
Planning Report

Planning Implications of Development at Cedar Hall School, Thundersley for Proposed Development at Land Rear of 248 Hart Road, Thundersley

Planning Statement

Land Rear of 248 Hart Road, Thundersley and Cedar Hall School Development



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1. Introduction and Background

- 1.1 This report has been commissioned by Legal & General Affordable Homes (LGAH).
- 1.2 LGAH is actively promoting the development of Land Rear of 248 Hart Road, Thundersley ('the Site') for affordable housing.
- 1.3 A planning application (reference 21/1137/FUL) was made to Castle Point Borough Council (CPBC) by LGAH for the following development of the Site:

Demolish existing building and stables and construct 44. affordable dwellings including open space, play space, landscaping and associated access, infrastructure and parking arrangements

- 1.4 The above ('the Proposed Development') was refused by CPBC on 21 June 2022, but is now subject of an appeal which was submitted 4 November 2022 (reference APP/M1520/W/22/3310483).
- 1.5 The Site is located adjacent to an existing school – Cedar Hall School – located to the west of the Site.
- 1.6 An application (CC/CPT/52/22) dated 6 June 2022 was made to Essex County Council (ECC) by ECC for the following development at Cedar Hall School:
- Construction of two-storey standalone teaching block, removal of existing temporary classrooms, extension to existing hard surface play area, and associated works.*
- 1.7 CPBC was consulted on the above ('the School Proposals') and responses were provided from both Planning and Environmental Health services of CPBC.
- 1.8 ECC approved the application for Cedar Hall School Development on 11 August 2022 under delegated powers.
- 1.9 We understand that LGAH did not become aware of the School Proposals until after it had submitted its appeal in respect of the Proposed Development of the Site. As such, there was no opportunity to address any potential implications at the point of submission.
- 1.10 Subsequently LGAH commissioned Arc Landscape Design and Planning to prepare an addendum to its Landscape Visual Appraisal (LVA) and Green Belt Assessment, to consider the impacts of the School Proposals.

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1.11 This report considers the planning implications of the Cedar Hall School Development on the Proposed Development of the Site, and is structured as follows:

- **Section 2** considers the planning application made in respect of the School Proposals, including how the application addressed potential development of the Site; relevant consultee responses to the application; and how the proximity of the Site was considered in the determination of the application.
- **Section 3** provides a review of the potential impacts of the School Proposals on the acceptability of the Proposed Development of the Site, having regard to the adopted Development Plan and other material considerations.
- **Section 4** provides an overview and conclusion.

2. Cedar Hall School Development Planning Application

- 2.1 The application for the School Proposals (reference CC/CPT/52/22) dated 6 June 2022 was made to ECC by ECC.
- 2.2 As the Planning Statement which accompanied this application explains, this proposed development comprises the construction of a permanent new two-storey standalone teaching block, the removal of existing temporary relocatable classrooms, extension to existing hard surface sport area, and associated works. The DAS at 1.2 notes that the capacity of the school is 156 pupils and that the new building is to offset the removal of the temporary accommodation so that the new teaching block “does not propose an increase in pupil numbers at the school.”
- 2.3 The accompanying Planning Statement describes the proposed two-storey school building as “*broadly rectangular in shape and approximately 17m by 30m in extent*”.
- 2.4 The Planning Statement acknowledges the Site is in the Green Belt and that, as such, its acceptability was predicated on very special circumstances being demonstrated (i.e. the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations).
- 2.5 The Planning Statement also confirms that ECC (as applicant) was clearly alive to the possibility of residential development of the land to the east of the Cedar Hall School (i.e. the Proposed Development of the Site). At paragraph 2.1.2 it states:

“It is prudent to note that there is a ‘live’ application for 44no residential units on land to the east of the Site.”

- 2.6 Furthermore, application 21/1137/FUL is referenced at paragraph 3.2.1 of the Planning Statement, when describing the planning history surrounding area. In addition, at paragraph 5.2.4 of the Planning Statement it confirms that the issue of ensuring residential amenity and avoiding overlooking of the proposed development to the east was expressly raised by CPBC through the pre-application process.
- 2.7 Further to this, at paragraph 7.4.3 of application CC/CPT/52/22’s Planning Statement, it states that the proposed development to the east is awaiting decision, and suggests that any potential adverse impacts on the amenity of its future occupiers should be seen in this context. Nevertheless it goes on to confirm:

“The proposed development is located an adequate distance from the proposed residential development to the east, and does not present any potential adverse impact in respect of overlooking or privacy”.

- 2.8 ECC's delegated report on CC/CPT/52/22 notes the issue raised by CPBC regarding overlooking, and addresses these at page 15::

*“Castle Point Borough Council has expressed concern at the proximity of the proposed building to the eastern boundary and the potential that this offers for significant overlooking of the land to the east. However, planning permission has been refused for the development of land to the east for residential purposes. It is considered that the current **concerns of overlooking are unsubstantiated**. The eastern boundary is well screened by established vegetation and this would help screen the proposed building from views to the east. The proposed building would be approximately 28m from the eastern boundary of the school site”. (Emphasis added).*

- 2.9 In setting out the reasons for granting approval at page 12, the delegated report confirms:

“The development is not considered to have unacceptable impacts on privacy, overlooking, security, noise and disturbance, pollution, daylight and sunlight, it is considered that subject to proposed conditions, amenity would be protected in accordance with Policy EC3 [of the Castle Point Local Plan 1998, concerning residential amenity]”

- 2.10 In short, the report notes that the application to the east has been refused, but that in any case there would be no undue adverse impact on residential amenity.

- 2.11 In respect of CPBC's concerns over the two-storey flat roofed building constituting an obtrusive and unattractive feature in the landscape, the delegated report appears to acknowledge it would be of some harm to the Green Belt, stating at page 8:

“The proposed building is two storeys in height and would therefore have some impact on the Green Belt”.

- 2.12 But at page 11 appears to justify this on the following basis:

“Due to site constraints it would not be possible to provide the same amount of accommodation in single storey form without adversely impacting on existing open space within the site”

- 2.13 In summary, the application – including its determination – is considered to give rise to the following points of relevance in the consideration of the Proposed Development of the Site:

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- The School Proposals were evidently formulated in the context of the then live application for residential development to the east (i.e. the Proposed Development of the Site), and the need to ensure no undue impact on future occupiers of this by way of noise, overlooking, etc. The issue had been raised at pre-application stage, and accounted for in the application; and the delegated report confirms it was accounted for satisfactorily.

3. Review of Impact of School Proposals on Proposed Development of the Site

- 3.1 This section reviews the School Proposals (now approved and under construction) and relevance to the Proposed Development of the Site, further to the planning history discussed in sections 2 and 3 of this report, and in relation to the current Development Plan and other material considerations.
- 3.2 There are two elements to this: firstly the potential impact of the School Proposals on the Proposed Development of the Site (and, similarly the potential impact of the Proposed Development on Cedar Hall School); and, secondly, the impact of the School Proposals on the Proposed Development in terms of how this affects landscape and Green Belt considerations.

Proposed Development's Impact on Cedar Hall School and Vice Versa

- 3.3 The below shows the relationship between the Proposed Development of the Site and the School Proposals



Figure 1 – School Proposals and Proposed Development of Site (prepared by Ashby Designs)

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- 3.4 The Proposed Development's potential impact on Cedar Hall School was thoroughly considered by CPBC in the determination of planning application 21/1137/FUL. As confirmed through the Officer's Report in respect of this application, the Proposed Development gave rise to no concerns in this respect. The replacement of temporary classrooms with a new two-storey development (as per CC/CPT/52/22) is not considered to change conclusions in this respect.
- 3.5 Clearly, the Proposed Development still adjoins the school site, with the proposed dwellings remaining set back the same distance from the boundary with the school. There is nothing to suggest that the new arrangement within the school site would result in the School being in any way impacted materially differently by the Proposed Development than it was prior to the determination of CC/CPT/52/22.
- 3.6 It is also relevant to note that the School Proposals were formulated having regard to the potential for the Site to be developed as per the Proposed Development (as made clear in the Planning Statement which accompanied CC/CPT/52/22).
- 3.7 Additionally, CPBC was evidently aware of the School Proposals when it determined 21/1137/FUL. Indeed CPBC Planning issued a response to the School Proposals application one day before it issued its decision on 21/1137/FUL. CPBC raised no concerns vis-à-vis the Proposed Development of the Site and potential impact on the School Proposals at that time.
- 3.8 Furthermore, considerable time has now elapsed since CC/CPT/52/22 was approved in August 2022 and the appeal was lodged in respect of 21/1137/FUL. In the intervening time, CPBC has given no indication that it has any concerns in relation to this issue. CPBC's Statement of Case (February 2023) raises no concerns in respect of the Proposed Development and School Proposals. It is considered that it would be wholly unreasonable for CPBC to seek to raise this as an issue at this juncture.
- 3.9 Finally, but no less importantly, Cedar Hall School would have been consulted on both the planning application for the Proposed Development and the appeal, and has raised no objections.
- 3.10 In terms of the impact of the School Proposals on the Proposed Development (specifically the impact of the School Proposals on the amenity of the future occupiers of the Proposed Development), saved Policy EC3 of the Castle Point Local Plan 1998 is considered to be of most relevance.
- 3.11 Policy EC3 seeks to protect the amenity of residents. It states that proposals which would have a significant adverse effect on the residential amenity of the surrounding area resulting from traffic, noise, fumes or other forms of disturbance will be refused. In terms of how Policy EC3 is to be applied, RDG5 of the Castle Point Residential Design Guidance Supplementary Planning Document (November 2012) provides further details.

3.12 RDG5 concerns privacy and living conditions, and provides clear guidance as to how these are to be protected. In supporting text, at paragraph 5.7.3, it states that:

“A distance of 9m has previously been accepted as providing appropriately levels of privacy for windows at first floor level (2 storey). It is considered that this is still an appropriate threshold for development within the Borough”.

3.13 Further to this, and within RDG5 itself, it states:

*“For all development above ground floor level a distance of **9m** shall be provided between windows, edge of balconies or raised amenity space and the **boundary it directly faces at first floor level**, 15m at second floor level and 18m at third floor level or above, unless site circumstances dictate otherwise. In such circumstances, considerations such as those set out below, will be taken into account.*

“Where dwellings are located adjacent to public open space and other areas of land which serve as a buffer to development, or the prevailing pattern of development requires a tighter urban grain, reducing the distance between the window and boundary may be considered appropriate. Such cases must be accompanied by a robust design rationale”.

“If the design/layout of a development does not result in direct views between primary windows a reduced distance between windows and boundaries may be considered appropriate. Such cases must be accompanied by a robust design rationale.” (Emphasis added).

3.14 In summary, and insofar as is relevant in this instance, provision of a distance of 9m between first floor windows and boundary is considered sufficient, but there may be circumstances where a lesser distance is acceptable.

3.15 In respect of the School Proposals and their relationship to the rear gardens and rear windows of the proposed dwelling along the western boundary of the Proposed Development, the below cross section has been prepared by Ashby Design. (See Figure 1 for location of cross section). Please note this cross-section has been produced using LGAH’s site layout, in conjunction with information extrapolated from the following approved planning drawings for the School Proposals:

- Proposed Site Plan: 121229-CDP-ZZ-XX-DR-L-2002 P3
- Sections C-C, D-D & E-E: 121229-CDP-ZZ-XX-DR-A-2011-P5



Street Scene EE

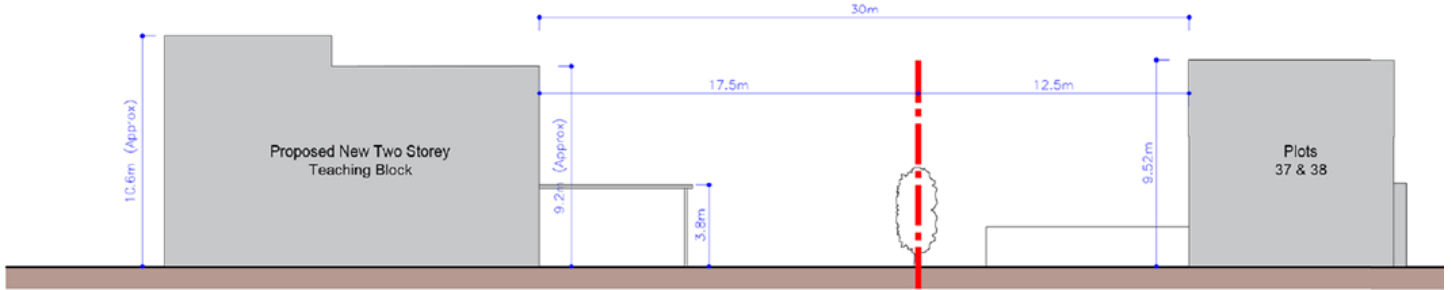


Figure 2 – Cross section of School Proposals and Proposed Development of the Site

- 3.16 As the above demonstrates, the School Proposals and the Proposed Development are set a relatively significant distance apart from one another (30m); and the distance from the first floor to the boundaries for both greatly exceed the 9m suggested by RDG5. Consequently, the Proposed Development is evidently acceptable in this regard, and it is not necessary to explore whether there are other factors that may render a distance of under 9m acceptable.
- 3.17 Furthermore, with regards to the potential for perception of overlooking from the two-storey school building, it is important to recognise the nature of its use. Unlike instances where the potential source of overlooking is a residential development, the school building will only likely be occupied at specific times. The Cedar Hall School day runs from 9:00am until 3:05pm and the building is unlikely to be occupied outside of these hours, or at weekends, or outside of term time, . As such the potential for perception of overlooking is considerably less than from an equivalent two-storey residential development,
- 3.18 Furthermore, we note that in Castle Point Environmental Health response to the application for the School Proposals, no concerns were raised that were not felt to be capable of being mitigated by way of condition (and that a condition was imposed).
- 3.19 Finally, the point in respect of the time that has elapsed since the appeal was made and the lack of any concerns raised by CPBC that was noted in respect of the potential impact of the Proposed Development on Cedar Hall School applies to this issue also.

Green Belt and Landscape and Visual Impacts

- 3.20 LGAH's appeal in respect of the Proposed Development was accompanied by a Landscape and Visual Appraisal (LVA) and Green Belt Appraisal. This predated LGAH's awareness of the School Proposals and consequently did not account for them.
- 3.21 On LGAH becoming aware of the School Proposals, an Addendum to the LVA and Green Belt Assessment has been prepared to address this ('the Addendum').

3.22 At paragraph 2.5 of the Addendum, in considering the landscape / townscape implications of the School Proposals, it concludes:

“It is not considered that the new school building will significantly change the context of the appeal site in terms of townscape character albeit it is noted that there will be an additional perception of built form due to the scale and massing of the building.”

3.23 In respect of Green Belt, the Addendum finds that the introduction of the new two-storey school building to the west of the appeal site will reinforce the urban fringe characteristics of the area; and the presence of the new school building will locally reduce the sense of openness within the area within which the Proposed Development is sited, particularly in the northern-central part of the Site.

3.24 The Addendum makes clear that the School Proposals do not change the conclusion of either the LVA (that the effects on both landscape and visual amenity are limited to and are experienced at a local and site based level); or the Green Belt Assessment (that the Site only makes a minor / limited contribution to two of the purposes of the Green Belt, and that the impact of houses on the Site on visual aspects of openness will be limited and localised with negligible effects on the wider surrounding area).

3.25 Nevertheless, it is clear from the Green Belt Assessment that, for the only two purposes of the Green Belt to which the Site does contribute (to check the unrestricted sprawl of large built-up areas; and to assist in safeguarding the countryside from encroachment), the contribution is already reduced by virtue of the location’s urban fringe characteristics. The implementation of the School Proposals can only act to reinforce the urban fringe characteristics of the area in which the Site is located, and to further reduce the contribution the Site makes to the purposes of the Green Belt, if only by a relatively small degree.

4. Overview and Conclusion

- 4.1 The relationship between Cedar Hall School and the Proposed Development of the Site was carefully considered in the formulation of the Proposed Development, and expressly considered in the determination of the subsequent application 21/1137/FUL
- 4.2 Similarly, in the formation of the School Proposals, it was clear that ECC (as applicant) was mindful of the potential for land to the east of the School (the Site) to be developed for residential use, and the resultant need to consider the potential impact of proposals on the amenity of future occupiers. The issue of potential impact on residential amenity was considered by ECC (as Local Planning Authority for the application), including in respect of overlooking and noise. In respect of the latter, a condition was imposed to seek to ensure appropriate protection of residential amenity.
- 4.3 No objections were raised by Cedar Hall School in respect of the Proposed Development of the Site, either prior to the determination of the School Proposals application (in respect of application 21/1137/FUL); or subsequent to the approval of the School Proposals (in response to consultation on the appeal).
- 4.4 The Proposed Development when considered in the context of the School Proposals clearly confirms to policy and guidance in place to seek to protect residential amenity.
- 4.5 In respect of the potential landscape and Green Belt implications for the Proposed Development once the School Proposals have been implemented, an Addendum to the LVA and Green Belt Assessment confirms that the original conclusions of these documents remain. However, it also notes that the School Proposals will result in additional perception of built form, due to the scale and massing of the two-storey school building; and further reinforce the urban fringe characteristics of the Green Belt in the Site's locality.