

Committee: **Regulatory  
Planning Committee**

Date: **11 November 2015**

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

Proposal: **Proposed Extensions to provide additional teaching and ancillary accommodation.**

Site Address: **Ark Blacklands Primary Academy, Osborne Close, Hastings, TN34 2HU.**

Applicant: **Business Services Department, East Sussex County Council.**

Application No. **HS/3298/CC**

Key Issues: **i) Need  
ii) Design and Impact on Amenity  
iii) Traffic Implications  
iv) Other issues**

Contact Officer: **Julie Cattell – Tel. 01273 481595**

Local Member: **Cllr. John Hodges**

---

#### **SUMMARY OF RECOMMENDATIONS:-**

**1. The Committee is recommended that the application be approved subject to the completion of the following procedure:-**

**(i) The completion of a Legal Agreement or Undertaking to secure the provision of a financial contribution to cover all traffic survey work and any highway works subsequently undertaken following the consideration of associated works to include additional crossing points in the vicinity of the School; the preparation of a Traffic Regulation Order, and; the submission of a revised Travel Plan for approval prior to the occupation of the development; and**

**(ii) To authorise the Director of Communities, Economy and Transport to grant planning permission upon completion of the Legal Agreement / Undertaking subject to conditions along the lines as indicated in paragraph 8.3 of this report.**

**2. To authorise the Director of Communities, Economy and Transport to refer the application back to this Committee if the Legal Agreement / Undertaking is not secured within 6 months.**

---

---

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

## **1. The Site And Surroundings**

1.1 Ark Blacklands Primary Academy, Osbourne Close is located on a large site (2.06ha) in the centre of a residential area to the north of Hastings Town Centre. The site is roughly rectangular and is bounded on all sides by one or two storey residential properties. The site boundaries are marked by dense vegetation and trees to the extent that the School is hardly visible from public areas. The site levels are varied with a steep slope across the site from east to west. There are a number of significant mature trees on the School site which are of varying quality and value.

1.2 The main pedestrian and vehicular entrance to the site is from Osborne Close, a narrow cul-de-sac containing a mix of houses, flats and free-standing garages.

1.3 The main school building is located to the east of the site and has two wings leading from a central core. It is a mix of flat roof single and two storey elements with timber and masonry cladding. There was a free standing structure enclosing a swimming pool adjacent to and east of, the northern wing, which was demolished and the pool infilled earlier in 2015.

## **2. The Proposal**

2.1 Planning permission is sought for extensions to the School to create the following: a) new block containing three additional classrooms; b) extension to an existing classroom; c) extension to the hall; and d) extension to the administration office and Reception Year toilets. The extensions and alterations are to accommodate additional intake up to 2021. The current capacity of the school is for 540 pupils. The intention is to increase the intake by 15 pupils per year up to 2021, with an increase of staff from 75 to 97.

2.2 The new teaching block measuring 20.4m x 13m x 4m high will be located on the eastern facing elevation of the north wing of the main school building. It will comprise three classrooms – one covering 56m<sup>2</sup> and two at 57m<sup>2</sup>, together with a 10m<sup>2</sup> Group Room, toilet block (including Accessible WC), circulation space and a glazed link to the existing building, measuring 3m x 12.5m.

2.3 The extension to the existing hall will be 10.5m deep x 4.5m wide, on the north facing elevation of the central wing of the School and will provide 33m<sup>2</sup> of additional space and an 11m<sup>2</sup> store.

2.4 The extension to the administration office will be 9.8m wide x 3m deep, on the east facing side of the southern wing of the School and will comprise 17m<sup>2</sup> of additional office space. The Reception Year toilets are adjacent to the

office and will be extended and re-modelled. These works will be on the elevation adjacent to the main entrance to the School.

2.5 Finally, the existing Reception Year classroom in the southern wing of the School will be extended on the west-facing elevation to create an additional 19m<sup>2</sup> of floorspace.

2.6 The new extensions are all single storey and have been designed to complement features of the existing school building. The facing material will be vertical timber cladding, set on grey coloured brick plinths where there are changes in level. All doors and windows and the curtain walling system on the south facing link block will be slate grey colour powder coated aluminium. There will be angled rooflights over the new teaching block and clerestory windows above the hall extension.

2.7 A new hard landscaped area will be formed in the space between the new teaching block and the hall extension. This will be a permeable surface with raised planting beds and seating. There are a number of trees close to the buildings which are to be retained. Four new parking spaces, including one for drivers with disabilities, will be created within the School site, close to the south-eastern corner of the building.

2.8 An existing single storey extension to the hall (approximately 3m deep by 7m wide) will be demolished to accommodate the new hall extension. The swimming pool itself was removed and infilled, all to facilitate the new teaching block.

2.9 The School held a meeting about the project for local residents on 28<sup>th</sup> September 2015.

### **3. Site History**

3.1 The planning history of the School site dates back to 1975 and includes applications for mobile classrooms and retention thereof, enclosure of the swimming pool, small-scale extensions and refurbishment works, and, replacement windows.

3.2 The most recent application dates from 2011. HS/2985/CC – Partial refurbishment and single storey extension to south eastern elevation. This extension has been built and offers accommodation for a special needs facility in the School.

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

4.1 Hastings Borough Council - No objections to the proposals

4.2 Highway Authority - There is some concern that the proposed extension of the School could increase parking pressures and congestion issues on the highway network at the start and end of the school day; however, the provision of a robust Travel Plan and improved facilities to

encourage alternative means of transport to the School will help to reduce any impact. Bearing in mind the package of measures mentioned above, as well as paragraph 32 of the National Planning Policy Framework which states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe,' it is not considered that a refusal on highway grounds could be defended. Any offsite works and the travel plan will need to be secured via will need to be secured via a S106 Legal Agreement/Unilateral Undertaking. In response to the further representations raised after the Transport Statement was published, no objections are raised to a 20mph speed limit. However, on-street parking acts as a natural traffic calming feature and as a result vehicle speeds are generally slow during the busiest periods. There may be also objections from other residents to the introduction of a speed limit. Overall, the likely increase in vehicle trips is unlikely to be considered as severe, even with a 'do nothing' approach. An objection on Highways grounds could not be justified.

4.3 Local Representations – Representations have been received from eight local residents, variously raising the following issues:

- Lack of adequate consultation by the School, requests for extension of time for local residents to comment to ESCC
- Concern about quality of consultation carried out by School, lack of transparency of the consultation process
- Planning Authority consultations should have been wider
- Concern about adequacy of parking on site
- Concern about traffic generation, capacity of roads and pathways
- Concern about increased demand for on-street parking in the area generally, lack of consideration by people dropping off/picking up children
- People dropping off/picking up children should not be permitted to use Osborne Close
- People block driveways in Osborne Close
- The proposal does not include any mitigation measures for traffic impacts
- No consideration given to what would happen if the proposed updated School Travel Plan is not properly implemented
- Errors in Transport Statement pointed out
- Concern about loss of outlook and privacy for residents in properties backing onto the School site
- TPOs should be placed on trees on the site
- Swimming pool was not under-used, it should be replaced
- A further representation was received following the publication of the Transport Statement and the Highway Authority response, suggesting that a) liaising with the local bus company with a view to improving public transport use, including provision of a school bus; b) introduction of a 20mph speed limit on Freshwater Avenue or a one-way system at peak times. Concerns raised about how the off-site works would be delivered and lack of timetable for the monitoring of the Travel Plan

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

5.1 Hastings Development Management Plan (adopted September 2015)  
Policies: DM1 (Design Principles), DM3 (General Amenity) DM4 – General Access, HC3 (Community Facilities).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals 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. 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. Paragraph 72 sets out the requirement to ensure that the planning system delivers a sufficient choice of school places by giving 'great weight' to create, expand or alter schools'.

5.4 Policy Statement on Planning for Schools Development: On the 15 August 2011 the Government issued, with immediate effect, a new policy statement on planning for school development. In this context, 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, 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**

### **Need**

6.1 Policy HC3 of the Hastings Development Management Plan 2015 supports development proposals for community facilities provided that they are acceptable in terms of location, design, access and impact on the locality. These matters are considered below. The Policy Statement on Planning for Schools Development encourages a positive approach when dealing with planning applications involving state-funded schools.

6.2 As is the case with many primary schools in the County, there is demand in the area for additional school places over the next five years partly due to an increase in the birth rate. The need for additional school places was set out in the Education Commissioning Plan October 2014, where the option to increase the capacity of Ark Blacklands Primary Academy to 630 places was put forward. It is therefore considered that the need for the proposal has been satisfactorily demonstrated and that a permanent extension is preferable to more temporary classrooms.

6.3 It is considered that the proposal is compliant with Central Government policy regarding the expansion and alteration of state schools.

### **Design and Impact on Amenity**

6.4 Policy DM1 (Design Principles) of the Hastings Development Management Plan 2015 requires development proposals to reach a good standard of design, and amongst other things, take into account local character. Policy DM3 (General Amenity) seeks demonstration that development proposals take into consideration amenity of future users and of neighbours. Policy DM4 (General Access) requires development proposals, amongst other things, to ensure that good accessibility is provided for all, especially for people with a physical or sensory impairment.

6.5 The existing main school building is of little architectural merit. The proposed extensions are of a simple flat-roof design that picks up the modular fenestration pattern and the timber cladding that is found on parts of the building, including the recent extension. Additional interest is provided by the rooflights above the new teaching block and the clerestory windows above the hall extension.

6.6 The proposal also includes additional disabled WC facilities and disabled parking, and will therefore ensure there are suitable facilities for people with disabilities.

6.7 The nearest residential properties are 30m away to the north, south and east. It is considered that this distance is sufficient to safeguard the residents from loss of privacy, daylight/sunlight or outlook. The properties to the west do not have a view of the proposed new extensions so would not be affected in this way.

6.8 The only landscaping that is proposed on the submitted drawings is the formation of a courtyard area outside the new teaching block and the extended hall. The hard surface will be permeable and the area will contain planters, seating and new steps to take into account the changes in level.

6.9 The application was accompanied by an Arboricultural Survey, which was considered by the County Landscape Architect. This document recommended that a further survey be carried out once the design and layout had been finalised. Although this was not done, the layout indicates that four

of the trees on the School site could be potentially affected by the works. A condition is proposed requiring these trees to be protected during the works.

6.10 A Phase 1 Habitat Survey was also submitted, which was considered by the County Ecologist. This concluded that the site has a low ecological value, although the scattered trees and shrubs on the site have intrinsic ecological value due to their potential to support nesting birds. The Report makes various recommendations concerning the need to consider legal responsibilities associated with nesting birds, bats and reptiles during the construction period. Finally, the report recommends that ecological enhancements be introduced in the form of bat and bird boxes. The County Ecologist is satisfied that, provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities Act and NPPF.

6.11 Details of the landscape scheme, tree protection measures during construction and type and location of bird and bat boxes will be secured by a proposed condition.

6.12 Overall, it is considered that the proposed extensions are of satisfactory design in keeping with the character of the existing school, taking into account the needs of people with disabilities and having no adverse impact on the occupiers of neighbouring residential properties. Therefore it is considered that the development complies with the relevant parts of Policies DM1, DM3 and DM4 of the Hastings Development Management Plan 2015.

### **Traffic Implications**

6.13 Policy DM4 (General Access) of the Hastings Development Management Plan 2015 seeks to ensure that development proposals take into consideration access into and around the site, including parking on site and provision for non-car based modes of transport. Development proposals should be accompanied by a Transport Statement where appropriate.

6.14 The impact of additional demand for on-street parking and additional traffic movements as a result of the expansion project is one of the key matters for consideration and has generated most of the objections in relation to the application.

6.15 The application was accompanied by a Transport Statement and a School Travel Plan, both of which were submitted to the Highway Authority for comment. The Transport Statement includes surveys of the levels of parking on the streets surrounding the School, the mode of travel of pupils, the mode of travel of staff, pupil's preferences as to how they would like to travel to and from School. Parents/carers were consulted on various optional alternatives to car travel.

6.16 The Transport Statement was considered to broadly reflect the situation as interpreted by the Highway Authority's analysis of the survey results and on-site observations. The survey records that parking pressures are particularly high on roads closest to the School entrance at peak drop-off/pick-up times, with spare capacity for on-street parking some distance away and unlikely to be utilised by parents/carers.

6.17 A Travel Plan to support the School expansion plan was submitted with the Transport Statement, which focussed on identifying and promoting non-car travel modes through recognising benefits for pupils such as health, road safety awareness, independence and socialising. A number of initiatives have been identified to assist in promoting such modes for example having 'walk to school week', informing parents through newsletters, creating a walking bus group, highlighting problems associated with parents parking inappropriately and promoting car sharing. These will rely on the School and the parents/carers actively participating and encouraging these activities. Other measures that have been suggested include new cycle stands and storage facilities for cycling equipment. Finally, off-site measures such as improved pedestrian facilities (footways/crossing points etc) are also mentioned in the Travel Plan but without the required funding these measures have not been taken into consideration by the Highway Authority at this stage.

6.18 Overall, the Travel Plan was considered to be acceptable as a 'basic framework' and it is recommended that it should be amended to include additional measures such as:

- On-site improvements to cycle facilities – ramps, better changing/cloakrooms, cycle purchase scheme with local bike shop
- Encouraging walking by setting up a Walking Bus Scheme, a 'Park and Walk' scheme, involving pupils and parents/carers in identifying walking routes in the area, pedometer scheme, pedestrian safety training at the School.
- Setting up a car-sharing scheme.

6.19 The Travel Plan aims for a reduction to 30% in pupils being driven to School alone, from the current level of 42%. The Highway Authority suggests that this is ambitious as it relies on off-site works which are outside of the control of the School. A more realistic target of a reduction to 36% is suggested as achievable if the additional measures recommended by the Highway Authority are included in a revised version of the Travel Plan.

6.20 At this stage, the Travel Plan is considered to be a 'working document' which can be developed to include measures to reduce reliance on car journeys to and from the School together with such off-site works as are considered necessary once appropriate surveys have been carried out, to be funded by the applicant. These and a final Travel Plan can be secured by way of a by way of Legal Undertaking or Agreement.

6.21 In response to the Highway Authority's comments, the applicant's agent has submitted a sketch showing how additional staff parking could be



accommodated on the site to give 11 spaces in total. This is considered to be acceptable.

6.22 The Highway Authority recommends that measures to improve pedestrian access to the site through the provision of pedestrian crossing points close to the Freshwater Avenue/Osbourne Close junction be investigated further with possibly two crossing points provided with one either side of the junction. This can be secured by way of a Legal Undertaking. Finally, the Highway Authority recommends a number of conditions to be attached to the planning permission.

6.23 It is considered that the submitted and recommended measures will resolve the existing and potential parking and traffic generation issues to comply with Policy DM4 of the Hastings Development Management Plan 2015.

### **Other issues**

6.24 Some local residents have raised the matter of the demolition of the pool and it has been suggested that it should be re-instated as being a valuable school facility. The applicant has responded that the decision to demolish and infill the pool was down to the high cost of heating and maintaining it for just 12 weeks out of the school year, during warmer weather. The cost of replacing the facility would be prohibitive and the need to provide additional classrooms to accommodate the demand for school places is considered to be of greater importance.

## **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 design and layout of the proposal is considered to be acceptable and to comply with all relevant policies in the Hastings Development Management Plan 2015 including Policy HC3, and Central Government policy regarding extensions to educational buildings. It is considered that the traffic and highways issues raised by the proposal can be satisfactorily addressed by measures to be set out in the Travel Plan and supplemented by the recommendations of the Highway Authority.

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) 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 The Planning Committee is recommended that the application be approved subject to the completion of the following procedure:-

(i) The completion of a Legal Agreement or Undertaking to secure the provision of a financial contribution to cover all traffic survey work and any highway works subsequently undertaken following the consideration of associated works to include additional crossing points in the vicinity of the School; the preparation of a Traffic Regulation Order, and; the submission of a revised Travel Plan for approval prior to the occupation of the development; and

(ii) To authorise the Director of Communities, Economy and Transport to grant planning permission upon completion of the Legal Agreement / Undertaking subject to conditions along the lines as indicated in paragraph 8.3 of this report.

8.2 To authorise the Director of Communities, Economy and Transport to refer the application back to this Committee if the Legal Agreement / Undertaking is not secured within 6 months.

8.3 The grant of planning permission should be 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. Prior to the commencement of the development hereby permitted a Construction Traffic Management Scheme shall be submitted to and approved by the County Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation. Given the restrictions of the surrounding roads to the site the hours of delivery/collection should avoid peak traffic flow times. Details regarding contractors' vehicles whilst works are being carried out should also be provided. The development shall be carried out in accordance with the approved Construction Traffic Management Scheme.

Reason: In the interest of highway safety and for the benefit and convenience of the public at large, and in accordance with Policy DM4 of the Hastings Development Management Plan

4. Development shall not commence until details of wheel washing facilities have been submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved details shall be implemented in full before the commencement of development and the facilities shall be maintained in working order during the construction period and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site. No vehicle associated with the development shall leave the site carrying mud, dust or debris.

Reason: In the interests of highway safety and the amenity of the locality and to enable the County Planning Authority to control and regulate the development.

5. Development shall not commence until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the Director of Communities, Economy and Transport. Development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate appearance of the development in the area and to comply Policy DM1 of the Hastings Development Management Plan 2015.

6. Development above ground shall not commence until details of the proposed landscaping works has been submitted to and approved in writing by the Director of Communities, Economy and Transport and these works shall be carried out as approved. These details shall include:

- Surface Materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc)
- Car parking layout
- Type and location of Bat and Bird boxes

The landscaped areas shall be maintained thereafter in accordance with the approved management plan.

Reason: To integrate the development effectively into the surrounding environment and to comply Policies DM1 and DM4 of the Hastings Development Management Plan 2015.

7. No development shall take place until full details of measures to protect the trees located to the south of the proposed new teaching block and to the north of the proposed classroom extension 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 Policy DM1 of the Hastings Development Management Plan 2015.

8. The development shall not be occupied until parking and turning areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Policy DM4 of the Hastings Development Management Plan 2015.

9. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the County Planning Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in compliance with Policy DM4 of the Hastings Development Management Plan 2015.

#### INFORMATIVE

1. A Travel Plan is required in association with this development to ensure that private car trips to and from the site are reduced. The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met. This will need to recommend realistic proposals for providing for and improving non-car modes of travel, through walking, cycling and public transport and assess the residual impact of the development on the surrounding highway network with ameliorative measures as necessary.

#### Schedule of Approved Plans

Arboricultural Survey, Preliminary Ground Contamination Risk Assessment Report, Extended Phase 1 habitat Survey & Preliminary Bat Roost Assessment, Design and Access Statement, 0001 Rev R1 - Site Block & Location Plan, 0005 Rev R1 - Existing Site Plan, 0010 Rev R1 - Proposed Site Plan, 0014 Rev R1 - Existing Floor Plan, 0015 Rev R1 - Proposed Floor Plan, 0020 Rev R1 - Existing Elevations, 0025 Rev R1 - Proposed Elevations,

Transport Statement - September 2015 V2.0, School Travel Plan - October 2015 Version2.0

RUPERT CLUBB

Director of Communities, Economy and Transport

3 November 2015

## **BACKGROUND DOCUMENTS**

Hastings Development Management Plan 2015

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

National Planning Policy Framework 2012

Planning File HS/3298/CC