



**Rochford District
Council**

APPLICATION NO.	23/00776/FUL
ADDRESS	Hockley Primary School, Chevening Gardens, Hockley, SS5 4UR
APPLICATION DETAILS	Part retrospective application to Provide 2No. two storey temporary buildings for primary education at the Hockley Primary School site to temporarily replace school closed due to RAAC. Comprising classrooms, staff and office space, toilets, dining, kitchen and other amenities internally and football pitch, fencing, landscaping and associated site works externally all required for a period of three academic years until 31 st August 2026.
APPLICANT	Department For Education
ZONING	Educational Land Allocation and Metropolitan Green Belt
PARISH	Hockley Parish Council
WARD	Hockley

Summary

S.1 The application submitted is for two two-storey temporary buildings for primary education internally comprising classrooms, staff and office space, toilets, dining, kitchen, and other amenities; a football pitch, fencing, landscaping and associated external site works are proposed in order to temporarily replace Hockley Primary School due to the existing school building being affected by Reinforced autoclaved aerated concrete ('RAAC').

S.2 The proposed buildings and associated works are required for a temporary period of three academic years until the 31st of August 2026. The proposal would enable the delivery of education to students whilst working towards a permanent resolution for the school.

S.3 The application site is within an allocated area of educational land within the western part of the site and is designated metropolitan Green Belt. Officers consider the circumstances of the case to amount to very special circumstances in favour of the application that clearly outweigh any harm to the Green Belt. Should Members

be minded to approve the application, as the application is a departure from the Local Development Plan, the application is required to be referred to the Secretary of State.

S.4 At the time of writing the applicant and the Lead Local Flood Authority are actively working to resolve ongoing holding objections from the LLFA. It is anticipated there be an addendum incorporating the resolution of such matters in order to further advise and update members at the committee.

The RECOMMENDATION is that the Secretary of State for Levelling Up, Housing and Communities be advised that members are minded to APPROVE the application subject to the conditions set out below.

Conditions

Time limit

1. The development hereby approved is permitted until the 31st of August 2026. Thereafter, the development permitted shall be removed and the pre-existing playing field restored to its pre-existing condition before the development took place within 12 months of the removal of the temporary buildings.

REASON: In order for the development not to lead to a permanent reduction in the amount or quality of playing field land and in the interests of preserving the openness of the Metropolitan Green Belt.

Approved plans

2. The Development hereby approved shall be carried out in complete accordance with the following approved plans:
Tree protection plan Drawing No. Arbtech TPP 01 dated November 2023;
Arboricultural impact assessment Drawing No. Arbtech AIA 01 dated November 2023;
Existing natural turf pitches Drawing No. PJT10406-MCA-GA-GF-D-A-0013 Revision P01 dated 17.08.2023;
Proposed natural turf pitches Drawing No. PJT10406-MCA-GA-GF-D-A-0014 Revision P01 dated 17.08.2023;
GA elevations Drawing No. PJT10407-MCA-GA-BZZ-D-A-2001 Revision C04 dated 01.08.23;
General arrangement plan first floor Drawing No. PJT10407-MCA-GA-B01-D-A-1002 Revision C05 dated 01.08.23;

General arrangement plan roof plan Drawing No. PJT10407-MCA-GA-BRF-D-A-1003 Revision C03 dated 01.08.23;
General arrangement plan ground floor Drawing No. PJT10407-MCA-GA-BGF-D-A-1001 Revision C10 dated 01.08.23;
Proposed site plan Drawing No. PJT10406-MCA-GA-GF-D-A-0001 Revision C06 dated 17.08.23;
GA sections Drawing No. PJT10407-MCA-GA-BZZ-D-A-3001 Revision C03 dated 01.08.23;
GA sections Drawing No. PJT10406-MCA-GA-AZZ-D-A-3001 Revision C02 dated 28.07.23;
GA elevations Drawing No. PJT10406-MCA-GA-AZZ-D-A-2001 revision C03 dated 28.07.23;
General arrangement plans roof Drawing No. PJT10406-MCA-GA-ARF-D-A-1003 Revision C03 dated 28.07.23;
General arrangement ground floor plan Drawing No. PJT10406-MCA-GA-AGF-D-A-1001 Revision C06 dated 25.07.23;
General arrangement plans – first floor Drawing No. PJT10406-MCA-GA-A01-D-A-1002 Revision C03 dated 25.07.23;
External installation Drawing No. PJT10406-LRH-122-XX-D-M-5001 Revision CO4 dated Aug 23;
Drainage Layout Drawing No. PJT10406-DID-XX-XX-D-C-5011 Revision C03 dated Aug 23;
Landscape general arrangement Drawing No. PJT10406-NDA-126-XX-D-L-1020 Revision P01 dated 31.10.23;
Location of underground services and drains Drawing No. 57257 dated Aug 2023;
Topographical Survey Drawing No. CSI594S-S-103 Revision A dated 06.08.2023;
Location Plan dated 08.09.2023
Preliminary Ecological Appraisal (Arbtech Ltd, October 2023)
Construction Phase Health and Safety Plan and Traffic Management Plan Revision 3 dated 3rd May 2022.

REASON: For the avoidance of doubt and to specify the plans to which the permission relates.

Submission of external materials

3. The development shall be carried out in accordance with the approved details of the external appearance of the buildings proposed unless any variation is first agreed in writing by the Local Planning Authority.

REASON: To ensure the external appearance of the buildings are acceptable having regard to Policy DM1 of the Council's Local Development Framework Development Management Plan.

Flooding

4. A surface water management maintenance arrangement including who is responsible for the different elements of the surface water drainage system and the maintenance activities/frequencies shall be submitted to the Local Planning Authority and agreed in writing.

REASON: In the interests of surface water management and site maintenance as the site falls within an area of Critical Drainage.

Tree protection measures

5. The submitted Arboricultural Impact Assessment (drawing No. Arbtech AIA 01 dated Nov 2023) and Tree Protection Plan (drawing No. Arbtech TPP 01 dated Nov 2023) and method statement (dated 16th January 2024) in accordance with BS 5837 shall be implemented and adhered to for the duration any groundworks for the site and during construction phases of the proposed development. Construction phase photos shall be sent to the local planning authority showing the barriers and ground protection to ensure compliance.

REASON: To ensure the protection of nearby trees in the interests of protected areas of woodland and in the interest of visual amenity generally afforded by the trees on the site.

Lighting

6. A lighting scheme for any external or freestanding floodlights or other means of artificially illuminating any part of the site detailing the positioning of such lights, type, luminosity levels and means of control/operation shall be submitted to the Local Planning Authority for agreement.

REASON: To enable the Local Planning Authority to retain adequate control over such means of illumination, in the interests of residential amenity.

Highway Safety

7. The Construction Phase Health and Safety Plan and Traffic Management Plan Revision 3 dated 3rd May 2022 shall be implemented and adhered to during the construction phase of development.

REASON: In the interest of highway safety in accordance with Policy DM 30.

Ecology

8. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech Ltd, October 2023) as submitted with the planning application unless alternative mitigation measures are proposed which shall first be submitted to and agreed in writing by the Local Planning Authority.

REASON: To conserve Protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and section 40 of the NERC Act 2006 (Priority habitats & species).

9. Prior to installation, a wildlife sensitive lighting design scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on the site that are particularly sensitive for bats and that are 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, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) 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.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and section 40 of the NERC Act 2006 (Priority habitats & species).

Sports & Community Facilities

11. Prior to the removal of the modular buildings hereby permitted, a scheme for the reinstatement of the playing field, including an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The playing field shall be restored in accordance with the approved scheme.

REASON: To ensure the site is restored to a condition fit for purpose as a playing field in the interests of providing adequate sport provision for the school.

1.0 PLANNING APPLICATION DETAILS

DRAWING NOS.	
	Tree protection plan Drawing No. Arbtech TPP 01 dated November 2023
	Arboricultural impact assessment Drawing No. Arbtech AIA 01 dated November 2023
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	Drainage Layout Drawing No. PJT10406-DID-XX-XX-D-C-5011Revision C03 dated Aug 23

	<p>Landscape general arrangement Drawing No. PJT10406-NDA-126-XX-D-L-1020 Revision P01 dated 31.10.23</p> <hr/> <p>Location of underground services and drains Drawing No. 57257 dated Aug 2023</p> <hr/> <p>Topographical Survey Drawing No. CSI594S-S-103 Revision A dated 06.08.2023</p> <hr/> <p>Location Plan dated 08.09.2023</p>
SUBMITTED DOCUMENTS	<p>Arboricultural Method Statement (Arbtech) dated 16th January 2024</p> <hr/> <p>Flood Risk Assessment (Hydrolock) dated 23rd October 2023 Document Reference 3157-HYD-XX-XX-RP-SBSO-0001</p> <hr/> <p>Sustainability and Energy Statement (LRH Engineering)</p> <hr/> <p>BRUKL Output Document Hockley PS Phase 2 dated 5th September 2023</p> <hr/> <p>BRUKL Output Document Hockley PS Phase 1 dated 17th August 2023</p> <hr/> <p>Landscape and Visual Assessment (Natural Dimensions) dated 3rd November 2023</p> <hr/> <p>Supporting Letter (JLL Ltd) dated 26th October 2023</p> <hr/> <p>Planning Statement (JLL) October 2023</p> <hr/> <p>Statement of Design Methodology and Compliance (Commercial Kitchen Ventilation System)</p> <hr/> <p>Design and Access Statement (McAvoy)</p> <hr/> <p>Arboricultural Survey (Arbtech) dated 12th October 2023</p> <hr/> <p>Preliminary Ecological Appraisal (Arbtech) dated 16th October 2023</p> <hr/> <p>Letter Knapp Hicks & Partners Ltd dated 17th August 2023</p> <hr/> <p>Construction Phase Health and Safety Plan Hockley Primary School PJT 10408 Revision No. 1</p>

The Site

- 1.1 The application site is located approximately 0.65 kilometres northwest of the town centre area of Hockley. The site is north of the residential setting of Chevening Gardens and sits between Folly Wood to the southwest and Betts Wood to the east. The site occupies an area of approximately 1.8 hectares and is of Educational Land allocation for the entire site, but the western playing field (some 0.76 hectares) also

falls within designated Metropolitan Green Belt. A public right of way accessed from Osborne Avenue runs adjacent the west and north boundary of the application site.

- 1.2 The existing site has access fronting Chevening Gardens and the site slopes in a northerly direction from its access on Chevening Gardens. The existing school building is located somewhat centrally of a large area of hardstanding which is used as a playground. Beyond the hardstanding, the site is occupied by many trees on ancient woodland.
- 1.3 To the west of the school building was an open playing field. It should be noted, that at the time the application for planning permission was submitted and prior to validation, works to the site for temporary school buildings had partially started in light of recent permitted development rights issued by Government (October 2023). Development of the site during the course of the application process has therefore resulted in the application becoming partly retrospective. The west of the site prior to the erection of the proposed temporary buildings was an open mowed grassed playing field used to support the schools sport and recreation activities.
- 1.4 Development of the site before the grant of planning permission has occurred because the existing school building (which is a single storey school building) comprises Reinforced Autoclaved Aerated Concrete (hereafter referred to as 'RAAC') material and in light of structural surveys is considered unsafe. The existing school building has therefore been evacuated entirely and the proposal seeks permission for temporary buildings and other external provision and amenities so as to enable the school to continue to function.

The Proposal

- 1.5 The proposal seeks permission for two temporary buildings which would accommodate classrooms, toilets, dining and kitchen facilities, staff and office space facilities. The proposal also seeks a football pitch, fencing, landscaping and associated site works externally. The elements of the proposal seeking permission are all required for a period of three academic years until the 31st of August 2026.
- 1.6 The northernmost temporary building is referred to as 'Phase 1' and accommodates classroom needs for Key Stage 2 pupils. This proposed building would be two storey, approximately 7.5m in height, some 23.73m in length and some 22.2m in width (not including the external staircase to the north elevation). The main entrance to the building

would be sited centrally of the east elevation. Several windows would be sited to the east and west elevations of the building, with no windows proposed to the south and only one opening to the first-floor north wall.

- 1.7 The ground floor of the Phase 1 building would accommodate four classrooms, gender assigned and disabled access and staff toilet facilities, a reception room, meeting room, storage rooms and lobby/circulation areas. The first floor would accommodate five classrooms, server room, gender assigned and disabled access and staff toilet facilities and lobby/circulation areas. The total internal floor area provided by the phase 1 building would equate to some 892.8m².
- 1.8 The building referred to as 'Phase 2' would also be two storey and approximately 7.5m in height and some 22.2m in width. It would measure some 26.67m in length at first floor level and 29.77m in length at the ground floor. The main entrance to the phase 2 building would also be sited to the east elevation to the side of an extended canopy area which would provide a reception outdoor learning area, connecting to the early years classrooms. The canopy would measure some 3m depth x 15m length x 3m height to cover part of the outdoor play space which is approximately 6m x 15m.
- 1.9 Several openings would be sited to the east and west elevations of the buildings, notably four sets of doors to the ground floor east to access the link to kitchen, lobby entrance and early years classrooms. The west elevation provides two sets of entrances to the dining room and door to the kitchen. The north elevation would feature one door to the ground floor and window to the first floor, with the south elevation featuring no access points but two windows to each floor level.
- 1.10 The ground floor of the Phase 2 building would accommodate two early years classrooms, dining hall (capacity for 168 persons) and dining store, two meeting rooms, principles office, reception room, cleaning storeroom, electrical storage room, kitchen preparation room and kitchen, separate office and toilet facility, and gender assigned early years toilets and disabled access and staff toilet facilities. The first floor would accommodate three classrooms for Key Stage 1 pupils, a staff room, two office rooms, server room, two storage rooms, gender assigned Key Stage 1 toilets and disabled access and staff toilet facilities as well as hallway/stairway circulation areas. The total internal floor area provided by the phase 2 building would equate to approximately 1035.44m².

- 1.11 The external finishes to the buildings would consist of composite cladding panels in ‘oyster’ colour (light grey-off white) for the walls, uPVC top hung window units (grey frame colour) and aluminium framed doors also in grey colour. The external fascia, rainwater guttering, and downpipes will also be grey in colour.
- 1.12 The scheme also comprises the erection of 2.0m height ‘V mesh’ fencing along the eastern boundary of the proposed buildings and the existing school site with fob-controlled access for security. Raised rectangular planters to the east elevation of the school buildings and to the north, an evergreen hedge to part of the south site boundary and a footpath around the perimeter of the school buildings. To the south, the plans also include a five-a-side football pitch for sport provision.

2.0 MATERIAL PLANNING CONSIDERATIONS

Principle of Development

- 2.1 The latest version of the National Planning Policy Framework (‘the Framework’) was revised in December 2023. Like earlier versions it emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development, through three overarching objectives – economic, social and environmental. It makes plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The framework emphasises the focus on design quality, not only for sites individually but for places as a whole.
- 2.2 To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, then planning permission should be granted unless the application of policies in the Framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide 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 the Framework taken as a whole.

Green Belt Considerations

- 2.3 According to the Council's Development Management Plan 2014 (DMP) the application site is located within educational land, but the western part of the site (the pre-existing playing field) is also located within allocated Metropolitan Green Belt. The National Planning Policy Framework (the Framework) stipulates that the construction of new buildings in the Green Belt is generally regarded as inappropriate development and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist which outweigh the harm of such development.
- 2.4 Paragraph 154 of the Framework lists exceptions where development may not be considered inappropriate within the Green Belt. The exceptions are listed below:
- 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 grounds and allotments.
 - 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);
 - g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - 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.

- 2.5 The proposed modular buildings are not considered to fall within an exception as outlined within paragraph 154 of the Framework and are therefore regarded as inappropriate development in the Green Belt, which is therefore harmful by definition. There is also harm identified to openness of the Green Belt, as the proposed modular buildings are of scale and mass substantially greater than the existing school building, they are replacing on a temporary basis and are sited within an otherwise open area of land, absent of built form and which can be viewed from the public realm on Chevening Gardens and the public right of way adjacent the western site boundary.
- 2.6 Paragraph 153 makes clear that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Harm has been identified to openness of the Green Belt as well as definitional harm, however, there is a permitted development fallback position for part of the proposed development.
- 2.7 The department for Levelling Up, Housing and Communities has issued an explanatory memorandum to the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2023. The Order introduced a new time-limited permitted development right (Part 4 to Schedule 2, Class CB) for temporary buildings on school land where the school has a building affected by RAAC. The permitted development right that came into force in October 2023 is laid until October 2026. The permitted development right now allows for development not increasing the school's admission number and the combined floor space of any buildings provided not being more than 125% of the combined floor space of the parts of the RAAC-affected buildings vacated.
- 2.8 The first phase building is considered by the Local Planning Authority to meet the restrictions as set out within the permitted development right such that this building is considered lawful until such a time as the permitted development right ceases in October 2026.
https://www.legislation.gov.uk/ukxi/2023/1110/pdfs/ukxiem_20231110_en_001.pdf
- 2.9 Notwithstanding the permitted development right as explained above, the PD right does not capture all elements of the proposal subject to consideration of the application as it only captures the phase 1 building. However, there are very special circumstances to be considered.
- 2.10 The 'very special circumstances' in this case, is that the proposal is in emergency response to the existing school being a RAAC affected building which required evacuation and therefore temporary buildings and provision are required to enable to school to continue to function and deliver education to its existing pupils. It was also observed on site by the case officer that the existing school building was undergoing maintenance problems (as confirmed

by the schools caretaker) due to the tree roots from the surrounding mature trees on site.

- 2.11 The scale of the proposed temporary buildings is justified by the applicant as the existing school building would not now conform to current Department for Education (DfE) guidance. As a standalone new development, the floorspace to replace the RAAC affected buildings is required to be informed by current DfE guidance which has resulted in the larger scale proposed buildings. The applicant explains that the scheme is perhaps more limited than what could have otherwise been provided and that this is in order to replace existing facilities due to the urgency in providing acceptable alternative temporary provision for the school. The proposal does not result in an uplift in pupil numbers.
- 2.12 It is clear than in order for the school to continue to function, temporary buildings are required. Due to the site's constraints and the limited open areas within the application site, the most appropriate place for the proposed temporary buildings to be sited is within the open field to the west of the existing school building which falls within Metropolitan Green Belt. It is not considered that the proposed temporary buildings would be suitable elsewhere within the application site. Not providing temporary buildings would result in the school being unable to operate. It is also considered that it would be an unlikely solution for the school to provide facilities elsewhere outside of the application site given the time constraints for the school to provide open facilities to educate the existing students and that it is likely the school draws pupils from the local area. Providing off-site facilities so as to avoid harm to Green Belt land and the existing playing field provision is not considered a favourable or realistic solution in this case.
- 2.13 A landscape assessment (produced by Natural Dimensions dated 3rd November 2023) has been provided which sets out the landscape significance of the site and impact of the proposal, not just in relation to visual amenity but also with regards to Green Belt.
- 2.14 The landscape assessment states that '...the site is located amongst residential settlement on the northern fringe of Hockley on the edge of green belt in a location which straddles the transition from urban edge to open greenspace. Educational buildings and two storey settlement are characteristic of the townscape whilst the playing fields provide a buffer to the well wooded farmland and recreational land to the north. The proposed building is generally lower than the existing, will be set further back from Chevening gardens on the north boundary of the field and entail the use of coloured cladding to help blend the appearance of the building into the landscape. The proposed scheme also provides landscape mitigation with planting at the foot of the buildings and on the field boundaries.'

- 2.15 It goes on to conclude that ‘...the arrangement of the building and the layout of the surrounding housing on Chevening Gardens means that no adjacent visual receptor has a full front or back facing view of the entire site and views to the site from the adjacent and other receptors are oblique, screened, substantially obscured or heavily filtered. Mitigation planting will also help to screen existing views after establishment.’
- 2.16 Although the landscape assessment identifies that the open field holds value, the nature of the site integrates the proposed scheme well and the scheme is considered acceptable in terms of its landscape and visual impact.
- 2.17 The very special circumstance is attributed significant weight and given that the proposal is for temporary development whereby conditions would be implemented to ensure its removal at the end of the required time period; and the existing playing field to be restored, therein restoring the openness and permanence of the Green Belt and character of the landscape, the very special circumstances in this case are considered to outweigh the harm and any other to the Green Belt.

Design

- 2.18 Good design is promoted by the Framework as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
- 2.19 Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Council’s Development Management Plan (2014) which states that; ‘The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative’. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
- 2.20 Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings.

- 2.21 Furthermore, policy DM1 seeks to ensure that buildings are harmonious in character, scale, form and proposed materials, have an acceptable relationship with adjacent properties and have an acceptable visual impact in terms of the street scene. The Framework advocates and infers that proposals should create high quality places which maintain a strong sense of quality and place. As previously stated, the application site is adjacent to areas of woodland and Metropolitan Green Belt land to the north, east and west, but the site is also visible within the residential setting of Chevening Gardens and the dwellings to the south on Osborne Avenue.
- 2.22 The proposed buildings of a height some 7.5m are sited to the northern part of the west playing field, some 70m to the nearest residential buildings to the south of the site on Chevening Gardens. They appear of contemporary modular design of angular box-like form. The form and contemporary aesthetic of the proposed buildings, although contrasting with the traditional residential style of buildings to the south, are considered pleasantly designed. Notwithstanding a lack of design guidance relating to educational buildings, the scale and appearance of the buildings are considered acceptable given the expectation the buildings are of a temporary nature.
- 2.23 The external finish of the walls in a light grey/oyster colour assists with mitigation of the scale of the buildings whilst the window frames, doors and other external details are finished in grey, providing a contrasting but modern appearance. The windows are sited to the elevations with consistent spacing, symmetry and axes that breaks up the expanse of elevation. Furthermore, planting arrangements are proposed to be installed to the east elevations of the buildings, with an arrangement also to the north elevation. The proposed soft landscaping and existing trees within the site are considered to soften the appearance of the buildings, integrating the scheme better amongst the sites' surroundings.
- 2.24 It is considered other elements also included within the proposal such as the hardstanding footpath around the perimeter of the proposed temporary buildings and the fencing to be installed are considered reasonably required to assist with the functionality of the school and are considered acceptable.
- 2.25 The overall design and layout of the scheme is considered acceptable in accordance with Policy DM1 of the Council's Development Management Plan, Core Strategy and guidance advocated within the Framework.

Residential Amenity

- 2.26 Paragraph 135 (f) of the Framework seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in the Council's Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
- 2.27 Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application, a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure affecting the amenity of adjacent properties.
- 2.28 The nearest residential properties are located over approximately 70m to the south of the site fronting Chevening Gardens and are sited on higher ground than the proposed modular buildings due to the declining sloping ground level of the application site to the north. Notwithstanding that the proposed temporary buildings are two storey in height (approximately 7.5m), it is considered that their distance located from the nearest properties in combination with the difference in ground level of the site is not considered to materially overshadow or be overbearing upon the adjoining residential properties.
- 2.29 To the south of the proposed temporary buildings would be a football pitch. Given that the pre-existing open field was used for sport and recreation, and the proposal does not seek change of use of the site as the land is allocated in its entirety as educational land, the limited use of the football pitch and open land to the south of the modular buildings for sport recreation is not considered to give rise to unreasonable impacts upon the amenity of the adjoining occupiers.
- 2.30 Overall, considering the scale and design of the development, separation distances and typography of the site, the proposal complies with the aims and objectives of Policy DM1. The proposal is not considered to give rise to issues relating to loss of privacy, loss of light or direct overlooking.

Lighting

- 2.31 A neighbour letter has raised concern that lighting has been installed to the temporary buildings of which details have not been included in the plans and raises concern on the impact of the lights on the amenity of the adjoining occupiers.
- 2.32 Officers have raised this with the applicant to investigate if the lighting is permanent and forms part of the proposed temporary buildings or if the lighting is temporary and required during the construction phase of the site. The response is awaited and will be addressed in the Addendum and officer presentation.
- 2.33 Given the temporary nature of the scheme, it is considered that a condition could be suitably worded for a lighting scheme to be submitted to Local Planning Authority to be agreed in writing.

Sustainability

- 2.34 The submitted Design & Access Statement sets out that using modular construction for the proposed temporary buildings achieves a high premanufactured value (PMV) and therefore waste to landfill is considerably reduced. The approach to designing out waste by using standard module sizes means that roof, walls and floors are designed in line with full roof/wall/floor panels, thus eliminating waste from cut-offs.
- 2.35 The planning statement also sets out that modular construction allows the proposed buildings to be constructed largely from previously used building components and that when the need for the temporary building expires and Hockley Primary School can return to a permanent school, the units are likely to be reused elsewhere.
- 2.36 Notwithstanding that as of the end of January 2024, much of the scheme has been constructed; the pre-fabrication of building components off-site in a factory environment minimises on-site noise pollution and disturbance to the nearby dwellings during the construction process. The nature of the buildings assembly also reduces the on-site construction period and associated transport movements and construction waste.
- 2.37 The Council's Policy ENV10 requires new non-residential buildings, as a minimum, to meet the BREEAM rating of 'Very Good', unless such requirements would render a particular development economically unviable.

- 2.38 Policy ENV8 – On-Site Renewable and Low Carbon Energy Generation, states that developments of five or more dwellings or non-residential developments of 1,000 square metres or more should secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless this is not feasible or viable.
- 2.39 A Sustainability and energy statement and BRUKL reports have been submitted which confirm the proposed buildings compliance with Building Regulations (Part L 2021).
- 2.40 In response to Policy ENV8, the planning statement confirms that the temporary nature of the proposal means that the installation of on-site renewable energy is not feasible. The proposed buildings are also not proposed to meet the BREEAM rating as set out in Policy ENV10 of the Core Strategy given the temporary nature of the scheme. The financial and energy saving payback period on renewable technologies is estimated to be between 7 and 15 years rendering them non-viable for temporary development whereby the scheme is proposed for use of much less time (until the end of August 2026). The scheme has however, incorporated energy efficiency measures that will reduce energy consumption and CO₂ emissions on the life of the building, such as the thermal environment within the temporary buildings – which will be maintained by a Variable Refrigerant Flow (VRF) heating/cooling system which comprises an external heat pump supplying multiple internal units in which the system can operate in heat recovery mode which allows for heat extract from spaces in cooling mode to be transferred to spaces requiring heating.
- 2.41 As the proposed buildings are in response to emergency circumstances and are for a temporary period of use only until the end of August 2026, it is not considered reasonable for the proposed buildings to strictly accord with Policies ENV8 and ENV10 given that the intention of the policies are to ensure on-site renewables and low carbon energy generation for buildings of a permanent nature. The buildings proposed would require their use to cease and be dismantled at the end of a short time period and strict adherence to the policies may affect viability of the scheme. Should the school wish to use or incorporate on-site renewables, this would be welcomed but at the present time is not considered a reasonable requirement given the circumstances of the application.

Trees

- 2.42 Policy DM25 of the of the Council's Development Management Plan 2014 states that:

“Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.

Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.

Where existing trees and/or woodlands of ecological or landscape importance should be retained, any planning permission will be conditioned to ensure the retention and continued maintenance/management of these features. On-site environmental enhancements including opportunities to create/enhance/restore habitats will also be sought.”

- 2.43 There are several trees located within the application site and the existing primary school building is surrounded by ancient woodland. The site itself is also located between two local wildlife sites, Betts Wood and Folly Wood. Notwithstanding the constraints of the site with regard to trees and woodland, the proposed temporary buildings are sited within the open field and therefore the proposed buildings are considered to have limited impact upon the surrounding trees. The Arboricultural Impact Assessment does however identify that fencing, footpath and the driveway would impact the root protection area of several trees and that one category C tree (identified as a Beech tree) would require removal.
- 2.44 The Councils’ Arboricultural Officer was consulted and finds removal of the category C tree to be acceptable. The submitted tree protection plan and method statement are in accordance with BS 5837 and the Arboricultural Officer recommends the documents should form part of the approved drawings / working methods. A suitable condition should be provided that ensures the working methods, tree protection and monitoring are implemented as part of the demolition/ground works and construction phase.
- 2.45 To conclude, it is considered that there would be no unacceptable impact on trees/landscape of the proposal subject to the imposition of recommended conditions such that the proposal is acceptable in accordance with Policy DM25 of the Development Management Plan.

Flooding

- 2.46 The Council's Policy DM28 –Sustainable Drainage Systems (SUDs) of the Development Management Plan specifies that in cases where there is a perceived risk of flooding from surface water run-off arising from the development of 10 residential units or fewer, the Local Planning Authority will require the submission of a Flood Risk Assessment in order to properly consider the proposal. The assessment must include details of SUDs to be incorporated in the development to ensure that any risk of flooding is not increased by surface water runoff arising from the site. Any SUDs identified as being needed, will be required to be incorporated into developments.
- 2.47 According to the Environment Agency's Flood Risk Map, the application site is located entirely in Flood Zone 1 where there is the lowest probability of flooding from rivers and the sea and to where development should be directed.
- 2.48 The Environment Agency's Flood Risk Map from Surface Water identifies the site being mainly within an area of very low risk of flooding, however parts of the site to the northwest fall within areas of low risk and the southeast of the site adjacent the existing school building falls within an area of high risk of surface water flooding. The Lead Local Flood Authority have also identified that the site falls within an area of Critical Drainage.
- 2.49 A flood risk assessment (document reference 31757-HYD-XX-XX-RP-SBSO-0001 dated October 2023) has been submitted and a drainage plan provided.
- 2.50 Section 3.3 of the submitted Flood Risk Assessment sets out that according to the EA Long Term Flood Risk Map (Surface Water) which contains the Risk of Flooding from Surface Water (RoFSW) dataset, the site is at 'very low' (<0.1% annual probability) to 'low' (0.1 - 1% annual probability) of surface water flooding. A potential surface water flow route occurs through the site in the 'low' risk, low probability event. The area of the proposed temporary school buildings is considered lower risk of flooding compared with the existing school building whereby surface water ponding is shown to occur from the 'high' risk event, where ground levels are lower in relation to the adjoining land. The FRA does not indicate the area to have a low susceptibility to groundwater flooding such that no mitigation measures are considered necessary.
- 2.51 As the area is located within Flood Zone 1, the sequential test is not required. Annex 3 of the Framework classifies educational establishments as 'more

vulnerable’. According to the National Planning Practice Guidance ‘Flood risk vulnerability and flood zone ‘incompatibility’ Table 2, the proposed development would not require an exception test, and that the development of ‘more vulnerable’ classification is acceptable within Flood Zone 1.

2.52 Notwithstanding that the development is considered acceptable for its location, mitigation measures included are as follows;

- Floor of modular blocks set 400mm above the ground beneath;
- Provision of overland flow route towards north and northeast around the new blocks;
- Design exceedance flows contained within the landscape areas; and
- Adequate drainage/SuDS provision to manage development runoff.

2.53 The Lead Local Flood Authority has been consulted on the application and as of the 31st January 2023, have issued a holding objection based on the following.

- *“As the site is located within a Critical Drainage Area, we would expect to see water butts installed. Furthermore, we would also expect to see permeable paving used. Please clarify areas of the site which already have hardstanding surfacing that will remain and any areas of hardstanding that will be dug up to develop the site, the areas that will be dug up should use permeable paving.*
- *All areas of the site should receive sufficient water treatment and above ground features are preferable.*
- *Sufficient storage should be provided to ensure no internal flooding as a result of the development during all storm events up to and including the 1 in 30-year storm event and no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event. Please provide drainage calculations showing this.”*

2.54 It is anticipated that points of concern and clarification identified within the LLFA holding objection can be overcome in a timely manner prior to the Development Committee, such that subject to withdrawal of the LLFA holding objection, the application can move forward with determination. Any changes to plans and documentation as a result of the developer liaising directly with the LLFA are to be reported in the Committee addendum.

Parking & Highway Safety

2.55 Policy DM1 of the Council’s Development Management Plan requires sufficient car parking, whereas Policy DM30 aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council’s adopted parking standards as set out within the Parking Standards Design and Good Practice guide (2010).

- 2.56 Policy DM31 makes clear that any new major developments must include appropriate traffic management measures to facilitate the safe and efficient movement of people and goods by all modes whilst protecting and enhancing the quality of life within communities, facilitating the appropriate use of different types of road and environment, and achieving a clear, consistent and understandable road, cycle and pedestrian network. These measures will comprise, amongst others, reducing the impact of motorised traffic, traffic calming measures, measures to assist public transport (for example bus gates or lanes), cycling, walking and horse riders, congestion relief, and other speed and demand management measures. Potential impact on the natural, built and historic environment should also be taken into consideration.
- 2.57 In accordance with paragraph 115 of the Framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 2.58 Given that the proposal would not significantly alter the current parking provision or vehicular access at the site or result in a requirement for permanent increase in parking provision, no concerns are raised with regards to highway safety.
- 2.59 The proposal includes a Construction Phase Health and Safety Plan which includes a Traffic Management Plan (Appendix 2, page 59 of the CPHSP document) which will be in place during the development. The traffic management plan seeks to minimise impact to the surrounding residential properties with vehicles able to use the existing school access. On-site working hours will also be restricted to between 8am-5pm Monday to Friday, 8am – 1pm Saturdays, and Sundays/Bank holidays as non-working days.
- 2.60 Essex County Council Highway Authority were consulted on the application and find the proposal acceptable.

Sports & Community Facilities

- 2.61 The Council's Policy DM16 specifies that development of new sports facilities will be supported where it is demonstrated that the proposal has been considered in light of Sport England Guidance. The proposal, does not seek new sport facilities per se, and would result in the loss of part of the existing sports field in order to accommodate the proposed temporary buildings, however, efforts have been made to ensure that sport provision is still

accommodated within the school grounds, and where this is not possible, can be accommodated within the school trust.

- 2.62 Section 16 of the Framework ‘Promoting healthy and safe communities’ sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which promote social interaction, safe and accessible developments and enable and support healthy lifestyles. Paragraph 103 of the Framework states that “existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.
 - or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
 - or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”
- 2.63 The proposal would result in the temporary loss of the large open playing field within the west part of the application site to allow for the proposed temporary buildings. Details have been provided that clarify that the field was not previously used by the local community outside of school hours prior to the installation of the proposed temporary buildings and it is not anticipated that there would be community use of the site whilst the temporary buildings are on site.
- 2.64 The proposal includes the provision of a natural turf five-a-side football pitch to the southwest of the site (south of the proposed temporary buildings) which would provide winter sport provision, and the area is also capable of hosting a rounders pitch. It is confirmed that the school is part of a trust which includes other schools within the Hockley area including The Westering’s Primary Academy, Plumberow Primary Academy and Ashingdon Primary Academy. The school has confirmed that there are flexible arrangements to access off-site playing fields within the other schools where necessary. There is an existing system in place whereby the schools align calendars termly to share use of sports facilities for activities and school events and this system would be used in order to ensure facilities are provided for the school’s sporting events whilst the temporary buildings are situated on the existing playing pitches. Summer sport provision (i.e. for athletics) will be organised through the shared calendar system.
- 2.65 Sport England have been consulted on the application and do not object to the proposed development subject to inclusion of two conditions; for restoration of the pre-existing playing field, and that the temporary buildings

are removed at the end of the three-year period they are required for. Sport England have acknowledged that although the proposal would not technically accord with the exceptions as set out within paragraph 103 of the Framework, the temporary buildings have been erected as an emergency response to the discovery of RAAC within the existing school building, which has necessitated temporary accommodation to be provided to allow the school to continue to operate on the site while a permanent solution is implemented. The classrooms are only proposed to be sited on the playing field for a temporary period of up to three years. Consequently, the proposal would not result in the permanent loss of this part of the playing field.

- 2.66 Furthermore, as the retained playing field area would have space for a 5-a-side mini football pitch in the winter and a rounders pitch in the summer, some of the school's playing pitch needs could be met on site. The school have advised that access to a running track during the summer term for athletics and sports days will be arranged through using one of the other primary schools facilities in the academy trust, and no pre-existing community use (outside of school hours) of the playing fields would be affected by the proposal.
- 2.67 In light of the unusual circumstance which has triggered the need for the proposed development, and the consultation response from Sport England which does not raise objection to the proposal subject to securing the recommended conditions, the impact of the proposed development upon sport and community facilities is considered acceptable.

Ecology

- 2.68 The Council's Policy DM27 sets out that proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat, and/or the priority species or its habitat.
- 2.69 A preliminary ecological appraisal of the site was conducted by Arbtech in October 2023. Essex County Council's Place Services Ecological Consultants and Natural England were consulted on the application. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 2.70 Essex County Council's Place services Ecological Consultant also does not raise objection to the application subject to securing ecological mitigation and enhancement measures.

- 2.71 It was confirmed in January 2023 that February 12th 2024 will be the launch date for Biodiversity Net Gains to come into force for major development. The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 made 17th January 2024 section 3 ‘Transitional provision: planning permission applied for before 12th February 2024’ explains that the biodiversity gain planning condition does not apply in relation to a planning permission within the scope of regulation 2(2) of these Regulations, where the application for planning permission was made before 12th February 2024.
- 2.72 As the planning application was made prior to the 12th of February 2024, it not considered necessary to implement a condition relating to Biodiversity Net Gain at the present time. Furthermore, the Council’s ecological consultant (Place Services) does not consider it reasonable for the developer to demonstrate measurable net gains for biodiversity as outlined under Paragraphs 180d and 180d of the Framework and the Environment Act 2021, using the Statutory Biodiversity Metric (4.0 or any successor) because the development is only for three academic years and measurable net gains need to be deliverable for a period of 30 years.
- 2.73 The Ecological consultant does however, consider it necessary to secure by way of conditions that mitigation measures and works should be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech Ltd, October 2023). And also, that a Biodiversity Enhancement Strategy for bespoke biodiversity enhancement should be agreed with the Local Planning Authority, and that a wildlife sensitive lighting strategy be implemented.

3.0 CONSULTATIONS AND REPRESENTATIONS

- 3.1 Hockley Parish Council: No representation received.
- 3.2 Essex County Council Lead Local Flood Authority: (3 responses)

Response 11th December 2023:

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

- Small sites should minimise the areas of hardstanding, where hard surfaces are necessary unlined permeable paving should be used.
- Discharge rates should be limited to the greenfield 1 in 1 year rate or 1l/s, whichever is greater.

- Where it is not possible to meet the greenfield 1 in 1 rate, rainwater re-use should be used to reduce the runoff rate from the site, it should be demonstrated why this is not feasible if it is not proposed.
- All areas of the site should receive sufficient water treatment and above ground features are preferable.
- Sufficient storage should be provided to ensure no internal flooding as a result of the development during all storm events up to and including the 1 in 30-year storm event and no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Maintenance plan - Prior to first occupation a maintenance plan detailing the maintenance arrangements should be submitted including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.
- There is no drainage plan. A site layout, location of features, outfall location, conveyance should be included.
- Exceedance flows should be considered to ensure potential off-site flooding is managed.

Response dated 18th December 2023:

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

- Small sites should minimise the areas of hardstanding, where hard surfaces are necessary unlined permeable paving should be used.
- Discharge rates should be limited to the greenfield 1 in 1 year rate or 1l/s, whichever is greater.
- Where it is not possible to meet the greenfield 1 in 1 rate, rainwater re-use should be used to reduce the runoff rate from the site, it should be demonstrated why this is not feasible if it is not proposed.
- All areas of the site should receive sufficient water treatment and above ground features are preferable.
- Sufficient storage should be provided to ensure no internal flooding as a result of the development during all storm events up to and including the 1 in 30-year storm event and no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Maintenance plan - Prior to first occupation a maintenance plan detailing the maintenance arrangements should be submitted including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.
- Exceedance flows should be considered to ensure potential off-site flooding is managed.

Response dated 31st January 2024:

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

- As the site is located within a Critical Drainage Area, we would expect to see water butts installed. Furthermore, we would also expect to see permeable paving used. Please clarify areas of the site which already have hardstanding surfacing that will remain and any areas of hardstanding that will be dug up to develop the site, the areas that will be dug up should use permeable paving.
- All areas of the site should receive sufficient water treatment and above ground features are preferable.
- Sufficient storage should be provided to ensure no internal flooding as a result of the development during all storm events up to and including the 1 in 30-year storm event and no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event. Please provide drainage calculations showing this.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures
Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)
- Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The links can be found below.
<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/>
<https://www.thameswater.co.uk/developers>

3.3 Essex County Council Highways: (2 responses)

First response 11th December 2023:

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes a Construction Phase Health and Safety Plan. The existing vehicle access will be utilised and a Traffic Management Plan will be in place during the development, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to the following Development Management policies:

- A) Safety: Policy DM 1 of the Highway Authority’s Development Management Policies February 2011
- B) Accessibility: Policy DM 9 of the Highway Authority’s Development Management Policies February 2011
- C) Efficiency/Capacity: Policy DM 1 of the Highway Authority’s Development Management Policies February 2011
- D) Road Hierarchy: Policy DM 2-4 of the Highway Authority’s Development Management Policies February 2011
- E) Parking Standards: Policy DM 8 of the Highway Authority’s Development Management Policies February 2011

Response 14th December 2023:

Thank you for clarifying the details.

Therefore, to confirm, The Highway Authority have no additional comments to make to the recommendation previously submitted.

District Officer comments: County Highways officers contacted the case officer as re-consultation appeared duplicate. The case officer explained that the revised plans were uploaded on the 28th November. As Highways first response was after this, therefore would have already seen the revised plans if Highways considered the plans uploaded from the 28th November.

3.4 Sport England: (2 responses)

First response 14th November 2023:

Sport England’s Position

There is currently insufficient information to enable Sport England to assess the application against the National Planning Policy Framework (NPPF), in particular paragraph 99, and Sport England’s Playing Fields Policy. We therefore submit a **holding objection** pending receipt of the information set out below.

1. **Existing and Proposed Playing Pitch Layouts:** Site plans (to scale) which accurately shows the existing and proposed winter and summer natural turf playing pitch layouts on the school’s playing field. The Proposed Site Plan does not show any summer pitch layouts while the Existing Site Plan does not

show any playing pitch layouts. This information is requested to allow an informed assessment to be made of the impact of the proposals on natural turf playing pitch provision.

2. Playing Field Community Use: Details of any existing community use (outside of school hours) of the playing field (including before the temporary school buildings were erected). This information is requested to assess the impact of the proposals on the use of the playing fields by the community.

3. Temporary Off-Site Playing Field Arrangements: Details of any confirmed arrangements for the school to access off-site playing fields on other school sites during the temporary period to meet their needs. The Planning Statement made reference to these details being pending. This information is requested to allow an informed assessment to be made of the temporary arrangements for playing field provision for school use during the temporary period that part of the school's playing field will be unavailable.

Response dated 9th January 2024:

Sport England's Position

Sport England raises **no objection** to this application as a statutory consultee **subject** to two planning conditions being imposed relating to the following matters as set out in this response:

- Removal of Modular Buildings.
- Playing Field Restoration

Sport England – statutory consultee role and policy

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 103, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document':

www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. A summary of the exceptions is provided in the annex to this response.

Assessment against Sport England's Playing Fields Policy and NPPF

In summary, the retrospective proposal is for two modular buildings to be sited on Hockley Primary School's playing field for a period of up to three academic years expiring on 31st August 2026. The modular buildings would result in the temporary

loss of the northern half of the school's playing field and therefore reduce the number and size of playing pitches that could be accommodated on the retained playing field area to the south.

While the proposal would not technically accord with any of the exceptions in the above policy, I am mindful of the following characteristics of this proposal:

- The modular classrooms have been sited on the playing field as an emergency response to the discovery of RAAC within the structure of the majority of the school's existing buildings which has necessitated temporary accommodation to be provided to allow the school to continue to operate on the site while a permanent solution is implemented.
- The classrooms are only proposed to be sited on the playing field for a temporary period of up to three years, following which the classrooms would be removed and the area reinstated to playing field use. Consequently, the proposal would not result in the permanent loss of this part of the playing field.
- The retained playing field area would have space for a 5v5 mini football pitch in the winter and a rounders pitch in the summer so some of the school's playing pitch needs could be met on the site. The school have advised that access to a running track during the summer term for athletics, sports days etc will be arranged through using one of the other primary schools in the academy trust. Westerings Primary School is the closest to the application site and is accessible to the school.
- No pre-existing community use (outside of school hours) of the playing fields would be affected by the proposals.

Sport England's Position

In view of the above assessment, it is not considered that the development reduce the sporting capability of the playing field over a long term period and the temporary arrangements for meeting the school's educational needs are considered to be acceptable. Consequently, Sport England is satisfied that the proposed development broadly meets the intention of exception 3 of the above policy (See Annex):

Further to the above assessment, Sport England **does not wish to raise an objection** to this application, **subject** to the following two conditions being attached to the decision notice should the local planning authority be minded to approve the application:

- **Removal of Modular Classrooms:** A condition requiring the modular buildings and associated external works to be removed within a defined time period (e.g. prior to the end of the temporary three year period). Such a condition is justified to ensure that the accommodation is removed in practice at the end of the temporary period. This would help ensure that the length of time that this part of the playing field is unavailable is minimised and to ensure that the potential that this area may offer in the future for meeting school sports use is not permanently prejudiced. This is justified as Sport England has had experience of 'temporary' buildings sited on playing fields not being removed as originally proposed in planning applications where such conditions have not been imposed on planning permissions which has often resulted in permanent or long term losses of playing field.
- **Playing Field Restoration:** A condition requiring the playing field area affected by the modular buildings to be restored in accordance with an approved restoration scheme. Details of the playing field restoration proposals are considered necessary to be submitted and approved before implementation in order to ensure that an

appropriate assessment of the issues that need addressing has been undertaken and that suitable restoration measures are proposed in response. Sport England has experience of playing fields that have been used for temporary buildings not being appropriately restored to their original condition and the absence of a suitable restoration scheme has contributed to such scenarios arising. Sport England would expect the details submitted to be informed by the advice of a specialist sports turf consultant (agronomist). The following condition is requested to be imposed to address this which is based on model condition 23 of our conditions schedule

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport?section=playing_fields_policy:

“Prior to the removal of the modular buildings hereby permitted, a scheme for the reinstatement of the playing field, including an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The playing field must be restored in accordance with the approved scheme.

*Reason: To ensure the site is restored to a condition fit for purpose and to accord with Development Plan Policy **.”*

Informative: It is recommended that a restoration scheme for playing field land is undertaken by a specialist turf consultant. The applicant should be aiming to ensure that the reinstated playing field is fit for its intended purpose and should have regard to Sport England’s technical Design Guidance Note entitled “Natural Turf for Sport” (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch sport National Governing Bodies, for example the Football Association.

If you wish to amend the wording of the conditions or use another mechanism in lieu of the condition, please contact us to discuss. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

If your Council decides not to attach the above conditions, Sport England would wish to raise an objection to this application. Should the local planning authority be minded to approve this application without the above condition, then given Sport England’s subsequent objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State via the National Planning Casework Unit.

3.5 Rochford District Council Arboricultural Officer: (3 responses)

First response 6th November 2023:The tree survey only consists of a tree survey and constraints plan. It does not contain an arb method statement or tree protection plan, we will require this detail to determine the impact, trees to be removed, tree works required and tree retention / protection.

Response 3rd January 2024:

The applicant has supplied a tree survey and constraints plan in accordance with BS 5837. The tree stock is situated to the boundaries of the site with few internal trees, it would appear that the proposal can be developed with minimal impact to the existing trees.

I would recommend the following as a condition of consent.

No ground works or development shall take place until a full arboricultural method statement in accordance with BS5837:2012 has been submitted to and approved in writing by the RDC Planning Authority. The report shall include the following:

- a)** a plan that shows the position, crown spread and root protection area in accordance with section 5.5 of BS5837:2012 of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on the plan.
- b)** details of each surveyed tree in a separate schedule in accordance with section 4 of BS5837:2012
- c)** a schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998:2010.
- d)** details and positions of the ground protection in accordance with section 2 of BS5837:2012.
- e)** details and positions of Tree Protection Barriers identified separately where required for different phases of construction work [e.g. demolition, construction, hard landscaping] in accordance with section 6.2 of BS5837:2012. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- f)** details and positions of the Construction Exclusion Zones in accordance with section 6.2 of BS5837:2012.
- g)** details and positions of the underground service runs in accordance with sections 4.2 and 7.7 of BS5837:2012.
- h)** details of any changes in levels or the position of any proposed excavations, including those on neighbouring or nearby ground in accordance with paragraph 5.4.2 of BS5837:2012.
- i)** details of any special engineering required to accommodate the protection of retained trees [e.g. in connection with foundations, bridging, water features, surfacing] in accordance with section 7.5 of BS5837:2012.
- j)** details of the methodology to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of retained trees.
- k)** details of the methodology to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “ No-Dig” construction.

- l)** details of the methodology to be employed for the access and use of heavy, large, difficult to manoeuvre plant [including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc] on site.
- m)** details of the methodology to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phototoxicity
- n)** details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with section 6.2 of BS5837:2012.
- o)** details of tree protection measures for the hard landscaping phase in accordance with section 5.6 of BS5837:2012.
- p)** the timing of the various phases of the works or development in the context of the tree protection measures.

Response 24th January 2024:

1 category C tree is to be removed, this is acceptable.

The tree protection plan is in accordance with BS 5837. The method statement is in accordance with BS 5837. These documents should now form part of the approved drawings / working methods. A suitable condition should be provided that ensures the working methods, tree protection and monitoring are implemented as part of the demolition/ground works and construction phase.

3.6 Place Services Essex County Council Senior Ecological Consultant:

Response dated 8th January 2024: *The application reference and site location are incorrect. This was amended and re-sent the following day.*

Response 9th January 2024:

No objection subject to securing ecological mitigation and enhancement measures

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Arbtech Ltd, October 2023), should be secured and implemented in full, as this is necessary to conserve protected and Priority Species.

We also support the small-scale bespoke species enhancement measures outlined within the Preliminary Ecological Appraisal (Arbtech Ltd, October 2023). Therefore, a finalised strategy for the bespoke enhancement measures should be secured as a condition of any consent. It is highlighted that we do not consider it reasonable for the developer to demonstrate measurable net gains for biodiversity as outlined under

Paragraph 180d and 180d of the National Planning Policy Framework 2023 and the Environment Act 2021, using the Statutory Biodiversity Metric (4.0 or any successor). This is because the development is only for three academic years and measurable net gains need to be deliverable for a period 30 years.

We also recommend that a wildlife sensitive lighting strategy is implemented for this application. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of ‘lit time’ of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. downlighting, cowls, hoods, reflector skirts or shields.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech Ltd, October 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.”

Reason: To conserve Protected and Priority species and allow the LPA 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).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for bespoke biodiversity enhancement, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local 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 or product descriptions to achieve stated objectives;*

*c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
d) persons responsible for implementing the enhancement measures; and
e) details of initial aftercare and long-term maintenance (where relevant).
The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”*

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“Prior to beneficial use, a wildlife sensitive lighting design scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are 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, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) 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.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA 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).

3.7 Natural England (2 responses)

First response 22nd November 2023:

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England’s generic advice on other natural environment issues is set out at Annex A.

Response 5th January 2024:

Natural England has previously commented on this proposal and made comments to the authority in our response dated 22 November 2023, our reference number 457677.

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

3.8 Health & Safety Executive (3 responses)

First response 6th November 2023:

Thank you for your email seeking HSE's observations on application 23/00776/FUL. HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m² of retail floor space;
- more than 500m² of office floor space;
- more than 750m² of floor space to be used for an industrial process;
- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: www.hse.gov.uk/landuseplanning/methodology.htm

NB On 1 August 2021 HSE became a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.

A relevant building is defined in the planning guidance at gov.uk as:

- containing two or more dwellings or educational accommodation and
- meeting the height condition of 18m or more in height, or 7 or more storeys

If the planning application relates to Fire Statements and applications relating to relevant buildings, then these are not dealt with by the Land Use Planning team and instead they should be sent to PlanningGatewayOne@hse.gov.uk

There is further information on compliance with the Building Safety Bill at <https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021> .

Response 15th December 2023:

Thank you for your email seeking HSE's observations on application 23/00776/FUL - This is duplicate request and the original email dated 6 November 2023 was responded to on 6 November 2023.

Response 27th December 2023:

I looked at the attachment and there are no details of the revised additional plans. I have checked the Web App and there is no HSE consultation on Rochford's Web App account for the planning application 23/00776/FUL or for the additional revised plans. I have also checked your planning web portal and there are no results for the application.

If HSE are required to be consulted on the additional revised plans, I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m² of retail floor space;
- more than 500m² of office floor space;
- more than 750m² of floor space to be used for an industrial process;
- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: www.hse.gov.uk/landuseplanning/methodology.htm

If there is a reason why the Web App cannot be used, could you please contact us and provide details of the original consultation and the additional revised details of the application?

Officer comments: The proposed buildings are not considered relevant buildings. HSE were captured for consultation upon initial validation. The HSE website has been followed as advised by HSE and find not relevant/necessary to consult.

3.9 Anglian Water (3 responses)

First response 15th November 2023:

We are unable to make an accurate assessment for the proposed development because no drainage strategy has been submitted with the application and therefore it is not clear where the applicant is proposing to connect to Anglian Water network.

Response 25th November 2023:

Section 1 – Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Section 2 – Wastewater Treatment

The foul drainage from this development is in the catchment of Rochford Water Recycling Centre that will have available capacity for these flows

Section 3 – Used Water Network

This response has been based on a lack of documentation outlining the intended foul drainage strategy. A full assessment cannot be made without identified points of connection to the public network. Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring an on-site drainage strategy 1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. 2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. 3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian

Water. Please contact Development Services Team on 0345 606 6087. 4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 – Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Reason To prevent environmental and amenity problems arising from flooding

Response 22nd December 2023:

Section 3 – Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment -HYD-XX-XX-RPSBSO-0001 P02 23/10/23; Drainage Layout PJT10406-DID-XX-XX-D-C-5011 C03; Based upon the above reference documents, the proposed connection is acceptable. We do not require a condition in planning for foul water. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water

Industry Act 1991. We will then advise them of the most suitable point of connection.

1. INFORMATIVE – Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 6066087.

2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Officer Comments: Sections 1, 2, 4 of the latest response are identical to response 25th November 2023.

3.10 London Southend Airport (2 responses)

First response 22nd November 2023:

Our calculations show that, at the given position and height, the following planning applications will have no effect upon our operations. We therefore have no safeguarding objections.

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Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.

Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

Response 20th December 2023:

Our calculations show that, at the given position and height, the following planning applications will have no effect upon our operations. We therefore have no safeguarding objections.

Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.

Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

3.11 Neighbour representations:

Three letters have been received from the following addresses:

Chevening Gardens: 7

And which in the main make comments which can be summarised as follows:
(letter 15th November 2023)

- Concerns regarding lack of detail on existing and proposed drainage and how the rain water from the temporary buildings will be handled.
(letter 4th December 2023)
- How the residents and Council will be assured the temporary buildings will be removed after 3 years. Concerns that as the buildings have a long life the school will want to keep them.
- Urgent action under RAAC banner therefore no detailed planning has been done; effect on woodland, wildlife etc.
- Objection the development will block views and light for adjacent residents.
- Complaint that if RAAC was only issue the school could have installed new roof in the time taken to put up temporary buildings.
(letter 2nd February 2024)
 - Complaint regarding the lighting to the buildings. Lights are daylight sensors, on all night.
 - Concerns no lighting details are on plans or in the planning documents, nothing on the elevation drawings, and no mention of the 16 plus outside lights in either of the BRUKZL output documents

4.0 EQUALITY AND DIVERSITY IMPLICATIONS

- 4.1 An Equality Impact Assessment has been completed and found there to be no impacts on protected groups as defined under the Equality Act 2010.
- 4.2 The public sector Equality Duty applies to the Council when it make decisions. The duty required us to have regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation
 - To advance equality of opportunity between people who share a protected characteristic and those who do not
 - To foster good relationships between those who share a protected characteristic and those who do not
- 4.3 The protected characteristics are age, disability, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, pregnancy/maternity.
- 4.4 The supporting information confirms that the proposed development will be accessible and inclusive for users. The building design ensures accessibility by featuring level access at the majority of entry points around the perimeter to enable easy movement between the two school building blocks and the surrounding site through a network of hard standing paths. External lighting will illuminate the hard-standing paths that are proposed around the perimeter of the paths for safe access when navigating the site when dark.

- 4.5 The proposed circulation space in the buildings, including the large lobby, allows ease of navigation around the school. In addition, both buildings comprise a central hallway on both floors with rooms branching off, establishing clear pathways and facilitating effective wayfinding.
- 4.6 Both buildings are equipped with accessible W/Cs. Although there will be no lift installed as part of the proposed development due to the temporary nature of the buildings, arrangements will be made to accommodate individuals with limited mobility by scheduling activities on the ground floor of the buildings to ensure that everyone can fully utilise the space regardless of their mobility. In addition, there are no room types exclusive to the first floor; there are a range of classrooms, meeting rooms, and offices provided on the ground floor, catering to the varied needs of all users and ensuring accessibility to different types of spaces.
- 4.7 The large classrooms are designed for flexibility, allowing easy reconfiguration to support numerous activities and serve as multi-purpose spaces. A covered outdoor area to the east of the proposed building will provide outdoor learning space for younger pupils, creating a varied learning environment. Additionally, the proposal includes both smaller and larger meeting rooms, aiming to create a versatile workspace that can accommodate different work styles, including designated quiet areas and collaborative spaces.
- 4.8 The Equality Impact Assessment (EIA) indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

5.0 CONSULTATION DIRECTION

- 5.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires that the Council consult the Secretary of State on certain planning applications on the basis of it being contrary to the development plan and where the local planning authority as in this case, does not propose to refuse the application on Green Belt grounds.
- 5.2 Should the Planning Committee resolve to grant planning permission, the application will be subject to the terms of the Town and Country Planning (Consultation) (England) Direction 2021. This Direction requires referral to the Secretary of State for proposals involving development in Green Belt land consisting of:
- building(s) where the floorspace created is 1,000 sq.m or more; or
 - any other development which would have a significant impact on openness by reason of scale or the nature of the location.
- 5.3 In this case the 1,000 sq.m threshold is met. Notwithstanding that the proposal is for temporary buildings and conditions are proposed to ensure the

buildings are for temporary use only and for the pre-existing open field to be restored once the use of the buildings has ceased. As a matter of judgement, it is considered that there would be impact on Green Belt openness such that referral to the Secretary of State is necessary.

The RECOMMENDATION is that the Secretary of State For Levelling Up, Housing and Communities be advised that members are minded to APPROVE the application subject to the conditions set out at the beginning of the report.



Steve Summers
Strategic Director

REPORT AUTHOR: **Name: Elise Davis**
 Title: Planning Officer
 Email: Elise.davis@Rochford.gov.uk

RELEVANT DEVELOPMENT PLAN POLICIES AND PROPOSALS

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) Policies CP1, GB1, ENV1, ENV3, ENV8, ENV10, CLT10

Development Management Plan (December 2014) – policies DM1, DM5, DM25, DM27, DM28, DM30, DM31

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

The Essex Design Guide (2018)

Natural England Standing Advice

BACKGROUND PAPERS

On the 8th of September the Chief Planner for the department for Levelling Up, Housing and Communities issued a statement by email, in light of press coverage and announcements regarding a change of approach from the Department of Education (DfE) to mitigating the known risks of RAAC in educational settings, including schools.

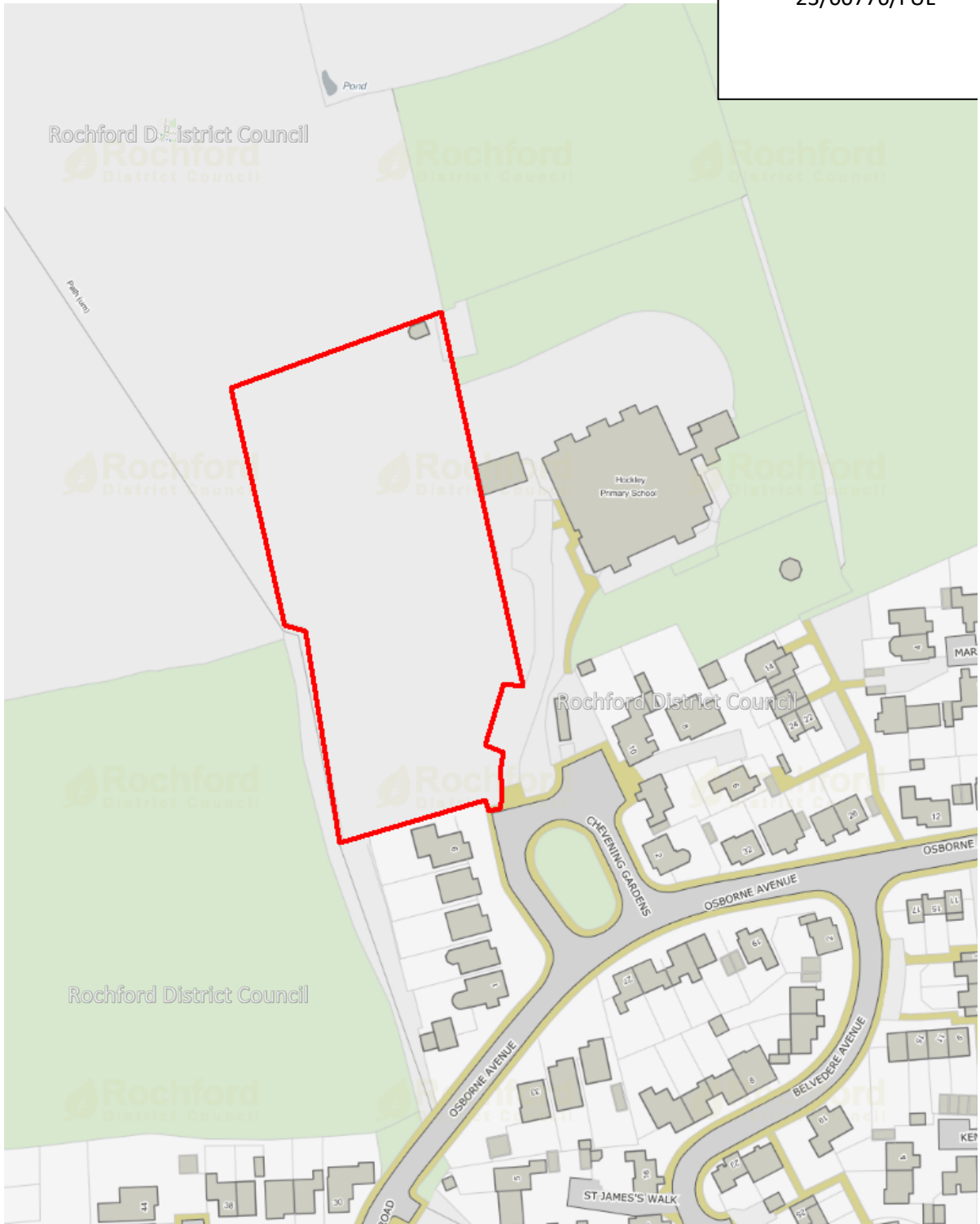
The statement acknowledges that Schools around the country may be required to close buildings at short notice. It goes on state that “To minimise any time that children spend out of school, it may be necessary to site temporary accommodation, such as classrooms on school grounds while permanent buildings are worked upon or rebuilt. Due to the urgent nature of these works we encourage local planning authorities to take a pragmatic approach in these cases to find solutions that minimise any disruption to education, including the need for concurrent/retrospective applications, where unavoidable.”

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
23/00441/DP3 - Application to determine if prior approval is required to install solar panels to flat roof under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).	Prior Approval not required July 2023

If you would like this report in large print, Braille or another language please contact 01702 318111.

23/00776/FUL



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