

Recommendation Report for Planning Permission

REF NO: BE/67/18/PL

LOCATION: Bartons County Infants School
Romney Broadwalk
Bersted
PO22 9BH

PROPOSAL: Variation of condition 3 following approval of BE/49/17/PL to allow the continued use of Bartons County Infant School & retention of temporary buildings until 31st September 2019.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks consent for the continued use of the existing building and for the temporary buildings to remain on this site for an additional academic year (until 31st September 2019). There will also be an increase in pupil numbers from 390 to 420. This is required because of delays arising from highways work at the School's new site (former Carmelite Convent site in Chichester). As such, it has been determined that it may not be feasible for all pupils to move for the start of the 2018/19 academic year. The application however adds that it may be possible to move the primary school to the permanent site during one of the school holidays throughout the year and as such the full year may not be required.
SITE AREA	0.58 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	The site contains some small to medium trees within the grounds and small trees/hedging along some of the boundaries. There are some larger trees within the narrow area of open space to the immediate east of the eastern boundary.
BOUNDARY TREATMENT	Boundary treatments consist of 1.8-2m high close boarded fencing supplemented with trees to the southern boundary and a hedge along the eastern boundary of between approximately 1.6 and 2.5m high.
SITE CHARACTERISTICS	Existing school site comprising of an existing school building of between single and two storeys in height and the temporary buildings approved by BE/49/17/PL. The building has a vehicular access from Romney Broadwalk on the western side and this leads to a small turning & parking area. A more detailed site description is given on application BE/49/17/PL.
CHARACTER OF LOCALITY	The site is within a predominantly residential area with

residential dwellings to all sides. The dwellings to the south are predominantly single storey whilst those to the east (being located on the other side of a narrow area of Council owned green space) are predominantly two storeys in height.

RELEVANT SITE HISTORY

BE/99/17/DOC	Application for approval of matters reserved by condition imposed under BE/49/17/PL relating to condition 7 for School Travel Plan.	DOC Approved 29-08-17
BE/91/17/DOC	Application for approval of matters reserved by conditions imposed under BE/49/17/PL relating to Condition 5 - Landscaping Scheme	DOC Approved 04-09-17
BE/49/17/PL	Reuse of the former Bartons County Infant School & the erection of additional seven-class modular buildings on-site for a temporary period of one year	ApproveConditionally 15-06-17
BE/41/04/	Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for new single storey extension (classroom) to include new covered play area & new paved covered way. (This application will be determined by the West Sussex County Council)	ApprvdCond-WSCC 09-06-04
BE/14/00/	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for additional permanent classbase (This application will be determined by the West Sussex County Council)	ApprvdCond-WSCC 10-04-00
BE/190/89	Application under Regulation 4 of the Town and Country Planning General Regulations 1976 County Council Redevelopment for installation of quadruple mobile classroom unit to overcome rising pupil numbers	DeemedPerm-WSCC 16-01-90

Application BE/49/17/PL gave a temporary 1 year permission for the re-use of the former Bartons County Infant School as a primary school for children within the reception to 6 years age group and also the installation of a 7 classroom modular building within the grounds to accommodate an extra 210 children. The modular building is roughly square shaped with an approximate footprint of 24m by 24m. It is single storey with a flat roof (2.9m high). The building also accommodates a small office and toilets. The windows in the southern elevation have frosted film applied to them to prevent overlooking of dwellings to

the south.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

The Parish Council formally responded to state "No objection". However, an email sent on the day before the formal response stated that: "The Planning Committee have no objection to the variation to condition 3, but have asked why the buses use Rowan Way to drop children off when the paper work lodged shows several drawings showing turning points at the school entrance for buses. You may be aware that some members feel the buses cause an obstruction with the way the park at drop off and pick up times. Do you have any further information on this?"

One letter from a local resident stating that:

"The amount of traffic around our small roads is ridiculous they are not able to cope with the amount of cars picking up and dropping children off, the drivers are inconsiderate and park anywhere even on double yellow lines, we live on a bus route and the buses quite often are unable to get through the parked cars and can be sat outside our houses beeping their horns."

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish comments were put to the applicant's agent and his response was as follows:

"Chichester Free School will remind drivers of the correct procedure when dropping off the pupils. As set out in the Transport Statement, the coach access strategy is summarised as follows:

- i. The first coach accesses the site from the main entrance, turns around on-site (using the playground) and stacks on Romney Broadwalk (facing south).
- ii. The second coach turns around on-site (in the playground) and stacks on Romney Broadwalk (behind the first coach).
- iii. The last two coaches park on-site within the playground. For School drop-off in the morning, coaches three and four stack on Romney Broadwalk when the first two coaches have departed.
- iv. For school departures in the afternoon, it is likely that all four coaches arrive and set down at the same time for a short period before the end of the School day, meaning two coaches stack on Romney Broadwalk.

The school will continue to monitor and ensure that the bus drivers use the correct procedure."

The Parish Council clerk responded to say that the Woods coaches do drop off on Rowan Way, so will they not be doing this anymore. In response, the clerk was advised that: "If they continue to do so then the school need to be informed so that they can remind the drivers. If the Parish feel strongly about it then you would be able to raise an enforcement complaint re breach of planning condition."

The local resident concerns will be discussed in the conclusions section.

CONSULTATIONS

WSCC Strategic Planning

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Initially wrote to request reassurance that there will be a shuttle bus service in place. The applicant's agent wrote in response to state that "The ESFA can confirm that buses will be in place if there is the need to use the Barton Primary School site should the permanent site (former Carmelite Convent) infrastructure not be in place for September 2018 opening." WSCC subsequently wrote to advise no objection. They also stated that, whilst not essential, conditions to ensure continued compliance with the Travel Plan and the provision of the shuttle bus service would be welcomed.

COMMENTS ON CONSULTATION RESPONSES:

The Travel Plan approved by BE/99/17/DOC stated that: "The school operates a fleet of coaches and minibuses, providing secondary pupils with transport to and from VR and a shuttle service will provides Primary pupils with a service to and from RB, once the site opens." This document has been updated and a new Travel Plan is provided with the application. This does state that: "It is noted that at the time of writing it was yet to be confirmed whether the shuttle bus would continue to operate during the 2018/2019 school year. Additionally, should the arrangement continue the school buses will have to be re-routed to take account for the fact that the secondary school will have departed the Vinnetrow Business Park site and will have moved to the permanent site in advance of the primary school." However, the applicants agent has since given reassurances that the service will be operational for the additional year.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Pagham Harbour Zone B; and
Part Flood Zone 2 (eastern boundary).

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
WDM2	W DM2 Flood Risk

Bersted Neighbourhood Plan 2014 Policy CLW3	Sport and Leisure Provision
Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031 and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies of the Bersted Neighbourhood Plan are considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

INTRODUCTION:

As this application proposes to vary the previous permission to allow an additional years occupation/use of the site, it is necessary to appraise the application afresh. However, regard is had to the fact that the application concerns an existing school site and that the modular building is already in situ (i.e. no new built development is proposed) and that all development commencement activities associated with the previous permission have been completed.

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with

other policies of the Local Plan covering such issues as visual amenity, residential amenity, highway safety and parking.

Policy OSR DM1 of the Arun Local Plan 2011-31 (ALP) sets out protection to existing open spaces including school playing fields. It includes criteria which must be adhered to for a proposal to be acceptable. Bersted Neighbourhood Development Plan (BNDP) does not contain any policies relevant to school development but it is relevant to consider its policy CLW3 which states that: "Development of existing recreational space including school playing fields, outdoor sport and recreational land will not be supported". However, as the modular building is already in place, as this is not a permanent development and as the temporary use is required to meet current education needs, it is not considered that there would be conflict with either of these two policies.

The National Planning Policy Framework is supportive of the development and use of schools. Paragraph 94 states that:

"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- (b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

VISUAL APPEARANCE:

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Bersted Neighbourhood Development Plan (BNDP) policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to its location."

The modular school building is already in situ at the site and was previously considered to be acceptable by virtue of BE/49/17/PL. However, as the planning policy framework has changed it is necessary to reassess the development.

The modular school building is single storey and is clad in sheet steel with a painted finish and has a grey roof. The design is considered to be functional and will not particularly be in character with either the existing school buildings or surrounding houses. However, the building is only temporary and although it could be in place for another year, it will thereafter be removed from the site. Furthermore,

the building will have limited visibility on views from Romney Broadwalk due in part to the distance from this viewpoint and also to the existing boundary treatment. In addition, the building will be viewed in context with the existing school site and surrounding large scale developments and, as such, would not be visually obtrusive in this location.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Regard should also be had to paragraph 127 of the NPPF which states that: "Planning policies and decisions should ensure that developments: (f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

It is noted that a number of residential properties to the south of the site have relatively short gardens and that in some cases, living accommodation is only 5 or 6m from the school boundary. The modular building is only 9m from this boundary at the closest point. Although, the existing dwellings and the proposed modular building are all single storey, there is still considered to be potential for overlooking. However, mitigation is included in the form of obscure glazed film on the south facing windows. This is acceptable.

ALP policy QE DM1 states that:

"Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required. Proposals will need to be supported by:

- a. Evidence to demonstrate that there are no suitable alternative locations for the development.
- b. A noise report which provides accurate information about the existing noise environment, and the likely impact of the proposed development upon the noise environment. The report must also demonstrate that the development meets appropriate national and local standards for noise, as set out in Annex 1 of the Planning Noise Advice Document: Sussex, and any mitigation measures required to ensure noise is managed to an acceptable level.
- c. Evidence to demonstrate that the development will not impact upon areas identified and valued for their tranquillity, including Gaps Between Settlements which are important to the enjoyment of Arun's countryside, its habitats and biodiversity."

The applicants provided a noise report with the previous application and this concluded that:

- * The dominant source of noise affecting the noise sensitive receptors (NSRs) would relate to when the playgrounds are in use;
- * However the playgrounds would only be used at break times and the resulting level at the NSRs is equal to or lower than the World Health Organisation (WHO) amenity area upper limit;
- * Noise breakout from classroom open windows will be very low even outside the most affected NSRs;
- * Based on the above it would be considered that noise impact would be low; and
- * An additional factor which would reduce the impact would be the fact that the Free School will only operate for a temporary period.

This assessment was checked by Environmental Health Officers and they found it to be acceptable and

did not raise any objections. It is not considered that a small increase in pupils will materially change the conclusions of the assessment or the likely impacts on nearby residential properties.

It is therefore considered that the proposal is in accordance with policies D DM1 and QE DM1 of the ALP.

PARKING & HIGHWAYS:

ALP policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. The following extracts are considered to be key:

"The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

And:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

It should also be noted that paragraph 109 of the National Planning Policy Framework states 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."

The application is accompanied by an updated Transport Assessment and an updated School Travel Plan. Under the previous application it was considered that the implementation of a School Travel Plan would mitigate against any significant impact on the nearby junctions. The applicant considers that the continued use of the development would have a negligible impact on the operation of the local highway network and that the proposal will continue to be temporary in nature with the impacts only existing until the point that the primary school is able to move to the permanent site (the start of the 2019/20 academic year at the latest).

The application has been appraised by WSCC Highways who following confirmation of the continued shuttle bus provision, have not raised any objection and as such do not consider that the continued school use will have a severe impact on the local highway. It is accepted that there are amenity impacts associated with the movement of buses/coaches and the parking of cars in the local area and that these impacts have the potential to make life difficult for existing residents. However, these impacts will not be permanent and are also limited to school term times therefore there is respite during holiday periods.

It is therefore considered that the proposal complies with policy T SP1 of the ALP.

CONDITIONS:

This application seeks only to vary condition 03 of BE/49/17/PL. However, it is necessary to re-impose any of the other conditions that remain relevant. The following comments are made in respect of the continued relevancy of the previous conditions:

- (1) Time limit for commencement of planning permission - no longer relevant;
- (2) Approved plans - still relevant but condition to be modified to refer to the approved plans from BE/49/17/PL;
- (3) 1 year temporary planning permission - this is the subject of this application and will be modified to allow a further year;
- (4) Tree protection to be in place prior to commencement - no longer relevant as the buildings are in place;
- (5) Landscaping scheme prior to commencement - the landscaping scheme has already been approved (BE/91/17/DOC) and implemented. However, a modified version of the condition will be imposed to ensure that any plants that die are replaced;
- (6) Provision of vehicle turning space prior to occupation - no longer relevant as the turning space was in place prior to occupation of the modular building;
- (7) School Travel Plan to be agreed prior to occupation - the Travel Plan was previously agreed by BE/99/17/DOC. However, a new Travel Plan has been provided & agreed. Therefore the condition will be modified to ensure that the school use continues in accordance with the new document and that the shuttle bus service continues to be provided;
- (8) Development carried out in accordance with Construction Management Plan - no longer relevant as the buildings are in place;
- (9) Development carried out in accordance with Noise Assessment mitigation measures - the condition will be modified to ensure that mitigation measures continue to apply to this variation permission;
- (10) Any new external lighting to be agreed - this condition has not been discharged therefore it remains valid;
- (11) Mitigation measures if any clearance of bird nesting habitat - no longer relevant as the buildings are in place; and
- (12) Obscure glazing film to be added to southern facing windows - still relevant to ensure that the film remains attached to the windows.

RECOMMENDATION:

It is recommended that planning permission be granted in accordance with the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report..

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following plans which were previously approved by application BE/49/17/PL:

Location Plan;
 Site Plan as Proposed (dwg 1185-B-100);
 School Plan Layout plan (dwg 170301-01 Rev 1);
 Elevation Details (dwg 170301-02 Rev 1); and
 Roof plan (dwg 170301-04).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and TSP1 of the Arun Local Plan.

- 2 The modular building hereby permitted shall be removed, the land restored to its former condition (or to a condition to be agreed in writing by the Local Planning Authority) and the development disconnected from the existing storm drainage system, on or before the expiration of the period ending on 01 October 2019

Reason: The application has been considered on the basis of a 1 year temporary proposal. It is also important not to prejudice consideration of future proposals for the site and to ensure that the drainage system is not used in excess of the proposed period. In accordance with policies D DM1 and T SP1 of the Arun Local Plan.

- 3 Any trees or plants which, within a period of five years from the completion of the development approved by BE/49/17/PL, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species in accordance with the landscape scheme as detailed on Drawing 0032/17/B/1B "Landscape Planting Plan" (approved by BE/91/17/DOC), unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 4 The continuation of the use of the school site for the additional year shall be in complete accordance with the updated Travel Plan entitled "Chichester Free School - Temporary Primary Site School Travel Plan" (Ref 5613/010/002, May 2018). The shuttle bus service referred to shall also continue.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 5 The mitigation measures specified within the Noise Assessment Report (Issue 1 - 04/04/17) as approved under ref BE/49/17/PL shall continue to be adhered to throughout the lifetime of this development. There shall then be no deviation from these mitigation measures without approval in writing from the Local Planning Authority.

Reason: In the interests of the amenities of the area and of neighbouring residential properties

in accordance with policies D DM1, QE SP1 and QE DM1 of the Arun Local Plan.

- 6 No new external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with policies D DM1, ENV DM5, QE SP1 and QE DM2 of the Arun Local Plan.

- 7 The windows on the southern elevation of the modular building shall at all times be affixed with obscure glazing film.

Reason: To protect the amenities and privacy of the residential dwellings to the south in accordance with policy D DM1 of the Arun Local Plan.

- 8 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.