

 Nottinghamshire County Council	Report to Planning and Licensing Committee	
	10th January 2012	
	Agenda Item:8	
REPORT OF GROUP MANAGER PLANNING		
NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/11/01669/FULR3N		
PROPOSAL:	RETENTION OF EXISTING TEMPORARY CLASSROOM	
LOCATION:	LAKE VIEW PRIMARY SCHOOL, RAINWORTH WATER ROAD, RAINWORTH	
APPLICANT:	NCC CHILDREN, FAMILIES AND CULTURAL SERVICES	

Purpose of Report

1. To consider a planning application for the retention of an existing temporary modular classroom at Lake View Primary School, Rainworth. The key issue relates to compliance with Green Belt Policy. The application is reported to Committee as a 'departure' from the Development Plan. The recommendation is to grant a further five-year temporary planning permission for the development, subject to planning conditions.

The Site and Surroundings

2. Lake View Primary School is located on the south western extremity of the built up area of Rainworth village. The school is sited to the rear of residential properties fronting Rainworth Water Road from which vehicular access is obtained via a private road (see plan). The school buildings are predominantly single storey in height and utilise a CLASP construction incorporating vertical hanging tiles to the wall and a flat roof.
3. The primary school shares a larger educational campus with the Joseph Whitaker School which is situated immediately to the south east. Lake View Primary School lies within land designated as Green Belt. The modular building subject of this application lies to the north-east of the main school building adjacent to the sites north-eastern boundary

Relevant Planning History

4. Planning permission was originally granted in December 2000 for the siting of the modular building, which was needed at that time to provide accommodation for two pupil classes which had previously occupied spare rooms in the adjacent Joseph Whitaker School.
5. The temporary planning permission for the modular building was subsequently renewed planning permission in December 2005 for a temporary period expiring

on the 31st December 2008. Since this temporary planning permission expired the modular building has been retained at the site albeit without the benefit of a valid planning permission.

Proposed Development

6. Planning permission is sought to regularise the retention of the mobile classroom for a further temporary period. The applicant has not specified within the planning application the period of time requested for retaining the building.
7. The modular building measures 18m by 7.85m and has a gross floor area of approximately 142 square metres. The building has a maximum height of 3m. The external walls of the building are constructed with a textured dark grey finish. The building is served by a DDA compliant access ramp.
8. The supporting statement explains that the school provides education to seven age groups. The main school building only provides sufficient accommodation for five classrooms and therefore an ongoing need exists for the two classrooms which are provided within the modular building to ensure that pupils can be educated within separate year group classes rather than mixed year group classes. There is currently not a budget to provide permanent accommodation at the school.

Consultations

9. **Newark & Sherwood District Council:** *No comments received. Any comments received will be orally reported.*
10. **Rainworth Parish Council:** *No comments received. Any comments received will be orally reported.*
11. **NCC (Highways):** *There are no highway objections on the basis that the temporary classroom is existing, currently in use and does not give rise to any highway objections.*

Publicity

12. In accordance with the County Council's adopted Statement of Community Involvement the application has been publicised as a departure to Green Belt policy by means of the posting of a site notice and the publication of a press notice within the Newark Advertiser. The residents of the adjoining properties have been notified of the application by letter. No representations have been received.
13. Councillor Geoff Merry has been notified of the application.

Observations

14. The campus and buildings of Lake View Primary School are located entirely within the Green Belt. There is therefore no option available to locate the modular building on the site in a location that would be outside the Green Belt, within the built up area of Rainworth.

15. Newark and Sherwood Core Strategy Spatial Policy 4B sets out the Green Belt policy that is relevant to Newark and Sherwood District Council. The policy states that appropriate development in the Green Belt will be judged according to national Green Belt Policy.
16. National planning policy relating to development in the Green Belt is set out within Planning Policy Guidance Note 2: Green Belts (PPG 2). This states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The policy identifies that the most important attribute to Green Belts is their openness. PPG 2 seeks to protect the openness of Green Belts by setting out a general presumption against inappropriate development within the Green Belt and the Draft National Planning Policy Framework proposes a similar level of protection for Green Belt areas. Appropriate development is defined within PPG 2 as development associated with:
 - agriculture and forestry;
 - essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
 - limited extension, alteration or replacement of existing dwellings;
 - limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG3;
 - limited infilling or redevelopment of major existing developed sites identified in adopted
17. Development of school and education facilities is not one of the categories of development specifically identified within this policy as being appropriate development. The application, therefore, by definition, must be treated as a 'departure' to the Development Plan. PPG 2 indicates that inappropriate development should only be granted planning permission where very special circumstances exist which outweighs the harm caused by the development.
18. There are a number of material considerations relevant to the assessment of this planning application. In terms of need, the accommodation enables the school to educate their pupils within year groups as opposed to having to resort to mixed year groups due to a lack of sufficient classroom availability. With regard to impacts upon the open character of the Green Belt, the modular classroom building results in no significant harm to the open character of the Green Belt due to its siting on low lying land within the school campus, within the main complex of school buildings in a location that is not visually prominent. The low height of the building further assists in minimising impacts to the openness of the Green Belt. A temporary permission ensures that this part of the Green Belt would be reinstated upon expiry of the temporary planning permission.
19. These community benefits and the lack of harm to the openness of the Green Belt are material considerations which represent very special circumstances in favour of supporting a grant of planning permission for the development. A further five year temporary period expiring on the 31st December 2016 is considered to be appropriate given the reasonable condition of the building.
20. Due to the comparatively small scale of the development, and having assessed it against the referral thresholds set out within the Town and Country Planning

(Consultation) (England) Direction 2009, it is not necessary to refer this departure application to the National Casework Unit.

21. With regard to effects on the amenity of surrounding land and buildings the external appearance of the modular building is considered visually acceptable for a further temporary period. The building has a comparatively low height and the distance from nearby residential properties ensures that there is no significant overbearing or overshadowing impacts. Existing boundary hedges and fences between residential properties and the school campus ensure that visual impacts to these properties are minimised.

Other Options Considered

22. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Human Rights Act Implications

23. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Statutory and Policy Implications

24. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service. Appropriate consultation has been undertaken and no issues of substance have been raised.

Crime and Disorder Implications

25. The development would be located within an established school campus and benefits from the protection afforded by the existing perimeter security fence.

Conclusion & Statement of Reasons for the Planning Decision

26. The site is located within the Green Belt. The retention of this modular building is inappropriate development in the context of Newark and Sherwood Core Strategy Policy 4b and Planning Policy Guidance Note 2 (Green Belt).
27. Notwithstanding the inappropriateness of the development, the modular building provides community benefits for the education of pupils within Lake View Primary School and results in no significant harm to the open character of the Green Belt. These issues support a grant of planning permission for the development and represent the 'very special circumstances' required to justify inappropriate development in the Green Belt. The temporary nature of the

planning permission ensures that any harm to the Green Belt would not be permanent.

28. The County Council is of the opinion that the retention of the mobile classroom does not result in any adverse impacts to amenity of the area and any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached condition.

RECOMMENDATIONS

29. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

SALLY GILL

Group Manager (Planning)

Constitutional Comments

Committee have power to decide the Recommendation. [SHB 16.12 .11]

Comments of the Service Director - Finance

The contents of this report are duly noted; there are no financial implications. [DJK 19.12.11]

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Blidworth – Cllr Geoff Merry.

Mike Hankin
0115 9774320

For any enquiries about this report, please contact the report author.

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RECOMMENDED PLANNING CONDITIONS

1. The permission shall be for a limited period of five years expiring on the 31st December 2016 when the building hereby approved shall be removed and the land reinstated to the satisfaction of the County Planning Authority (CPA), unless prior permission has been obtained for its retention in writing by the CPA.

Reason. The building is not suitable for permanent retention and to ensure that the long term openness of the Green Belt is protected in accordance with the requirements of Newark and Sherwood Core Strategy Policy 4b