

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY – PLANNING COMMITTEE**

**11 August 2014**

Report of the Strategic Director – Economy, Transport and Environment

**3 PROPOSED TWO BAY MODULAR CLASSROOM AT  
KENSINGTON JUNIOR SCHOOL, ST JOHN'S ROAD,  
ILKESTON  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
CODE NO: CD8/0614/38**

**8.372.16**

(1) **Purpose of the Report** To enable the application to be determined by the Committee.

(2) **Information and Analysis** This application proposes to develop a two bay modular classroom at Kensington Junior School, St John's Road, Ilkeston.

The proposed single-storey, green mineral, flat roofed modular built classroom would measure approximately 8.1 metres by 7.0 metres by 3.0 metres high with white windows and doors. The modular building would be coloured willow (BS 12B 17).

A covered polyester, powder coated white walkway would link the classroom with the existing school building.

The proposed classroom would be located on the existing playground to the north of the school site.

The application states that there would be no increase in pupils' numbers as a direct result of the development.

**Consultations**

**Local Member**

Councillor Frudd has been consulted with a request to make any comments by 10 July 2014.

## **Public**

### **Erewash Borough Council**

Erewash Borough Council objects to the proposal and makes the following comments:

*“The existing building is a period Victorian property and although it's not listed and does not fall within a conservation area, its historic appearance is one of character which contributes to the visual appearance of the area. The proposed modular building, although of a "light weight" appearance, will appear as an alien feature when read in the context of its proposed location due to its basic proportions and design. Accordingly, the Local Planning Authority object to the application on the ground that the proposed development is of a poor design which fails to reflect the character of the existing building and consequently, it will have an adverse impact upon the visual appearance of the area.”*

### **Publicity**

The application has been advertised by site notice with a request for observations by 10 July 2014.

### **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the saved policies of the Erewash Borough Council Core Strategy. Other material considerations for the determination of this application include such statements of Government policy in the National Planning Policy Framework (March 2012).

### **Policies**

The principal planning policies relevant to this grant of planning permission are:

#### **National Planning Policy Framework**

Chapter 7: Requiring good design.

#### **Adopted Erewash Core Strategy**

Policy A: Presumption in Favour of Sustainable Development.

Policy 10: Design and Enhancing Local Identity.

Policy 12: Local Services and Healthy Lifestyles.

The key planning considerations for this application are:

- Need for the development.
- Landscape and other visual impacts.

## **Public**

### **Need for the Development**

The application states that the proposal is required following a fire risk assessment, which concluded that better teaching space was required within the existing school. I consider that the proposal would create a safe, inclusive and healthy environment for school pupils in accordance with Erewash Core Strategy policies 10 and 12.

### **Landscape and Other Visual Impacts**

I note the objection from Erewash Borough Council relating to the design of the proposed temporary school classroom building. However, I consider that the massing, scale and proportion of the proposed classroom, which is lower than the eaves of the existing buildings, would have less impact than other designs on amenity of nearby neighbours. Furthermore, the modular classroom would be reasonably well screened by vegetation from the public realm off Kensington Gardens, whilst the existing freestanding brick wall would also help to screen the lower part of the modular building which would reduce the impact on local visual amenity.

However to improve the design, I consider that the proposed external colour of the modular classroom should be amended to better complement the brickwork and roof work tones of the host buildings which would further integrate the building into its existing setting, I have therefore recommended a planning condition for a scheme to further consider the colour of the modular classroom.

I am satisfied that, with the recommended planning conditions below, the temporary building in the proposed location would not significantly affect local visual amenity.

### **Conclusion**

I consider that the proposal is appropriate for the location and it accords with relevant national and local planning policies. Therefore, the proposal is recommended for approval.

(3) **Financial Considerations** The correct fee of £385 has been received.

(4) **Legal Considerations** This is an application under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

## Public

(5) **Environmental and Health Considerations** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

(6) **Background Papers** File No 8.372.16  
Application documents received from the Director of Property dated 13 June 2014.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to the following conditions:

- 1) The development shall be begun before the expiration of three years from the date of the decision notice.

**Reason:** The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be carried out in accordance with the application documents dated 9 June 2014, or as otherwise amended by conditions of this planning permission.

**Reason:** To clarify the details approved.

- 3) The development shall not be commenced until a colour scheme for the external walls of the proposed two bay modular classroom has been submitted to and approved in writing by the County Planning Authority. The scheme shall then be implemented as approved.

**Reason:** In the interests of visual amenity.

### **Statement in compliance with Article 31 of the Town and Country Development Management Procedure Order 2012**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

## **Public**

### **Footnotes**

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) Attention is drawn to:
  - i) Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970; and
  - ii) Building Bulletin 91 'Access for Disabled People to School Buildings, Management and Design Guide' published in 1999 or any prescribed document replacing that code.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**

