

**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**8<sup>TH</sup> APRIL 2004**

**REPORT OF THE DIRECTOR OF COMMUNITY SERVICES**

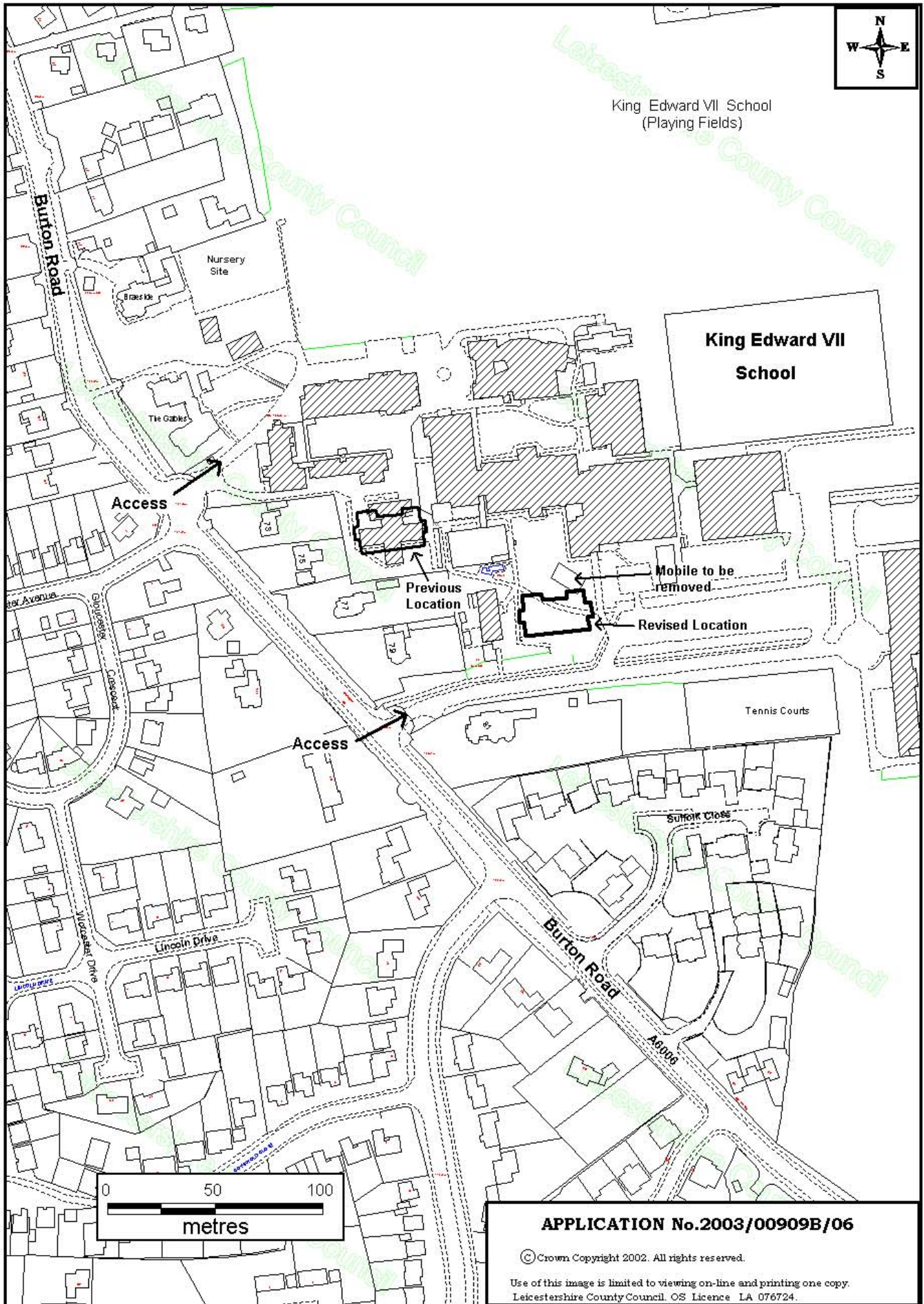
**APPLICATION UNDER REGULATION 3 OF THE TOWN AND  
COUNTRY PLANNING GENERAL REGULATIONS**

**LEICESTERSHIRE COUNTY COUNCIL –(i) REMOVAL OF TWO DOUBLE  
MOBILE CLASSROOMS AND ERECTION OF 2-STOREY CLASSROOM BLOCK  
WITH ANCILLARY ACCOMMODATION; (ii) RELOCATION OF EXISTING  
TEMPORARY MOBILE CLASSROOM, KING EDWARD VII SCHOOL, BURTON  
ROAD, MELTON MOWBRAY (MELTON BOROUGH)**

**2003/0909/06 – 20<sup>th</sup> November 2003**

**Background**

1. This proposal was considered at the meeting of the Regulatory Board on 12<sup>th</sup> February 2004, when it was resolved to defer a decision, in order that further consideration might be given to siting and design of the proposed development. Prior to that meeting Members had carried out a site visit, to see the location of the development from both the School campus and neighbouring properties. Following discussions with the agent and applicant, certain changes have been made to the proposal, which are now presented for consideration.
2. A copy of the original Board report is attached at Appendix A, as this sets out the background to the proposal, the relevant planning policies, consultations and any representations thereon. It is not intended to repeat this information in the current report, but rather to bring Members up to date on the subsequent changes to the scheme since the last report. Any additional comments and representations since the last report are included below. A new recommendation is attached at the end of the report.
3. The proposal relates to the updating of existing 6<sup>th</sup> form and classroom facilities on the campus. Some of the accommodation is contained in mobile classrooms around the permanent buildings, whilst there is a range of single-storey Horsa buildings in the south-west corner of the building complex. The Horsa units are now very old and in a poor state of repair. It was originally intended to replace them with a new, purpose built classroom block. Now that the scheme has been located to an alternative site on the campus, they will remain on site.



**Description of Revised Proposal**

4. The original development amounted to about 1000 sq.m. in a two-storey building on the south west side of the existing complex at King Edward VII School, on the site of the single storey set of 'Horsa'. Areas to the north and east of the existing buildings are used for car parking and a mini-bus store, served by a narrow vehicular access drive that connects with the Burton Road main access. That site bounds the residential curtilages of adjacent dwellings on Burton Road (nos 73-77 odd numbers).
5. The revised scheme relates to a different site, being one adjacent to the music block on the southern side of the campus. In this revised location, the proposed building will front the southern most access road into the School (previously access to the Sarson High School). It is now well removed from the curtilages of Nos. 73 - 77 Burton Road, but closer to the residential flats (Nos 1-5 inclusive) in No 81 Burton Road which abuts the southern boundary of the access road. There are modern detached houses in Suffolk Close, also abutting the southern boundary of the School site.
6. The revised site is currently used as an open, amenity area with a number of small trees and shrubs. There is a row of mature chestnut trees along the line of the access road, which extend down the driveway towards the 'Sarson' block. The site is generally flat and partially occupied by a mobile classroom on the north side (which will have to be relocated to a new position to the east). The adjacent music block to the west side is a single-storey, brown brick structure with flat roof.
7. The adjacent access road along the south side of the revised site serves the large open car and bus park to the east. It has a 1.8m high and 2.3m high hedgerow along the south side, where the School site abuts the private garden of No 81 Burton Road.
8. The revised scheme provides for a similar amount of floorspace and dimensions as the previous scheme, although there have been minor changes to the internal arrangements. It relates to a rectangular block measuring about 29m long, 20m wide and 5.7m to the eaves. The ridge height is 9.3m above ground, and the roof pitch is a shallow, hipped design.
9. In its new position the building is some 27m away from the southern boundary of the School, and 33m away from the nearest part of No 81 Burton Road. It would be 8m to the east of the adjacent music block on the School site.
10. The proposed building still has 4 classrooms, administration room and toilets on the ground floor, and 5 classrooms and toilet facilities on the first floor. Of these classrooms, there are 4 on each floor along the south side of the building (i.e. facing No. 81 Burton Road). However, the revised scheme retains obscure glazing in all the windows on the upper floor, although these are no longer 'high level' and are not supplemented by the previous roof lights.

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11. There is an enclosed fire escape stair well at the western end of the building and an open staircase at the opposite (eastern) end of the building.
12. The building would be constructed in facing brickwork, rendered panels on parts of the elevations, and concrete roofing tiles. Aluminium-colour coated window frames would be provided around the building.

### **Additional Consultations on Revised Scheme**

#### **Melton Borough Council**

13. There is no objection to the revised proposal, which seeks to overcome neighbours' concerns.

### **Publicity**

14. The revised proposal has been the subject of re-advertising in the locality by way of a number of site notices posted on 15<sup>th</sup> March and individual letters have been delivered to the nearest dwellings in Burton Road, flats at No 81 Burton Road and dwellings on the north side of Suffolk Close.

### **Representations on Revised Scheme**

15. To date, one letter has been received from the occupant of No 75 Burton Road, which confirms that the revised plan fully satisfies his concerns over the development and that he has no objection to the revised scheme. It also expresses thanks to the Members of the Board for achieving a 'satisfaction for the residents'.
16. Any further representation will be reported at the Board meeting, as the period for response on this latest amendment extends until 8th April.

### **Assessment of Revised Proposal**

17. As before, there is no objection in principle to the development, which accords with the intentions for development on this educational land (Policy CF1 of the Local Plan). It is necessary, however, to ensure that a satisfactory form of development is achieved (Policies OS1 and BE1) and that adequate provision is made to safeguard the amenities of nearest residential properties adjacent to the south boundary of the School.
18. The revised location arises from a detailed examination of the various alternative locations for the development on the School campus. Other locations have been discounted, including
  - (i) the ground in front of the day nursery (because of the impact on this entrance to the School and the implications for pedestrian movements); and
  - (ii) a redesigned block on the 'horsa' site (because in an effort to accommodate the suggestions made by the neighbour the position of the new building on

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this site would restrict pedestrian movement around the campus and cause problems of light loss in adjacent buildings; also the building would still be 9m away from one of the neighbouring boundaries).

19. The re-positioning of the building to a site away from the curtilages of Nos. 73-79 Burton Road addresses all of the previous concerns about its impact on the amenities of any of these dwelling plots. It is now well-removed from these gardens to the other side of the music block.
20. In its new position, it will be closest to the flats in the two-storey property at No 81 Burton Road. Whilst the new building will be visible from the upper storey of these premises, given the distance from between the opposing elevations of the two buildings, it should not give rise to any undue loss of amenity for the residents of the flats. Similarly, whilst the building will be visible from the upper floor of dwellings on Suffolk Close, the nearest garden is at least 55m away, with open ground, tennis courts and planting in the intervening area.
21. To remove the likelihood of overlooking between the classrooms and No 81, it is still intended to retain obscure glazing in the upper floor windows on this side of the building.
22. It is necessary to consider the implications of the development for parking and servicing facilities on the site. The development will not result in the loss or re-arrangement of existing off-street parking spaces or the main access route into the site, except that the existing mobile classroom may have to be placed on a small car park until such time as the building has been completed. Agreement should be possible on the provision of alternative facilities elsewhere on the campus (see condition in recommendation below).
23. Whilst some trees and shrubs will be lost to the development, these are largely small and insignificant. The more prominent line of trees along the access route can be retained and, together with other trees on the site, are protected by an existing tree Preservation Order.
24. In the circumstances, it is considered that the proposed development can be recommended for approval in its latest revised position, subject to appropriate conditions relating to windows, planting, fencing and car parking facilities. Additional conditions can be imposed to control the use of the building, any external lighting and the hours of construction.

### **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 the:
  - (i) Policies and proposals in the development plan which are relevant to the decision, as follows:

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

Environment Policy 1 of the approved Structure Plan Policies OS1; BE1; CF1; of the Melton Local Plan

- (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 Procedures**

Lt. Col P. A. Roffey, CC

### **Officers to Contact**

Mr. C. J. Noakes (Tel. 0116 265 7053)  
E-Mail: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

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**Permit**, subject to the following conditions:

1. The development hereby permitted shall be begun within five years from the date of this permission.
2. This consent relates to the application as amended by revised plan no. 2003/0909B/06, attached to and forming part of the planning permission.
3. No development hereby permitted shall commence, including site works of any kind, until representative samples of the materials and colours to be used externally in the construction of the proposed building shall be deposited with and approved in writing by the Director of Community Services before development commences.
4. The upper floor windows on the south elevation of the proposed building shall be provided with obscure glazing, which shall be retained at all times.
5. Except as indicated by numbers 255 – 264 inclusive on the submitted tree survey plan, none of the existing trees, shrubs or hedges on the site shall be topped, lopped, uprooted or felled without the prior express consent in writing of the Director of Community Services
6. No development hereby permitted shall commence, including site works of any kind, until existing trees, shrubs or hedges indicated on the submitted tree survey plan have been protected by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with details to be agreed by the Director of Community Services. 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/it shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5 cms. or more shall be left unsevered
7. No development hereby permitted shall commence, including site works of any kind, until a detailed landscaping scheme showing the treatment of all parts of the site (to remain unbuilt upon) shall be submitted to and agreed in writing by the Director of Community Services. The scheme shall include details of:
  - (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
  - (ii) new tree and shrub planting, including plant type, size, quantities and locations;
  - (iii) means of planting, staking and tying of trees, including tree guards;
  - (iv) other surface treatments;
  - (v) any change in levels;
  - (vi) the position and depth of services and/or drainage runs which may affect root trees.

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8. The approved landscape scheme shall be carried out in the first appropriate planting season following the date when the proposed new school is ready for occupation and all planted material shall be suitably maintained and replaced as necessary by the applicant(s) or owners of the land at the time for a period of not less than 10 years from the date of planting
9. No development hereby permitted shall commence, including site works of any kind, until details of siting, design and appearance of any fencing to be erected on the site shall be submitted to and agreed by the Director of Community Services.
10. Details of the siting, design, luminance, direction of light distribution and the shielding of all means of external lighting shall be submitted to and agreed by the Director of Community Services before any such provision is made within the development.
11. No development hereby permitted shall commence, including site works of any kind, until of additional on-site car parking facilities shall be submitted to and agreed in writing by the Director of Community Services. The approved scheme shall be suitably hard surfaced, marked out and made available before the proposed development is brought into use. Thereafter, these areas shall be kept free from obstruction and remain available for such use at all times
12. No development hereby permitted shall commence, including site works of any kind, until a scheme for the provision of surface water and foul water disposal shall be submitted to and agreed in writing by the Director of Community Services, in conjunction with the Environment Agency.
13. Unless otherwise agreed in writing with the Director of Community Services, all site preparation and construction works, deliveries of and movement of materials and machinery, in connection with the approved development, shall take place only between 0730 - 1800 hours Monday to Friday and 0830 - 1300 hours on Saturdays. No such activities shall take place at any time on Sundays or Statutory Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site unless otherwise agreed in writing with the Director of Community Services.
14. Unless first agreed in writing by the Director of Community Services, the development hereby permitted shall only be occupied for purposes in connection with, or ancillary to, 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).
15. No development hereby permitted shall commence, including site works of any kind, until the temporary mobile classroom that occupies the approved revised site of this development has been relocated in accordance with a scheme first agreed in writing by the Director of Community Services.

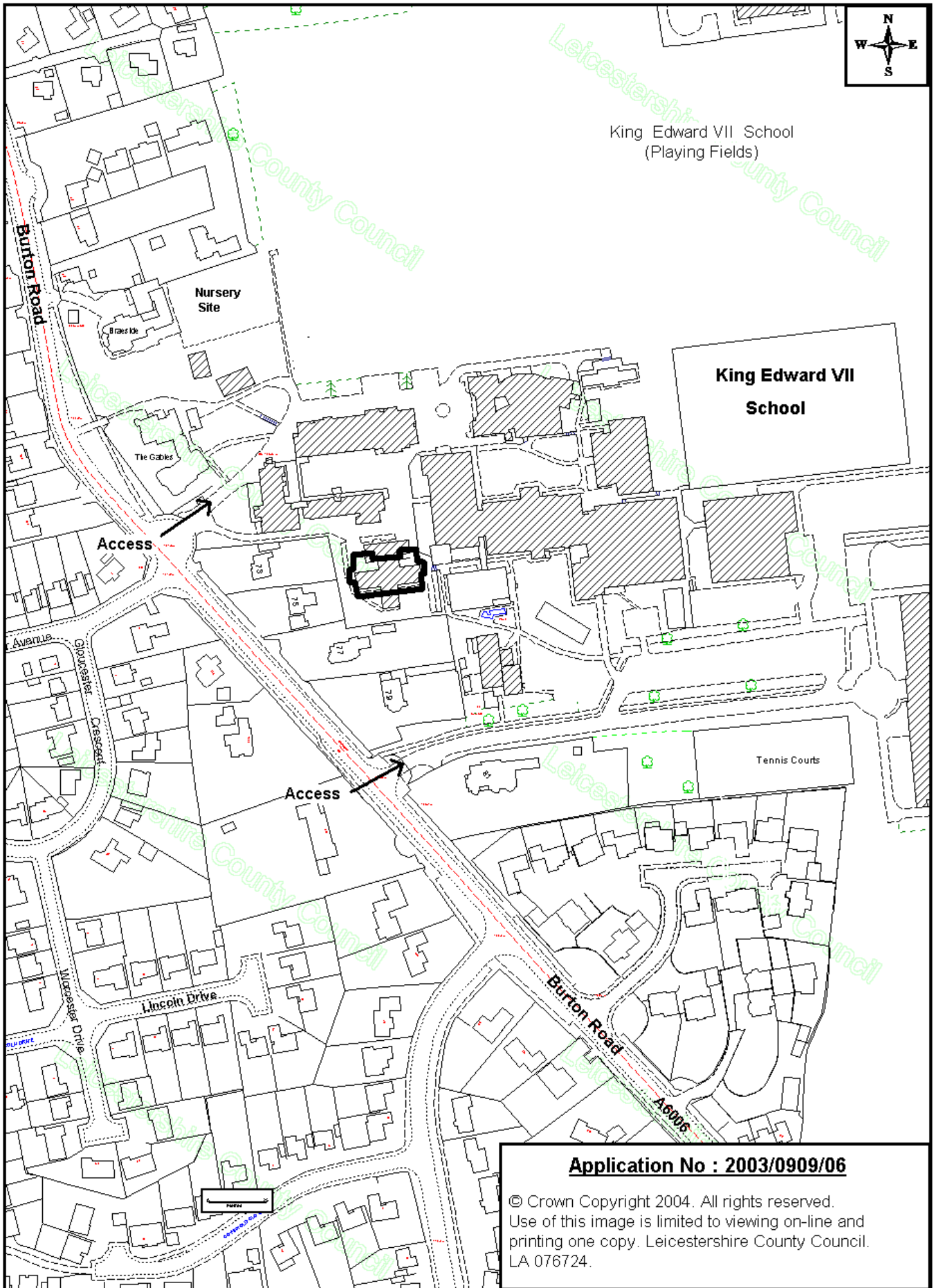
**Reasons**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, and to enable the County Planning Authority to review the position at the end of this period.
2. For the avoidance of doubt and to ensure a satisfactory form of development in the context of the existing development on the site.
3. To ensure a satisfactory appearance and grouping of materials.
4. To ensure that the amenities of the nearby residential properties are not adversely affected by the development.
5. To safeguard the appearance of the locality.
6. The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that the proper steps are taken to safeguard the trees during the course of the development.
7. To enhance the appearance of the development in the interests of visual amenity.
8. To ensure that the work is carried out within a reasonable period and is properly maintained.
9. To enhance the development and to safeguard the appearance of the locality.
10. To ensure the proposed use remains compatible with the surrounding locality and does not give rise to loss of amenity for occupants of nearby dwellings.
11. To ensure a satisfactory and safe form of development of the site, and to maintain the appropriate level of off-street car parking and cycle parking facilities on the site.
12. To ensure that provision is made for the satisfactory drainage of the site.
13. To ensure that the construction works do not cause unreasonable disturbance to nearby residential occupants and to prevent any disturbance during unsociable hours, in the interests of residential amenity.
14. 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.
15. To ensure a satisfactory overall form of development.

**DEVELOPMENT CONTROL AND REGULATORY BOARD****12<sup>TH</sup> FEBRUARY 2004****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****APPLICATION UNDER REGULATION 3 OF THE TOWN AND  
COUNTRY PLANNING GENERAL REGULATIONS****LEICESTERSHIRE COUNTY COUNCIL – DEMOLITION OF EXISTING HORSA  
BUILDING AND REMOVAL OF TWO DOUBLE MOBILE CLASSROOMS AND  
ERECTION OF 2-STOREY CLASSROOM BLOCK WITH ANCILLARY  
ACCOMMODATION, KING EDWARD VII SCHOOL, BURTON ROAD, MELTON  
MOWBRAY (MELTON BOROUGH)****2003/0909/06 – 20<sup>th</sup> November 2003****Background**

1. King Edward VII School provides secondary education for some 1950 pupils in a wide catchment area centred on Melton Mowbray, as an amalgamation of the former Sarson High School and King Edward VII Upper School. It occupies an extensive campus on the east side of Burton Road (A606) on the south east side of the town. There are extensive playing fields around the site and a comprehensive range of community facilities, including sports hall, all-weather pitch and adult education facilities.
2. The current proposal relates to the updating of existing 6<sup>th</sup> form and classroom facilities on the campus. Some of the accommodation is contained in mobile classrooms around the permanent buildings, whilst there is a range of single-storey Horsa buildings in the south-west corner of the building complex. This building is now very old and in a poor state of repair. It is intended to replace these units with a new, purpose built classroom block.
3. In recent months, planning consent was granted in June 2003 for the construction of the new special school for Melton area, on open land in the north east side of the campus (ref no 2003/0120/06). That development is presently under construction and planned to open in Autumn 2004. A related application for replacement playing fields to the south of the campus (off Burton Road frontage) was approved in May 2003 (ref no 2003/0329/06) and should be implemented in the near future.

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### **Description of Proposal**

4. The proposed development amounts to about 1000 sq.m. of new development within a two-storey building on the south west side of the existing complex at King Edward VII School. The site is presently occupied by a single storey set of 'Horsa' buildings erected in brickwork and low-pitched cement panel roofs. There is a shelter for about 60 cycles along the east side of the site. Areas to the north and east of the existing buildings are used for car parking and a mini-bus store, served by a narrow vehicular access drive that connects with the Burton Road main access.
5. The surrounding school buildings vary in design, height and appearance, with a traditional two-storey, hipped roof block to the north side. There is a two-storey, flat-roofed block to the east side, separated by a raised bed and a single-storey music block to the south-east. A pedestrian route runs through the east side of the site to connect to the remainder of the school campus to the east.
6. On the west and south boundaries of the application site there are the residential curtilages of adjacent dwellings on Burton Road (nos 73-77 odd numbers). The boundary is defined by timber fencing, being 1.8m high at the rear of nos. 73 and 75 and about 2.4m high along the garden of no 77. An established group of trees forms a foil, albeit not complete, around these boundaries, whilst the northern flank of no 73 has a row of tall conifer trees along the common boundary with the school driveway. Each of the residential properties is a substantial detached house set in mature gardens
7. The original scheme provided for a two-storey, rectangular block measuring about 36m long, 16m wide and 6.1m to the eaves (9.3m to the ridge). It was positioned 10m from the side boundary of no.77 Burton Road, the garden of which runs the full length of the application site. It would have been some 10m from the common boundary between the School site and the garden, and between 6m-7m from the side boundary with nos 73/75 Burton road. The dwelling of no 73 is about 30m from the end of the garden, whilst no 75 Burton Road has a significantly shorter garden of about 11m in length.
8. Following an appraisal of the relationship of the proposed development to these neighbouring residential properties, the agent has submitted a revised scheme in response to suggested changes to the layout, fenestration and position of the classroom block. It now takes the form of a 'squarer' block measuring about 29m long, 20m wide and 5.7m to the eaves. Whilst the ridge height is still 9.3m above ground, the roof pitch is more shallow than before, thereby reducing the mass and impact of the hipped roof.
9. The building is now positioned some 18m away from the southern boundary with the garden of no 77 Burton Road and overlaps with much less of the garden to no 75 Burton Road. It would be positioned more to the rear of no 73 Burton Road.

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10. The proposed building has 4 classrooms, administration room and toilets on the ground floor, and 5 classrooms and toilet facilities on the first floor. Of these classrooms, there are 4 on each floor along the south side of the building (i.e. facing the garden of no 77 Burton Road. However, the revised scheme provides for high level, obscure glazing in all the windows on the upper floor, augmented by roof lights, that prevent eye level views from out of the building.
11. Similarly, the western end elevation has been revised to enclose the fire escape stair well and provide obscure glazing to the (limited) number of windows on this elevation. Once again, there are a small number of roof lights in this elevation.
12. The building would be constructed in red facing brickwork, rendered panels on parts of the elevations, and concrete roofing tiles. Aluminium-colour coated window frames would be provided around the building.

### **Planning Policy**

13. *Environment Policy 1* of the approved Structure Plan, states that measures will be taken to improve the quality of the built environment, by ensuring that it is of a high quality and is carried out in a sympathetic scale and materials.
14. The Melton Local Plan (1999) includes the application site, along with the remainder of the King Edward VII School, within the limits of development for Melton Mowbray. It is on the edge of this defined boundary, as it abuts open countryside to the south-east side of the town.
16. *Policy OS1* of the Local Plan states that planning permission will only be granted for development within the town and village envelopes where (inter alia):
  - (i) the form, character and appearance are not adversely affected;
  - (ii) the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
  - (iii) would not cause loss of amenity;
  - (iv) would not significantly have an adverse effect on open areas including historic built environment; building structure of local importance; and
  - (v) satisfactory access and parking provision is made available.
17. *Policy BE1* sets out criteria to be considered for new development, including the safeguarding of residential amenity and access facilities. *Policy CF1* states that planning permission will be granted for new education facilities on land used for educational purposes, subject to satisfactory design, parking, access and amenity considerations.

### **Consultations**

#### **Melton Borough Council**

18. No objection to either the original or revised proposal, as the latter seeks to overcome the neighbours' concerns. There should be provision of satisfactory landscaping to minimise the impact on neighbouring properties.

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**Director of Highways, Transport and Waste Management**

19. A condition should be imposed to ensure that, before the development is brought into use, one off-street car parking space for each additional member of staff (teaching and ancillary) shall be made available within the application site. The parking area shall be marked out prior to the development being brought into use and maintained at all times.

**Director of Community Services (Archaeology)**

20. No comments to make on this proposal.

**Environment Agency**

21. No objection to the proposed development, subject to a condition that requires the submission of a scheme for surface water drainage works for prior approval. Such scheme shall consider the use of sustainable drainage techniques. The Agency provides examples of 'sustainable drainage systems' (SuDS) techniques that control surface water run-off as close to its origin as possible, mimicking the natural processes and resulting in the recharging of ground water.

**Severn Trent Water**

22. No objection, subject to a condition relating to the submission and approval of details of surface and foul water drainage from the development.

**Publicity**

23. This proposal has been advertised in the locality by a number of site notices posted on 11<sup>th</sup> December 2003 and individual letters have been delivered to the nearest dwellings in Burton Road. The revised scheme has been advertised also, by a second round of site notices and individual letters to the nearest residential properties (dated 8<sup>th</sup> January 2004).

**Representations**

24. Letters have been received in respect of the original scheme from the occupants of three nearby residential properties, namely nos 73, 75 and 77 Burton Road. These letters raise a number of objections and concerns to the proposal, as set out below,
- (i) the replacement of the single-storey buildings with a two-storey building close to the rear boundary of the garden, with windows overlooking it, will destroy the privacy enjoyed by the occupants, who are keen gardeners. There are at least three sites on the school campus where the development could be better placed and would avoid this intrusion to privacy. (no 73);
  - (ii) there have been occasions when students have caused damage and trespass to the neighbouring residential curtilage, due to the proximity of the students to the boundary. The development would remove security fencing that prevents them getting at or over the boundary fence (no 75);

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- (iii) the proposed building is of such height and proximity to the curtilage as to result in nuisance, loss of light and overlooking. The boundary fence is too low and in poor condition (no 75);
- (iv) the development might result in the loss of boundary trees and vegetation, including a large ash tree between no 75 and the school buildings;
- (v) the proposed building would be close to and the full length of the rear garden to no 77, resulting in overlooking, dominance and an invasion of privacy. When taken with other school buildings to the east end of the garden and the neighbours structure on the south side, the premises will become too enclosed (no 77).

25. Following the publicity of the revised scheme, a further letters have been received from the occupants of nos 73-77 Burton Road. Additional comments have been received, some maintaining strong objections to the proposal, as follows:

- (i) the amended plan has worsened the position as far as privacy is concerned (for no. 73), as the building has moved 3m to the north and the west elevation is approx. 4m wider. This means that an additional 7m of building is visible from the garden and house. Whilst the garden will be less overlooked from the front (north) elevation, there is a window in the west elevation overlooking the whole garden and back of house.;
- (ii) no consideration has been given to the impact of the building on residential amenity and there at least 3 other positions on the King Edward campus where the proposed classroom block would be better placed. One resident (no 75) suggests the other side of The Gables (off Burton Road);
- (iii) despite a number of points being address by the amended plan, there are still grave concerns and strong objections regarding the repositioning of the building (No 75). This will expose windows on the south side that can be opened and offer views onto residential property;
- (iv) tree removal must be kept to a minimum as a foil between residents and the building, and there is concern that it will be too close to existing ash trees in the neighbours garden to avoid damage to the root system;
- (v) a minimum distance of 20m between the building and side boundary of the curtilage of no. 77 is considered necessary by the occupants of that property, albeit a single storey structure would be the favoured solution;
- (vi) residents have re-iterated the desire to see security fencing erected between the building and the adjacent gardens, to prevent unwelcome access to this area by students of the School.

### **Assessment of Proposals**

26. In the context of the relevant policies of the Local Plan, there is no objection in principle to the development, which accords with the intentions for development on this educational land (Policy CF1 of the Local Plan). It is necessary, however, to ensure that a satisfactory form of development is achieved (Policies OS1 and BE1) and that adequate provision is made to safeguard the amenities of those residential properties adjacent to the south and west boundaries.

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27. The changes incorporated in the revised scheme have re-positioned the building further away from the common boundary (rear garden) of no 77, on which the proposed development would have the greatest impact. The inclusion of high-level windows and obscured glazing in the first floor windows will prevent any overlooking/loss of privacy from within the building. The displacement of the building to a distance of 14m from the boundary is considered to be reasonable, given that it is on the northern side and does not face any dwelling from this aspect.
28. The repositioned building would have a flank wall (about 20m wide) facing westwards towards the end of the gardens at nos 73 and 75 Burton Road. The former has a long rear garden, with the actual dwelling some 37m away from the proposed end elevation of the new school building (or 34.5m from the extending stair well). In the circumstances, it would not have a unduly overbearing impact on that dwelling and the end elevation should not dominate the garden of the dwelling.
29. The distance between this end (west) elevation of the building and no 75 Burton Road is clearly much less, but at about 18m (15.5m to stair well), this distance is also considered reasonable. The retention of boundary trees, including those within the residents' own gardens, will act as a significant 'foil' between the building and the residential properties, as the building will be between 7m-9m away from these plots (less for the actual stair well). Although the eaves level will be 5.7m (4.8m for stair well), the building has a shallow pitched roof sloping well away from the boundary.
30. The flank wall will include only 2 windows (in the north-west corner), one at each floor level, necessary to provide sufficient natural light to the corner classrooms. The upper floor window will be provided with obscure glazing, thereby prevent visual overlooking of any adjacent property. Similarly, the windows on the south (rear) elevation of the block will be 'high level' and obscure glazed, which prevents any possible overlooking of neighbours property, even if opened.
31. The inclusion of a security type fence should prevent any future nuisance from pupils congregating and/or trespassing at the boundary of the property. In addition, the retention and enhancement of existing boundary planting (now properly surveyed and the subject of a TPO) would maintain a good level of privacy and screening between the new building and neighbouring dwellings
32. It is necessary to consider the implications of the development for parking and servicing facilities on the site. The development will result in the rearrangement of existing off-street parking spaces, of which there are 12 in the vicinity of the existing courtyard. These can be relocated in the redevelopment scheme, along with replacement cycle parking facilities, therefore the number available should not be reduced from the existing total of 162 spaces.

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33. There are about 185 full-time teaching and support staff on site at present, together with 14 part-time catering and 14 lunchtime supervisors during the normal school day. No additional staff will be generated by the new development, which will enable a number of mobile classrooms to be removed from the site.
34. Whilst there might appear to be ample possibilities for placing the proposed development in an alternative position on the campus, this cannot be easily achieved. In general terms, it would result in either the loss (and necessary replacement) of playing fields and hard play areas, or the loss of mature trees that are subject of a preservation order. The preferred is well related to other parts of the School that are currently used by the intended pupil group.
35. More specifically, if a new building were to be erected in the vicinity of The Gables, it would require the removal of a significant block of trees, to the detriment of the setting of the (attractive and dated) school buildings. It is not possible to fit in a building of the required size in this location and, indeed, it would be likely to have an adverse impact on the character and setting of two traditional large lodges.
36. The area in front of the existing 6<sup>th</sup> form block (and just north of the main entrance) slopes quite steeply and is restricted by existing tree groups. A new block in this position would have a marked impact on main circulation routes within the campus, very close to the main vehicular routes through the site and adjacent to the private nursery facilities. In any event, the submitted proposal should be determined on its own merits against the material considerations, regardless of available alternative sites.
37. In the circumstances, it is considered that the proposed development can be recommended for approval in its revised position, subject to appropriate conditions relating to windows, boundary planting, fencing and car/cycle parking facilities. Additional conditions can be imposed to control the use of the building, any external lighting and the hours of construction.

### **Recommendation**

- A. Permit subject to the conditions, as set out in the appendix.
- B. To endorse, as required by the Town & 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:

2003/0909/06 – continued

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

Environment Policy 1 of the approved Structure Plan Policies OS1; BE1; CF1; of the Melton Local Plan

(iii) 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 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**

Lt. Col P. A. Roffey, CC

### **Officers to Contact**

Mr. C. J. Noakes (Tel. 0116 265 7053)  
E-Mail: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

2003/0909/06 – continued

**Permit**, subject to the following conditions:

1. The development hereby permitted shall be begun within five years from the date of this permission.
2. This consent relates to the application as amended by revised plan no. 2003/0909A/06, attached to and forming part of the planning permission.
3. Representative samples of the materials and colours to be used externally in the construction of the proposed building shall be deposited with and approved in writing by the Director of Community Services before development commences.
4. The upper floor windows on the south and west elevation of the proposed building shall be provided with obscure glazing, which shall be retained at all times.
5. None of the existing trees, shrubs or hedges on the site shall be topped, lopped, uprooted or felled without the prior express consent in writing of the Director of Community Services
6. Before the development hereby permitted is commenced including site works of any kind, existing trees, shrubs or hedges indicated on the submitted plan shall be protected by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with details to be agreed by the Director of Community Services. 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/it shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5 cms. or more shall be left unsevered
7. Before the development authorised by the permission is commenced including site works of any kind, a detailed landscaping scheme showing the treatment of all parts of the site (to remain unbuilt upon) shall be submitted to and agreed in writing by the Director of Community Services. The scheme shall include details of:
  - (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
  - (ii) new tree and shrub planting, including plant type, size, quantities and locations;
  - (iii) means of planting, staking and tying of trees, including tree guards;
  - (iv) other surface treatments;
  - (v) any change in levels;
  - (vi) the position and depth of services and/or drainage runs which may affect root trees.

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8. The approved landscape scheme shall be carried out in the first appropriate planting season following the date when the proposed new school is ready for occupation and all planted material shall be suitably maintained and replaced as necessary by the applicant(s) or owners of the land at the time for a period of not less than 10 years from the date of planting
9. Before development commences, details of siting, design and appearance of replacement security fencing shall be submitted to and agreed by the Director of Community Services. The agreed fencing scheme shall be implemented before the building is brought into use and thereafter maintained in position at all times.
10. Details of the siting, design, luminance, direction of light distribution and the shielding of all means of external lighting shall be submitted to and agreed by the Director of Community Services before any such provision is made within the development.
11. Before development commences, including site works of any kind, a scheme for the provision of surface water and foul water disposal shall be submitted to and agreed in writing by the Director of Community Services, in conjunction with the Environment Agency.
12. Before development commences, details of the revised car parking, access and servicing arrangements, together with the provision to be made for replacement cycle parking, shall be submitted to and agreed in writing by the Director of Community Services. The approved scheme shall be suitably hard surfaced, marked out and made available before the proposed development is brought into use. Thereafter, these areas shall be kept free from obstruction and remain available for such use at all times
13. Within 3 months of the proposed classroom block being brought into use, the existing mobile classroom units identified on the approved revised plan shall be removed from the site.
14. Unless otherwise agreed in writing with the Director of Community Services, all site preparation and construction works, deliveries of and movement of materials and machinery, in connection with the approved development, shall only take place between 0730 – 1800 hours Monday to Friday and 0730 – 1300 hours on Saturdays. No such activities shall take place at any other time on Saturday or Sundays or Statutory Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site unless otherwise agreed in writing with the Director of Community Services

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15. Unless first agreed in writing by the Director of Community Services, the development hereby permitted shall only be occupied for purposes in connection with, or ancillary to, 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).

### **Reasons**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, and to enable the County Planning Authority to review the position at the end of this period.
2. For the avoidance of doubt and to ensure a satisfactory form of development in the context of the existing development on the site.
3. To ensure a satisfactory appearance and grouping of materials.  
(Policy BE1 of the Melton Local Plan)
4. To ensure that the occupants of the proposed buildings cannot overlook the adjoining residential curtilages, in order to retain the amenities enjoyed by the occupants of these dwellings.  
(Policy BE1 of the Melton Local Plan)
5. To safeguard the appearance of the locality.  
(Policy CF1 of the Melton Local Plan)
6. The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that the proper steps are taken to safeguard the trees during the course of the development.  
(Policy CF1 of the Melton Local Plan)
7. To enhance the appearance of the development in the interests of visual amenity.  
(Policy BE1 of the Melton Local Plan)
8. To ensure that the work is carried out within a reasonable period and is properly maintained.
9. To enhance the development and to safeguard the appearance of the locality.  
(Policy BE1 of the Melton Local Plan)
10. To ensure the proposed use remains compatible with the surrounding locality and does not give rise to loss of amenity for occupants of nearby dwellings.  
(Policy BE1 of the Melton Local Plan)
11. To ensure that provision is made for the satisfactory drainage of the site.

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12. To ensure a satisfactory and safe form of development of the site, and to maintain the appropriate level of off-street car parking and cycle parking facilities on the site.  
(Policy CF1 of the Melton Local Plan)
13. To ensure that the available amount of accommodation and occupation of the School premises remains at an overall level that is compatible with the amount of parking and servicing facilities, in the interests of amenities in the surrounding area and the proper planning of the locality.  
(Policy CF1 of the Melton Local Plan)
14. To ensure that the construction works do not cause unreasonable disturbance to nearby residential occupants and to prevent any disturbance during unsociable hours, in the interests of residential amenity.
15. 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.  
(Policy BE1 of the Melton Local Plan)

Notes to Applicant:

- (i) Your attention is bought to the contents of the attached letter from the Environment Agency, and the advice on sustainable drainage systems (SuDS) techniques.
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## **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.