



11 December 2018

Agenda Item: 7

REPORT OF CORPORATE DIRECTOR – PLACE

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/18/01811/FULR3N

**PROPOSAL: RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF
8M X 4M TIMBER BUILDING**

**LOCATION: KIRKLINGTON PRIMARY SCHOOL, SCHOOL LANE, KIRKLINGTON,
NOTTINGHAMSHIRE, NG22 8NG**

APPLICANT: MRS TRACEY BURN-SMITH

Purpose of Report

1. To consider a planning application for the retention of a timber building at Kirklington Primary School. The key issues relate to the effect on the character of a conservation area and impact on the amenity of nearby occupiers. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. Kirklington is situated on the A617, 5km to the east of the junction with the A614. Kirklington Primary School is located in the southern part of the village and is accessed along a non-adopted road, School Lane, from Southwell Road. In addition to providing access to the school, School Lane serves residential properties to the south and east of the school site. A public footpath (Kirklington FP9) runs eastward along School Lane (Plan 1).
3. The school lies within Kirklington Conservation Area. The principal school building dates from the early 20^c with later additions to the rear and has been identified as a non-designated heritage asset.
4. There is off-street parking for four cars to the west of the school building, and additional parking for a further 5 vehicles takes place in front and to either side of the school access gate. A sign on the school access gate advises 'No parking in front of these gates emergency access required at all times'.
5. The school has a roll of 77 (November 2018) with children taught in three class groups: infant; lower junior and upper junior across the age range 3-11. In addition, a maximum of 12 children attend the nursery in either the morning or

afternoon. The school has a Published Admission Number (PAN) of 8 which would equate to a school roll of 56 but has a capacity for 105 places. The current number of children in each school age group are detailed in the table below.

| | | | | | | | | |
|--------------|----|----|---|----|----|----|----|---|
| Year 2018/19 | | R | 1 | 2 | 3 | 4 | 5 | 6 |
| Number | 77 | 10 | 5 | 14 | 11 | 13 | 17 | 7 |

Nursery

| | | | | | | |
|--------------|------|--------|---------|-----------|----------|--------|
| Year 2018/19 | | Monday | Tuesday | Wednesday | Thursday | Friday |
| Number | a.m. | 10 | 12 | 9 | 10 | 12 |
| | p.m. | 7 | 8 | Closed | 6 | 10 |

6. Planning permission for a single-storey flexible teaching space (11.5m x 6.8m) faced in timber (redwood) with a natural finish was granted in December 2015 (reference 3/15/01771/FULR3N) and was erected to the east of the school entrance gate, freeing up space within the Edwardian school. It incorporates a disability accessible toilet.



School parking



School entrance

7. A 8m x 4m timber building has been erected on the edge of the school playing field 11m to the north of the principal school building and 8m from the western boundary, adjacent to Holmlea (Plan 2). At closest the building is 26m from the rear of Holmlea and 33m from The Forge. An enclosed area between the school and timber building and the western site boundary has been used (prior to the commencement of works to erect the timber building) as an outdoor activity area for the delivery of the Early Years and Reception class curriculum and includes some raised decking immediately adjacent to the western boundary. A timber fence is erected along the boundary between the outdoor play area and residential property to the west.
8. Full-height glazing is provided in the west and south elevations, with the entrance door formed in the west elevation. The east and north elevations, which can be seen from the east across the school playing field do not have windows or other openings.



Outdoor activity area



Timber building



Timber building viewed from the school playing field



Background

9. The 8m x 4m timber building has been erected by the school without the benefit of planning permission and was brought to the attention of the County Planning Authority through a complaint in April 2018.
10. The area where the building has been erected is adjacent to an outdoor play area that was previously fully enclosed and used by the nursery and Reception aged children for outdoor play. Work has stopped on the timber building, which has not yet been brought into use. As the outdoor area is not secure, a largely hard surfaced outdoor space between the school and The Forge is in greater use.

Proposed Development

11. Planning permission is sought to retain the 8m x 4m timber building, which has an eaves height of 2.4m and ridge height of 3.1m, in its present position. When visiting the site in October 2018 an underfelt roof covering had been installed, providing a degree of weather-tightness, but proposed grey coloured mineralised felt shingles had not been fixed. The timber elevations had not been

treated/coloured. The building has not yet been provided with electricity and is not heated.

12. The building is proposed to be used as a flexible learning space and has been sited adjacent to the existing Early Years Foundation Stage outdoor learning area (not currently suitable for use during works) to allow children to access outdoor learning in all weathers. The building would also be used for the storage for large items of outdoor equipment.
13. The statement supporting the planning application explains that the building is to be used daily with the outdoor area to create a holistic learning environment for the children in a variety of weather conditions. The building is located within the secure play area to meet safeguarding and safety requirements for young children. The school does not envisage that the number of children attending the school will increase through the provision of this facility.

Consultations

14. **Newark and Sherwood District Council** – *No objection subject to NCC being satisfied that development complies with relevant Development Plan policies.*
15. **Kirklington Parish Council** - *Object. Objection is raised to the siting of the building, not the principle of having the teaching space. The building overlooks, and is overlooked by, residents' properties. It would be preferred that the teaching space be rotated through 90° or 180° to overcome this. Alternatively, it may be possible to swap the windows to the other side of the teaching space.*
16. *A previous lack of consultation is disappointing as points could have been raised and considered prior to works being completed.*
17. **NCC Built Heritage** – *No objection subject to a condition to review the need to colour/stain treat the building. The roof should be covered with a dark coloured felt or other membrane.*
18. *The application is supported by a planning statement that considers the impact on the designated conservation area and the non-designated heritage asset that is the Edwardian School. As such it conforms to the requirements of National Planning Policy Framework Paragraph 189.*
19. *Timber units of this type are required by schools for a variety of purposes and can be justifiable in order to continue to use the original Edwardian school building. The Edwardian architecture of the original school building contributes to the character of the conservation area and is the reason it is a non-designated heritage asset. Its continued use as a school is an ongoing heritage conservation goal.*
20. *The building is already in place and the impact on the character of the conservation area can be judged accurately. The planning statement is correct in describing the visual impacts of the timber building on the character of the conservation area and the setting of the non-designated heritage asset as slight.*

21. *The timber unit is visible from historic buildings within the conservation area and from the northern end of School Lane where it can be seen against a backdrop of mature trees. These views are not of significance to the conservation area and the position of the building does not cause harm.*
22. *The light, untreated, colour of the wood presently draws attention to the timber unit, and most other timber buildings on site are treated with a 'dark oak' type stain which helps them blend into their green hedge and tree backdrop. However, other green oak and softwood timber buildings along School Lane have been generally left untreated to grey naturally.*
23. **Sport England** – No objection. *The proposal broadly meets exception E3 of Sport England's Playing Fields Policy. The proposed development results in a minor encroachment onto the playing field which could have been improved by turning the building by 90°. However, having considered the nature of the playing field and the existing fenced area adjacent to the building, it is not considered that the development would reduce the sporting capability of the site.*
24. **NCC Project Engineer (Noise)** – No objection. *A note is recommended to advise the school that the courtyard should be used for quieter play activities. It is noted that the new timber classroom building is located within the existing school grounds adjacent to the playground. Kirklington Primary is a small school with a pupil roll of approximately 80 pupils in attendance, and the new classroom building would be in use only on school days, during term time.*
25. *It appears that there has been an intensification of activities in the courtyard area since the new building was erected due to a temporary loss of secure outdoor space until the development works are complete. The courtyard area in question existed prior to the new building being erected and so while not directly related to the application being considered, the objector believes that there has been an escalation in activities in this area and is concerned that this escalation is a permanent change as a consequence of the development. Once this space becomes available again, there is no reason why noise levels at the objector's property will be any higher than pre-development noise levels.*
26. **NCC Highways Development Control** - No objection. *The application states there is to be no increase in the number of pupils and staff as a result of this development.*
27. **NCC Countryside Access Team** – No response received. Any response received shall be orally reported.

Publicity

28. The application has been publicised by means of site notice, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
29. Councillor Bruce Laughton has been notified of the application.

30. Two identical letters from two residents of The Forge (a house to the immediate west of the principal school building) and letters from two residents of School Lane have been received. The following issues have been raised:
- a) The building is to be used as a classroom, not as a storage shed. The structure is highly insulated and intended as classroom space. Concern that the building will increase the capacity of the school and reassurance is sought that this will not be the case (2). The school capacity has increased in recent years from 75 to 105 places without additional infrastructure. The building is to be used as a 19 place nursery.
 - b) Objection is raised to the location of the building (2). The structure is immediately behind the residential property (2).
 - c) Loss of privacy from overlooking and school building being overlooked (3). Direct inter-visibility between windows (2). The loss of privacy (3) will be worse in winter months due to use of lighting and loss of foliage (2). Loss of view.
 - d) Out of keeping in a conservation area. The open nature of the area should be retained. The building could be better sited in consideration of impact on neighbours within the building line of existing buildings fronting School Lane (3). Encroachment into playing field. The school has advised that loss of playing field would not comply with the requirements of Sport England.
 - e) The building should be turned through 180^o so that windows face over the playing field (3), which would improve natural daylighting in the building (2).
 - f) Noise from outdoor play and loss of privacy associated with use of the adjacent outdoor play area (2).
 - g) Re-siting the building would help reduce loss of privacy and noise (2).
 - h) Traffic issues, dangerous parking, danger to school children, pedestrians and other road users. An increase in numbers would increase traffic and cause congestion. A parking area (2) should be provided for staff. The Parish Council has agreed to support the provision of a car park through Community Infrastructure Levy money. The use of school grounds for parking must be included in any application to increase accommodation for pupils. It has been advised that other applications for development on School Lane would not be acceptable on highway grounds.
 - i) Safeguarding of children (2). The school has a duty of care to ensure that safeguarding requirements are met (2).
 - j) Lack of consultation by the school and discussion with neighbours (4).
31. The issues raised are considered in the Observations Section of this report.

Observations

32. Small ancillary buildings can be erected by the County Council at schools without the express need for planning permission as *permitted development* subject to size and height limits not being exceeded. The timber building is to be used to support outdoor learning in addition to equipment storage, and as such will be used for a primary purpose (delivery of education) and is therefore considered to be more than an ancillary structure. If not used to deliver education the building would be permitted development.
33. Although an application has been made to regularise a breach of planning control, that fact that the building has already been erected does not alter the planning considerations in determining the acceptability of the development. However, it does allow the impact of development to be assessed.
34. The proposed timber building would broaden educational opportunities for children at the school, providing a teaching space to support all-weather outdoor-based activities and is welcome in principle. Provision for the storage of outdoor equipment is also considered to be acceptable. However, consideration needs to be given to the potential adverse impacts that could arise in terms of the siting of the building and loss of amenity to neighbouring occupiers, and possible traffic impacts.

Siting, Playing Field and Heritage Impact

35. Sport England Planning Policy Statement: *A Sporting Future for the Playing Fields of England* seeks to oppose the development of playing fields unless one of five exception criteria can be met. Sport England has not objected to the development, considering that the proposal meets Exception Criteria E3 where *the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.*
36. The school lies within a conservation area and heritage assets have been satisfactorily identified by the applicant as required by NPPF Paragraph 189. Newark & Sherwood LDF Allocations and Development Management Development Plan Document 2013 (N&S-A&DM) Policy DM9 *Protecting and Enhancing the Historic Environment* requires development to take account of the distinctive character and setting of conservation areas including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing. N&S-A&DM Policy DM5 *Design – Local Distinctiveness and Character* requires the scale, form, mass, layout, design, materials and detailing to be assessed. The building has been sited behind (to the north) of the original school and frontage to School Lane, is not dissimilar to detached timber buildings sited to the rear of residential properties, and is not read visually in the context of other buildings on the road frontage which make up the conservation area.

37. In the absence of a conservation area appraisal for Kirklington, an appraisal has been undertaken by NCC Built Heritage team and concludes that the development would not cause harm. The building has been sited on the edge of the playing field, relates to the principal school building and adjacent outdoor play area, and does not intrude into the adjacent open space. When viewed from the east the building is seen against a backdrop of established planting and the siting is considered to be acceptable.
38. The building has been roofed to be made weather-tight but is not yet complete. The proposed use of a grey-coloured felt shingle is considered appropriate. The timber building has not been treated and the bright appearance of the new timber may fade and silver over time, in a way not dissimilar to the classroom building approved under application reference 3/15/01771/FULR3N. It is recommended that this is reviewed after twelve months and if the visual appearance has not satisfactorily mellowed that the building is coloured with a *dark oak* type stain to reduce the visual impact of the building (Condition 3).
39. It is considered that the building does not harm the character of the conservation area and is acceptable in compliance with N&S-A&DM Policy DM9 *Protecting and Enhancing the Historic Environment* and N&S-A&DM Policy DM5 *Design – Local Distinctiveness and Character*.

Amenity Impact

40. The planning system controls the development of land in the public interest but does not protect private property interests. The planning test is whether the siting and use of a building is acceptable in planning terms, rather than requiring a land owner to re-site a building to benefit a neighbouring property. Loss of a private view, raised in representations, is not a material planning consideration.
41. N&S-A&DM Policy DM5 *Design – Amenity* requires development to be assessed against amenity criteria to ensure that the distance from neighbouring development is sufficient to ensure that neither suffers loss of amenity including overbearing impacts, loss of light and privacy. Development should have regard to their impact on the amenity of surrounding land uses and where necessary mitigate for any detrimental impact.
42. Potential loss of privacy is material to the determination of the application and is raised both by the Parish Council and in neighbour representations. The view of the timber building from a first floor bedroom window at The Forge is shown below, to the left of the main school building, and is filtered by trees.



Looking towards the school and timber building from the first floor bedroom window of The Forge

43. In considering the acceptability of the development, the building has been viewed from ground and first floor windows of The Forge and from the garden of that property. The outdoor play area adjacent to the building is screened from the gardens of neighbouring property by the boundary fences, and established planting offers only some direct and mostly filtered views towards the adjacent residential properties. It is acknowledged that the building will be more visible with loss of foliage during winter months. Whilst concern has been raised over loss of privacy, The Forge lies closer and has more direct inter-visibility with classroom windows in the west elevation of the school. The timber building has not been designed as a classroom and would be used less intensively. At a distance of 26m to Holmlea and at an angle and closest distance of 33m to The Forge, it is considered that use of the building would not give rise to unacceptable loss of privacy and that the development would be acceptable in compliance with N&S-A&DM Policy DM5 *Design – Amenity*.
44. The suggestion in representations that openings should be formed in the building elevations facing the school playing field to address privacy issues have been raised with the applicant. In response that applicant has stated that *“the building has been sited with safeguarding of the children in mind with the glazing and doors on an elevation that opens onto an enclosed, secure easily supervised space”*. To change the orientation or location of the building would require additional fencing and potential intrusion into the playing field to ensure that safeguarding issues are addressed. Such an arrangement would not permit direct access between the building and the current outdoor activity area, and there would be no opportunity for supervision of the outdoor area from within the building. Whilst moving openings in the building may address perceived threat to privacy of neighbouring property, such a change would be detrimental to the function of the building.
45. The applicant has suggested that the provision of lighting in the building could be omitted subject to a suitable risk assessment being undertaken, window blinds or

shutters could be installed, or screen planting could be provided if necessary (how this could be done has not been submitted). Having regard to the relationship of the building to neighbouring property the need for mitigation is not considered a necessary requirement to make the development acceptable.

Noise

46. Noise impact has been raised in representations at Paragraph 30f). The school is an established feature of the village and a school use is considered to be compatible alongside residential development within the community it serves. There is not an unreasonable expectation that noise from outdoor activities will be heard at residential properties close to a school. Noise impacts will generally be experienced at play times and during formal outdoor activities and are limited to school term times.
47. The building has been sited adjacent to an enclosed area historically used for outdoor activities. The school has a relatively small number of children on the school roll and it is anticipated that the number of children that would use the building and activity area at one time would be limited. Outdoor learning would take place under staff supervision which may help control noise, and the timber boundary fence will reduce noise breakout. NCC Project Engineer (Noise) considers noise impact to be acceptable and the development is considered acceptable in compliance with N&S-A&DM Policy DM5 *Design – Amenity*. Bringing the outdoor activity area back in to use once the timber building has been completed is likely to reduce outdoor noise levels in the area between the school building and The Forge. Newark & Sherwood District Council Environmental Health Officers would be able to investigate and enforce a statutory noise nuisance. A note is recommended to advise that the school carry out quieter activities in the outdoor area between the school building and boundary with The Forge (Note 3).

Other Matters

48. With reference to concerns raised that the development will lead to increased school numbers and traffic implications (Paragraph 30i-j)), NCC Pupil Place Planning has advised that *“although the building would increase the space available to the school there is no plan to change the PAN, therefore the additional space will not generate additional pupils. Any change to the PAN requires consultation to which interested parties can contribute.”*
49. The school has clarified that *“there is no intention for any regular use of this Early Years Foundation Stage area by any other year groups and the school does not consider lettings to any outside groups either. There is no intention of using the development which is an uninsulated, unheated wooden building, for anything other than storage and shelter to deliver the curriculum. It is acknowledged that it is not suitable for use as a classroom.”*
50. Whilst the building is considered to be suitable as a teaching space for outdoor-based activities, it lacks facilities that would be required to make it suitable as a

classroom. There would be no toilet facilities and foul drainage has not been provided. The structure, as built, would need to be substantially upgraded, insulated, heated and drained, and would need to comply with relevant guidance and regulations to be suitable as permanent teaching accommodation.

51. The provision of a teaching space to support outdoor learning at the school would not increase pupil numbers. The Highways Authority has not raised objection to the development and it would not be reasonable to require the provision of car parking as a requirement of this development. To allay fears that the building may at some future date be used as a full-time classroom a condition is recommended to limit the use of the building (Condition 2). A planning application would be required to vary the condition should it be proposed to upgrade the building to make the building suitable as permanent teaching accommodation at which point the amenity and traffic impacts of additional children at the school, including the need for car parking, would be assessed.
52. It has been noted that cars currently park in front of the emergency access gate to the school. This is a school management issue and an informative is recommended to draw the current unsatisfactory parking arrangement to the attention of the school (Note 2).
53. The issue of safeguarding raised in representations (Paragraph 30i)) has been referred to Pupil Place Planning which advises that the school will discharge their responsibility to ensure the safeguarding of the children on the site.
54. With reference to the comment from the Parish Council and neighbours about a lack of pre-development consultation, although pre-application engagement is encouraged there is no statutory requirement for consultation prior to the submission of an application.

Other Options Considered

55. 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.

Statutory and Policy Implications

56. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder and Safeguarding of Children and Adults at Risk Implications

57. Although not benefitting from perimeter security fencing, the school is enclosed. No changes to perimeter fencing are proposed. The outdoor activity area outside the entrance to the timber building would be enclosed.

Data Protection and Information Governance

58. All members of the public who have made representations on this application are informed that copies of their representations, including their names and addresses, are publically available and are retained for the period of the application and for a relevant period thereafter.

Human Rights Implications

59. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered. The proposals have the potential to cause loss of amenity from increased noise disturbance and loss of privacy to the occupiers of neighbouring residential properties from use of the building and increased outdoor activity. However, these potential impacts need to be balanced against the wider benefits the proposals would provide in supporting outdoor learning at the school. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Implications for Sustainability and the Environment

60. The provision of a facility that would enhance the range of education offered may increase the appeal and support the viability of a small rural school.
61. There are no Financial, Human Resources implications, Public Sector Equality Duty, or implications for Service Users arising from the development.

Statement of Positive and Proactive Engagement

62. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

63. 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 set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [SJG16.11.2018]

The recommendation falls within the remit of the Planning and Licencing Committee.

Financial Comments [RWK 15.11.2018]

There are no specific financial implications arising directly from the report.

Background Papers Available for Inspection

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

Electoral Division and Member Affected

Muskham & Farnsfield

Councillor Bruce Laughton

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

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