

Agenda Item No. 3.1

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

**9 November 2015**

Report of the Strategic Director – Economy, Transport and Environment

**1 APPLICATION FOR PLANNING PERMISSION FOR INSTALLATION  
OF A KITCHEN BLOCK AT ASHOVER PRIMARY SCHOOL,  
NARROWLEYS LANE, ASHOVER  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
CODE NO: CD4/0515/28**

**4.1953.13**

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

(2) **Information and Analysis** This application proposes the installation of a modular kitchen block at Ashover Primary School, Narrowleys Lane, Ashover, on ground now occupied by the school's existing kitchen building.

The proposed installation would therefore have to be preceded by the demolition of that building.

The school site is situated off Narrowleys Lane, forming the northern boundary of Ashover village with residential properties positioned off Narrowleys Lane to the east and west of the school. The school playing field is bordered to the north by properties off Narrowleys Lane, to the south by two fields and to the east by All Saints Church cemetery, with the Ashover Conservation Area boundary running along the east and southern boundaries of the school site.

The modular kitchen block would be pre-constructed off site and craned into position from the school car park, the building would extend to 9.4 metres (m) by 7.2m by 3m high, with the external walls consisting of cladding panels, a flat felt roof and the doors and windows powder coated aluminium, double glazed units.

The proposed kitchen would be a detached single-storey modular building located off the school's southern elevation, located in the area of the existing kitchen building which is to be demolished.

## Consultations

### Local Member

Councillor Lewis (Wingerworth and Shirland) has been notified.

### North East Derbyshire District Council (NEDDC)

*“NEDDC wishes to raise concern that the proposed modular style building would be out of keeping with the character and appearance of the site”.*

### Ashover Parish Council

Has been consulted with a request for comments by 4 September 2015.

### Publicity

The application has been advertised by site notice with a request for observations by 29 June 2015. No representations have been received as a result of this publicity (except for a short email which expresses agreement with consultation comments received).

## Planning Considerations

Planning applications must be determined having regard to the relevant provisions of the development plan and other material considerations. In this case, the relevant policies of the development plan are contained in the adopted North East Derbyshire Local Plan policies which are listed at the end of the report and referred to where relevant below in the ‘Planning Considerations’ Section below. The National Planning Policy Framework (NPPF) provides national policy guidance in England.

The key planning considerations for this application are:

- Need for the development.
- Design and appearance of the development.
- Impact on local amenity.
- Impact on the Conservation Area.

### Need for Development

The Children and Families Act 2014 requires that all state funded schools offer a free school lunch to reception, year one and year two pupils.

The school currently has an operational kitchen block which produces school meals to the pupils at the school. However, the application states that the existing kitchen is subject to an improvement notice from the North East Derbyshire District Council (Environmental Health) and there is a possibility that a prohibition notice could be placed on the kitchen.

I accept that there is an urgent need for the existing kitchen facilities to be either upgraded or replaced in order to meet with the requirements of the notice and to

ensure that school meal provisions at the school site would be provided to an acceptable standard.

### **Design and Appearance of the Development**

Policy BE1: General Design Principles of the adopted North East Derbyshire Local Plan is the relevant policy for consideration when assessing the design and appearance of the proposed development.

The policy requires that new developments will only be granted planning permission where they are of a density, scale, massing, height and layout and use materials that respect the character and appearance of the surrounding area.

The consultation comments from NEDDC and the Council's Conservation Officer indicate that the proposed development may not respect the character and appearance of the area and a more appropriately designed development would be more suitable.

The proposed modular kitchen block would replace an existing pitched roof building extension and be of a similar scale, massing, height and layout to an existing flat roofed section of the school building.

The Government, through the NPPF, places great weight on good design with it being a key aspect of sustainable development, positively contributing to making “places” better for people. The NPPF also advises that planning authorities should not impose architectural styles through unsubstantiated requirements to conform to certain development forms or styles. It does state that it is proper to promote or reinforce local distinctiveness.

Officers are of the view that the proposed modular building does not represent “outstanding or innovative design which helps raise the standard of design more generally in the area” (NPPF Paragraph 63). The proposed modular building is not considered to improve the character and quality of the area or with regard to the existing school building and, as such, does not wholly comply with the local and national policy context.

Therefore, it is considered that although the building design generally complies with the wider, general expectations of policy regarding mass and scale, it would not respect the character and appearance of the surrounding area or reinforce local distinctiveness, and so would not be fully compliant with the policy context.

### **Impact on Local Amenity**

Policy GS1: Sustainable Development of the adopted North East Derbyshire Local Plan is the relevant policy for consideration when assessing the impact of the development on the neighbouring amenity.

The policy requires that a development protects and conserves the quality of the areas cultural assets and their settings and improves the quality of the built environment.

The main school building is considered to be a non-designated heritage asset and, as such, to be sensitive to the impacts of new development. I consider that the proposed modular kitchen block would not complement or conserve the quality or setting of the main school building and is of a design more akin to the temporary classroom units positioned on this school site which detract from the character and setting of the historic school building. I therefore do not consider that the modular kitchen block would improve the quality of the built environment or be protective of the cultural assets of the surrounding area of their settings.

I consider that the development, due to its design and appearance would not therefore comply fully with the policy.

### **Impact on the Conservation Area**

Policy BE11: Development within and Adjoining Conservation Areas of the adopted North East Derbyshire Local Plan is the relevant policy for consideration when assessing the impact of the development on the Ashover Conservation Area.

The policy requires that proposals for development within or adjacent to Conservation Areas should preserve or enhance the character of the Conservation Area. The NPPF refers to the “desirability of new development making a positive contribution to local character and distinctiveness”.

The school site is located adjacent to the Ashover Conservation Area and the main school building and grounds positively contribute to the setting of the Conservation Area.

The modular kitchen block would be positioned to the side of the school building and would not be close to the Conservation Area’s boundary, and is not considered as a whole to have an adverse impact on the character of the Conservation Area. However, the proposed design does not draw on the contribution made by the historic environment to the character of the original school and its environs.

### **Conclusion**

The proposed installation of the modular kitchen block would provide the school with a kitchen facility to provide school meals for pupils at the school, so that the school is thereby able to comply with the legal requirement.

However, the external materials and design of the proposed modular kitchen block would conflict with the development plan policies, having regard to the

points referred to above. However, there is a clear urgent need for improved kitchen facilities to be provided at this school site. On balance, and taking into account the conflicts with the policies, I recommend that permission for the modular kitchen block be granted for a temporary period of ten years only. Within this period, proposals for addressing the school's catering needs beyond this period could be devised and considered.

No objections have been raised by the Highways Authority and no public Rights of Way are affected.

(3) **Financial Considerations** The correct fee of £195 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.

(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 and transport considerations.

(6) **Background Papers** File No. 4.1953.13  
Application documents from the Director of Property dated 7 May 2015.  
Correspondence from the Highways Area Management Division dated 5 June and 7 August 2015, and North East Derbyshire District Council dated 9 July and 10 September 2015.

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

### **Commencement**

- 1) The development shall be commenced within three years of the date of the decision notice.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

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

### **Termination**

- 3) This permission is for a temporary period, expiring on 10 November 2025. On or before the end of the period of ten years from the date of the decision notice, the building shall be removed.

**Reason:** The building, by reason of its appearance, will not be in keeping with the existing buildings at the school site. The time limit for its presence under this condition is required, having regard to policies GS1 and BE1 of the adopted North East Derbyshire Local Plan.

- 4) The development shall take place in accordance with the details in the 1APP form dated 20 May 2015, the Design and Access Statement (rev a. 27-7-15), Supporting Statement (rev a. 14-10-15), Covering Email dated 14 October 2015 and the accompanying drawings (Drawing No's – 141549/A/101 Revision A and 141549/A/101 Revision).

**Reason:** To clarify the detail approved and to enable the County Planning Authority to monitor the development in the interests of the local amenity.

### **Reasons for Approval**

The planning application has been determined having regards to the development plan and other material considerations as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the NPPF published by the Department of Communities and Local Government on 27 March 2012.

Other material considerations, relevant to this application, indicated an urgent need for improved kitchen facilities at the school site.

The policies of the development plan, which have been identified as relevant in the considerations of the application, are listed below.

### **Policies**

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

### **National Planning Policy Framework**

**Adopted North East Derbyshire Local Plan Policies:**

GS1: Sustainable Development.

GS5: Settlement Development Limits.

BE1: General Design Principles.

BE11: Development Within and Adjoining Conservation Areas.

**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.

**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) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 7626848.

Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

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

