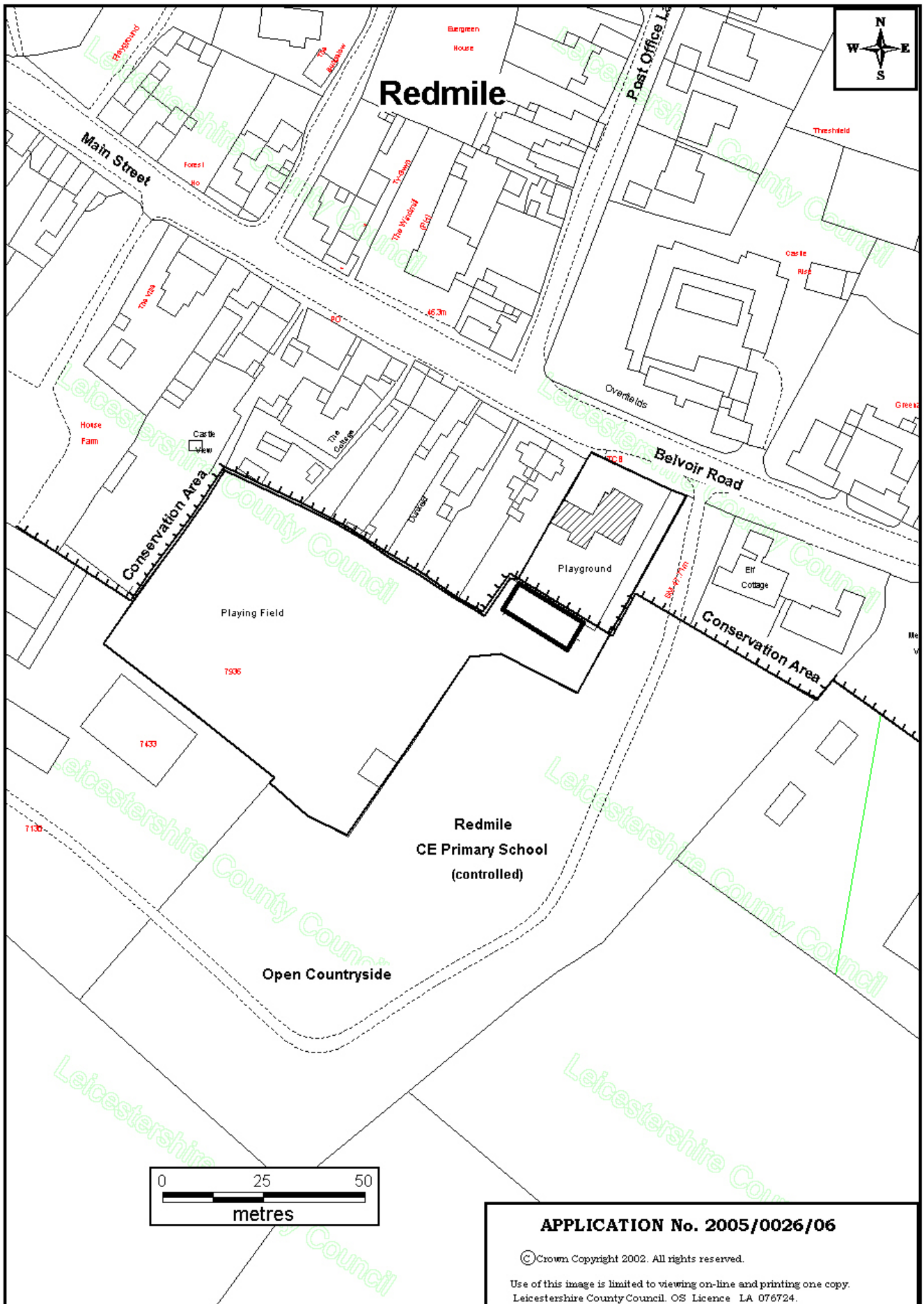


DEVELOPMENT CONTROL AND REGULATORY BOARD**24TH MARCH 2005****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****APPLICATION UNDER REGULATION 3 OF THE TOWN AND
COUNTRY PLANNING GENERAL REGULATIONS****LEICESTERSHIRE COUNTY COUNCIL – CONTINUED STANDING OF DOUBLE
MOBILE CLASSROOM WITH TOILETS AND EXTENSION – REDMILE PRIMARY
SCHOOL, BELVOIR ROAD, REDMILE (MELTON BOROUGH)****2005/0026/06 – 13th January 2005****Description of Proposal**

1. Redmile Village is located in the north east of the county close to the border with Lincolnshire and Nottinghamshire. The school is located on the eastern edge of the village along Belvoir Road which runs between the A52 and A607. There are residential properties to the east and west screened by mature hedges and fence (about 1.5m high). On the East side there is also a narrow pasture field leading into a larger open field at the rear. There are extensive views to the south towards the escarpment on the edge of the Vale of Belvoir.
2. The Board granted permission for the replacement of a single mobile with a double mobile classroom in June 1999 (ref. 99/0306/06) for a period to expire on 31st July 2004. The mobile is located to the rear of the school, positioned on a grass area to the rear of the playground. Further to this, permission for a 1-bay extension to create a dining room was granted permission by the board in April 2001, for a period expiring on 31st July 2004.
3. The application is required to accommodate future pupil numbers at the school over the next 4 years. There are currently 63 pupils on roll at the school, which is set to reduce to 55 by the academic year 2008/9. The mobile classroom block is currently painted moorland brown and externally is in very good condition.

Planning Policy

4. The Development Plan in this instance is made up of the adopted Leicestershire, Leicester and Rutland Structure Plan (LLRSP) and the adopted Melton Borough Local Plan.



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5. The application site lies just outside the built up limits of Redmile. It lies within an “Area of particularly Attractive Countryside”. *Strategy Policy 8 Leicestershire Leicester and Rutland Structure Plan* states that development within this area will only be acceptable if the appearance and character of the landscape and the countryside is safeguarded or enhanced.
6. *Strategy Policy 10* states that good design will be promoted by ensuring that development protects or enhances the form and local character and distinctiveness of the built and natural environment.
7. *Environment Policy 1* states that development within Conservation Areas will be required to preserve or enhance the character and/or appearance of the Area.
8. *Policy CF1* of the Melton Borough Local Plan states that planning permission will normally be granted for new education facilities on land used for education purposes, subject to satisfactory siting, design, parking, access and amenity considerations.
9. The application site lies just outside but lies adjacent with the boundary of the Redmile Conservation Area. *Policy BE2* seeks to safeguard the character and appearance of the Conservation Area, by imposing criteria to achieve a high standard of design in new development.
10. *Policy OS2* states that planning permission will not be granted for development outside the town and village envelopes shown on the proposals map except for:-
 - (i) Development for agriculture and forestry;
 - (ii) Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside;
 - (iii) Development essential to the operational requirements of a public service authority;
 - (iv) Change of use of rural buildings;
 - (v) Affordable housing.

Consultations

Melton Borough Council

11. No objection.

Redmile Parish Council

12. No objection, but enquire as to whether sheds moved as part of the previous planning application required planning permission.

Highway Authority

13. In light of previous permission granted on the site, the County Highways Authority has no comment on this proposal

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Publicity

14. The proposal has been advertised in the Melton Times, and by site notices and neighbour letters on the 14 January 2005. Two letters of objection have been received within the time scale for response raising the following issues:
- Incorrect details on the application form for applications 99/0306/6 and 2001/0250/06;
 - Consideration of parking issues in the determination of previous and the current planning application.

Assessment of Proposals

15. The main issues for consideration in the determination of this planning application are the need for the mobile, the location within the Conservation Area and impact on visual amenity, and highway considerations.
16. The school provides essential educational facilities for Redmile village. The applicant has submitted details of pupil numbers at the school over the 4 years. There are currently 63 pupils on roll at the school, which is set to reduce to 55 by the academic year 2008/9. Therefore the need for the mobile is justified.
17. Consideration needs to be given to the impact on the Conservation Area and open countryside. It is considered that the continued retention of a mobile building on the site does have a limited impact on the setting of the Conservation Area. Whilst the development does not further detract from the existing situation, it is not desirable to retain the building on a long-term basis. The mobile lies behind the main school building and is partially visible from Belvoir Road, although is not prominently sited and is in a good state of repair. The mobile is also well screened from the wider Conservation Area by the school and boundary vegetation. Therefore it is recommended that planning permission be granted for a temporary 4-year period. However, given the location adjacent to the Conservation Area, it is also recommended that the applicant be advised that should the need for additional accommodation be anticipated after this date then a permanent extension should be provided.
18. The mobile building is also within an area of particularly attractive countryside and is sited just outside of the village envelope, where development would not normally be permitted unless it was essential to the public service authority. The mobile building provides essential accommodation for the village of Redmile and the children would not otherwise be able to be accommodated at the school. The development is within an area currently used for educational purposes, therefore this type of development is considered to be suitable in principle in line with the Melton Borough Local Plan.
19. The mobile building is close to the existing built form of the school and the wider village. The school site is also screened from the wider landscape to the east by a 1.5m-high mature hedge which surrounds the school field, although it is still

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visible to the south and west. It is considered that given the need demonstrated for the mobile and the fact that the application does not propose to alter the existing situation, the proposed development is considered acceptable.

20. Objections have been raised with regard to parking at the site and reference to previous planning applications for the mobile buildings determined by the Board (ref.'s 2001/0250/6 and 99/0306/6). The objector considers that parking was not addressed as part of the previous planning applications. The County Council as planning authority considered all material issues in the determination of the previous planning applications in reaching it's decision. Also, as part of consultation procedures the Highway Authority is provided with details of these previous planning applications and considered that there was no reason to resist the development on these grounds.
21. There is no parking on the school site, therefore surrounding streets are utilised. These streets are wide and can accommodate parked cars without causing any obstruction. The current application proposes no increase in the provision of accommodation and no increase in pupils. Therefore the circumstances remain as existing. As previously stated it is projected that the number of pupils at the school are to decrease over the next 5 years from 63 to 55. The Highway Authority has given consideration to the highways issues raised by the retention of the mobile buildings, and on this basis has raised no objection to this planning application.
22. An objection has also been raised and an enquiry from the Parish Council received with regard to the content of previous planning applications submitted by the applicant. In particular reference is made to the relocation of two sheds as part of permission ref. 2001/0250/6. This relocation was agreed as part of that permission and has taken place. In any event this is not a material consideration in the determination of the current application.
23. The proposal is considered to accord with the policies of the development plan and is acceptable in planning terms, and is recommended for approval subject to a further temporary permission.

Recommendation

- A. Permit subject to the conditions, as set out in the appendix.
- B. To endorse, as requested by the Town & Country Planning (General Development Procedure) Order 1995 (as amended) a summary of this:
 - (i) Policies and proposals in the development plan which are relevant to the decision, as follows:

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the relevant Development Plan policies, including the following, and those referred to under the specific conditions, as set out in the appendix: -

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Melton Borough Local Plan Policies OS2, CF1 and BE2;

Leicestershire, Leicester and Rutland Structure Plan Environment Policy 1, Strategy Policy 8 and Strategy Policy 10.

(ii) Reasons for the grant of planning permission as follows:

The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise.

Circulation Under Sensitive Issues Procedure

Mr. J. B. Rhodes, CC

Officer to Contact

Mr. Dan Szymanski (Tel. 0116 265 7050)
Email: planningcontrol@leics.gov.uk

Conditions

1. This permission is limited to the period expiring on 31st July 2009. Immediately on the expiry of that period the building hereby permitted shall be removed and the land reinstated to a condition previously agreed in writing by the Director of Community Services.
2. The temporary classroom hereby permitted shall only be occupied by the school in association with and ancillary to the Leicestershire Education Authority's educational activities on the site and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any other Order revoking or re-enacting that order).
3. The mobile classroom hereby permitted to be retained, shall be maintained in a dark brown external colour finish.

Reasons

1. The materials to be used in the construction of the building makes it unsuitable for a permanent permission and to enable the County Planning Authority to reconsider the situation at the end of the period.
2. To ensure that the use of the premises remains compatible with the existing development in this locality and to enable the County Planning Authority to assess the impact of any alternative or additional uses (Melton Borough Local Plan CF1).
3. In the interests of visual amenity.
(Leicestershire, Leicester and Rutland Structure Plan Environment Policy 1, and Strategy Policy 10; and Melton Borough Local Plan Policy CF1 and BE2).

Note to Applicant

It is considered that, if there is likely to be a longer-term need for additional school places at this site, then suitably designed permanent accommodation extensions should be considered. The continued retention of temporary accommodation in this location on the edge of the open countryside and immediately adjacent to a Conservation Area location, is not considered desirable.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Education and the Director of Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 54A OF TOWN AND COUNTRY PLANNING ACT 1990

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.