to 8FE in the future.

- 3.5 The new teaching block would form an 'L-shaped' building of two storeys in height. It would have a series of pitched roofs, reaching a maximum height of approximately 10 metres, and is proposed to be clad externally in predominately brickwork, but with sections of render and timber cladding. The proposed replacement building would provide improved facilities and a more energy efficient building than those to be replaced.
- 3.6 In addition to the teaching block, a two storey mobile classroom building is also proposed to be located within the northern part of the site, between the swimming pool and an existing school building. A single storey mobile classroom building is also proposed in the location of an existing netball court within the southern part of the site and these are temporary structures for use during the construction works.

#### 4.0 **Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 and the adopted East Herts Local Plan 2007:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>Pre-submission District Plan policy</b>
Green Belt – Whether the proposals form appropriate development within the Green Belt	Section 9	GBC1 and GBC4	GBR1
Impact upon openness	Section 9		
Sport and recreation facilities – Whether the proposals have a detrimental impact on the provision of sport and recreation facilities	Section 9	LRC1	CFLR1
Parking – Whether suitable parking provision would remain within the site	Section 4	TR7	TRA3
Character and appearance – The impact of the proposals on the character and appearance of the existing site and the surrounding area	Section 7	ENV1	DES3
Neighbour impact – Whether the proposal would have a	Section 7	ENV1	DES3

detrimental impact on the amenities of neighbouring residential properties			
Planning Balance	Section 9	GBC1	GBR1

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

## **5.0 Emerging District Plan**

- 5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan has recently been completed and the detail of the responses is now being considered by Officers. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the detail of the responses to the consultation is yet to be considered.
- 5.2 In relation to development proposals within the Green Belt, policy GBR1 of the pre-submission Plan states that planning applications will be considered in accordance with national Green Belt policy as set out within the NPPF. That policy, at para 89, indicates that limited infilling or the redevelopment of previously developed sites are not inappropriate development in the Green Belt where the proposed new buildings would not have a greater impact on the openness of the Green Belt or the purposes of including land within it. Whilst the emerging District Plan does not designate Major Developed sites, as the adopted Local Plan does, this national policy position nevertheless supports the development of previously developed land in a similar way.
- 5.3 It is also material to note that the pre-submission Plan proposes to remove the parts of the site where the development is currently proposed from the Green Belt and from the land designated for sport and recreation. It is understood that no objections have been raised through the District Plan consultation process to the removal of this part of the site from the Green Belt and greater weight can therefore be given to the emerging Plan in this respect.
- 5.4 In relation to the other key issues identified above, the policies contained in the emerging District Plan do not differ significantly from

those contained in the adopted Local Plan and the NPPF as identified above.

## **6.0 Summary of Consultee Responses**

- 6.1 HCC Highway Authority does not wish to restrict the grant of permission given that there are no changes to the access to the school and construction may be accommodated well within the school curtilage. It comments that the development seeks to improve the existing accommodation and ease pressure within the existing school and as such will not immediately lead to an increase in staff and pupil numbers. However, the preparation of a Traffic Management Plan in order to ensure that construction vehicles are properly managed is recommended.
- 6.2 EHDC Environmental Health Advisor has recommended a condition restricting the construction hours of work and informatives relating to unsuspected contamination and asbestos.
- 6.3 The EHDC Landscape Advisor recommends that permission is granted and comments that there would be no adverse impact on significant trees and concludes that the proposal is non contentious in landscape terms.
- 6.4 The Lead Local Flood Authority initially objected to the proposal in the absence of a surface water drainage strategy. However, following the submission of further information from the applicant, they have subsequently withdrawn their objection and recommended a condition to require the submission of a surface water drainage strategy prior to the commencement of the development.
- 6.5 The EHDC Engineering Advisor comments that the site is situated within Flood Zone 1 and that the only historic flood incident recorded for the area is in Walnut Tree Avenue in 1995 which related to flooding from a watercourse. They comment that the proposals would probably not increase the area of impermeable land at the site. No drainage details or flood risk assessment has been submitted and the layout does not appear to show any green infrastructure although there is potential for green roof provision instead of the use of conventional pitched roofs.
- 6.6 Sport England does not wish to raise an objection, subject to a condition requiring the removal of the temporary classrooms and the reinstatement of the hard play area at the end of the construction period. It has commented that, while the disused sports pavilion would

be demolished, this is not a concern as new changing facilities were provided as part of the sports centre that was opened in 2011. During the construction works, temporary classrooms would be sited on part of the schools hard play area which would appear to affect one netball court. However, as this is for a temporary period and the school has six further netball courts it is unlikely that this would have a major impact upon the delivery of the PE curriculum. The proposal therefore results in a minor encroachment onto the games court area, but it is considered that the development would not reduce the sporting capability of the site.

## **7.0 Town Council Representations**

7.1 Sawbridgeworth Town Council has no objections to the proposal.

## **8.0 Summary of Other Representations**

8.1 One objection has been received from a neighbouring resident in School Lane. They comment that there are existing known problems with traffic in School Lane at the start and finish of the school day. If the proposal goes ahead and the school increases the number of classes, the problem will get worse. They request that a traffic order is made to legalise the yellow lines within School Lane.

## **9.0 Planning History**

9.1 Various planning applications have been submitted for extensions to and replacement of existing school buildings, none of which are of any direct relevance to the current proposal.

## **10.0 Consideration of Relevant Issues**

### Principle of development

10.1 The site is located within the Metropolitan Green Belt wherein policy GBC1 and the NPPF allow for specific types of development which are not considered inappropriate.

10.2 Policy GBC1 allows for the limited infilling or redevelopment of Major Developed Sites. However, whilst the majority of the proposed development falls within the Major Developed Site the proposed new teaching block in this case extends beyond the boundary of the MDS and the proposal cannot therefore be considered as appropriate development in accordance with the adopted Local Plan.

- 10.3 The NPPF states that the replacement of a building within the Green Belt with one that is not materially larger is not inappropriate development. However, as the proposal in this case would result in an additional floorspace of over 1,000sqm compared to that of the existing buildings, and that the two storey building would replace some single storey buildings on the site, then the development does not meet this criteria.
- 10.4 The NPPF also allows for limited infilling or partial redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt than the existing. Whilst Officers consider that the school would constitute a previously developed site, the increased size and height of the new building would inevitably have a greater impact upon the openness of the Green Belt than the existing and therefore the proposal cannot be considered as appropriate development in accordance with the NPPF.
- 10.5 The proposed development must therefore currently be considered as an inappropriate form of development in the Metropolitan Green Belt and, as Members will be aware, the NPPF indicates that inappropriate development should not be approved unless there are other material considerations which would clearly outweigh the harm caused by inappropriateness, and any other harm, such as to provide the very special circumstances necessary to justify the development.
- 10.6 It is therefore necessary to consider whether any other harm would result from the development and whether that harm is clearly outweighed by the positive impacts of the proposal.

#### Impact on openness

- 10.7 As outlined above, due to the proposed increase in size and height of the building compared to those it would replace, the proposal would inevitably have some impact on the openness of the Green Belt and this weighs against the proposal in the planning balance. However, the proposed teaching block would largely replace the footprint of the existing buildings with a small incursion beyond these onto an existing area of hardstanding. It would also be contained within the existing school site, infilling a space between existing buildings and an area of car parking and sports pitches enclosed by high fencing. Having regard to these matters, Officers consider that the visual intrusion into the openness of the Green Belt would not be significant and this limits the weight that is attached to this matter in the planning balance.

- 10.8 The temporary classrooms within the northern part of the site would also infill a space between existing buildings, and those within the southern part of the site would be constructed on an existing netball court. Again, some harm to openness would result from these buildings. However, as this would be for a temporary period only, during the construction works, limited weight is attached to the harm in the overall balance of considerations.

#### Sport and recreation facilities

- 10.9 A small amount of the proposed teaching block would intrude into land to the west of the existing buildings that is designated for sport and recreation. However, this area is currently in use for car parking and therefore the proposal would not result in a loss of existing sports and recreation facilities.
- 10.10 The proposed single storey temporary classroom building to the south of the site would result in the temporary loss of a netball court. However, having regard to the comments received from Sport England that this temporary loss would not have a major impact upon the school, Officers do not have any significant concerns in respect of this element of the proposal.
- 10.11 As the proposal would not result in the permanent loss of sport or recreation facilities at the site, Officers consider that there would be no conflict with Policy LRC1 of the Local Plan and as such no other harm would be caused by the proposal in this respect.

#### Parking

- 10.12 The Parking Statement submitted with the application states that the proposal would result in the loss of 7 parking spaces and a temporary loss of a further 10 during the construction works due to the siting of the temporary classrooms. However, having visited the site Officers would estimate that up to 12 parking spaces would be lost from the proposed permanent teaching block.
- 10.13 As outlined in the table at the end of this report, the applicant has stated that 144 parking spaces would be provided within the site and that an additional 43 spaces could be provided within an existing hard play/overflow parking area. The maximum adopted parking standards outline a provision of up to 145 spaces and the proposed District Plan parking standards do not alter this.



- 10.14 The proposed parking provision therefore meets the adopted and emerging parking standards for the current pupil numbers. Furthermore, if the school subsequently achieves its aim to expand to 8FE, then the parking provision, together with the 43 additional overflow spaces, will meet the standards required for that additional capacity. Having regard to this, and the comments received from the Highway Authority, Officers consider that the parking provision is acceptable. The Parking Statement submitted with the application also outlines that the school operates a robust Green Travel Plan policy to ensure that they are able to accommodate the proposed permanent and temporary reductions in on-site parking provision.
- 10.15 The concerns raised by a local resident in respect of existing parking problems in the adjacent residential road are noted. Members will know that this is a common problem in residential areas that are close to schools and, of course, it is not possible to provide sufficient on-site parking space for all the traffic associated with the dropping off and collection of children. In this case, it is apparent that there is some congestion at these times. However, that is an existing situation and the development the subject of this application will not, of itself, result in increased pupil numbers, although the aim of the school to increase to 8FE through further remodelling of other teaching spaces is noted. If the school does ultimately increase to 8FE capacity then there is the ability to use existing hard surfaced areas within the school grounds to provide an additional 43 spaces and thus meet the Council's parking standards.
- 10.16 It would not be reasonable therefore to refuse planning permission for the proposed development on parking grounds or indeed to require measures to be taken to control existing parking problems in surrounding streets as a result of this proposal. Consideration can of course be given to such measures by the Authority under separate legislation/control, but this should be considered separately from this particular planning proposal.
- 10.17 Notwithstanding the above, and given that the new teaching block would partially enable the school to achieve 8FE in the future, Officers consider it reasonable to require a review of the school's Green Travel Plan and a condition is therefore recommended to require the submission of an updated Plan to allow the Planning Authority some control over the parking provision available and the measures in place to promote sustainable transport.

### Character and Appearance

- 10.18 The proposed new teaching block is considered to be of a high standard of design that would reflect the modern buildings within the site and appear as an appropriate addition within the site.
- 10.19 Subject to a condition requiring details of materials to be agreed, Officers consider that no other harm would be caused by the proposal in respect of the character and appearance of the site and the surrounding area.

### Neighbour Impact

- 10.20 The proposed new teaching block would be sited approximately 30 metres from the boundaries with the rear gardens of the closest neighbouring dwelling houses, within School Lane, to the south of the site. Having regard to this distance and the two storey height of this proposed building, Officers consider that the proposal would not result in any significant harm in terms of overlooking, loss of light or outlook, and would not result in an overbearing impact on the neighbouring occupiers.
- 10.21 In respect of the proposed temporary mobile classroom within the southern part of the site, this would be located within close proximity of the neighbouring dwelling houses in School Lane. Having regard to its temporary nature and single storey height, Officers do not anticipate that any significant harm would be caused to the amenities of neighbours. However, a condition is recommended to require details of the temporary classrooms to ensure that this would not be the case.

### Other Matters

- 10.22 The Lead Local Flood Authority (LLFA) has requested that a detailed surface water drainage strategy is submitted as a condition of any permission to be granted. As part of this detailed work, the LLFA would seek a hydrological and hydro geological assessment of the site; the submission of surface water volume and run-off rate calculations; detailed engineered drawings of the proposed SuDS measures; and the provision of a sustainable drainage system prioritising above ground methods such as ponds, and swales. However, the applicant has provided confirmation that, whilst the replacement building is larger than the existing, the extent of hard surfacing and roofed areas remains the same, the existing classroom blocks are all located on an impermeable area and there is no additional surface water run-off proposed over and above that currently drained into the existing drainage system.

- 10.23 Officers are mindful of the likely costs involved in such a detailed assessment of surface water drainage at the site and, given that the site lies within an area at 'very low risk' of surface water flooding (based on the Environment Agency's mapping), and that no additional hard surfacing is proposed, Officers do not consider that it is reasonable in this case to impose the condition suggested. However, it would be reasonable to require some further detail on the proposed drainage strategy for the building to ensure that it would remain acceptable and, where possible, enhanced by the use of sustainable drainage measures such as rainwater harvesting; water butts; permeable surfacing etc. An alternative condition is suggested therefore to seek this information as part of the permission.
- 10.24 Sport England has recommended a condition to require the removal of the temporary teaching blocks at the end of the construction period. This is considered reasonable and would meet the tests in the CIL Regulations. A condition is therefore recommended to require the removal of the temporary structures and the reinstatement of the land within 3 months of the occupation of the new teaching block to ensure that a reasonable time period is available to allow a full transition to take place between the buildings.

#### Planning balance

- 10.25 In summary, the proposal is considered to be inappropriate development in the Green Belt and some additional harm is identified in respect of a limited loss of openness; a reduction in car parking spaces and the lack of detail in respect of enhanced sustainable drainage measures.
- 10.26 Against that harm, there is a need to balance the positive impacts of the development.
- 10.27 The NPPF outlines that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting school place requirements, and should give great weight to the need to create, expand or alter schools (paragraph 72 of NPPF). Having regard to this, Officers consider that significant weight should be attached to the benefits that the proposal would bring to the educational facilities within the site. Some enhancement of the surface water drainage of the site can be achieved through planning condition and car parking provision would, despite the loss of some spaces, remain in accordance with the adopted and emerging parking standards.

10.28 Officers also consider that some weight, albeit limited, should be attached to the proposal within the emerging District Plan to remove the proposal site from the Green Belt.

## **11.0 Conclusion**

11.1 The proposal constitutes inappropriate development within the Green Belt and some, albeit limited, harm would be caused by loss of openness and a reduction in the number of parking spaces within the site. Some additional limited weight is also given to the lack of details in respect of an enhanced sustainable drainage system at the site.

11.2 However, having regard to the other considerations outlined above; the sympathetic siting and design of the proposed permanent building; the temporary nature of the proposed mobile classrooms; and the benefits that the proposal would bring to the educational facilities provided within the site, Officers consider that the harm caused by reason of inappropriateness and the other harm that has been identified is clearly outweighed by the benefits of the proposal. Very special circumstances exist therefore to justify the grant of permission in this case.

## **Conditions**

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Materials of construction (2E11)
4. Within 3 months of the first occupation of the new teaching block hereby approved, the temporary classroom structures hereby permitted shall be removed and the site reinstated to its previous condition and use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, the openness of the Metropolitan Green Belt and to ensure that adequate sports provision is available within the site.

5. Green Travel Plan (3V27)
6. Prior to the commencement of the development hereby approved, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan'

shall identify details of: methods for accessing the site including construction vehicle numbers and routing, location and details of wheel washing facilities and associated construction parking areas and storage of materials clear of the public highway.

Reason: In the interests of highway safety.

7. Construction hours of working (6N07)
8. Prior to the commencement of the development further details of the temporary classroom units, to include plans showing the size and height of the buildings and the position of external windows shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties.

9. Prior to the commencement of the development hereby permitted, details of surface water drainage works for the proposed new teaching block shall be submitted to and approved in writing by the local planning authority. These details shall include an assessment of the potential for disposing of surface water by means of sustainable drainage measures and provide a management and maintenance plan for the lifetime of the development

Reason: In the interests of the management of surface water flows and in accordance with Policy ENV21 of the East Herts Local Plan Second Review, April 2007 and national planning policy guidance set out in section 10 of National Planning Policy Framework.

### Informatives

1. Unsuspected contamination (33UC)
2. Asbestos (34AS)

### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies and the very special circumstances that exist in this case is that permission should be granted.

**KEY DATA****Non-Residential Development**

<b>Use Type</b>	<b>Floorspace (sqm)</b>
Education	1,000.1 (net increase)

**Non-residential Vehicle Parking Provision**

Use type	Standard	Spaces required based on current capacity	Spaces required based on proposed expansion to 8FE
Education	1 space per full time member of staff plus 1 space per 100 pupils, plus 1 space per 8 pupils over 17 years old plus 1 space per 20 pupils under 17 years old	42 staff spaces  13 spaces for 1260 pupils 45 spaces for 360 pupils over 17  45 spaces for 900 pupils under 17 years old	56 staff spaces  16 spaces for 1579 pupils 47 spaces for 379 pupils over 17 60 spaces for 1200 pupils under 17 years old
Total required		145	179
Accessibility reduction	N/A outside of Zones 1-4		
Resulting requirement		145	179
Proposed provision		144 (187 with overflow parking)	144 (187 with overflow parking)