

Committee: **Regulatory  
Planning Committee**

Date: **24 June 2015**

Report by: **Director of Communities Economy and Transport**

Proposal: **Installation of a single mobile classroom to be located  
to the front (south) of the main School building.**

Site Address: **Chyngton School, Millberg Road, Seaford, BN25 3ST.**

Applicant: **Director of Children's Services**

Application No. **LW/3257/CC**

Key Issues:            **i) Need  
                              ii) Siting, design and landscaping  
                              iii) Access for people with disabilities  
                              iv) Amenity  
                              v) Waste minimisation  
                              vi) Parking & traffic generation**

Contact Officer: **Julie Cattell – 01273 482595**

Local Member: **Cllr. Frank Carstairs**

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## **SUMMARY OF RECOMMENDATIONS**

**1. To grant planning permission subject to conditions as indicated in paragraph 8.1 of this report.**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES ECONOMY AND TRANSPORT.**

### **1. The Site and Surroundings**

1.1 Chyngton Primary School caters for approximately 420 pupils aged between 5 and 11 years old and is located in a residential area in north-eastern Seaford, on the northern side of Millberg Road, at its right-angled junction with Saltwood Road. The entire School site is roughly rectangular in shape and is bordered to the west, north and east by the rear gardens of residential properties and by Millberg Road itself to the south. Properties in Millberg Road face the school.

1.2 The site is level and arranged with the buildings, and, hard and soft-surfaced play areas to the south and the playing fields to the north. One of the

main exit doors from the school building on the south elevation leads to a grassed area, approximately 20m deep by 13m wide, bounded by a mesh fence on the south and west sides and a low picket fence on the east. There is a mature tree located approximately 17m from the front of the school. This grassed area is used for play, adjacent to a hard surface play area which extends across the remainder of the frontage of the school to the east.

1.3 The main school buildings are predominantly two storeys in height and are constructed in buff coloured brick with flat roofs and white window frames. The western, northern and eastern boundaries of the School site are generally defined by chain-link fencing and sporadic hedging. The main southern boundary is defined by a mature Copper Beech hedge, approximately 2m high and 1m wide, with Weldmesh fencing on the inner side.

## **2. The Proposal**

2.1 The School is expected to see an increase of 30 pupils from September 2015 but not all can be accommodated within the existing school premises. Planning permission is therefore sought for a single temporary classroom to accommodate the additional intake. It is proposed to be located on the existing grassed area in front of the school building.

2.2. The proposed classroom is to be a standard ESCC unit, 9m x 8m x 3.1m high. Internally, the space will be laid out as a 54m<sup>2</sup> classroom with a store off to one side, 2 x W.Cs and an entrance lobby. There will be a ramp up to the main entrance and steps up to a second, fire escape door, located in the north elevation. There are 4 white, uPVC sash style windows in each of the east and west elevations. The external covering is plywood, finished in 'East Sussex Green' and felt to the roof. There are to be 2 x air-conditioning units located at low level on the northern elevation.

## **3. Site History**

3.1 There are a number of applications in the planning history from 1994, relating mainly to extensions and previous temporary classrooms. The following applications are of relevance:

2008 – Granted - LW/2731/CC. Retention of double mobile classroom

2007 – Granted – LW/2608/CC – 3 external canopies on front elevation of school over early years playground

2007 - Granted - LW/2051/CC/2 – Retention of single classroom

2004 - Granted - L/2051/CC/1 – Retention of single classroom

2003 - Granted - LW/2249/CC - Retention of double mobile classroom

2001 – Granted - LW/1677/CC/1 - Retention of double mobile classroom

2001 – Granted - LW/2051/CC – Installation of new single mobile classroom & covered link

1995 – Granted - LW/1677/CC – Provision of double classroom

1995 - Granted LW/1654/CC – Provision of single mobile classroom

#### **4. Consultations and Representations**

4.1 Lewes District Council – No objection

4.2 Seaford Town Council – No response.

4.3 Highway Authority - Does not wish to restrict grant of consent.

4.4 Local Representations – 2 emails received:

The first representation has no objection to the siting of the classroom but raises concerns about the parking situation in the surrounding roads, which could potentially worsen with increased intake. The second response raises concerns about the parking demand in the area and suggests measures that could be taken to alleviate the situation.

#### **5. The Development Plan and other policies of relevance to this decision are:**

5.1 Lewes District Local Plan 2003: Saved Policies ST3 (a), (b), (c) & (d), (design, form and setting of development) and T1 (Travel Demand Management). Lewes District Council has undertaken an assessment of the Saved Policies in its Local Plan to evaluate their conformity with the NPPF. Saved Policies ST3 and T1 are considered to be fully consistent with the NPPF.

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013: Policy WMP3d (minimising and managing waste during construction, demolition and excavation).

5.3 National Planning Policy Framework 2012; The National Planning Policy Framework (NPPF) does not change the status of the development plan as the starting point for decision making but it does constitute guidance as a material consideration in determining planning applications. Due weight should be given to relevant policies in plans existing before 2012 according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 72 states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities are advised to give great weight to the need to expand or alter schools. Section 7 emphasises the great importance Government attaches to the design of the built environment and paragraph

109 states the planning system should contribute to and enhance the natural and local environment.

5.4 Policy Statement on Planning for Schools Development 2011: The policy statement states that the planning system, when dealing with planning applications for state-funded schools should operate positively and there should be a presumption in favour of the development of state-funded schools. The policy statement encourages a collaborative approach to applications, encouraging pre-application discussions and use of planning obligations to help mitigate adverse impacts of developments. Where it is necessary to impose conditions, they should be necessary in order to make development acceptable and be clearly justified, thereby demonstrably meeting the tests set out in Circular 11/95 (now superseded by Planning Practise Guidance 'Use of Planning Conditions'.)

The policy statement goes on to indicate that the Secretary of State will be minded to consider refusal of any application for state-funded schools to be unreasonable conduct, unless it is supported by clear and cogent evidence.

## **6. Considerations**

### **Need**

6.1 NPPF Paragraph 72 states that the Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities.

6.2 The County Council has identified a shortfall in Reception Year places in a number of areas, including Seaford. Chyngton School is anticipating an increased demand for 30 additional places in the coming academic year. Additional classroom space is required to accommodate a proportion of this total intake.

6.3 The provision of a temporary single classroom on the site is considered by the applicant to be the best solution for the school at this time. The application is seeking a 7 years temporary planning permission. However, it is considered that a 5 years permission is more appropriate for a temporary structure of this type and in this location on the site. Because of siting implications, it is unlikely that a longer consent would be recommended and an informative has been added to the recommendation advising the applicant of this. It is understood that the applicant will continue to review the long term need for permanent accommodation in schools that are experiencing demand for additional places in order to reduce the need for temporary solutions.

### **Siting, design and landscaping**

6.4 Saved Policy ST3 in the adopted Lewes District Local Plan 2003 sets out a range of considerations to which regard must be given in determining planning applications in relation to the form of development.

6.5 The siting of the building in front of the school has been driven by operational needs, as it will serve the Reception class that is taught in the front part of the School. The play area in front of the school building also serves this group. The siting of the temporary classroom is not ideal in terms of visual amenity as the building will be visible from the public realm above the hedge and in oblique views from across Millberg Road. However, it is recognised that there are permanent lightweight canopies in front of the school which are 4.5m high and which can be seen above the boundary hedge, as well as various smaller ancillary structures in the Reception play area.

6.6 In terms of design, the building is a standard ESCC temporary classroom, of simple and functional design.

6.7 It is considered that any visual harm caused by the siting of the building in front of the school building is mitigated to some extent by the screening afforded by the hedge and the presence of other structures. This dis-benefit is outweighed by the need for additional school accommodation. It is also acknowledged that the building is required for a temporary period. A permanent free-standing structure in such a prominent location is unlikely to be supported.

6.8 Minimal hard landscaping works are required to facilitate the development. A tarmac path will be formed linking the existing Reception playground with the ramp and steps. Although the proposal would result on the loss of this grassed play area, there is ample play space on the site.

6.9 The site and surrounding area are of moderate landscape/townscape character sensitivity as a typical 20th century suburban residential area. The most significant landscape features on the site are the mature trees and the beech hedge on the boundary. The site is not considered to be a valued landscape in the context of NPPF policy. The site is of low visual sensitivity from the wider landscape and of moderate to high sensitivity from surrounding residential properties. There are local views across the school site from the adjacent properties.

6.10 The proposed mobile will be located very close to and probably within the root protection area of the adjacent mature tree. Tree protection measures in accordance with BS 5837; 2012 should be in place before any construction works commence on site. The developer should be required to provide full details of all service runs as part of the application. Details of the proposed construction access and haul routes should also be provided as these can impact on landscape features, in this case the boundary hedge and mature tree. All proposals should comply with BS5837:2012 Trees in Relation to Demolition, Design and Construction.

6.11 There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development. The site currently comprises amenity grassland and is of relatively low ecological value. The site is unlikely to support any protected species. If protected species are

encountered during works, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the NERC Act. Opportunities include the provision of bird boxes on mature trees on site. Provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a detrimental impact on biodiversity.

6.12 In terms of siting, design and landscape, it is considered that the development overall accords with Saved Policy ST3 of the Lewes District Local Plan 2003.

### **Access for people with disabilities**

6.13 Although there are no specific policies in the Lewes District Plan governing this issue, access to the building is covered by the Building Regulations. Where the measures required to meet the Building Regulations have a physical manifestation, it is appropriate to consider it under Planning legislation.

6.14 As with most standard temporary classrooms, the entrance is raised above ground level. A ramp set out to Building Regulation standards is to be provided as the main access which should be appropriate for access for people with mobility difficulties.

### **Amenity**

6.15 Saved Policy ST3 of the Lewes District Local Plan 2003 requires that consideration be given to the protection of the living conditions of existing and future occupiers of a development, with particular respect to noise, dominance, loss of outlook, light and privacy.

6.16 The proposed classroom will be 40 metres from away from the nearest property to property to the east and 25 metres away from the nearest property to the south. Therefore, no detrimental daylight/sunlight or privacy issues will arise.

6.17 However, the proposed air conditioning units could lead to a noise nuisance outside of school hours. In order to avoid this, it is recommended that the use of the air conditioning units is restricted to school hours by a proposed condition.

6.18 With the recommended condition, it is considered that the proposal will not lead to a loss of amenity for adjoining and nearby residential occupiers.

### **Waste minimisation**

6.19 Policy WMP3d of the Waste and Minerals Plan 2013 seeks to ensure that the waste hierarchy is taken into consideration during construction works and encourages those involved in the development process to minimise and 'design out' waste.

6.20 A Waste Minimisation Plan was not included with the application. However, it is anticipated that an existing temporary classroom will be relocated to the site, so the construction waste generation is likely to be minimal.

### **Parking & traffic generation**

6.21 Saved Policy T1 of the Lewes District Local Plan 2003 states that planning applications for any development will only be granted if the proposal provides for the demand for access that it creates. Although the Highways Authority has not objected to the proposal, two of the residents in Millberg Road have raised concerns about the potential increase in short-term parking and impact on traffic movements that could arise as a result of the increase in pupils at the school. One of the residents has also requested that the Highway Authority look into the possibility of a) making the current 'markings' enforceable) and b) installing enforceable double yellow lines around the corners of the junction of Millberg Road and Hillside Avenue/Walmer Road (to the east of the application site).

6.22 It is understood that the Parking Team will be carrying out a review of school road markings in Seaford, commencing later this year. Also, the request for lining at the junction has been forwarded to the Team for consideration.

6.23 In addition, it is considered that the School updates its Travel Plan to take into account the additional pupils, and an appropriate condition to this effect should be imposed.

6.24 It is considered that, within the confines of the current planning application, these measures will go some way to address the concerns raised by the residents.

## **7. Conclusion and reasons for approval**

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise.

7.2 The proposal is for much needed additional accommodation. However, the classroom is proposed to be located in front of the school building. On balance given the mitigation of existing screening and other factors, it is considered that the proposal is acceptable for a temporary period. As such it is considered to comply with Saved Policies ST3 (a), (b), (c) & (d), (design, form and setting of development) and T1 (Travel Demand Management) of the Lewes District Local Plan 2003, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and the relevant parts of the NPPF. The applicant should monitor the school roll and if a

permanent need is identified, a permanent building should be provided in an alternative location.

7.3 In determining this planning application, the County Council has worked with the applicant and agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

7.4 There are no other material considerations and the decision should be taken in accordance with the development plans.

## **8. Recommendation**

8.1 To recommend the Planning Committee to grant planning permission subject to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed in the Schedule of Approved Plans.

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

3. The temporary building hereby permitted shall by 31st August 2020 be removed and the land restored to its former physical state of an area of tarmac and planted area or as otherwise agreed in accordance with a scheme submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: The appearance of development is only considered appropriate for a temporary period.

4. No development shall take place until full details of measures to protect the tree and boundary hedge to the south of the proposed location of the temporary classroom have been submitted to and approved in writing by the Director of Communities, Economy and Transport and these works shall be carried out as approved. Such details shall be in accordance with BS5837:2012 and shall also include a drawing showing the location of the service runs for water, foul water and electricity supplies.

Reason: In order to protect the tree in the interest of visual amenity in accordance with Save Policy ST3 of the Lewes District Local Plan 2003.



5. Within 2 months of the occupation of the temporary classroom hereby approved, a bird box of the type set out in email correspondence between the agent and the County Council dated 10th June 2015 shall be fixed in a location to be agreed in writing by the Director of Communities, Economy and Transport. The bird box shall be retained in perpetuity unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: In the interest of encouraging biodiversity on the site in accordance with paragraph 109 of the NPPF.

6. Prior to the date six months from first occupation of the temporary classroom hereby approved, an updated School Travel Plan which addresses the increase in pupil and staff numbers accommodated by that temporary classroom shall be submitted to and approved in writing by the Director of Communities, Economy, and Transport. The School Travel Plan shall include targets for reduced car use, and an ongoing monitoring programme to ensure these targets are met. The updated School Travel Plan shall be implemented and thereafter maintained and/or developed in accordance with the approved details.

Reason: To increase awareness and use of alternative modes of transport for school journeys and reduce congestion at school delivery and collection times in accordance with Saved Policy TR1 of the Lewes Local Plan 2003.

7. The two air conditioning units hereby approved shall only be operated between the hours of 0730 and 1730 on Mondays to Fridays, inclusive, during term times and at no other times, in the evenings, weekends, Bank or Public Holidays except for works of essential maintenance or which are to respond to an emergency, frost control or as otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: In order to protect the amenity of adjoining residential occupiers in accordance with Saved Policy ST3 of the Lewes Local Plan 2003

## INFORMATIVE

1. The retention of this mobile classroom is unlikely to be granted planning permission for a further temporary period unless a review is undertaken which clearly indicates how this temporary accommodation can be replaced with permanent buildings within an acceptable timescale.

## Schedule of Approved Plans

8806/01b - Site Plan, 8806/02b - Part Existing Site Plan, 8806/03b - Site Plan Proposed, 8806/04b - Ground Floor Plan, 8806/05b - Exterior Elevations South and East, 8806/06b - Exterior Elevations - North and West

RUPERT CLUBB

Director of Communities, Economy and Transport

16 June 2015

**BACKGROUND DOCUMENTS**

Lewes District Local Plan 2003

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan  
2013

National Planning Policy Framework

Planning Application file LW/3257/CC