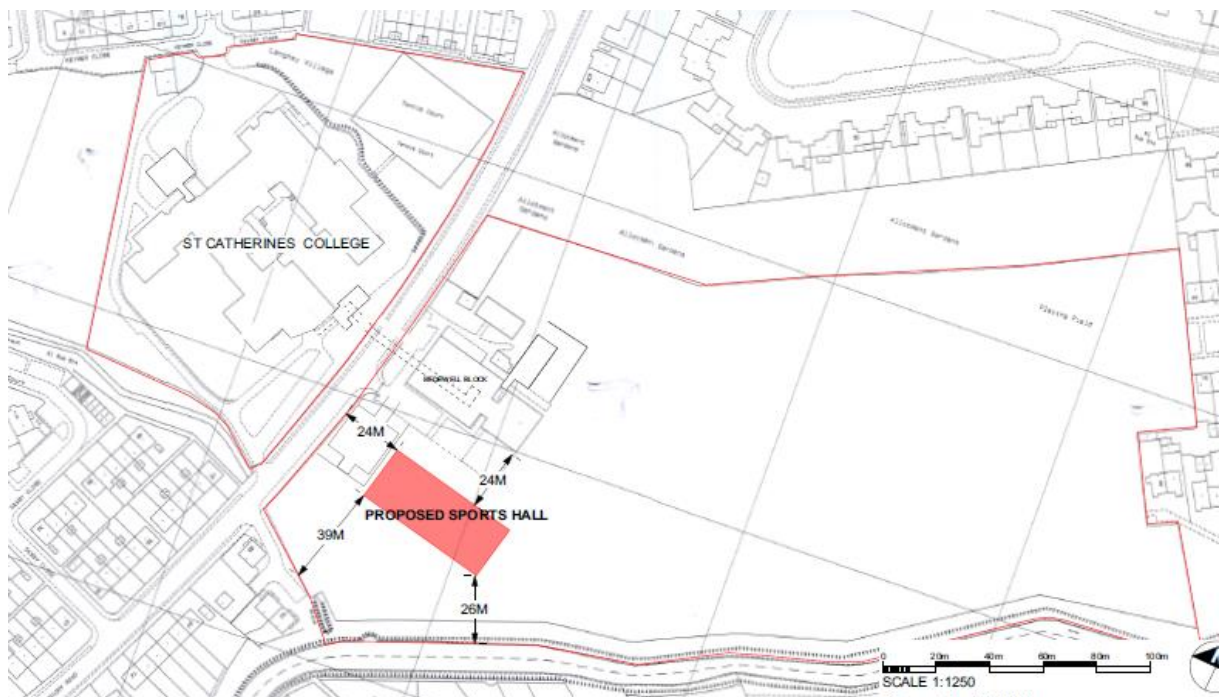


Report to: Planning Committee
Date: 20th October 2020
Application No: 211070
Location: St Catherine's College, Priory Road, Eastbourne
Proposal: Erection of two storey school sports hall.
Applicant : The School Governors
Ward: St Anthonys

Recommendation: Approve Subject to Conditions and either a Unilateral Undertaking or S106 Legal Agreement for Local Labour Agreement

Contact Officer: **Name:** Chloe Timm
Post title: Specialist Advisor
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Telephone number: 07506702851

Map Location:



1. **Executive Summary**

- 1.1 The application is being presented at planning committee as per procedure for all major planning applications. The application is classed as a major application due to the proposed sports hall having an internal floor space of over 1000sqm.
- 1.2 The proposal is to erect a new sports hall on land adjacent to the Bedewell Block car parking area, the sports hall would be erected on the existing school playing field.
- 1.3 At the time of writing the report the application the consultation response from the environment agency is outstanding due to further information being requested, the response will be provided by addendum. The report is being finalised ahead of the expiry of the consultation period to keep to the committee schedule.
- 1.4 The application is considered to comply with local and national policies and is recommended for approval subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- 2: Achieving Sustainable Design
- 4: Decision-Making
- 6: Building a strong, competitive economy
- 8: Promoting health and safe communities
- 12: Achieving well-designed places.

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1 Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C8: Langney Neighbourhood Policy
- D1: Sustainable Development
- D2: Economy
- D5 Housing
- D10a: Design.

2.3 Eastbourne Borough Plan 2001-2011:

- HO20: Residential Amenity
- LCF2: Resisting Loss of Playing Fields
- LCF18: Extension of Educational Establishments
- NE16: Development within 250m of a former landfill site
- NE20: Sites of Nature Conservation Importance
- UHT1: Design of New Development

UHT4: Visual Amenity

US4: Flood Protection and Surface Water

US5: Total Flood Risk.

2.4 Eastbourne Employment Land Local Plan (ELLP- adopted 2016).

3. **Site Description**

3.1 The application site as is a secondary school located on Priory Road in Eastbourne.

3.2 The school has two sites, the main school building and playground are located on the eastern side of Priory Road, with a smaller building and playing field located on the western side of Priory Road, both buildings are linked by a pedestrian footbridge.

4. **Relevant Planning History**

4.1 There is extensive history for the application site with various extensions and alterations on the site. The most recent applications are:

4.2 **210691**, Erection of a tensile fabric canopy, approved conditionally, 21 August 2021.

4.3 **200982**, Demolish existing hutted unit, used as a drama studio and replace with a new larger single storey drama studio and wc's in a new location, in permanent construction. (resubmission of withdrawn application 200657). Approved Conditionally 02 August 2021.

5. **Proposed Development**

5.1 The application is seeking permission for the erection of a new sports hall within the existing school site, adjacent to the Bedewell Block car parking area.

5.2 The sports hall will be comprised of a steel frame with steel cladding to the walls and roof and aluminium framed doors and windows.

5.3 The sports hall will include an internal lobby, viewing area, toilets, changing rooms and storage area at ground floor and toilets and two large spaces at first floor level.

5.4 The total internal floor space will be approximately 1270sqm.

5.5 The proposal is to make the sports hall available for hire to schools, churches and charities after 17:00 on school days and weekends, for non-for-profit purposes.

6. **Consultations**

6.1 Specialist Advisor (Regeneration)

6.1.1 The new sports hall and associated accommodation will enhance the curriculum offer at the school as well as provide potential community benefit and income generation out of core operational hours.

- 6.1.2 During the construction, the main contractor, via a local labour agreement, will be able to participate in career and educational activities, site visits and work experience placements. St Catherine's College currently works with the Council to secure work placements and participation in careers programmes, therefore, onsite collaboration with the contractor would be beneficial and welcomed.
 - 6.1.3 The construction of the development will generate sub-contracting prospects for local SMEs, provide temporary employment and support the local supply chain.
 - 6.1.4 In accordance with the Local Employment and Training Supplementary Planning Document the application meets the threshold for a commercial development, namely the creation of 1,000sqm (gross), therefore, it is requested that approval of the application be subject to a Local Labour Agreement.
 - 6.1.5 Regeneration supports the application and requests approval be subject to a Local Labour Agreement.
- 6.2 Specialist Advisor (CIL)
- 6.2.1 The application would not be CIL liable should it be granted.
- 6.3 Specialist Advisor (Contaminated Land)
- 6.3.1 The historic map data suggest that there is a historic landfill at the site. I do not see any contaminated land desktop study report submitted with the application. In absence of such report, full land contamination conditions are pertinent for the site.
 - 6.3.2 So, if LPA is minded to grant planning permission, then I recommend the following conditions:
 - 6.3.3 (1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - a. A Preliminary risk assessment which identified:
 - i. All previous uses
 - ii. Potential contaminants associated with those uses
 - iii. A conceptual model of the site indicating contaminants, pathways and receptors
 - iv. Potentially unacceptable risks arising from contamination at the site.
 - b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c. The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken.

- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

6.3.4 (2) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained, written approval from the Local Planning Authority, for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

6.3.5 (3) Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

6.3.6 Reason (for all): To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 170,178 and 179].

6.3.7 (4) No development shall take place until a Construction Environment Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including workers' travel plan), temporary site security fencing, artificial illumination, noise, dust, air pollution, odour and site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing with the Local Planning Authority.

6.3.8 Reason: In the interests of amenity of the locality.

6.4 Specialist Advisor (Environmental Health)

6.4.1 There are no environmental impact concerns under noise control requirements for the erection of the premises.

6.4.2 On review of the planning application, I have no formal comments to make in response.

6.5 Specialist Advisor (Environmental Health)

6.5.1 On review of the planning application, no formal comment to make in response.

6.6 East Sussex Highways

6.6.1 This Planning application seeks approval for the erection of a two-storey school sports hall within the existing school site and adjacent to the Bedewell Block Car park. This application does not seek to increase staff or pupil numbers and will be accessed via the existing school access off Priory Road. Although the facility will be available for use by non-profit organisations this will not coincide with school hours and it is therefore considered that any impacts on the highway will be minimal. On this basis I do not object to the application. This is however subject to the following comments and conditions.

6.6.2 The intention is to allow the sports hall to be used by churches, local charities and schools for non-profit making purposes but there will be no increase in the existing pupil numbers. As the facility will be available for other users the traffic levels associated with the site would increase; however, as the facility will only be used after 5pm and at weekends these times are unlikely to coincide with peak periods on the network and will be predominantly outside school hours. Measures should, however, be in place to ensure that any after school events, such as football matches that would require parking do not coincide with external bookings of the sports hall.

6.6.3 There is no intention to increase the parking provision within the site. On the basis that there are 24 lined spaces within the car park adjacent to Bedewell Block and up to 14 spaces in the car park to the west of the proposed facility, the existing provision is likely to be adequate for when the hall is used by other organisations. It is noted that the car park to the east does not have marked spaces, on the basis that the proposal involves the removal of 3 bays within the site it would be preferable to surface and line the currently unmarked spaces to ensure maximum use. No cycle parking has been indicated. As the hall will not be solely for use of the school, cycle parking should be provided as cycling has the potential to replace shorter car journeys.

6.6.4 The greatest impact of this development on the highway network will be during the construction phase. A Construction Management Plan is required to minimise the disruption the construction will cause. It would be preferable to have a construction outside term time.

6.6.5 Conditions

6.6.6 The development shall not be occupied until parking 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.

6.6.7 The development shall not be occupied until cycle parking area has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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.

6.6.8 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period. The plan shall provide details as appropriate but not be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction;
- The methods of access and egress and routing of vehicles during construction;
- The parking of vehicles by site operatives and visitors;
- The loading and unloading of plant, materials and waste;
- The storage of plant and materials used in construction of the development;
- The erection and maintenance of security hoarding;
- The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of the construction upon the public highway (including the provision of temporary Traffic Regulation Orders).

Reason: In the interests of highway safety and the amenities of the area.

6.7 Environment Agency

6.7.1 At the time of writing this report the comment from the Environment Agency had not been received. The consultation response will be added as an addendum.

7. **Neighbour Representations**

7.1 Public notification regarding the application has been undertaken in the following ways:

- Letters have been sent to all registered properties adjoining the site.
- A site notice has been displayed in the vicinity of the application site.
- An advert has been published in the local newspaper.

7.2 The neighbour consultation period expired on 11 March 2022.

7.3 No representations have been received from the public.

8. Appraisal

8.1 Principle of Development

- 8.1.1 There is no objection in principle to the proposed development provided it would be designed to a high standard, respect the established character of the area and would not have an adverse impact on amenity.
- 8.1.2 In addition, the creation of wider recreational facilities within the borough would be welcomed and would accord with the NPPF 2021 para. 92, 93 and 93.
- 8.1.3 Policy LCF2 (Resisting Loss of Playing Fields) of the Borough Plan states that 'proposals which result in the net loss of playing fields will not be permitted. In exceptional circumstances planning permission will be granted for a development which would result in the loss of playing fields where... in the case of playing fields relating to educational establishments, it has been demonstrated that the development meets an overriding need for educational facilities and that the adverse impact on playing field provision has been kept to a minimum'.
- 8.1.4 Policy LCF18 (Extension of Educational Establishments) of the Borough Plan states that 'planning permission will be granted for additional education facilities within sites identified for educational use provided that the development has no significant detrimental effects on residential, visual or environmental amenity... the development is acceptable in terms of siting, scale and materials... the development has good, safe secure access by public transport, on foot and bicycle... and appropriate provision has been made for access by people with disabilities and with mobility issues'.

8.2 Impact of the proposed development on amenity of adjoining occupiers and the surrounding area:

- 8.2.1 It is not considered that the proposed sports hall would have a negative relationship with the adjoining occupiers or the surrounding area.
- 8.2.2 The proposed development is thought to be in keeping with the existing buildings of St Catherine's College and not thought to have a negative impact in terms of visual impact.
- 8.2.3 The sports hall will be visible within the wider street scene; however, any visibility of the sports hall is not thought to harm the character of the street scene due to being set back from the main highway.

8.3 Use

- 8.3.1 The development will provide a sports hall facility for the school.
- 8.3.2 The facility will also be made available for non-profit hire to churches, charities, and other schools.
- 8.3.3 The building would provide an internal lobby and viewing area, toilets, and equipment store.

- 8.3.4 The use is considered to be in keeping with the existing school surrounding and it is not anticipated that there would be any significant issues in terms of impacts on the amenities of the area.
- 8.3.5 The erection of the sports hall facility would reduce the overall area of the school's playing field, however, in line with policy LCF2 of the Borough plan it is considered that the loss has been kept to a minimum and the resulting development would provide an indoor sports facility which can be used all year round.

8.4 Design

- 8.4.1 The sports hall comprises a steel frame construction with composite steel cladding to walls and roof and aluminium framed windows.
- 8.4.2 Colour for the steel cladding and windows are yet to be confirmed, to ensure visual amenity is maintained, a condition will be set to have these details submitted to and confirmed by the Local Planning Authority.
- 8.4.3 The design of the sports hall is considered to be acceptable in terms of bulk and scale.

9. **Human Rights Implications**

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

- 10.1 It is considered the proposal complies with national and local policy and is therefore recommended for approval subject to a Unilateral Undertaking or S106 Agreement for Local Labour Agreement and pursuant to the following conditions:

- 10.2 **TIME LIMIT:** The development hereby permitted shall be carried out in accordance with the following approved drawings:

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 10.3 **DRAWINGS:** The development hereby approved shall be carried out in accordance with the following approved plans:

- 2189.31/09 Block Plan
- 2189.31/10 Site Location Plan
- 2189.31/11 Existing Site Plan
- 2189.31/12 Existing Site Elevations
- 2189.31/13 Existing Site Sections
- 2189.31/20 Proposed Site Plan
- 2189.31/21 Proposed Ground Floor Plan

- 2189.31/22 Proposed First Floor and Roof Plans
- 2189.31/30 Proposed Elevations
- 2189.31/31 Proposed Site Elevations
- 2189.31/32 Proposed Sections
- 2189.31/33 Proposed Site Sections
- 2189.31/34 Proposed Internal Elevations

Reason: For the avoidance of doubt and to ensure that development is carried out in accordance with the plans to which this permission relates.

10.4 **CEMP:** No development shall take place, including demolition or site clearance, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- means of reusing any existing materials present on site for construction works;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works;
- address noise impacts arising out of the construction;
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- include details of the use of protective fences, exclusion barriers and warning signs;
- provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel; and
- details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to saved policies UHT1, NE28 and HO20 of the Eastbourne Borough Plan, policies B2, D1 and D9 of the Eastbourne Core Strategy and para. 174 of the NPPF.

- 10.5 **EXTERNAL MATERIALS:** No external materials or finishes shall be implemented until a schedule of materials and samples have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and sustainability in accordance with saved policies UHT1 and UHT4 of the Eastbourne Borough Plan, policies B2, D1 and D10a of the Eastbourne Core Strategy and para. 130 of the NPPF 2021.

- 10.6 **CONTAMINATED LAND:** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- a. A Preliminary risk assessment which identified:
 - i. All previous uses
 - ii. Potential contaminants associated with those uses.
 - iii. A conceptual model of the site indicating contaminants, pathways and receptors.
 - iv. Potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- 10.7 **CONTAMINATED LAND:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained, written approval from the Local Planning Authority, for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

- 10.8 **CONTAMINATED LAND:** Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set

out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

10.9 **CONTAMINATED LAND:** Reason (for all): To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 170,178 and 179].

10.10 **CONTAMINATED LAND:** No development shall take place until a Construction Environment Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including workers' travel plan), temporary site security fencing, artificial illumination, noise, dust, air pollution, odour and site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity of the locality.

10.11 **PARKING PROVISION:** The development shall not be occupied until parking 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.

10.12 **CYCLE PARKING:** The development shall not be occupied until cycle parking area has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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.

10.13 **HOURS OF USE:** The use, hereby approved, shall only operate within the following hours:

- 07:00-23:00

Reason: In the interest of protecting the amenity of neighbouring occupants.

11. **Appeal**

11.1 Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

12. **Background Papers**

12.1 None.