

Planning - Development Control
Transport and Environment,
County Hall, St. Anne's Crescent,
Lewes, East Sussex BN7 1UE

ESCC references

Telephone: 01273 481846**Email:** devcon@eastsussex.gov.uk

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	<input type="text"/>
Suffix	<input type="text"/>
Property Name	<input type="text" value="Burfield Academy"/>
Address Line 1	<input type="text" value="Oaklands Way"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text" value="East Sussex"/>
Town/city	<input type="text" value="Hailsham"/>
Postcode	<input type="text" value="BN27 3NW"/>

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
<input type="text" value="558382"/>	<input type="text" value="108487"/>

Description

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

SE1 3ER

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Planning application WD/3252/CC - Construction of a one form entry primary school with associated car parking, MUGA and playing field.
(amended application following refusal of WD/3225/CC, 12th November 2014)

Reference number

WD/3252/CC

Date of decision (date must be pre-application submission)

02/04/2015

Please state the condition number(s) to which this application relates

Condition number(s)

Condition 2: "The development hereby permitted shall be carried out in accordance with the plans listed in the Schedule of Approved Plans."

Has the development already started?

Yes

No

If Yes, please state when the development was started (date must be pre-application submission)

02/04/2015

Has the development been completed?

Yes

No

If Yes, please state when the development was completed (date must be pre-application submission)

31/08/2015

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

For context, STEP Academy Trust began to care for Burfield Academy (previously Hailsham Academy) from 1st January 2017. Previously, the school had been in the care of Lilac Sky Schools Academy Trust (LSSAT) and we understand the building and travel arrangements were developed with input from LSSAT. On transference of the academy, it was evident that the 'Kiss and Drop' model was flawed and at the time that was serving just 60 pupils. Despite this, STEP endeavoured to make the facility work however, with the growth of pupil numbers over the years it was obvious that the arrangement posed a significant health and safety risk to pupils, pedestrians and staff. To ensure STEP had the widest possible understanding of the situation, an independent health and safety expert was commissioned and after reviewing arrangements, they noted that the kiss and drop system is not fit for purpose and poses a health and safety risks to pupils, pedestrians, staff and vehicles. The full report has been submitted along with this application, however their summary and recommendations were that: "The systems included within the travel plan do not in practice offer a safe solution for the drop off and collection of primary aged children. Even with modification of the school site, access via the highway is regularly encumbered by parked vehicles, creating a bottleneck at the school gate, which puts cars, pupils and residents at risk. With this in mind there are no safe options for a safe on-site drop-off and collection process and STEP Academy Trust should work with East Sussex County Council to formally restrict access to the school premises, encouraging parents to park in surrounding residential roads." Having previously restricted access to the Kiss and Drop during COVID in order to ensure the school could operate an effective one way pedestrian system, STEP therefore took the decision that it needed to remain closed whilst they consulted with ESCC to find a solution. Possible solutions including school zig-zags and yellow/red lining were considered, however they were not deemed to be a suitable or effective means of addressing the issue. Our client STEP Academy Trust are now therefore left with only one real choice - to progress the recommendation from the health and safety report and request that the planning conditions concerning the kiss and drop are removed. Due to these and other concerns relating to the building, Burfield are currently located in temporary accommodation alongside closeby Phoenix Academy. The building issues are being addressed, however granting permission for this application remains critical in providing a safe method of drop off/ pick up and therefore in enabling Burfield's children and staff to return to Oaklands Way.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

Given the issues which were experienced, which at that point were when the school was only at 50% of capacity, STEP Academy Trust had no choice but to close access to the site for drop off/ pick up and revert to a traditional model, as supported by the CPDA in the original planning report. This has entirely mitigated the risk of accidents on site involving pedestrians (predominantly primary aged children) and vehicles and has also ensure clear access for emergency vehicles at all times. Indeed, last year the school had cause to call an ambulance to support with an emergency at the end of the school day and staff reflected on how different things would have been had the Kiss and Drop remained in operation and traffic had been backed up to South Road. Our client's application therefore seeks to remove any conditions which link to the Kiss and Drop/ on-site drop off/pickup facilities. The new intended use of the kiss and drop area will be to provide additional parking for staff. This does not require any material changes to the physical site (other than possibly signing and lining within the existing site). Drop off and pick up will instead be facilitated via the 'traditional school drop off model', utilizing unrestricted parking on surrounding roads. This has been in place for several years now, however it is appreciated this it is a highly contentious local issue. Our client is mindful that many residents were opposed to the school being built and that that traffic, congestion and parking were core to their concerns. Indeed, planning was initially refused on the grounds of the impact of traffic on the local neighbourhood and was only subsequently granted because of the amendments and conditions, which this application seeks to remove. It is therefore understood that this is a significant ask of the planning authority. Equally, it is acknowledged that it is not reasonable that the school continues to operate in breach of the planning conditions and we must therefore seek permission to ratify the current arrangements. STEP's paramount concern is for the safety and welfare of the children who are placed under their care. They cannot in good consciousness implement a system which they know re- introduces significant risks to their safety. STEP's Trustees have therefore considered the implications and the recommendations in the health and safety report and confirmed that they will not permit school leaders to knowingly put pupils at risk. It is therefore unlikely that the site will ever be suitable for a primary school if this application is refused. With this in mind, we hope that planners will take a pragmatic view of our request, based on the merits of our proposal here and now and the challenges currently faced, rather than on the history which we know surrounds the issue in question.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes

No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
- The applicant
- Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
- No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- Yes
- No

Is any of the land to which the application relates part of an Agricultural Holding?

- Yes
- No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- The Applicant
- The Agent

Title

First Name

Surname

Declaration Date

Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Tom Angel

Date

04/01/2024