

Committee: **Regulatory  
Planning Committee**

Date: **22 July 2015**

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

Proposal: **The construction of a Primary play space area (12m x 7m) together with 3 storage units (2m x 0.9m) and a timber garden room (approximately 8.1m x 4.5m and 2.5 metres in height) to the south east of the School site. To be provided between the hours of 7.30am to 7.30pm Monday to Friday and 10am to 5pm Saturday and Sunday. No opening hours for Bank and Public holiday. A 1 metre high acoustic fence to be erected upon the existing boundary wall to the south-eastern perimeter of the play space. New brick housing for the electrical supply.**

Site Address: **Dudley Infant Academy, Harold Road, Hastings, East Sussex, TN35 5NJ.**

Applicant: **Miss Lisa Eglinton, Dudley Infant Academy**

Application No. **HS/3258/CC**

Key Issues: **i. Siting and Design  
ii. Impact of the Proposed Development on the Tillington Terrace Conservation Area  
iii. Traffic and Parking  
iv. Construction Waste Minimisation**

Contact Officer: **Maresa Kingston Tel: 01273 336697**

Local Member: **Councillor Tania Charman**

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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 Dudley Infant Academy is located within a predominately residential area north-east of Hastings town centre within the Tillington Terrace Conservation Area. The School site is bounded to the south by Harold Road, where there is the main pedestrian access and to the north by Dudley Road. A footpath runs along the School's western boundary, beyond which is a playing field belonging to Sacred Heart RC Primary School.

1.2 The main School building is in the central western part of the site with the playground wrapping around the building to the south and east. It is Victorian in origin comprising a single storey building of red brick, white finished windows under a red tiled pitched and hipped roof arrangement. A recently built single storey front extension is located in the south west corner of the School site.

1.3 Where the development is to be located is at a higher level to the east than the main School building. Two temporary mobile classrooms occupied this site until recently and were removed following the completion of the new classroom extension. The application site is currently vacant and derelict. The site is enclosed by high level retaining walls to the north east and the rear boundary wall of the School premises to the west.

1.4 Further to the east of where the development is to be located is the highest part of the School site, where there is a triangular piece of land that is used by the School for an outdoor classroom and play space for the early year's children at the School.

1.5 To the south, the School site is clearly visible from the two storey residential properties opposite in Harold Road that comprises rendered Victorian terraced housing with full height canted bay frontages.

## **2. The proposal**

2.1 The applicant seeks planning permission to use the vacant site following the removal of the two mobile classrooms, to provide a Multi Use Games Area (MUGA) and a single storey, timber garden room to the north west. The garden room will be 8.1 metres in length, 4.5 metres wide and 2.47 metres in height and will provide accommodation for the School's breakfast club, after school clubs, tuition and meetings. It is proposed that the MUGA and garden room are used between the hours of 7.30am to 7.30pm Monday – Friday, and, 10.00 am to 5.00pm Saturday and Sunday.

2.2 The MUGA is supported by Sport England's funding initiative "Primary Spaces Improving Outdoor PE and Sport Facilities", which has been established to help Primary Schools that have very little or no outside space used for sport. The applicant has advised that the scheme is based on a complete design and installation service that will be provided by Sport England.

2.3 The proposed MUGA will be 12 metres in length and 7 metres wide and will be surrounded by 1.2 metres high powder coated metal perimeter

fence. Two 'L' shaped walls 2.4 metres high and 3.5 metres in length will be installed at each end of the MUGA. The boundary metal fence will comprise of mesh infill panels that have vertical and twin horizontal lines resulting in a very strong mesh to prevent 'rattle' noise between the mesh infill panels and posts. The coloured infill panels will comprise a choice of four colours green, red, yellow and blue. A series of graphic panels including the 'Sport England' logo will be incorporated into the panels to provide a range of targets, shapes, numbers and letters, to develop aiming and shooting skills.

2.4 The applicant has amended the proposal to install an acoustic fence 3 metres in height directly to the south of the MUGA rather than being located as originally proposed on top of the School's southern boundary wall. The amended proposal also includes siting three metal storage units for the Physical Education equipment further to the north west located between the main School building and the School office block building, rather than being alongside the garden room as originally proposed. The units will be 1.9 metres high, 2 metres wide and 0.9 metres in depth.

2.5 A new housing for the electrical supply will be located to the south of the main School building in an inverted corner of the south east elevation.

### **3. Relevant site history**

3.1 2014 – Granted – HS/3178/CC. Replacement of two temporary classrooms with two permanent School classrooms, internal modifications to the existing School building, landscaping works. Temporary School classrooms are to be relocated on the site for the duration of the works and dismantled once the replacements are complete.

3.2 2005 – Granted – HS/2373/CCCL. Certificate of Lawfulness for classroom and cloakroom addition/extension to the original (1913) school building.

3.3 2003 – Granted – HS/2165/CC. Retention of existing double mobile classroom.

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

4.1 Hastings Borough Council - Following further consultation to consider the amended scheme, Hastings Borough Council has confirmed that the proposal is acceptable.

4.2 Sport England - Raises no objection to the proposal

4.3 Highway Authority - Raises no objection to the proposal and considers that the overall impact on the surrounding roads will not be significant.

4.4 Local Representations – Three letters have been received from residents in Harold Road, Dudley Road and the Chairman of the Clive Vale Residents

Association. The objections to the proposal concern disturbances as a result of building works taking place between the hours of 7.30am to 7.30 pm Monday to Friday within a residential area, which will also lead to further parking problems. The proposal should not result in the closure of Harold Road or a diversion through Dudley Road. The proposal indicates a change of use, opening earlier and closing later and opening outside term times and at weekends. The proposed opening hours for the School should be 8am to 6.30pm Monday to Friday and 10am to 4pm Saturdays and Sundays. Noise levels will increase, outside School hours and will be detrimental to the Conservation Area. Parking is an issue with teachers and staff parking in Harold Road. Drop off and pick up times are awful particularly for residents with no available on street parking after 2.30pm on a School day. Residents have to wait until 3.15pm to park and this will be extended to every day throughout the year and at weekends.

4.5 Following further consultation with regard to the amended proposals residents in Harold Road still wish to reiterate their concerns as set out above and concludes that the proposal will benefit a few and will have a detrimental effect on everyone's lives. One resident in Dudley Road has raised concerns with regard to the School being open throughout the year; the area is already used as an overflow car park for events in Hastings and a number of Old Town residents already park in Dudley Road. There are concerns with regard to additional noise levels at earlier and later times plus weekends within a residential area and conservation area. The MUGA will not be used by the School as others will be using it.

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

5.1 Hastings Local Plan, The Hastings Planning Strategy, 2011-2028 Policy EN1 (Built and Historic Environment)

5.2 Hastings Local Plan 2004; Saved Policies; DG1 (Development Form), DG2 (Access and Parking), DG4 (Noisy Activities), C1 (Development within a Conservation Area) and TR2 (Defined Road Hierarchy)

Hastings Borough Council formally adopted the Hastings Planning Strategy in February 2014. Policies have been superseded from the Hastings Local Plan 2004 and the remaining policies still form part of the statutory development plan. However, the weight to be applied in the decision making process depends on the 'Saved' policies degree of consistency within the National Planning Policy Framework (NPPF). Saved Policies DG1, DG2 and C1 in the Hastings Local Plan 2004 are considered by the County Planning Authority to be in general conformity with the overarching principles of the NPPF.

5.3 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 March 2012: Part 5 (Planning for the Historic Environment); Part 7 (Requiring Good Design); Part 8 (Promoting Healthy Communities); Part 11 (Conserving and Enhancing the Natural Environment).

5.4 Policy Statement on Planning for Schools Development: 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. It encourages a collaborative approach to applications, particularly encouraging pre-application discussions and the use of planning obligations to help mitigate adverse impact of developments. It further asserts that where it is necessary to impose conditions, they should be necessary in order to make the development acceptable and be clearly justified, thereby demonstrably meeting the tests as set out in Circular 11/95. The policy statement indicates 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**

### **Siting and Design**

6.1 Saved Policy DG1 of the Hastings Local Plan seeks to ensure that development proposals take into account the suitability of the proposal in terms of design, appearance, and use of materials and to ensure that any development does not result in the loss of outlook and privacy to neighbouring residential properties. Paragraph 73 of the NPPF makes reference to opportunities being made for sport and recreation, which can make an important contribution to the health and well-being of Schools and local communities.

6.2 The steep topography of the School site that slopes down approximately 3 metres from the north to the south, will result in the proposed development being enclosed by high retaining walls to the north and east, with the rear elevation of the School office building to the west, and a 2 metres high brick boundary wall and entrance gate to the south. In addition, along the eastern boundary of the School site there are a number of mature trees that provide some screening for the application site.

6.3 The design and layout of the MUGA and garden room are considered to be creative and practical within the confines of the site and will enable children to play and learn, whilst also providing accommodation for the breakfast club and meeting rooms. In terms of the proposed design and appearance for the development, the use of materials i.e. metal and timber, for the small scale garden room and MUGA, are considered to harmonise with the School surroundings and it is unlikely that the development will result in an incongruous feature.

6.4 Disabled access to the site will be available via a gated access to the south of the application site and the public footpath on Harold Road, as well being available within and around the proposed development. Furthermore, given the constraints of the School site having various levels, disabled access will be possible via existing ramps with a new access ramp proposed from the area to be developed down to the lower playground and main School buildings.

6.5 In terms of any loss of amenity to the occupiers of surrounding residential properties, there are views in to the application site from occupiers of residential properties opposite, in Harold Road with longer views down into the site from occupiers of residential properties in Dudley Road. It is considered that the potential impact of the proposed development on the visual amenity to these properties will not be harmed when taking into context the existing views into the School site. In addition, the proposal will have less visual impact on the surrounding area when compared with the previous two double mobile classrooms.

6.6 Local residents have raised concerns with regard to the likely increase in noise from the MUGA outside School hours; Monday to Friday 7.30am to 7.30pm and at weekends Saturday and Sunday 10am to 5pm. The School has undertaken a noise impact assessment that concludes the need for noise control measures, namely acoustic screening along the south-eastern perimeter of the MUGA. The School has amended the proposal to locate a 3 metres high acoustic fence within the application site, directly to the south of the MUGA. However, the applicant has not submitted specific details of the proposed acoustic fence. It is recommended that a condition is attached to any grant of planning permission for the submission of a detailed specification for the acoustic barrier.

6.7 In terms of concerns raised with regard to the School being open outside School hours and term times, the applicant has confirmed that funding from Sport England for the MUGA requires the facility to be available to other outside community groups that will be no more than 20 children up to 11 years old. Adults will be strictly prohibited from participating in any of the sports activities. The garden room will be open from 7.30 am for the breakfast club that is currently in the School hall, which can be a security problem when other children and parents start accessing the School site. Outside School hours the garden room will be available for up to 20 people, for meetings and indoor activities and when the MUGA is unavailable. To secure the hours of use for the MUGA and garden room, it is recommended that a condition is attached to any grant of planning permission for the facility to be available only between the hours of 07.30 – 19.30 Monday to Friday and 10.00 - 17.00 on Saturday and Sundays, and will not be open on Bank or Public Holidays.

6.8 Consequently, subject to the recommended conditions, it is considered that the proposal is in conformity with Saved Policy DG1 of the Hastings Local Plan and the NPPF.

## **Impact of the Proposed Development on the Tillington Terrace Conservation Area**

6.9 Saved Policy C1(a) of the Hastings Local Plan and Policy EN1 of the Hastings Planning Strategy, seeks to ensure that development proposals within a Conservation Area will not be granted unless the proposal preserves or enhances the buildings, related spaces and the street scene. Paragraphs 126-141 of the NPPF include policies in relation to development making a positive contribution to local character and distinctiveness.

6.10 The School site is visually distinctive within the built up area, whereby Harold Road and Dudley Road branch out either side of the site to the north and south, resulting in a prominent corner plot within the surrounding Tillington Terrace Conservation Area.

6.11 The vacant application site previously accommodated two mobile classrooms that were a functional, prominent feature in the street scene, but were considered to be unsympathetic to the character, and particularly the appearance of the surrounding Conservation Area. The removal of the temporary mobile classrooms was therefore welcomed.

6.12 The proposed development will be contained within an area bounded by retaining walls and the rear elevation to the School office building. It is considered that the appearance of the new facilities will not be a prominent feature in the surrounding area. Consequently, it is considered that the proposal will not harm the character or appearance of the Tillington Conservation Area.

6.13 The proposed development is therefore considered to be in accordance with Saved Policy C1 (a) of the Hastings Local Plan, Policy EN1 of the Hasting Planning Strategy, and the NPPF.

### **Traffic and Parking**

6.14 Saved Policy DG2 of the Hastings Local Plan will not permit development unless there is provision for access by public transport, cycling and walking. Saved Policy TR2 seeks to ensure that development proposals allow the safety and free flow of traffic on the public highway.

6.15 The proposed MUGA and garden room will be used mainly by pupils during the School day and in the early evening for after School clubs. In this context, it is considered that the facility is unlikely to result in any further increase in traffic or parking demands in the area. However, given that it is proposed to use the facilities for other community groups outside of the School hours, at term times, and at weekends, this may have an impact on parking pressures in the area.

6.16 The proposed MUGA will be used out of School hours by no more than 20 children at any one time, with adult supervisors. Adults will be prohibited from using the facility. The garden room will be let separately for up to 20

people. The applicant has confirmed that there will be no duplicate lettings for the separate facilities during the School hours in term time as this would increase the amount of traffic and parking difficulties for the neighbouring residents.

6.17 The parking demands generated out of School hours as a result of the proposal are likely to be associated with adults supervising the use and those dropping off/collecting some of the children, as others may car share, walk, cycle or use the nearby public transport. Although, it is acknowledged that some adults may stay to watch their children, it is considered that the overall impact on the surrounding roads will not be significant.

6.18 Concerns have also been expressed by local residents with regard to the construction works and the likely closure of Harold Road leading to diversions along Dudley Road. The applicant has submitted a Traffic Management Scheme setting out the details of the proposed construction vehicles accessing the roads around the School and to ensure the safety of pedestrians (particularly children) and other road users.

6.19 Deliveries and access to the site will be through a gated entrance (to the east) on Harold Road. There will be no vehicle access given the constraints of the School site. The construction of the MUGA and garden room will be undertaken at separate times to limit the number of on-street vehicles and to alleviate the parking requirements of trades personnel, which may affect neighbours and others parking in the area. The applicant has confirmed that the proposed scheme will take up to 10 working days to complete. The construction vehicles for the proposed MUGA will include; two 3.5 tonnes transit tipper trucks arriving each day, a skip wagon weighing no more than 21 tonnes dropping off and collecting materials and taking no longer than 30 minutes each time, a 21 tonnes delivery lorry dropping off for no longer than 30 minutes each time, a flatbed truck for the portable toilet delivered at the beginning and end of the works. Separately, the garden room construction vehicles will comprise: 7.5 tonnes vehicle off loaded to site at the start of the project, a 3.5 tonnes vehicle for the duration of the works, and a vehicle for the electricians for up to 2 days. There will be no need to close Harold Road or divert traffic along Dudley Road.

6.20 Furthermore the applicant has advised that no deliveries will be accepted to the site between the hours of 8.30 am to 9.15am and 2.30pm to 3.30pm and 5pm to 6pm to avoid parents and children going in and out of the site, and at peak times for residents in the area travelling to and from work. In this context it is recommended that a condition is attached to any grant of planning permission that the working hours during the construction period will be from 08.00 – 18.00 Monday to Friday and not at weekends, Bank or Public holidays, with deliveries at the times specified in the Transport Management Scheme submitted as part of the planning application.

6.21 The Highway Authority has advised that parking pressures on the nearby Dudley Road are lower than those experienced on Harold Road. Therefore, the relatively minor parking demands generated by the proposal



could be accommodated without being to the detriment of highway safety or the inconvenience of other road users. In this context it is considered that the proposal will satisfy Saved Policies DG2 and TR2 of the Hastings Local Plan.

### **Construction Waste Minimisation**

6.22 Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 requires consideration of how a proposal minimises waste arising from construction, demolition and excavation in order to maximise sustainable management of waste and, in particular, to minimise waste going to landfill.

6.23 The application is accompanied by a Waste Management Plan (WMP), which states that waste will be used around the site where possible and other materials not suitable for reuse e.g. packaging materials will be segregated by the contractor for recycling.

6.24 This approach is considered to be consistent with the aims of Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and therefore, the Waste Management Plan is acceptable.

### **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 to construct a MUGA and garden room within a small vacant site will provide the opportunity to improve and extend the play and learning facilities at the School, with a practical and creative scheme that will continue to preserve the character and appearance of the street scene within the Tillington Conservation Area. The proposed development therefore complies with Saved Policies: DG1, DG2; DG4 and C1 of the Hastings Local Plan 2004; EN1 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and the National Planning Policy Framework March 2012.

7.3 In determining this planning application, the County Council has worked with the applicant 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) Order 2015.

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. No construction may take place until the detailed specification of the absorptive acoustic barrier (as recommended in the MRL Acoustics Report, dated February 2015) has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The MUGA hereby approved shall not be brought into use until the acoustic barrier has been installed in accordance with the approved specification.

Reason: To protect the amenity of nearby residential properties in accordance with Saved Policy DG1 of the Hastings Local Plan 2004.

4. The use hereby permitted shall not be carried out other than between the hours of 07.30 - 19.30 on Monday to Friday inclusive and the hours of 10.00 - 17.00 on Saturdays and Sundays with no use taking place on Public and Bank Holidays except for works of essential maintenance or to respond to an emergency, and after the carrying out of such works full details of the time, date, reason for and nature of the works shall be given in writing to the Director of Communities, Economy and Transport.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site and to comply with Saved Policy DG1 of the Hastings Local Plan 2004.

5. The development hereby permitted shall be carried out in accordance with the Traffic Management Scheme, submitted 2nd June 2015.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with Saved Policy TR2 of the Hastings Local Plan 2004.

6. No construction works shall take place in connection with the development hereby approved at any time, other than between the hours of 08.00 and 18.00 hours on Mondays to Fridays, and not at any time on

Saturdays, Sundays, Bank and Public Holidays unless the prior written agreement has been received from the Director of Communities, Economy and Transport. Deliveries will be within the times specified in the Transport Management Scheme.

Reason: In the interest of the amenities of the locality in general and adjoining residential properties in particular and to accord with Saved Policy DG1 of the Hastings Local Plan 2004.

#### Schedule of Approved Plans

Waste Management Plan, Noise Impact Assessment, 6222/D/0022 - Site Location Plan, PS 3 - Combination Component Details, PS 5 - Storage Unit Component Details, Supplementary Form, Design and Access Statement 22.04.15, 6222/D/7033 - Proposed Site Plan including Acoustic Fencing, Traffic Management Scheme, Dimensions for the garden room

RUPERT CLUBB

Director of Communities, Economy and Transport

13 July 2015

#### **BACKGROUND DOCUMENTS**

Planning Application File

Hastings Local Plan 2004

Hastings Local Plan, The Hastings Planning Strategy, 2011-2028

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

National Planning Policy Framework March 2012: