

Committee: **Regulatory  
Planning Committee**

Date: **14 October 2015**

Report by: **Director of Communities, Economy and Transport**

Proposal: **Planning Permission renewal for the siting of one  
mobile classroom to the south-east of the school site.**

Site Address: **Ninfield C of E School, Church Lane, Ninfield, TN33 9JW**

Applicant: **Director of Children's Services**

Application No. **WD/1656/CC/3**

Key Issues: **i) Need  
ii) Siting and Design  
iii) Other Issues**

Contact Officer: **Julie Cattell - 01273 481595**

Local Member: **Councillors Bill Bentley and Laurence Keeley**

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## **SUMMARY OF RECOMMENDATIONS**

**1. To grant planning permission subject to conditions as indicated in paragraph 8.1 of this report.**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.**

### **1. The Site and Surroundings**

1.1 Ninfield Primary School is bordered by Church Lane, Ninfield, a narrow road to the west that leads north to the A271, and by a large recreation area to the east and south. The School is to the south west of the recreation ground which is also used as playing fields by the School. Residential properties lie to the west on the opposite side of Church Lane and the School House borders the southern boundary. The School is considered to have a countryside location as it is situated outside the planning development boundary. It is also located in an Archaeological Notification Area.

1.2 The School operates in a single storey brick faced building dating from around 1875. The temporary classroom that is the subject of this application stands on land adjacent to the School site. The land is owned by the Parish Council and leased to the School.

## **2. The Proposal**

2.1 Planning permission is sought to retain a temporary classroom for a further period. The original permission for the classroom was granted in 1995 for a period of 10 years, which expired on 31<sup>st</sup> August 2005.

2.2 A further 5 year temporary permission was granted in 2005, which expired on 31<sup>st</sup> August 2010. The most recent temporary permission, granted in 2010, expired on 31<sup>st</sup> August 2015.

## **3. Site History**

3.1 There are a number of applications in the planning history from 1987, relating mainly to extensions and previous temporary classrooms. The following applications are of relevance:

- 2010 – Granted – WD/1656/CC2 – Retention of 1 double mobile classroom. (5 years)
- 2005 – Granted – WD/1656/CC/1 – Retention of 1 double mobile classroom. (5 years)
- 1995 – Granted – WD/1656/CC – The replacement of the existing timber single classroom with a new double mobile classroom (10 years)

## **4. Consultations and Representations**

4.1 Wealden District Council - The proposed retention of the double mobile classroom is supported by the District Planning Authority in principle to facilitate the operation of this education facility. This support is given in consideration of the use of the building and its overall condition. In addition, the building does not raise any significant issues in terms of visual impact on the surrounding area, nor would it have a harmful impact on the privacy and amenities of the neighbouring properties

4.2 Ninfield Parish Council – Raises concerns about the poor condition of the building, which is considered to be cramped and in need of repair. There does not appear to have been any progress since 2010 on finding a permanent solution to the accommodation needs. The Parish Council recommends that planning permission be granted for one year only. The land is leased to the School by the Parish Council and is due for renewal. The lack of progress will be reflected in the terms of the lease.

4.3 Local representations – 1 letter of objection from resident in Church Lane on grounds of increased traffic and demand for parking and poor quality of the accommodation. Also comments on recent grant of planning permission by Wealden District Council for large housing development.

**5. The Development Plan policies and other documents of relevance to this decision are:**

5.1 Wealden Local Plan 1998: Saved Policy EN27 (layout and design of development); saved Policy EN28 (access for people with disabilities) and saved Policy GD2 – (proposals outside development boundaries).

5.2 Saved development management policies contained in the Wealden Local Plan remain part of the Development Plan for the area. Wealden District Council has not formally determined whether its Saved Policies in the Wealden Local Plan are in general conformity with the NPPF. However the County Planning Authority has assessed the Saved Policies as being in general conformity with the overarching principles of the NPPF.

5.3 The National Planning Policy Framework, 2012 (NPPF): The NPPF does not change the status of the development plan as the starting point for decision making. It constitutes guidance as a material consideration in determining planning applications. It advises due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 72 advises Local Planning Authorities to give great weight to the need to alter or expand schools

5.4 Policy Statement on Planning for Schools Development (2011): This states that the planning system, when dealing with planning applications for state-funded schools should operate positively and there should be a presumption in favour of the development of state-funded schools. The policy statement encourages a collaborative approach to applications, particularly encouraging pre-application discussions and the use of planning obligations to help mitigate adverse impact of developments. The policy statement indicates that the Secretary of State will be minded to consider refusal of any application for state-funded schools to be unreasonable conduct, unless it is supported by clear and cogent evidence.

## **6. Considerations**

### **Need**

6.1 The temporary classroom was originally approved in 1995 to replace an older structure. At the time, the need for permanent accommodation was acknowledged and it was accepted that a temporary solution was necessary as the land was not owned by the County Council. A 10 years permission was recommended on the proviso that *'...should the need persist beyond 10 years, the Education Authority should acquire additional land and construct a permanent replacement building'*. (Paragraph 4.6 of the Committee Report dated 4<sup>th</sup> July 1995).

6.2 By 2005, with school numbers having remained constant at around 150, it was recommended that a further 5 year temporary consent be approved as *'A feasibility study is currently being undertaken to consider how the temporary classroom can be replaced by permanent accommodation'*. (Paragraph 6.6 of the Delegated Report dated 20<sup>th</sup> September 2005).

6.3 In 2010, pupil numbers had increased from 150 to 179, so the temporary classroom was considered to have '*...provided essential teaching space for pupils at the School.*' (Paragraph 6.1 of the delegated report dated 7<sup>th</sup> October 2010). Although the promised feasibility study had been carried out, it was considered that '*Due to budget limitations and higher priorities across the County, we have not been able to gain funding to carry out any permanent build.*' (Paragraph 3 of the Design and Access Statement submitted with the 2010 application).

6.4 The supporting statement submitted with the current application states that a further review of school places in the autumn of 2015, including consideration of future needs in the Battle area and the future accommodation requirements of Ninfield CE Primary School, is to be carried out. A further five years permission was requested.

6.5 However, Director of Children's Services has confirmed that a permanent solution is now being '*investigated*' for implementation in summer 2016. Therefore the requested temporary period has been reduced from 5 years to 1 year.

6.6 It is considered that a further year is acceptable in the light of the latest comments from the Director of Children's Services.

### **Siting and Design**

6.7 Saved Policy EN27 of the Wealden Local Plan 1998 sets out 5 criteria in relation to layout and design. Criterion 1 (scale, form density, design, materials, landscaping and character of adjoining area) and criterion 2 (impact on amenity of adjoining developments by way of scale, height, form, noise and traffic movements) are relevant to this application. Saved Policy EN28 of the same Plan requires that proposals for development of land and buildings that are open to the public (including educational use) should provide suitable access for people with disabilities.

6.8 The mobile classroom has been located at the rear of the School for 20 years and is around 70m away from residential properties to the south-east, south west and east. As the land slopes steeply downwards from the east of playing fields, views of the classroom from the rear of these properties are restricted. Furthermore, mature planting forms a substantial screen to the western and southern boundaries of the School, resulting in the minimum impact to residential amenity in terms of outlook. Given the degree of separation, it is also considered that there is not an undue noise impact. It is noted that there is no evidence on file of any neighbour complaints being made as a result of the mobile classroom.

6.9 In terms of the design, the classroom is of a standard utilitarian design with vertical timber cladding, stained dark brown, felt flat roof and white UPVC windows. The main entrance to the mobile classroom is on the northern elevation overlooking the hard play area towards the main school building, with an external ramped access leading up to double doors to the main

entrance. The building has not been substantially altered during its 20 years life and for the time being, continues to satisfactorily comply with the requirements of Saved Policy EN27.

6.10 As noted, there is ramped access to the building, in compliance with Saved Policy EN28 of the Wealden Local Plan 1998.

### **Other issues**

6.11 It is noted that the School and the site on which the classroom stands is outside of the Development Boundary. However, there is an over-riding need to provide educational facilities to serve the village.

6.12 The County Archaeologist considers that that retention of the classroom does not impact on the Archaeological Notification Area.

6.13 The objections from the local residents are noted. The number of pupils that will continue to be accommodated in the classroom is unlikely to change within the next 12 months. When an application is submitted for a permanent solution to the School's accommodation needs, it will be required to include a Transport Assessment so that the impacts on surrounding streets can be properly analysed. A new building/extension will of course provide a more suitable environment for the end users.

## **7. Conclusion and reasons for approval**

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise.

7.2 It is considered that the retention of the double mobile classroom for a further one year is the appropriate approach given the current pupil levels and the limited classroom accommodation at the School. This will allow for consideration by the applicant of a permanent solution. It is also considered that the mobile classroom continues to be acceptable in terms of its siting, design and access. It is well screened by existing boundary vegetation and does not unduly harm the visual or residential amenity of the area in accordance with Policies EN27 and EN28 of the Wealden Local Plan 1998.

7.3 In determining this planning application, the County Council has worked with the applicant and agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.4 There are no other material considerations and the decision should be taken in accordance with the development plans.

## **8. Recommendation**

8.1 To recommend the Planning Committee to grant planning permission subject to the following condition:-

1. The temporary building hereby permitted shall be removed from the site and the land restored to its former physical state by 31 October 2016 or as otherwise agreed in accordance with a scheme submitted to and approved in writing by the Director of Communities Economy & Transport

Reason: The nature or form of development is only considered appropriate for a temporary period.

### INFORMATIVE

1. The retention of this mobile classroom unit is unlikely to be granted planning permission for a further temporary period unless a review is undertaken which clearly indicates how this temporary accommodation can be replaced with permanent buildings within an acceptable timescale.

### Schedule of Approved Plans

8837/01 - Location and Block Plan; 8837/02 - Existing Elevations

RUPERT CLUBB

Director of Communities, Economy and Transport

6 October 2015

### **BACKGROUND DOCUMENTS**

Planning Application File - WD/1656/CC/3

Wealden Local Plan 1998

NPPF 2012

Policy Statement on Planning for Schools Development 2011