

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

2 August 2017

Item: 6

Application No.:	17/01497/FULL
Location:	Forest Bridge School Chiltern Road Maidenhead SL6 1XA
Proposal:	Erection of two temporary single-storey modular buildings comprising five classrooms, one staff room and one study room to provide for an educational establishment until September 2019.
Applicant:	Mr Byrne
Agent:	Mr Tim Byrne
Parish/Ward:	Maidenhead Unparished/Oldfield Ward

If you have a question about this report, please contact: Laura Ashton on 01628 685693 or at laura.ashton@rbwm.gov.uk

1. SUMMARY

- 1.1 The application proposes the installation of two temporary single-storey modular buildings containing five class rooms and other school facilities to be sited in the school grounds adjacent to the existing modular building located near to the eastern boundary. The classrooms are intended to provide more teaching space for the existing school population as an interim solution before the school moves to its new site in September 2019. The site is in an area liable to flood and is located in Flood Zones 2 & 3. The proposals are supported by the Government's intention that, as set out in paragraph 72 of the NPPF, LPAs should give great weight to the need to create, expand or alter schools. The proposals will not have any impact on highway safety and convenience; will not pose any harm to the amenity of neighbouring occupiers; and is appropriate when considering the scheme's impact on the character of the area. The scheme has also been demonstrated to be safe and flood resilient and will not increase the risk of flooding onsite or elsewhere. It is therefore recommended that the panel grants planning permission subject to the suggested conditions.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is a long established school site. Forest Bridge School is located on the former Oldfield Primary School site on Chiltern Road to the east of Maidenhead. The site is bounded by residential properties and is located 150 m from the River Thames to the east.
- 3.2 The main school building is located in the centre of the site, with the largest playing field and hard surfaced play area located to the north and west of the site. Smaller green areas are located to the south and east. Vehicular access to the school is via Chiltern Road which is a cul-de-sac.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

	Description	Decision and Date
15/01053	Renewal of planning permission 11/03354 for a temporary single storey two classroom modular building in order to retain for a further 11 months and thereafter remove and reinstate to original condition	Permitted 10.7.2015
14/01000	Renewal of planning permission 11/03354 Siting of temporary portacabin	Permitted 23.9.2014
11/03354	Erection of a single storey two classroom modular building for a temporary period, and relocation of bin store and three parking spaces, with part of existing parking area converted to play area with access gates	Permitted 21.02.2012
10/00964	Erection of a freestanding playground shelter, installation / replacement of play equipment and provision of safety surface areas	Permitted 16.07.2010
08/01706	Construction of a new front entrance canopy	Permitted 28.08.2008
07/02608	Construction of an adventure playground	Permitted 15.11.2007
07/00114	Retention and alterations to form and siting of adventure playground	Permitted 20.02.2007

- 4.1 The modular building approved in 2012 has been renewed for continued use until August 2018.
- 4.2 The application proposes the erection of two single storey modular buildings which will contain classrooms and facilities required by the school. The buildings have a GIA of approximately 256 sq m. The buildings are proposed to be located adjacent to an existing single storey modular building that was granted planning permission in June 2014 under planning reference 14/01006/FULL.
- 4.3 Building 1, as referred to in the submission documents will be located to the north of the existing modular building on the site of a previous temporary building which was granted planning permission under planning reference 11/03354/FULL. Building 1 will contain a classroom with the capacity to accommodate 10-12 pupils; a food technology bay with four workstations; a science bay with four workstations and toilets. Building 2 is proposed to be located to the west of the existing modular building on an area of hard standing. Building 2 will contain an indoor recreation room for six pupils and four staff, a Design Technology and Woodwork bay with four workstations; a consultation/meeting room; and a calm/study room. Together the modular buildings, existing and proposed, will form a cluster of buildings on an area of open space towards the south east of the school site. No changes to the access arrangements are proposed.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

National Planning Policy Framework

- 5.1 Section 7 of the NPPF deals with the requirement to deliver good design through the planning system. Paragraph 56 explains that the Government attaches great importance to the design of the built environment and suggests that good design is a key aspect of sustainable development and is indivisible from good planning.
- 5.2 Section 8 of the NPPF sets out the Government's objective to promote healthy communities. Paragraph 72 of the NPPF explains that the Government attaches great weight to ensuring sufficient choice of school places are 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 the choice in education. It urges LPAs to give great weight to the need to create, expand or alter schools.

Royal Borough Local Plan

5.3 The main strategic planning considerations applying to the site and the associated policies are:

Within settlement area	High risk of flooding	Community Facilities
DG1	F1	CF2

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Supplementary planning documents

5.4 Supplementary planning documents adopted by the Council relevant to the proposal are:

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

Other Local Strategies or Publications

5.5 Other Strategies or publications relevant to the proposal are:

- RBWM Strategic Flood Risk Assessment – view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of development
- ii Flood risk
- iii Impact on amenities
- iv Impact on character of the area
- v Highways Impact
- vi Trees and landscaping

Principle of Development

6.2 The education use on site is long established and the principle of the erection of temporary buildings for education purposes in this location has already been established by the approvals detailed in section 4 of this report. The principle of development is therefore acceptable.

6.3 As previously stated the proposed buildings are to accommodate the existing school population rather than representing an intensification of the use.

Flood Risk

- 6.4 The site is located in Flood Zones 2 and 3. Saved Local Plan Policy F1 explains that planning permission will not be granted for development that would impede the flow of flood water; reduce the capacity of the Flood plain to store flood water; or increase the number of people or properties at risk from flooding. In accordance with the technical guidance accompanying the NPPF, the proposals need to demonstrate compliance with the sequential test, exceptions test and have a Flood Risk Assessment demonstrating the development is safe with regards to flood risk. In this instance a sequential assessment has not been requested. This is on the basis that the proposed buildings are temporary and will be conditioned as such. The temporary buildings will provide additional accommodation for the school until they move to their new premises. It is therefore not appropriate in this instance to ask the school to consider alternative sites. To this end the sequential test requirement is considered to be satisfied.
- 6.5 As the site is located partly in Flood Zone 3a and the development proposals involve a “More Vulnerable” use an exceptions test is required. The exceptions test requires development to show that it will provide wider sustainability benefits to the community that outweigh flood risk and that it will be safe for its life time without increasing the risk of flooding elsewhere. The sustainability benefits and gains to the community associated with improving an existing educational establishment and expanding the curriculum are considered to outweigh the flood risk. Given that the cabins are raised there will be no displacement of flood water and the buildings will therefore be flood resilient and resistant. Considering the need for safe access, given that the proposed development relates to a school that will only be used in the daytime – as oppose to a use where users would be asleep - with flood warnings, it is anticipated that the school will be able to evacuate prior to any flooding reaching a point where of anybody would become stranded. The FRA recommends that the site is evacuated prior to a flood event occurring. Given the use there is no reason why this shouldn't happen. The applicant has however submitted a site evacuation plan which identifies a safe refuge. The requirement to demonstrate safe access and egress is, in this instance, satisfied. For these reasons the proposals are considered to pass the second part of the exceptions test.
- 6.6 The Environment Agency has confirmed that the Flood Risk Assessment submitted in support of the planning application includes an acceptable assessment of flood risk and proposed mitigation measures which demonstrate that the temporary buildings are elevated above the predicted flood level, with appropriate allowance for climate change, and do not impact on flood storage. The Environment Agency is therefore satisfied that planning permission for the development can be granted provided a condition is applied to any consent to ensure the finished floor levels will be no lower than 24.21 metres AOD.

Impact on Character of the Area

- 6.7 Whilst it is acknowledged that the buildings are temporary, and a condition can be applied to any consent requiring the re-instatement of the site to its current arrangement following their removal, the impacts of the buildings still need to be fully assessed. The materials of the proposed buildings will match those of the existing modular building. Building 1 will be partially screened from public views by existing planting on site and will be discreet due to the fact that it is single storey, with a flat roof and will be set deep within the site. Building 2 will be sited in front of the existing modular building and will be subsequently visible from some public views into the site. Again this building, due to its form will have a low potential for visual impact. In any event modular buildings already form part of the established character of the area and are typical and expected on a school site. The proposals are therefore acceptable when considering their impact upon the character and appearance of the area. A condition (see condition 5) will be imposed to ensure that the land is made good following the removal of the temporary buildings.

Impact on Amenities

- 6.8 Building 2 is located in front of the existing modular building and as such is separated from the boundary with the neighbouring residential properties. Building 1 is located adjacent to the

boundary with neighbouring residential properties. The building however is single storey and is screened by mature trees and hedges. Given its height and separation of 6.3 m from the site boundary and 20 m separation from the nearest dwelling house there will be no harmful impacts when considering the amenities of neighbouring occupiers when assessing the potential for overbearing, loss of light/overshadowing and loss of privacy. Given that the development proposals do not involve an intensification of use there is no additional potential for noise and disturbance. The development proposals are therefore acceptable in this respect.

Highways Impacts

- 6.9 No increase in student numbers or teachers are proposed as part of the planning application. The accommodation is intended to improve facilities for the existing school population rather than intensify the use. There will subsequently be no highways impacts associated with the development proposals when compared to the current arrangement.

Trees & Landscaping

- 6.10 No comments have been received from the Trees & Landscape Officer. The proposed temporary accommodation will however avoid the tree canopies and root boxes. Given the modular nature of the buildings and separation from the boundary trees there is expected to be minimal disturbance to the existing trees during the installation of the cabins. It is noted that none of the previous consents for temporary buildings in this location have required tree protection.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 Education uses are not required to pay Community Infrastructure Levy. The development is therefore not CIL liable and subsequently no charging notice will be issued.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

20 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 18th May 2017 and the application was advertised in the Maidenhead & Windsor Advertiser on 25th May 2017.

3 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered/ response
1.	Concern regarding potential for congestion, air pollution and inconsiderate parking	See Issue 5 Highways Impacts – para 6.9

2.	Concern regarding the impact of construction traffic, noise, dust and pollution; being blocked in and working hours	As the building is modular there will be limited disruption as a result of the assembly of the building onsite. On this basis, and given the limited scale of the development, it is considered onerous to apply a CMP condition. Working hours are controlled by Environmental Health legislation (Control of Pollution Act 1974) – there is no reason to duplicate this in this instance. Whilst no conditions are recommended, the applicant will be made aware of this neighbour's concerns so that they can raise this with their contractors prior to commencement.
3.	Concerned didn't receive neighbour letter	The address in question was written to and so the letter must have been mislaid. A site notice was posted at the school and so the requirements for neighbour notification have been met

Statutory consultees

Consultee	Comment	Where in the report this is considered
EA	No Objection subject to condition	Para 6.4-6.6
Highways Officer	No comments received. Comments will be reported in the Panel Update.	Para 6.9
Trees Officer	No comments received. Comments will be reported in the Panel Update.	Para 6.10
Lead Local Flood Authority	No comments received. Comments will be reported in the Panel Update.	Para 6.5-6.9

9. APPENDICES TO THIS REPORT

- Appendix A – Proposed site plan
- Appendix B – Proposed Plan – Cabin 1
- Appendix C – Proposed Elevations – Cabin 1
- Appendix D – Proposed Plan – Cabin 2
- Appendix E – Proposed Elevations Cabin 2

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 1 The temporary classroom use shall be discontinued and the units removed from the site and the land made good and restored to its former on or before the 1st September 2019 unless planning permission has been granted for the retention of the units for a further period. Reason: The proposal does not constitute a form of development that the Local Planning Authority would normally permit. However in the view of the particular circumstances of this application temporary planning permission for the classroom units is granted. Relevant Policies: Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations) June 2004 policies

- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment titled "Flood Risk Assessment for Planning: Forest Bridge School, Chiltern Road, Maidenhead, SL6 1XA" ref AEL-4629-FRA-904784 dated 20 June 2017 compiled by Ashfield Flood Risk Solutions and the following mitigation measures detailed within the FRA:- Finished Floor Levels of the temporary classroom accommodation are to be set no lower than 24.21 metres Above Ordnance Datum The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.
Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with paragraph 103 of the NPPF.
- 4 Irrespective of the provisions of the Town & Country Planning Act (General Permitted Development) Order 2015 and the Town & Country Planning Act 1990 (as amended) or any order or Act revoking or re-enacting that Order or Act, no external lighting shall be affixed to any part of the temporary classroom buildings on site except in accordance with details (including light spillage and levels, and hours of operation) that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any lighting details.
Reason: To protect the amenities of neighbours to meet the aims and objectives of the NPPF.
- 5 The development/use shall not commence until a scheme of works to restore the site to it's existing condition, (which shall include details of the existing condition of the site) has been submitted to and approved in writing by the local Planning Authority. The development shall be discontinued, all structures removed from the site and the land restored to its former condition (as agreed in the approved scheme of works) on or before September 2020;
Reason: The proposal does not constitute a form of development that the Local Planning Authority would normally permit. However, in view of the particular circumstances of this application temporary planning permission is granted. Relevant Policies - Local Plan DG1.
- 6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.