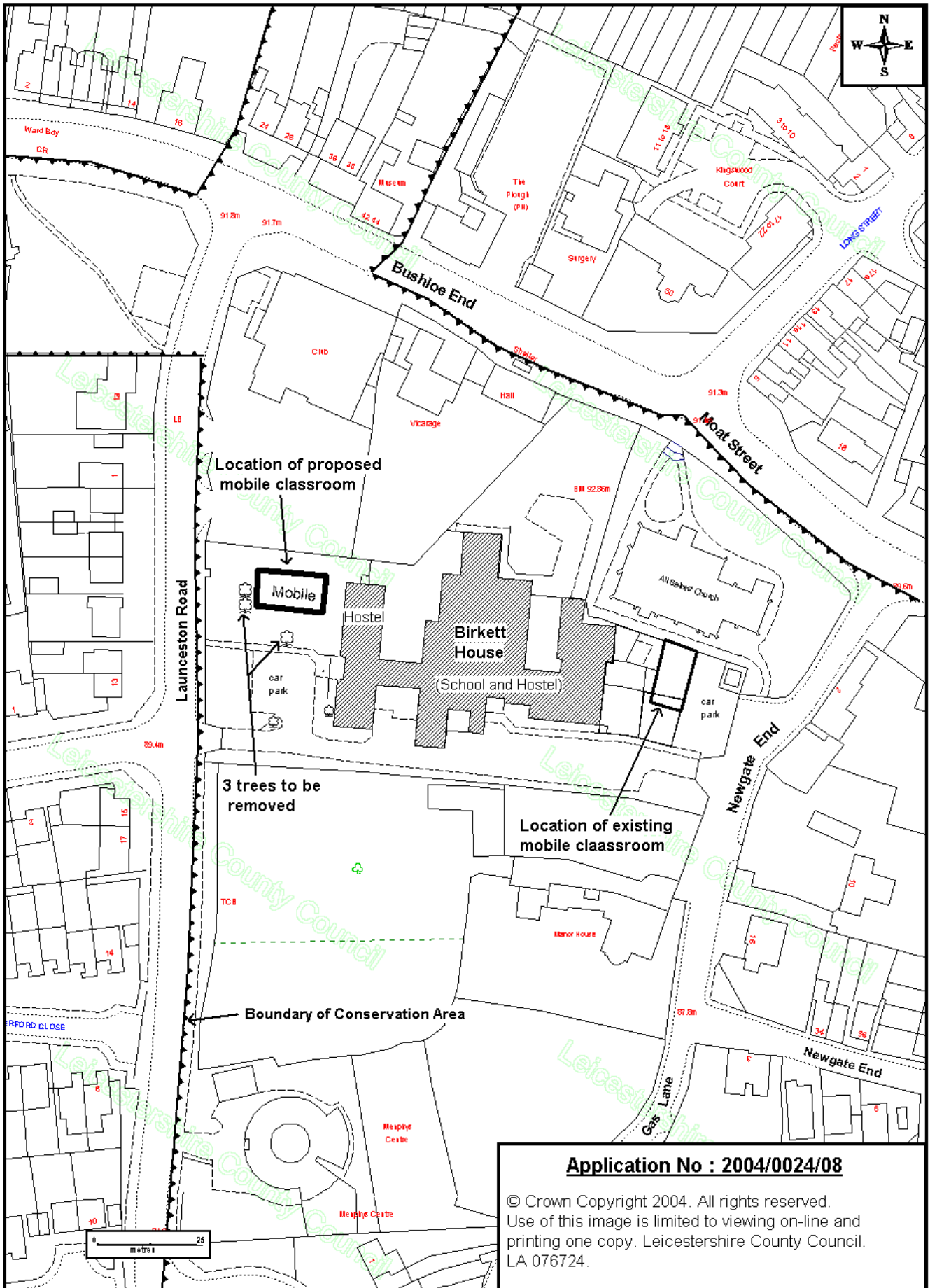


DEVELOPMENT CONTROL AND REGULATORY BOARD**11TH MARCH 2004****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****APPLICATION UNDER REGULATION 3 OF THE TOWN AND
COUNTRY PLANNING GENERAL REGULATIONS****LEICESTERSHIRE COUNTY COUNCIL – REPLACEMENT OF EXISTING
DOUBLE MOBILE CLASSROOM ADJACENT TO LAUNCESTON ROAD,
BIRKETT HOUSE COMMUNITY SPECIAL SCHOOL, LAUNCESTON ROAD,
WIGSTON (OADBY AND WIGSTON BOROUGH)****2004/0024/08 – 21st January 2004****Background**

1. Birkett House is a school for pupils with severe, profound and multiple learning difficulties. It is a day school but has a hostel attached which makes residential provision for some pupils. It is located in the built-up area of Wigston, within the Wigston All Saints Conservation Area.
2. Members will recall that an application for the construction of an extension to the front of the hostel building was considered at the January 2003 meeting of the Board under reference 2002/0650/08. That extension is for a sensory suite which would be used by the existing children attending Birkett House and Hostel. This extension has not yet been constructed.
3. At the February 2003 meeting, the Board resolved to grant planning permission (reference 2002/0689/08) for the installation of a 5-bay mobile classroom on the eastern side of the school, near Newgate End. The provision of this classroom had become necessary as a result of an increase in pupil numbers. Planning permission was granted for a temporary period only, expiring in July 2005, as the location in this part of the conservation area was considered to be unsuitable for the permanent retention of the mobile classroom.

Description of Proposal

4. Another existing mobile classroom which is located in a grassed area adjacent to the hostel on the Launceston Road side (the western side) of the school is in a very poor state of repair and needs to be replaced. The planning permission for the above-mentioned 5-bay mobile classroom on the eastern side of the school will lapse in the summer of 2005, at which time the building will have to be removed from that location unless a further planning permission is granted.



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5. It is proposed to remove the mobile classroom from the grassed area in front of the hostel and replace it with a new 5-bay mobile. The proposed classroom would be clad using Moorland Brown stenni panelling. The building would be 15m long, 7.8m wide and 2.4m high with a flat felt roof, a brown fascia and white UPVC window frames.
6. The proposal would result in the loss of one mature and two semi-mature trees which are growing adjacent to the existing mobile classroom. The proposed 5-bay classroom is slightly longer than the existing one it replaces, which necessitates the removal of the two semi-mature trees to accommodate the new building. In addition, the mature tree located between the mobile and the car park would need to be removed to allow access to the site for the purposes of removing the existing mobile and installing the replacement one.

Planning Policy

7. The Development Plan in this instance is made up of the Leicestershire Structure Plan and the adopted Oadby and Wigston Local Plan (1999).
8. *Service Proposal 4* in the Local Plan states that in granting planning permission for community uses, conditions may be attached which will:
 - (i) limit hours of use;
 - (ii) restrict noise emissions;
 - (iii) ensure that satisfactory access is provided for people with mobility restrictions;
 - (iv) ensure an adequate number of car and cycle parking places and;
 - (v) ensure a satisfactory landscaping scheme.
9. *Landscape Proposal 1* states that development will be permitted provided:
 - (i) Existing landscape features, such as walls, hedges and trees, will be retained and additional well designed landscaping and open space will be provided in the layout of larger developments;
 - (ii) The building design, scale and form will contribute positively to the overall quality of the environment and be carefully related to existing and proposed development;
 - (iii) The layout, design and landscaping features will discourage crime;
 - (iv) It will not harm the amenities of occupiers of adjacent properties or cause a juxtaposition of incompatible uses; and
 - (v) It will not prejudice the development of adjoining land.
10. *Landscape Proposal 3* indicates that development will not be permitted in, or where it has an impact on, existing or proposed Conservation Areas unless the proposal is of a high standard of design which will enhance the surrounding area.

Consultations

Oadby and Wigston Borough Council - Planning

11. Reply not received at the time this report was published.

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Archaeological Advice

12. No further comments on this application. Due to the nature of the proposal there would be minimal damage to any buried archaeological remains.

Ecological Advice

13. The proposals would destroy potential bat and nesting bird habitat and recommends that the applicant be required to maintain a strict watching brief for these species as works progress. In addition, all site personnel should also be made aware of the situation and be requested to look out for any signs of bats and nesting birds. If possible, the work should be conducted between the end of August and beginning of February so as to fall outside the bird-nesting season. If any bat, nesting bird or other protected species is discovered, all works must cease temporarily until English Nature devises and implements appropriate mitigation.

Publicity

14. The proposal has been advertised by two site notices posted near the school entrances on Launceston Road and Newgate End since 27th January 2004 and by letters to nearby residents. No representations have been received within the prescribed timescale.

Assessment of Proposal

15. The college falls within the classification of a community use referred to in the Oadby and Wigston Local Plan and is, therefore, subject to the policies of the Local Plan set out above.
16. Landscape Proposal 3 states that development will not be permitted in Conservation Areas unless the external design of new buildings is of high standard and preserves or enhances the character of the area; its location on the site relates well to its surroundings; the materials are sympathetic in colour and texture to those of nearby buildings; and existing landscape and built features of value are retained and original materials re-used wherever possible.
17. It is considered that the classroom would neither complement or enhance its surroundings and the existing buildings in the area, nor contribute positively to the physical environment. The type of classroom proposed would compromise the character and appearance of the Conservation Area.
18. However, although the site of the application is included in the Wigston All Saints Conservation Area, the existing buildings on the site are not of intrinsic merit, having been built around 1970. All of the surrounding buildings on the western side of the school are also modern. The classroom is required on a temporary basis only.
19. Planning permission for a mobile classroom adjacent to the hostel was first granted in 1984, thus establishing the acceptability in principle of such development in this location. The Director of Education has confirmed that there is a justified need to replace the existing mobile classroom for 3 years.

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20. Although the classroom may be required for 5 years or more, the Education Authority would accept that in the first instance a planning permission for 3 years would be appropriate. This would allow the opportunity to review the need for it at an appropriate time in the context of the LEA's ongoing Special Educational Needs review. The objective of the review process is to achieve increased inclusion by relocating SEN accommodation to mainstream school sites. These projects require extensive consultation and substantial funding, and this requires a lead-in time of approximately 3 years to achieve a positive outcome.
21. The proposal would lead to the loss of 3 trees. A landscaping scheme would therefore have to be agreed following the grant of planning permission. Such a scheme would include provision for replacement tree planting and improved screen planting at the school boundary with Launceston Road.
22. The mobile classroom would replace an existing classroom at this location and would be used at the same time as the other buildings on the site. Therefore, activities associated with it would be seen against the backdrop of the existing uses on the site and therefore would not need to be subject to any specific restrictions on the hours of use or on noise emissions. The nearest residential properties are on the other side of Launceston Road, to the west of the school, at a sufficient distance to protect the amenities of residents.
23. The new 5-bay classroom has been modified to provide access for people with mobility restrictions. There are adequate facilities for car parking on the site, and the relocation of the mobile classroom would not lead directly to an increase in staff or pupil numbers. Accordingly there would be no requirement for additional car parking facilities. Should planning permission be granted, it would be subject to a condition requiring adequate replacement planting to compensate for the loss of the three trees. Consequently, it is considered that the proposal accords with the intentions of Service Proposal 4 of the Local Plan.
24. Consequently, on balance, although the proposal would not accord fully with Landscape Proposal 3, it is considered that there is an identified need for the replacement of this mobile classroom at the school, that the proposal accords with the intentions of the relevant policies of the Local Plan, is acceptable in planning terms and is recommended for approval accordingly.

Recommendation

- A. Permit subject to the conditions as set out in the appendix.
- B. To endorse, as required by the Town and Country Planning (General Development Procedure) Order 1995 (as amended) a summary of the:
 - (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 Government's current planning policy guidance and the relevant circulars, together

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with the relevant Development Plan policies, including the following, and those referred to under the specific conditions, as set out in the appendix:

Oadby and Wigston Local Plan 1999:
Service Proposal 4, Landscape Proposal 1; Landscape Proposal 3

(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. The County Council also considers that any harm to the visual amenity of the area that may occur as a result of the proposed development would reasonably be mitigated by the imposition of the conditions as set out in the appendix.

Circulation Under Sensitive Issues Procedures

Mr. O. D. Lucas, CC

Officers to Contact

Mr. G. Urban (Tel 0116 265 6756)
E-Mail: planningcontrol@leics.gov.uk

Conditions

- 1 This permission is limited to the period expiring on 31 July 2007. Immediately on the expiry of that period the building hereby permitted shall be removed and the land reinstated to a condition that has been previously agreed in writing by the Director of Community Services.
- 2 Unless otherwise agreed in writing with the Director of Community Services, the development shall be carried out in accordance with the details shown on the submitted plan.
- 3 The mobile classroom hereby permitted shall only be occupied by the school in association with 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).
- 4 Before the mobile classroom is placed in its new location, a landscaping scheme shall be submitted to and approved in writing by the Director of Community Services. Such a scheme shall include details of the species, numbers and locations of trees which shall be planted to replace those lost as a result of the development, and details of additional screen planting to the school boundary with Launceston Road.
- 5 The approved landscaping scheme referred to in Condition 4 above shall be carried out during the first appropriate planting season following the installation of the mobile classroom and all planted material shall be suitably maintained and replaced as necessary by the applicant or owners of the land at the time for a period of not less than 5 years from the date of planting.
- 6 Before the development hereby permitted is commenced, including site works of any kind, existing trees, shrubs or hedges which are to be retained shall be protected in accordance with B5837:1991: Guide for Trees in Relation to Construction by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written consent of the Director of Community Services. No tree shall be used as an anchorage, nor shall any item whatsoever be affixed to any retained tree. If any trenches for services are required in the fenced-off area(s), they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
- 7 At least one week prior to the commencement of development, including site works of any kind, written notice shall be given to the Director of Community Services (Heritage Services - Ecology Unit) of the intention to start on site. Thereafter, satisfactory access shall be afforded to the representatives of the Survey Team (or other appropriate personnel), as may be first agreed in writing to provide for an ecological 'watching brief' during demolition / construction / felling works.

Reasons

- 1 The materials to be used in the construction of the building makes it unsuitable for a permanent permission, and to enable the Director of Community Services to reconsider the situation at the end of this period.
(Oadby and Wigston Local Plan 1999: Landscape Proposal 1)
- 2 To enable the County Planning Authority to adequately control the development.
(Oadby and Wigston Local Plan 1999: Landscape Proposal 1)
- 3 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.
(Oadby and Wigston Local Plan 1999: Landscape Proposal 1)
- 4 To ensure that the work is carried out within a reasonable period and is properly maintained.
(Oadby and Wigston Local Plan 1999: Landscape Proposal 1)
- 5 To enhance the development and to safeguard the appearance of the locality.
(Oadby and Wigston Local Plan 1999: Landscape Proposal 1)
- 6 To ensure that the proper steps are taken to safeguard the existing nearby trees during the course of the construction of the development.
(Oadby and Wigston Local Plan 1999: Landscape Proposal 1)
- 7 To determine whether or not any protected species are present on the site and to ascertain whether the proposed works will adversely affect those species.

Note to the Applicant:

You are reminded that nesting birds are protected by law under the Wildlife and Countryside Act 1981. Therefore, any disturbance of nesting birds occurring on planning application sites would constitute an offence under the law. It may be prudent therefore to defer works until the fledglings have left the nest and are fully independent. If it is necessary to carry out work during the bird breeding season, then all affected vegetation should be checked for the presence of nests and every effort made to prevent damage or disturbance to any active nests found.

The bird nesting season occurs between early spring and late summer, when resident and migratory bird species nest and rear their young. Trees, hedgerows, gutters, chimneys, ledges, and roof spaces in buildings are common nesting sites. The presence of nesting birds may have direct implications on certain planning applications, particularly where they involve works to trees, roadways and other construction necessitating hedgerow removal and repair or demolition of buildings.

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.