

Retention of a mobile classroom unit at The Downs CE Primary School, Deal - DO/10/1183

A report by Head of Planning Applications Group to Planning Applications Committee on 14 June 2011

Application by Kent County Council for retention of a mobile classroom unit at The Downs CEP School, Owen Square, Walmer, Deal CT14 7TL - DO/10/1183

Recommendation: Permission be granted subject to conditions

Local Member(s): Mr K.Smith & Mrs J.Rook

Classification: Unrestricted

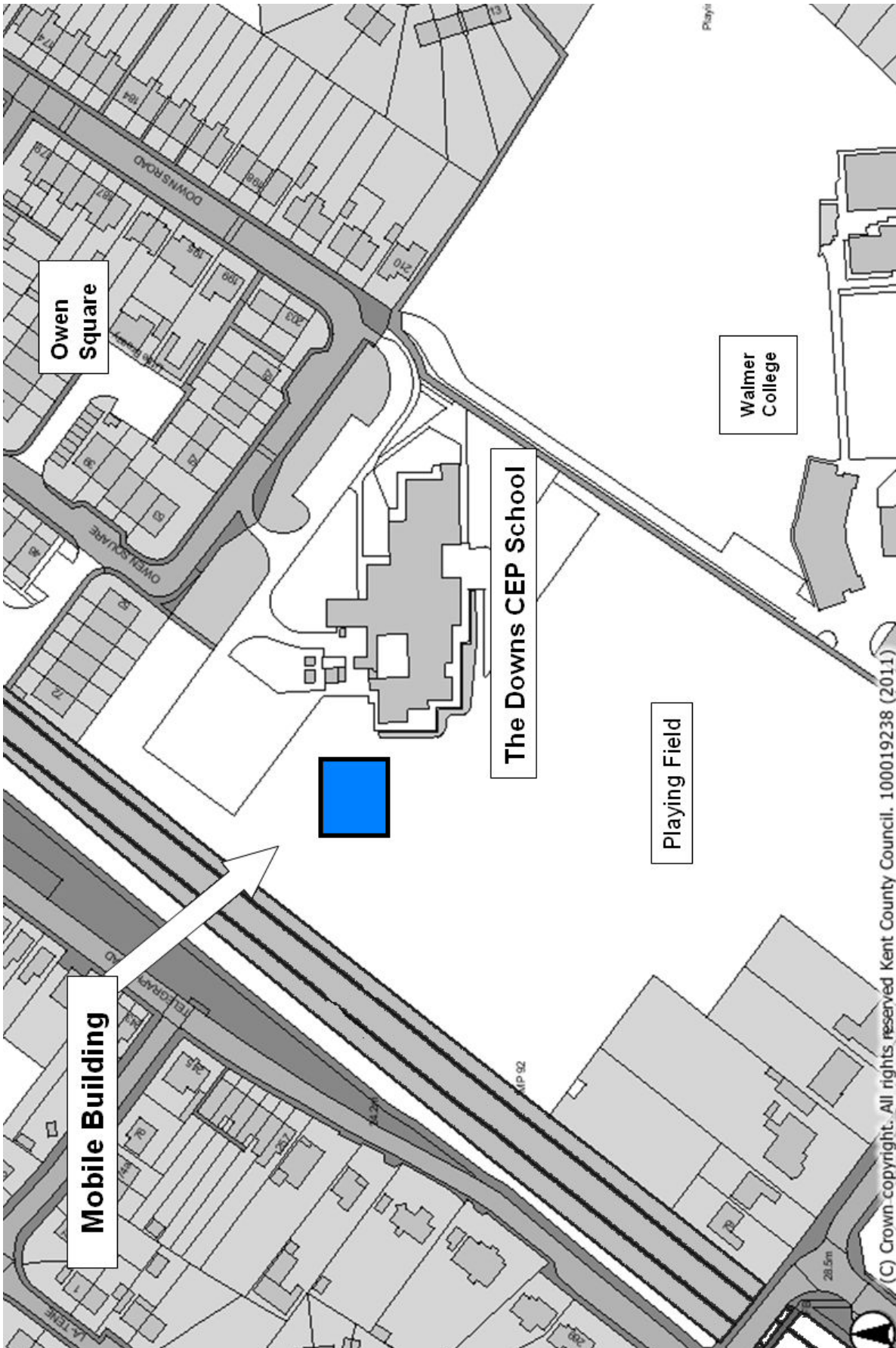
Site

1. The Downs Church of England Primary School is situated on a large site west of Walmer, approximately 1.5km south of Deal in a predominantly residential area. A railway line forms the north-western boundary and the sports grounds of Walmer Science College to the south and eastern boundary. The School's main access is from Owen Square, which runs along the north eastern boundary, with an alternative vehicular access from Downs Road. The mobile building is sited immediately to the west of the main school buildings, and is approximately 65 metres from the nearest residential property. It is surrounded by a number of semi mature trees and is partially visible from Owen Square. A site location plan is attached.

Background and Proposal

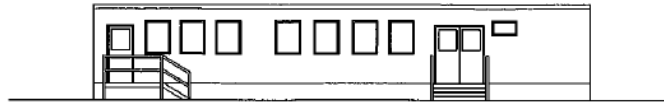
2. There has been a number of planning applications relating to the school in recent years. Most recently, permission was granted in 2010 for a detached single storey building to be used as a nursery and children's centre. In 2009 and 2010 for a covered walkway at the school (reference D0/09/1141 and DO/09/259), in 2008 for a canopy (DO/08/1249) and alterations to the entrance facade (DO/08/1089).
3. The mobile building referred to within this application was originally placed on site in 1990, and has remained on site under various temporary planning permissions, with the most recent application (DO/07/994) expiring on 30 November 2010. The applicant is applying for the mobile building to remain on site.
4. The mobile building is of standard design, and contributes four classrooms of teaching space for a School roll of 394 pupils. The applicant has stated that the school continues to be under consideration for a permanent building as part of the Modernisation Programme, which gives priority to replacing poor quality mobiles with permanent buildings. The mobile was rated as 'satisfactory' in its most recent condition survey and the applicant indicates that its condition will continue to be reviewed as part of the Modernisation Programme. As it has not been possible to secure funding for a replacement building as yet, the School is applying for the continued retention of this building to supply the four classrooms. It should be noted that replacement permanent accommodation would only be forthcoming, under the above Modernisation Programme, if the temporary accommodation remains in situ in the interim period.

Retention of a mobile classroom unit at The Downs CE Primary School, Deal - DO/10/1183

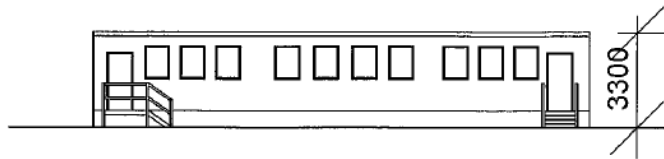


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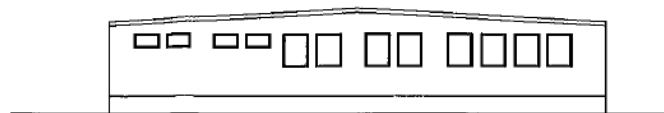
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Deal - DO/10/1183**



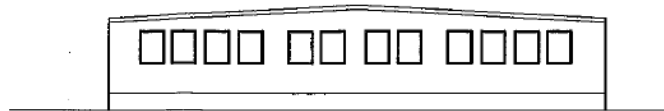
east elevation



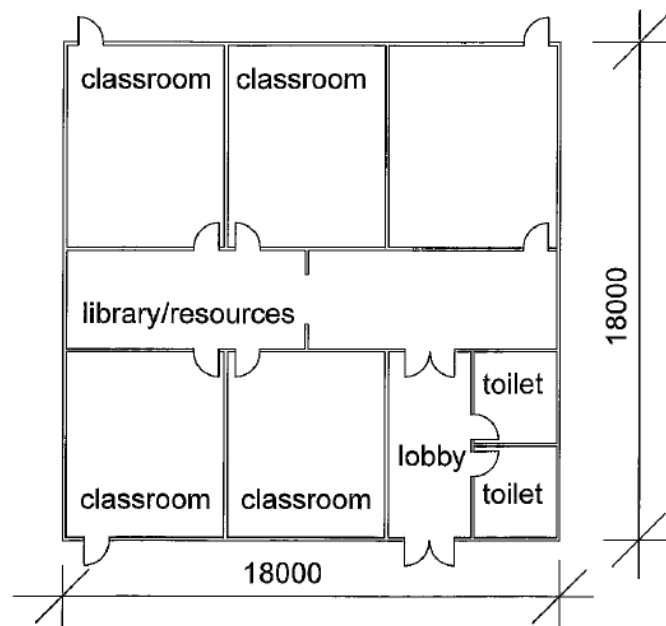
west elevation



north elevation



south elevation



Retention of a mobile classroom unit at The Downs CE Primary School, Deal - DO/10/1183

5. Following receipt of objections to the proposal, the applicant submitted further information to justify the application. The applicant states that the Modernisation fund was due to provide support for capital projects at schools that do not feature until the later stages of the Building Schools for the Future Programme. However, following the withdrawal of that scheme it was not possible to put forward a permanent alternative for this school, and this is unlikely to be possible within the next three years, therefore the mobile unit is still required during this period.

Planning Policy

6. The Development Plan Policies summarised below are relevant to consideration of the application:

- (i) National **Planning Policy Statement 1: Delivering Sustainable Development**

The Government is committed to developing strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens.

- (ii) The adopted (2009) **South East Plan**

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers.

Policy CC1 Seeks to achieve and maintain sustainable development within the region.

Policy CC4 Expects that all development will adopt and incorporate sustainable construction standards and techniques.

Policy CC6 Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.

Policy S6 States that local planning authorities, taking into account demographic projections, should work with partners to ensure adequate provision of pre-school, school, and community learning facilities.

Policy BE1 In managing an Urban Renaissance, Local Authorities will promote and support design solutions relevant to context and which build upon local character and distinctiveness and sense of place.

- (iii) The adopted **Dover District Local Plan Saved Policies**

Policy CF2 Does not support the renewal of temporary planning permissions for a period longer than five years

Retention of a mobile classroom unit at The Downs CE Primary School, Deal - DO/10/1183

Consultations

7. **Dover District Council** raises no objection, but makes the following comments:

The District Council draws attention to the letter it sent in to the previous application (DO/07/994) in which it advised that Dover District Local Plan Policy CF2 does not support renewal of temporary planning permissions for a period longer than five years. This is with the intention that this provides time for a permanent replacement to be sought. In line with policy CF2, the Council would like to see efforts made to replace the mobile unit with a permanent building.

Given the length of time that the mobile unit has been in situ, the number of temporary permissions that the mobile unit has had, the fact that no material harm has been identified, and since this application seeks planning permission for the retention of the mobile classroom (rather than as previously, to extend the time limit on the temporary condition), it is suggested that it is no longer necessary or reasonable to attach such a temporary condition.

Walmer Parish Council: Strongly objects to the proposal. Members recognise the need for additional classroom space; however they fully support the following comments made by the Head of KCC Planning Applications Group, in the conclusion to his report on Planning Application DO/07/994 as quoted: *“the design of the proposed development is not acceptable in this location as a permanent solution to the shortfall in teaching accommodation” and “the continued retention for any period exceeding three years would severely jeopardise the School’s ability to provide primary education in acceptable teaching conditions. Accordingly, I strongly advise that the applicant urgently promote the school for consideration within the County Council’s Modernisation Programme for Schools”*

Following the receipt of additional information justifying the proposal, the following comments were received on 12 May 2011: *“The information is to be noted, and the Committee’s previous objections remain extant.”*

Local Member

8. The local County Members for Deal, Mr K. Smith and Mrs J. Rook, were notified of the application on the 16 December 2010.

Publicity

9. The application was advertised by the posting of a site notice and the notification of 12 neighbouring addresses.

Representations

10. No letters of representation have been received.

Discussion

11. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (6) above. Section 38(6) of the Planning and Compulsory Purchase Act

Retention of a mobile classroom unit at The Downs CE Primary School, Deal - DO/10/1183

(2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

12. This application has been brought for determination by the Planning Applications Committee following the objections of the Parish Council. The objections are based upon the conclusion in the Committee report for a previous application (DO/07/994), which also sought a temporary permission for the mobile building referred to within this report. The conclusion is quoted in the objections of the Parish Council above and relates to the opinion that the building is not appropriate in the longer term due to its design, and would not provide acceptable teaching conditions; therefore the applicant should promote this School's accommodation needs in the Modernisation Programme.
13. The comments from the previous decision are material in determining this application; however each application must be decided on its own merits and the consideration should focus upon the individual planning issues of granting, or refusing, planning permission for the proposed four classroom mobile building in the light of the material considerations applying at the time of its determination.

Design

14. The design of the mobile classroom has previously been ~~is~~ considered not appropriate for permanent retention. However, the District Council has now passed no objections to the proposal and stated that a permanent permission should be granted, instead of new temporary permissions, since it has repeatedly been found that the building has not created material harm. I would disagree with this assessment and state that although the building has been on site for a number of years, and that continued temporary retention has been deemed acceptable, the previous planning permission has expired and this application must be decided upon its individual merits. Mobile buildings, by their design, materials and appearance are not appropriate for permanent retention. The proposal does not amend the building design, external appearance or roof and cladding materials to make it more acceptable – however, as the building is of a single storey, flat-roof design, it does not appear incongruous in comparison to the existing school buildings. Overall, whilst the design is not damaging to visual amenity, and generally no more unsightly than the main school buildings, I consider that a permanent permission is still not appropriate because of the temporary nature of the building.

Location

15. The location of the mobile classroom is immediately adjacent to the west of the main school building, and is approximately 70m from the nearest residential property, and 65m from the nearest visible point from the public highway. There are residential properties 140m to the southwest, but due to the distance and topography, the visual amenity of these properties would not be affected. There are a number of trees planted around the building, as part of the original consent, and these provide a very good level of screening. The current location is the most suitable for the building as it does not encroach upon the sports fields, and whilst being set-back slightly from the principal elevation of the main school, it appears to blend in as a continuous extension of the built form on the site. Therefore, in my opinion, the current location remains the best suited to minimise visual impact, and reduce the material harm to the area of the temporary design.

Case of need

Retention of a mobile classroom unit at The Downs CE Primary School, Deal - DO/10/1183

16. The applicant has stated that the mobile building provides four classrooms providing important teaching space for approximately 120 children out of a total 394 pupils. The Downs School has been put forward for consideration in the Modernisation Programme (which seeks to replace temporary buildings at schools around Kent - which are not included within the early rounds of BSF - with permanent accommodation. However as the scheme prioritises resources towards schools with poor quality mobile accommodation, and the building in this application is actually rated 'satisfactory', the Downs CEP School has not featured or been slotted in this programme so far.
17. In my opinion the reasons given for not finding a permanent solution are not to be given much weight as a planning argument. However, refusing permission for the mobile accommodation and the effect this would have on the School and its ability to provide education, as well as the knock-on effect on the Schools in the wider community, is in my opinion a material consideration.
18. The Parish Council is of the opinion that the provision of teaching space within the mobile building jeopardises the ability of the School to provide satisfactory primary education. Neither the Parish Council nor I are in a position to verify that assumption, which is essentially an education matter for the School to pursue. However, I can accept that the effect of removing four classrooms would be extremely detrimental to the School, its pupils and the area as a whole, given that the pupils are already attending the school, and would be contrary to the social cohesion and equal opportunity objectives of sustainable development. Policy CF2 of the Dover District Local Plan states that mobile classrooms should only be used to meet a short term need, and should not normally be given consent for more than five years. Whilst I agree with intentions of the Policy, I believe its applicability is limited due to the exceptional circumstances at this school. The situation at present is that there is a proven permanent need, and even if permanent accommodation was currently forthcoming it has to be borne in mind that it would probably occupy the same part of the site and with similar physical proportions and visual impact as the current mobile accommodation.
19. In my opinion, the lack of a credible immediate alternative to providing classroom space for 120 pupils, and the detrimental effect that refusal would have on the School and outlying schools due to pupil displacement, is an overriding material consideration in this particular case.

Conclusion

20. In my opinion the provision of teaching space without an immediate alternative is an overriding material consideration warranting the granting of a temporary planning permission for the mobile building. I understand the position of the District Council, however granting a permanent consent is not appropriate due to the temporary design and nature of the building, and may discourage the applicants from seeking a more permanent alternative as long preferred here.

Recommendation

21. I RECOMMEND that PERMISSION BE GRANTED to the proposal, subject to conditions:

**Retention of a mobile classroom unit at The Downs CE Primary School,
Deal - DO/10/1183**

- A temporary time consent for 5 years to keep the situation under review and maintain eligibility for replacement accommodation;
- The development to be completed in accordance with the approved plans.

and SUBJECT TO the following informative:

The County Planning Authority is aware of the funding issues constraining inclusion of The Downs CE Primary School in the Modernisation Programme, however the building has been on site for a number of years and its condition is likely to deteriorate. Therefore the School should continue to have its condition assessed, and at the end of this consent period be able to demonstrate specifically what steps are being taken to address the situation.

Case officer – Jeff Dummett	01622 221975
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Background documents - See section heading
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