
Ref 2023/0582

Applicant: Department for Education

Description: 3no temporary single storey modular teaching blocks, perimeter fencing & generator

Site Address: BMBC Car Park to rear of 9 Eastgate, Barnsley, S70 2EX

5.No Objections have been received from members of the public.

Site Description

The redline boundary includes No.9 Eastgate which is a 4 storey, flat roofed building which currently houses 2 year intakes of the temporary Trinity Academy. The building previously accommodated teaching accommodation for Barnsley College and as such, there was no change of use application required when Trinity moved into the premises. It also includes the previous play area to the rear of the building and part of the County Way car park beyond that. The car park to the rear of DMC 2 is also included. The porta cabins associated with this application have already been sited to the rear of the building in 3no. single storey blocks.

The site is located within the Courthouse Campus District of Barnsley Town Centre. The area is currently dominated by car parking, but also includes several landmark buildings including the Digital Media Centre and Digital Media Centre 2. It is in a prime town centre location, situated close to the Transport Interchange and shopping area. Part of the site falls within the Market Hill Conservation Area.

A pedestrian access runs along the Northern boundary of No.9 Eastgate which provides access from Eastgate to the car parks off County Way and vice versa, however, it is not an official public right of way.

Background

On the 18th of March 2020, Cabinet approved a report (Cab.18.3.20/18) recommending a free school as the preferred use for the Keresforth Close site (which was allocated as a mixed use site in the Local plan) and that the site be transferred to the Secretary of State for Housing, Communities and Local Government (DHCLG), subject to the necessary planning consents being achieved.

The approval of this recommendation was based on a requirement for a new secondary school in the central Barnsley area from September 2021 and in recognition of Trinity being identified by the DfE as the successful multi academy trust to provide a new secondary free school within the central school place planning area. Prior to Cabinet approving the recommendation, Trinity MAT and LocatED, in consultation with Council officers, concluded a comprehensive site search and identified this Keresforth Close site as the only site in the central planning area that meets with the requirements for a new secondary school. That school was subsequently approved planning permission under application 2021/1631.

However, given the planning timeframe, lead in times and construction periods it was evident the new school would not have been ready to receive pupils for at least the first 2 year intakes, therefore, 9 Eastgate was leased and used as a temporary school. Initially a temporary school building was approved on the Keresforth Close

site under application 2021/0015, but following further investigations this option was not feasible.

It became increasingly evident that new school would not be ready until September 2024, as such, an additional year intake was required. Having explored the options it was decided that keeping all the pupils together on a single site at Eastgate/County way was the preferable option. In order to accommodate those pupils modular teaching blocks were required to house the additional 180 pupils, hence the need for this planning application.

Proposed Development

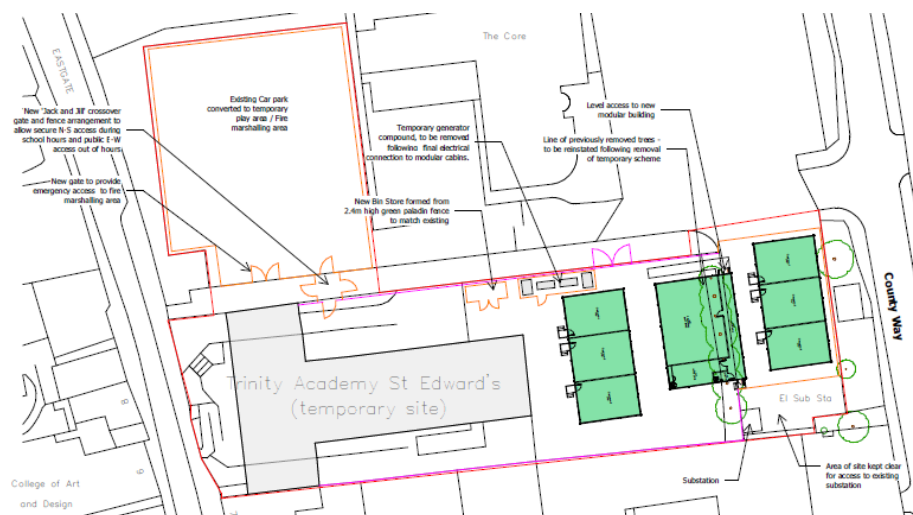
Initially the applicants wanted a single 3 storey block of teaching units stacked on the carpark beyond the rear boundary of No.9 Eastgate. However, given the mining legacy within the immediate area there were concerns raised from the Coal Authority regarding load on the site. As such, to spread that load the application was amended to 3no separate teaching blocks located on the existing play area to the rear of 9 Eastgate and part of the carpark on County Way beyond. Because the existing play area would be occupied by the teaching blocks the applicants propose to utilise the carpark to the rear of DMC2 as a new pay area for all the students to use.

The pedestrian access which runs along the Northern Boundary of 9 Eastgate would remain but would be fenced off from the existing building, the new teaching blocks and the proposed playground. Access from the teaching areas to the playground would be via the pedestrian access and gated.

A generator is also proposed as part of the scheme located within the curtilage of 9 Eastgate. The generator is proposed to provide temporary power to the modular teaching blocks incase there is a delay between the start of the academic year and the connection to the power grid.

All the works proposed are for a temporary period as all the 3 year intakes at the site would move to the permanent school when it opens in September 2024. The building works at the permanent site are currently on program to complete on time. The modular units would be removed and the site would be reinstated back to its previous state.

It is noted that in order to accommodate the central teaching block a row of 7no existing trees had to be removed. This will be explored further below.



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan

Policy GD1 – General Development
Policy GD2 – Temporary Buildings and Uses
Policy T3 – New Development and Sustainable Travel
Policy T4 – New Development and Transport Safety
Policy D1 – Design
Policy GS2 – Green Ways and Public Rights of Way
Policy CC1 – Climate Change
Policy CC2 – Sustainable Design and Construction
Policy HE1 – The Historic Environment
Policy BI01 – Biodiversity and Geodiversity
Policy Poll1 – Pollution Control and Protection
Policy RE1 – Low Carbon and Renewable Energy
Policy BTC21- Courthouse Campus
Policy I2 - Educational and Community Facilities

SPD's

- Parking
- Residential Amenity and the Siting of new buildings
- Sustainable travel
- Biodiversity & Geodiversity

NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 95 - notes that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- Work with schools' promoters to identify and resolve key planning issues before applications are submitted.

Para 111 - 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.

Para 113 - requires all developments that generate significant amounts of movement to be supported by a Transport Assessment.

Para 126 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy Paper: Planning for School Development – Statement

“The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential”.

“There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework”.

Consultations

Biodiversity – No objections subject to subject to the compensation payment of £61,250 being secured to ensure no loss of biodiversity compared with the baseline dating back to before the 7 trees were removed by the applicants.

Conservation Officer – No objections

Drainage – No objections. Content for that to be dealt with under the Building Regulations.

Public Rights of Way – No objections

The Coal Authority – Original concerns raised are address through the amended plans. No objections.

Highways – No objections subject to conditions.

Reg Services – No objections and no conditions recommended.

SYMAS – No objections

SYMCA – Raised concerns due to the lack of sustainable and funded transport solution for pupils.

Tree Officer – No objections subject to a suitable tree replacement planting scheme being secured.

Yorkshire Water – No objections

Summary of representations

The application was advertised by way of 67 neighbour notification letters, site notice and Press Advert. 5 letters of objection have been received. The main points of concern are:

- Loss of parking spaces and increased pressure on existing parking
- Access points blocked at pick up/drop off times.
- Increased noise and disturbance with the additional pupils and relocation of play space
- Safeguarding issues due to the playground being overlooked by offices.
- Town centre not suitable for pupils
- Negative impact on existing access points and walkways

Assessment

Principle of Development

Paragraph 94 of the NPPF notes that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting the requirement of there being a sufficient choice of school places available. Further to this, paragraph 94 also states Local Authorities should “*give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications*”.

Local Plan Policy 12 'Educational and Community Facilities' states 'we will support the provision of schools, educational facilities and other community facilities. New Schools...should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling and public transport.

The site of the temporary school is within the Courthouse Campus District of Barnsley Town Centre. The site specific Local Plan policy BTC21 sets out the types of development acceptable in this district, with the top of the list being 'education and community facilities' given there are numerous educational uses within the immediate area, including the existing 2 year intake at 9 Eastgate and Barnsley College buildings.

As outlined above, the teaching blocks are only required for 1no. academic year as the permanent school will be completed for September 2024, as such, they would be removed and the site restored following the 2023/2024 academic year. Local Plan Policy GD2 'Temporary Buildings and Uses' states that temporary buildings will normally be allowed where it can be demonstrated that a permanent building is either not suitable or that urgent accommodation is needed pending the completion of a permanent building. The supporting text to that policy goes on to state that temporary buildings include portable and demountable buildings and structures and those built using short life materials.

The site is also a predominantly brownfield site, therefore, the scheme is an efficient use of a previously developed site and minimises the use of Greenfield sites. Local Plan Policy LG2 'The Location of Growth' states priority will be given to development in Urban Barnsley. This approach to the location of development is advocated to encourage development in specific locations to ensure the spatial strategy for the borough is achieved. The site is located immediately adjacent to existing infrastructure and is within a sustainable location well positioned in relation to Barnsley Town Centre.

In order to ascertain whether the proposal is acceptable in planning terms it is nonetheless necessary to consider the extent to which the proposal complies with other development plan policies as well as other material planning considerations, in particular the impact the development will have on the existing highway network, especially at pick up and drop off times given an additional 180 pupils are proposed.

The loss of the 7no. trees on the site also needs further consideration as applications will not be supported that would damage the ecological network and cause a net-loss in biodiversity.

These considerations will be explored under the following headings;

Highway Considerations

This application has been the subject of much consultation and deliberation with the DfE and Trinity Academy and a BMBC multi-disciplinary approach in considering the proposals and resolving issues including weekly meetings with all concerned.

In addition, the applicants transport consultant has provided several technical notes including a Transport Statement and a Parking Management Plan in relation to trip generation and distribution and mode split targets together with Draft Travel Plan for comment.

The Transport Statement explains that the development would result in the loss of 83 parking spaces used by Trinity academy together with 22 public car parking spaces on a temporary basis for 12 months. Whilst this isn't ideal parking provision for staff would be catered for by the existing car park adjacent to Falcon Street becoming a staff permitted car park (52 spaces) with barrier control. In addition, the applicant has conducted surveys of all the car parks in the County Way area (higher level and lower) and determined that the proposals are not anticipated to have an adverse impact on parking availability. Some vehicles may need to relocate from their current preferred parking locations, however nearby parking will be available for them to use during the temporary use of public parking areas during the 2023/24 academic year elsewhere within the County Way area of car parks.

Notwithstanding the parking demand, the basis for assessing the potential impacts of the proposal resulting from an additional 180 pupils at the temporary accommodation has been through a combination of traffic surveys, hands up surveys of the existing pupils by the school and new cohort parent / guardian survey.

The travel plan targets and objectives have been assessed and following initial concerns and lack of evidence presented to justify achievement of the travel plan targets, additional information has been presented in the form of reference to and inclusion of information from the study "Making School Travel Plans Work: Experience from English Case Studies" (Nov 2010) which also cited a number of key success factors for achievement of travel plan targets from the study which have been embedded into the plan to give the best chance of achieving the identified targets for both pupils and staff.

In order to predict the likely impact on the local highway network, the traffic survey of existing school traffic carried out was analysed to identify a typical arrival and departure "profile" of school related traffic. When applying the predicted car trips (following travel plan intervention and subject to achieving the mode shift targets), to this profile, it is predicted that the proposal (180 additional pupils) would generate a maximum peak of 27 vehicles during any one 15-minute period based on the observed traffic survey data (AM and PM).

The transport statement concludes that from a traffic and transport perspective, the proposals are acceptable and with the travel plan report interventions and modal shift achievement, the impacts are likely to be minimal, further to the temporary nature of the proposals.

The marketing and promotion of the travel plan to increase awareness of the travel options and reduce car use will be achieved through providing a travel pack to all students and staff, induction information, website text, notice boards, displays and newsletters including dedicated assemblies focusing on the travel plan. The Travel Plan measures, timescales and monitoring would also be conditioned as part of this application.

A review of the documentation by Highways Officers suggests that the identified mode shift targets will be challenging to achieve. The plan however does provide for monitoring and review during the proposed 12 month temporary nature of the development with the provision of further interventions should the plan fail to achieve its target mode shift. There is a need therefore for an ongoing review of the traffic implications in order to inform the on-going development of the travel plan throughout the 12 month lifecycle of the proposed development.

Nevertheless, in considering the application against the National Planning Policy Framework should the Travel Plan be implemented in full and meet its target mode shift as specified, it is considered that the temporary school accommodation is unlikely to result in a detrimental impact on highway safety or a severe residual impact on the highway network and as such there are no objections to the proposal from a Highway's perspective. A condition is proposed to secure the implementation of the Travel Plan and the associated requirements.

Biodiversity

The site is comprised mainly of hardstanding ground with small areas of soft landscaping containing semi-mature and mature planted trees. Most of the site was most recently used as an active car park with full public access.

A Preliminary Ecology Appraisal has been submitted alongside the application. The appraisal identified that the site was comprised mostly of habitats of negligible ecological importance, largely hardstanding ground, with semi and mature trees on site providing potential for nesting / foraging birds and foraging / roosting and commuting bats, these trees were deemed to have site value. The recommendations of the report state that any works should be undertaken outside of nesting season and any tree/vegetation removal should be replaced/enhance.

The trees surrounding the car park to the rear of the DMC 2 (which will accommodate the new playground) are to be retained with only light pruning required to accommodate the new paladin fencing. The 3 No. trees (Sycamore, Norway Maple & Whitebeam) to the East of the site adjacent to back edge of the footpath serving County Way are also retained.

However, the line of 7no. broadleaved semi-mature trees located along the rear boundary of 9 Eastgate/Western boundary of the carpark have been removed to accommodate the central of the 3 teaching modules. The trees were not protected via a Tree Preservation Order and are located just outside of the Conservation Area. It is regrettable that these trees have been removed and that they were also removed prior to the planning application being determined. However, the applicants proceeded at risk so the trees could be removed prior to bird nesting season and so that the modules could be in place in order to accept the 180 pupils in September 2023.

Local Plan Policy BIO1 'Biodiversity and Geodiversity' expects development to conserve and enhance the biodiversity features of the site. Current policy is also that there will be no biodiversity net loss on site. Any development which does harm biodiversity should follow the mitigation hierarchy avoid, mitigate, compensate. In this case the trees have already been removed and given the nature of the site it is not possible to mitigate the loss of the trees on the site until the temporary structures have been removed in August 2024. As such, compensation is the most logical line of mitigation.

A metric has not been submitted with the application and therefore the Council's Biodiversity Officer has undertaken a calculation to confirm the baseline value of the trees using the Defra Metric 4.0. A total of seven trees have been removed and following a review of the photographs within the ecology report it is likely that the trees are in moderate condition. As per our current approach to Biodiversity Net Gain any losses should be located on the application site in the first instance, however, this is not possible at this time. A commuted sum of £61,297.00 has been calculated and this would be adequately compensate for the loss of the trees in the opinion of the Council's Planning Ecologist.

Usually this payment would be secured via a S106 Agreement. However, this is an unusual situation where, given the permanent school on Broadway is not going to be ready for occupation until September 2024 and the current temporary school at Eastgate can only accommodate 2 year intakes, a temporary solution is sought to accommodate the third year intake of 180 children in September 2023. As such, there is an urgent need for this accommodation. A S106 Agreement is often a lengthy process and would delay issuing the decision notice placing the ability of the school to open in time for the start of the new school year and the education of those 180 pupils at risk for the reason that the classroom modules cannot be occupied without planning permission being fully in place due to indemnity issues. Therefore, this is an irregular situation and the compensation payment is being secured by an alternative legal agreement (A Settlement Agreement) alongside a letter of comfort which sets out that the money is to be used to replace the 7no. removed trees. This replacement can only occur once the site has been cleared when the permanent school is operational. Given the compensation payment has already been secured there is no need for a S106 Agreement in this case.

Visual amenity

The 3no. teaching blocks are already in situ and are located in a tandem position between the rear elevation of 9 Eastgate and County Way. They are of a modest size and have a flat roof with simple elevations punctuated by fenestration. The walls have a smooth light grey/off white finish. Local Plan Policy GD2 allows temporary buildings for a limited duration and accepts that they will be portable and demountable using short life materials.

The buildings are visible from numerous vantage points given the nature of the site and position of surrounding highways and footpaths. However, they are positioned on a lower level than the buildings off Eastgate and Regent Street and are viewed against significantly larger and taller structures. Despite the removal of 7 mature trees within the site, there are still a number of trees surrounding the site which further help to soften the development. As such, they do not appear overly dominant or prominent within the streetscene, in accordance with Local Plan Policy GD1 and shall only be in place for a temporary duration of approximately 12 months in any case.

The buildings are also adjacent to, and partially within, the Regent Street, Church Street, Market Hill Conservation Area. However, the site is predominantly screened from the Conservation Area by the neighbouring buildings on Eastgate and Regent Street and would conserve the Conservation Area and the setting of associated Listed Buildings. Furthermore, the site contributes very little to the significance of the area. Although 12,14 and 16 Regent Street are listed and back onto the site they are some distance away and the proposed site is dominated by DMC 1 and DMC 2 and the relatively featureless County Way Car Park.

Given the lack of harm to a sensitive part of the Conservation Area and the temporary nature of the application the development accords with Local Plan Policy HE1 and the Conservation Officer has raised no objections.

Residential amenity

It is noted that some concerns have been raised from neighbouring occupants of neighbouring commercial buildings regarding potential noise and disturbance levels as a result of the additional students, the additional vehicular movements and the relocation of the play area to the rear of DMC2 from its current location to the rear of 9 Eastgate.

However, 9 Eastgate already accommodates 2 year intakes and has an existing play area. The surrounding area is also made up of existing educational facilities such as Barnsley College as well as commercial uses and a large surface car park. Furthermore, the site is within Barnsley Town centre with its associated activities and pedestrian and vehicular movements. As such, the addition of 1 year intake for a period of less than 12 months would not significantly increase noise and disturbance levels to the detriment of neighbouring residents and occupants of adjacent commercial units.

It is noted that the proposed play area would be located closer to DMC2 and would be used during times when the building is in use. However, the existing play area is also within close proximity and it would only be utilised for relatively short periods throughout the day and during term times.

As outlined above, the applicant also proposes a generator adjacent to the teaching blocks which would only be utilised for a short period between the blocks being occupied and the structures being linked to the grid. Regulatory Services have assessed the specifications of the generator and have raised no concerns regarding noise and disturbance levels.

Given the comments above, the amenity levels of the neighbouring residents and occupants would be maintained to a reasonable degree, in accordance with Local Plan Policy GD2.

Public Right of Way

The pedestrian access running along the Northern boundary of 9 Eastgate is not a public right of way but is a well-used access linking County Way and Courthouse car parks with Eastgate and the town centre beyond. This link dissects the teaching areas and the proposed repositioned playground to the rear of DMC2. However, the access would be retained. It would be separated from the teaching and play areas by fencing and access would be provided for teachers and students via a series of gates. As such, the pedestrian access would remain relatively unaffected.

Mining

The applicant has submitted a revised Phase 1: Desk Study (July 2023, prepared by Solmek Ltd) in support of the application. This report acknowledges the potential for the presence of unrecorded mine workings in the Beamshaw Low coal seam at shallow depth beneath the site. However, it highlights that the proposal will entail the siting of single storey modular classroom units which would only occupy the site for a temporary period, being removed by the end of August 2024. It also points out that

the applicant has confirmed that no groundworks are proposed in order to facilitate the siting of the units, with the classrooms sited upon an existing hardstanding.

Initially the scheme was for a single 3 storey high teaching block which the Coal Authority did not object to but did recommend a condition for intrusive investigations. However, following on from the scheme being redesigned into 3no. single story blocks, the author of the revised Phase 1 study considers that the undertaking of the previously recommended intrusive rotary boreholes investigations would not be proportionate to the level of risk posed by shallow coal mining legacy to the proposed development. They do, however, advise that this matter should be re-evaluated should the situation change and the classrooms be intended to be retained beyond their envisaged temporary period.

The Coal Authority's Planning & Development Team advises that the revised report does not fully address ground stability risks at a detailed level. However, it does clarify the nature of the proposed development and the absence of any significant groundworks to enable the site siting of the classrooms for a temporary period only, the factors which the report author considers negates the need for intrusive site investigations. Based on the revised information submitted The Coal Authority no longer require the inclusion of planning conditions for site investigation/remediation as requested initially. SYMAS also concur with this approach.

Conclusion

The need to accommodate the additional secondary school places attracts great weight, particularly in the context of a lack of alternative sites being available. Paragraph 94 of the NPPF also notes that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting the requirement of there being a sufficient choice of school places available. Further to this, paragraph 94 also states Local Authorities should *"give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications"*.

Furthermore, Local Plan Policy I2 'Educational and Community Facilities' states 'we will support the provision of schools, educational facilities and other community facilities. The site is also located within the Courthouse Campus District which encourages educational and community facilities as part of Local Plan Policy BTC21.

The teaching blocks are also only required for 1no. academic year as the permanent school will be completed for September 2024, as such, they would be removed and the site restored following the 2023/2024 academic year. Local Plan Policy GD2 'Temporary Buildings and Uses' states that temporary buildings will normally be allowed where it can be demonstrated that a permanent building is either not suitable or that urgent accommodation is needed pending the completion of a permanent building.

Significant work has taken place throughout the course of this application period regarding highway safety. As outlined in the Highway Consideration section above this has been carefully considered by the Councils Highways and Traffic Officer's. Overall, it is considered that, subject to suitably worded conditions, the proposed development can be accommodated within the highway network without significant impacts upon highway safety, traffic generation or parking stress in the local area. It is therefore considered that the proposed development is acceptable in respect of highways and access matters, in accordance with the NPPF and Local Plan Policies I2, GD1, T3 and T4.

The loss of the 7no. of tree on the site to accommodate the development is regrettable, however, the loss of the biodiversity units has been compensated through a mitigation payment of £61,297.00 which has already been secured. As such, the development accords with Local Plan Policy BIO1 and the associated SPD.

In light of this and taking into account the relevant development plan policies and other material considerations, predominantly Local Plan Policies GD1, GD2, T3, T4, D1, HE1, BTC21, Bio1 and Poll1 it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the scheme. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

As such the scheme is considered to accord with policies and guidelines and is recommended for a temporary approval.

Recommendation

Grant for a temporary period and subject to conditions