

Agenda Item No. 4.2

**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**14 May 2018**

Report of the Strategic Director - Economy, Transport and Environment

**2 APPLICATION FOR RETROSPECTIVE PLANNING PERMISSION  
FOR TWO TEMPORARY MODULAR BUILDINGS AT LITTLE EATON  
PRIMARY SCHOOL, ALFRETON ROAD, LITTLE EATON  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
CODE NO: CD8/0118/85**

**8.298.25**

**Introductory Summary** The original planning permissions for Block 3 and Block 5 at Little Eaton Primary School has expired (CD8/1207/189) and the application seeks to retain them for a further five years. The retention of the temporary buildings, is to enable the school with enough time to look into other ways of funding a more permanent solution. The site is overlooked by residential properties to the east of the site and is situated outside the Little Eaton Conservation Area.

The development complies with local and national policy and would not result in a significantly adverse visual impact on the residential amenities and on Little Eaton's Conservation Area. Also, taking into consideration the need of the temporary buildings I consider that the impact is acceptable and consequently the proposal is therefore recommended for approval.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis** This application relates to the retention of two temporary modular buildings at Little Eaton Primary School. Little Eaton Primary School is located to the east of Alfreton Road in the village of Little Eaton in Erewash. The school is bounded by residential dwellings from the west, north and east. The school site is located outside of the Little Eaton Conservation Area, however, the school site is not within the setting of a listed building.

The modular buildings are identified as Blocks 3 and 5 located to the south-east of the main school building. Block 3 has a footprint of 61m<sup>2</sup> and has been constructed using Traffic White (RAL 9002) Composite panels with Blue (RAL 5022) timber doors. Block 5 has a footprint of 131m<sup>2</sup> and has been

constructed using Moorland Pink coloured STENNI panels with White (RAL9010) timber doors.

Both buildings have u-PVC windows with double glazing and have a shallow pitch roof construction, with a single membrane ply finish. The buildings benefit from full disabled access provisions and are currently used for general teaching use. Both buildings contain a single classroom, with ancillary cloakroom, store and toilet facilities. The original planning permissions for Block 3 and Block 5 and the application which expired on 31 January 2013, seeks to retain them on site for a further five years.

### **Relevant Planning History**

- CD8/1117/67 – Removal of existing rotten timber windows and door to allow replacement with new aluminium units (approved 18 January 2018).
- CD8/0415/5 – Installation of ball play equipment and ball catch fencing (15 July 2015).
- CD8/0614/43 – Demolish the existing school outbuilding, install two metal sheds, extend the playground area and reposition the existing flag pole (7 August 2014).
- CD8/1207/189 – Renewal of planning permission for three temporary classroom units (28 January 2008).

### **Consultations**

#### **Local Member**

Councillor Hart has been notified.

#### **Little Eaton Parish Council, Erewash Borough Council and the Highway Authority**

No objections.

#### **Flood Team**

No comments.

#### **Publicity**

The application has been advertised by site notice and press advertisement (Derby Evening Telegraph) with a request for comments by 26 April 2018.

One representation has been received objecting to the proposed development, as follows:

*“I object to permission being granted to retain these two temporary buildings. They affect the setting of our house and garden. The building are unsightly, it is like having a building site next door. If this was just for a few months it is something we could accept but permanent long term positioning of such drab*

*large shed like structures makes the area appear scruffy and rundown. The space between the nearby houses and school main building should be an open playground or garden area.”*

A further representation has been received supporting the proposed development, as follows:

*“I live within view of the portakabins and do not find them offensive. This is a school needing extra storage etc. There are more important things to worry about than a couple of portakabins. They obviously help a village school with limited space. I do not object, and am sorry that this small thing is of such importance to some people.”*

## **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the Adopted Erewash Core Strategy (ECS) (2014). The National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance (PPG) are also material considerations.

### **Adopted Erewash Core Strategy (2014)**

Policy A: Presumption in Favour of Sustainable Development.

Policy 10: Design and Enhancing Local Identity.

Policy 11: The Historic Environment.

Policy 12: Local Services and Healthy Lifestyles.

### **National Planning Policy Framework (2012)**

Paragraphs 126-141: Conserving and enhancing the historic environment.

Paragraph 58: Requiring good design.

Paragraph 14: Presumption in favour of sustainable development.

The key planning considerations for this development are:

- Need for the development.
- Design and visual impact.
- Heritage impacts.

## **Need for the Development**

The purpose of the proposed development is stated within the Design and Access Statement and plans accompanying this application. The applicant explains that the retention of the temporary buildings are necessary as they provide an important function to the school's teaching environment and are required to be able to maintain current school numbers.

*The applicant states that “As a result of the current situation regarding funding for schools and local authorities, it is probable that a more permanent solution is not imminent. It is due to these reasons that the school proposes that the permission for the temporary classrooms be extended accordingly. The additional amount of time for which the buildings would be required, is estimated at around 5 years. This in turn would provide the school with enough time to look into other ways of funding a more permanent solution.”*

In view of the above, I am satisfied that there is a need for the retention of the buildings to enable the school to provide teaching space and to accommodate the current student numbers. The removal of the temporary buildings, without a suitable alternative, would impact on the schools teaching space and consequently adversely impact the education quality at the school. I consider that the proposal would accord with policies A, 10 and 12 of the ECS and also the high level aims of the NPPF. For example, Paragraph 72 of the NPPF states:

*“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 planning 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”.*

### **Design and Visual Impact**

Block 3 is a singular modular classroom unit with associated toilet and cloakroom facilities and Block 5 consists of two individual modular single classroom units. The buildings are considered to be suitable functions for the purpose of providing teaching space for the school. However, the modular buildings are not considered as in keeping with the main school building. The Design and Access Statement indicates that the school wishes to apply to retain the buildings for a further five years in order to provide them with ‘enough time to look into other ways of funding a more permanent solution’.

Blocks 3 and 5 are situated to the south-east of the main school building and are overlooked by residential properties within close proximity of the site. However, due to their location in the school site, they are not visible from the public highway along Allerton Road, as they are screened from view by dwellings and shops. The two buildings are also screened from the dwellings situated along the Alfreton Road by the existing trees and hedgerows. The buildings are, however, visible from Highfield Road to the east of the site and therefore visible from a small number of dwellings along this road. Due to the topography of the site, the buildings sit lower in the landscape than the public highway and the dwellings, and therefore they are partially screened by the

green space along Highfield Road which reduces their visual impact on the dwellings to the east and when viewed from Highfield Road.

I do not consider the buildings design and visual relationship to the surroundings to be inappropriate when viewed in the context of the school. The buildings are screened from views from most viewpoints, however, I acknowledge that they are visible from some dwellings along Highfield Road. The representation objecting to the proposal identifies the condition of the buildings as '*scruffy and rundown*'. However, overall, I do not consider the proposed development would have a significant visual impact on the residential amenity of the area. It would accord with policies A and 10 of the ECS.

### **Heritage Impact**

The school is located just outside the Little Eaton Conservation Area and is largely surrounded by relatively modern residential developments.

Little Eaton Primary is a community school for an age range of 5-11 years. It comprises a single storey, original school block built in traditional brickwork constructed during the early part of the last century, and has a later modern classroom block to the north. The original school is clearly of some historic merit although it is not listed and has been substantially altered with replacement aluminium windows, modern extensions and other separate developments within the school curtilage. However, the original school building and principal elevation to Alfreton Road does contribute positively to the setting of the Little Eaton Conservation Area.

The existing modular buildings are located to the rear of the school and, as described above, they are not visible from along Alfreton Road or from the Little Eaton Conservation Area. Notwithstanding this, these buildings are not of a high quality design and permanent extension to the school of a higher quality design would be preferable in the longer term. However, I accept that there is a need for the buildings to be retained on site for the time being to provide sufficient teaching space at the school and I do not consider allowing the buildings to be retained on site for a further five years to be unacceptable.

Subject to a condition limiting the time that the buildings can be retained on site for a further five years, I am satisfied that the proposal would accord with Policy 11 of the ECS.

### **Conclusion**

In conclusion, I am satisfied that there is a need to retain the buildings on site for up to five years to provide the classroom space currently required at the school. I do not consider that the proposal would cause any significant visual impacts or impact on the character and appearance of the Little Eaton Conservation Area. I am satisfied that the proposal would not conflict with the

policies of the development plan and, therefore, this application is recommended for approval, subject to conditions.

(3) **Financial Considerations** The correct fee of £234 has been received.

(4) **Legal Considerations** This is an application submitted 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.

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

### **Other Considerations**

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

(6) **Background Papers** File No. 8.298.25  
Application Form, Block Plan, Site Location Plan, Design and Access Statement, Little Eaton Primary School Block 5, and Little Eaton Primary School Block 3 all received 28 February 2018.  
Conservation and Design response received 5 March 2018.  
Flood Team response received 6 March 2018.  
Little Eaton PC response received 22 March 2018.  
Erewash Borough Council's response received 27 March 2018  
Representation (Object) received 9 April 2018.  
Representation (Support) received 13 April 2018.

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

- 1) This permission shall be for a temporary period expiring on 15 May 2023. On or before this date, the modular buildings shall be removed from the land and the site shall be reinstated to its former condition.

**Reason:** The buildings, by reason of their appearance are not in keeping with the permanent buildings at the school.

- 2) The development shall take place in accordance with the details in the 1APP form dated 23 January 2018, Design and Access Statement and the following drawings:

- 'Site Location Plan'.
- 'Block Plan'
- 'Block 3'.
- 'Block 5'.

**Reason:** To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

**Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015**

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.

**Footnote**

- 1) This permission, is 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.

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

