

2 temporary classroom units (Retrospective). Portal House School, St. Margaret's-At-Cliffe – DO/08/1176

A report by Head of Planning Applications Group to Planning Applications Committee on 22 January 2009.

DO/08/1176 – Application by Portal House School for the installation of 2 temporary classroom units (housing 4 classrooms) together with associated service connections and drainage (retrospective). Portal House School, Sea Street, St. Margaret's-At-Cliffe, Dover.

Recommendation: **Permission be granted**

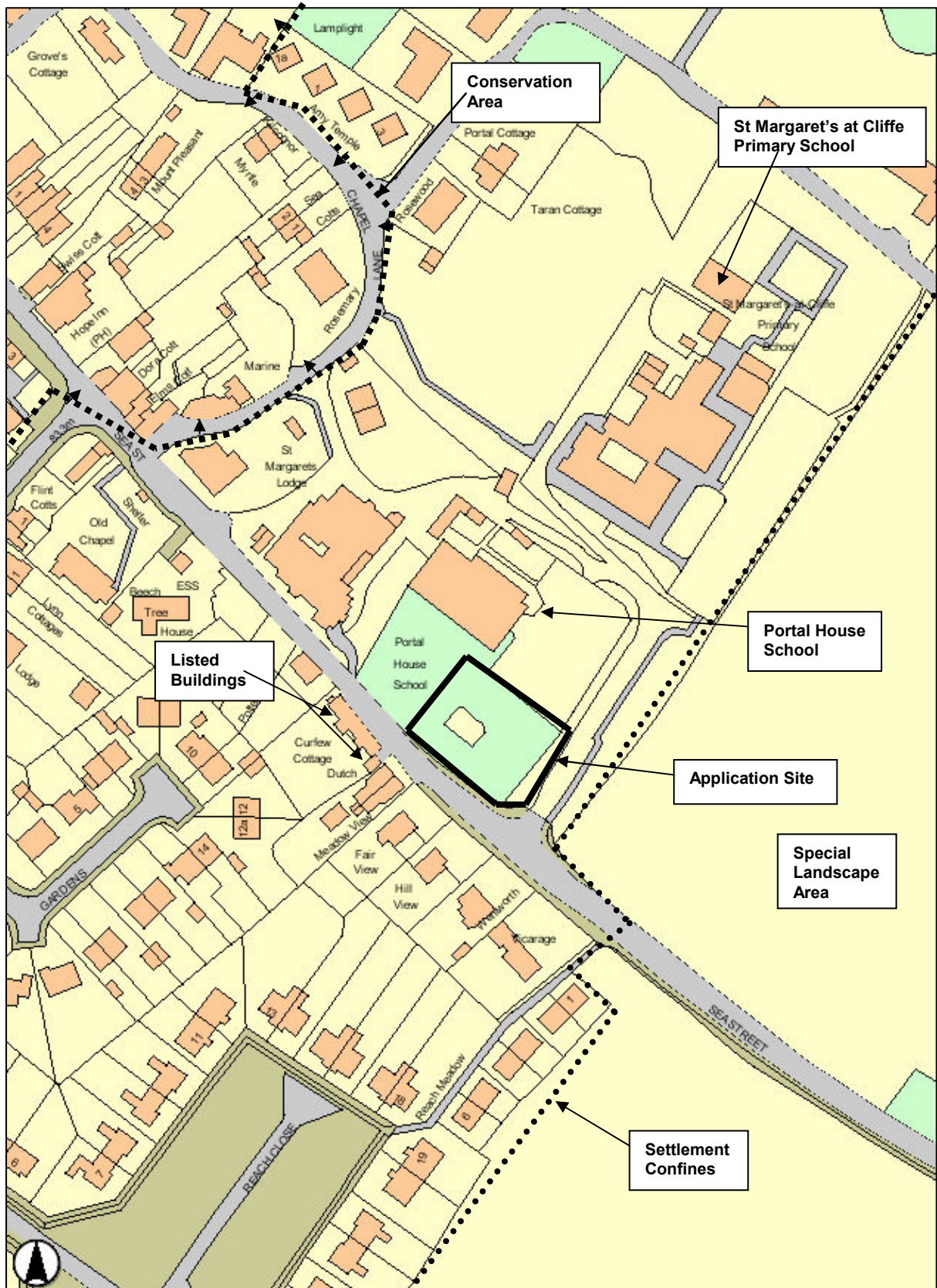
Local Members: Mrs E. Rowbotham

Classification: Unrestricted

Site

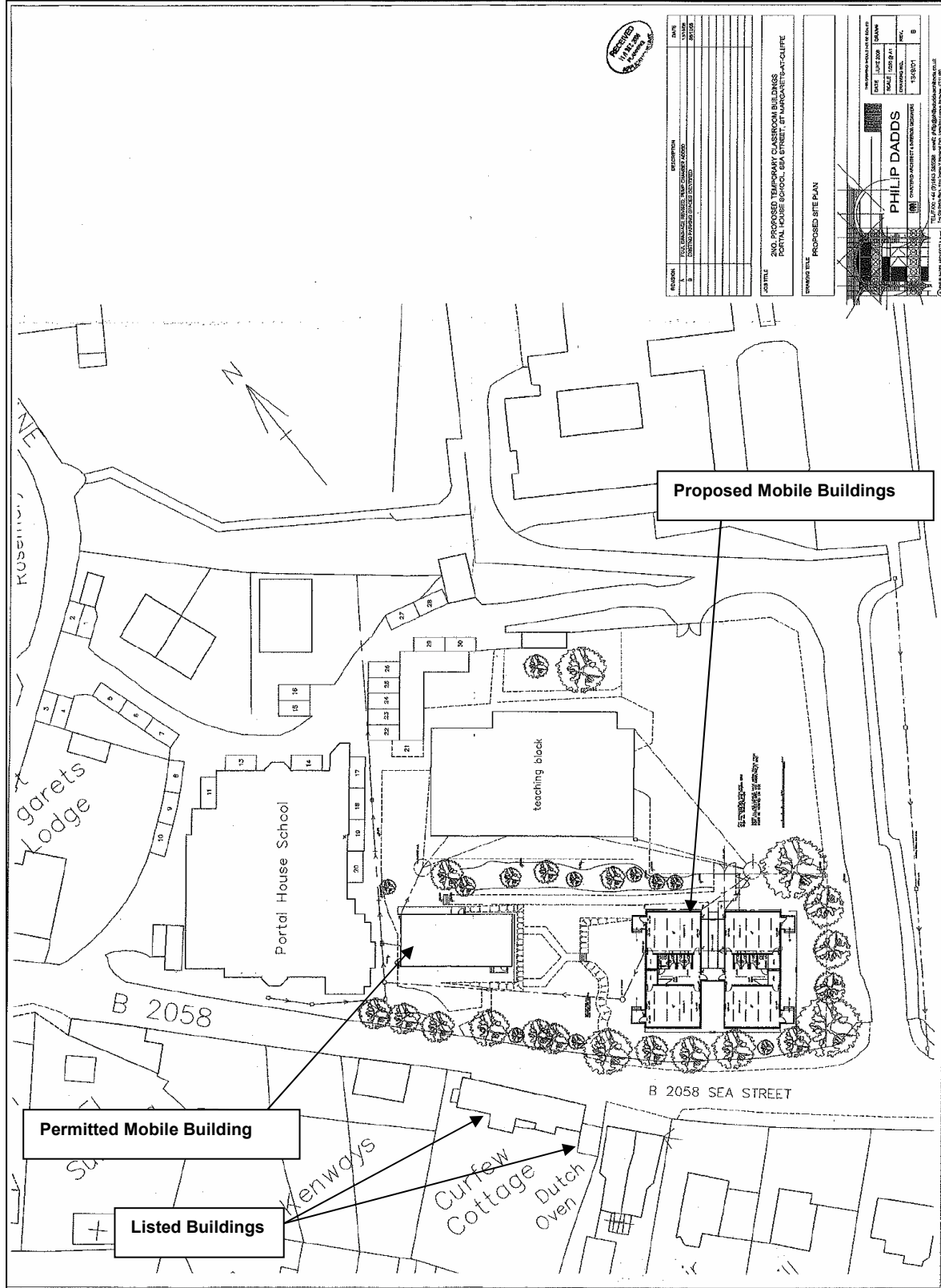
1. The application site, an area of approximately 0.01 hectares, forms part of the Portal House Community Special School. The school grounds are within the confines of the village of St Margaret's-At-Cliffe, approximately 3-km north-east of Dover. The School is located on a plot of land that fronts onto Sea Street, to the south-east of the junctions with Chapel Road and Reach Road. St Margaret's-at-Cliffe Primary School is located on the general campus immediately to the north-east and shares its playing fields with Portal House. Portal House School has a dedicated vehicle access point off Sea Road with an egress to the south-east, which it shares with the Primary School.
2. The application site is located parallel to the school boundary with Sea Street, and was previously part of an informal play / landscaped area within the grounds. This area included play equipment that has since been removed. A 1.8m high palisade fence and a line of trees form the boundary with Sea Street; an overgrown verge separates the School from the Public Highway. An existing mobile classroom adjoins the application site to the north-west with the main school buildings located beyond; the school playground is positioned to the north-east.
3. The closest residential properties are located to the south-west opposite the site across Sea Street. These properties include Grade II Listed Buildings of Architectural and Historic interest (please see attached site plan). The boundary of the St Margarets-at-Cliffe Conservation Area is approximately 100 m to the north-west, on the far side of the existing school buildings to the application site.
4. The application site, together with the surrounding area, is located within a Special Landscape Area and a Zone 1 Groundwater Source Protection Area. There are no other site-specific policies set out in the Development Plan in connection with this site.

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Site Location Plan

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NO.	DESCRIPTION	DATE
1	PROPOSED MOBILE BUILDINGS	2012/02
2	PROPOSED MOBILE BUILDINGS	2012/02
3	PROPOSED MOBILE BUILDINGS	2012/02
4	PROPOSED MOBILE BUILDINGS	2012/02
5	PROPOSED MOBILE BUILDINGS	2012/02
6	PROPOSED MOBILE BUILDINGS	2012/02
7	PROPOSED MOBILE BUILDINGS	2012/02
8	PROPOSED MOBILE BUILDINGS	2012/02
9	PROPOSED MOBILE BUILDINGS	2012/02
10	PROPOSED MOBILE BUILDINGS	2012/02
11	PROPOSED MOBILE BUILDINGS	2012/02
12	PROPOSED MOBILE BUILDINGS	2012/02
13	PROPOSED MOBILE BUILDINGS	2012/02
14	PROPOSED MOBILE BUILDINGS	2012/02
15	PROPOSED MOBILE BUILDINGS	2012/02
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18	PROPOSED MOBILE BUILDINGS	2012/02
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21	PROPOSED MOBILE BUILDINGS	2012/02
22	PROPOSED MOBILE BUILDINGS	2012/02
23	PROPOSED MOBILE BUILDINGS	2012/02
24	PROPOSED MOBILE BUILDINGS	2012/02

PROJECT TITLE: 2ND PROPOSED TEMPORARY CLASSROOM BUILDINGS PORTAL HOUSE SCHOOL, SEA STREET, ST MARGARET'S-AT-CLIFFE

DRAWING TITLE: PROPOSED SITE PLAN

PHILIP DADDS

ARCHITECT

DATE: 10/12/2011

SCALE: 1:500 (A1)

PROJECT NO: 11/08/1176

REV: 0

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Background

5. Portal House School caters for children with emotional and behavioural difficulties. Under the recent review and reorganisation of special schools in Kent Portal House was re-designated from a school catering for pupils aged 9 to 13 years to a school for 11 to 16 year olds. The re-designation involves an increase in the number of pupils attending the site from approximately 45 to 60 pupils by 2009. The facility caters for children travelling from across mid and east Kent, all of whom travel to site by taxis. The changes to the designation will also require an increase in the number of full time staff from 20 to 25. There are 30 existing car-parking spaces on site for the benefit of staff and visitors.
6. The change in designation led to a review of accommodation with a future intention to move the School to a larger more appropriate site. It is my understanding a number of sites are being investigated at this time. In the short-term additional classroom spaces would be required at Portal House School to meet the educational needs of the change in designation.
7. The recent planning history for the school includes the provision for a mobile building (2 classrooms) on a part of the site directly to the north-west of the application site. This building was granted temporary planning permission for a period ending August 2012 under planning reference DO/07/878.

Proposal

8. The application proposes the installation of two temporary mobile buildings adjacent to the western boundary of Portal House School with Sea Street. The site is relatively flat and there are no proposed changes to site levels or profile in order to accommodate the development. The proposal results in the removal of a small group of shrubs and small trees from the north-east side of the application site adjacent to a play area. The application proposes to retain the mature trees that form part of the boundary with the public highway.
9. The temporary buildings proposed are of standard design, single storey with flat roofs, and are similar in appearance to an existing modular building already within the school grounds. The proposed buildings provide approximately 312m² of floorspace, with each unit measuring approximately 8.6m by 18m by 3m high (6 bays). The buildings are completed in a textured finish with black plywood skirts, white framed UPVC windows, associated timber steps and ramp to allow access to the units. The external finishes were selected to match the existing mobile building. The proposed buildings would provide accommodation for four new classroom spaces associated toilets and storage areas. The Special School designation requires that class sizes are relatively small, this necessitates a relatively large area of teaching space per pupil.
10. The proposed buildings and associated work have subsequently been delivered on site in advance of a decision on the planning application, effectively making the proposals retrospective in nature.

Additional Information provided by the Applicant

11. Due to the current condition of Portal House School the proposal to develop the school through the Building Schools for the Future (BSF) programme is to completely re-build

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the facilities. Due to the size of the existing site it would not be possible to build the new school on the current site whilst still operating within the existing building so it is proposed that the new school would be built at a different site. The new school is due to be developed as part of wave four of the Kent BSF programme with construction due to start in 2010 (subject to planning approval).

12. The application states that due to the restricted nature of the existing school grounds and its means of access the redundant play area proposed to be developed is the only suitable area within the school grounds that can provide for additional accommodation.
13. The applicant's agent states that it is regrettable that the units have been provided in advance of the planning application being determined. The work was carried out due to a limited 'contractor's window' within which the units could be provided and the urgency arising from the need for the units by the School in order to meet the required places in accordance with the Education Authority's aspirations.
14. The applicant's agent acknowledges the proximity of the nearby Listed Buildings and the location of the units in relation to the street-scene. The comments offered highlight the existing temporary building afforded planning permission adjacent to the application site and the continued retention of a line of trees and shrubs that front on to Sea Street. The agent's comments note that additional planting could be provided to enhance the existing boundary treatment and provide further mitigation for any visual impact resulting from the proposed development.

Development Plan Policies

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

- (i) The adopted **Kent and Medway Structure Plan 2006**:

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|-------------|--|
| Policy SP1 | Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development. |
| Policy EN5 | Seeks to protect, conserve and enhance Special Landscape Areas, whilst having regard to the social and economic well-being of the communities within them. |
| Policy QL1 | Requires that all development be well designed and of high quality that respond positively to the local character. Development, which would be detrimental to the built environment, amenity, function and character of settlements or the countryside, will not be permitted. |
| Policy QL6 | Seeks development within Conservation Areas should preserve or enhance their character or appearance. Development which would harm the character or appearance of a Conservation Area will not be permitted. |
| Policy QL8 | Seeks to preserve the architectural and historic integrity, and protect and enhance the setting of list buildings. |
| Policy QL11 | Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres |

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particularly where services are deficient.

Policy NR8 Seeks to protect the quality and yield of Kent's groundwater resources.

(ii) The adopted **Dover District Local Plan 2002 (Saved Policies)**:

Policy DD1 Requires proposals that are acceptable in terms of layout, siting, scale, architectural style, materials, spatial and visual character of the area, landscaping, privacy and amenity.

Policy CF1 Proposals for the expansion of community facilities will be permitted provided that they are well related to the community which they serve.

Policy CF2 Planning permission for mobile classrooms will only be granted where there is a proven short-term need; they are located so as to minimise visual harm; and their siting would not result in the loss of or damage to important trees.

Policy WE1 Seeks to safeguard Groundwater Source Protection Zones.

Consultations**16. Dover District Council** raises no objection to the application

St Margarets-at-Cliffe Parish Council: no comments have been received at the time of writing this report, any received prior to the Committee Meeting will be reported verbally.

Divisional Transportation Manager raises no objection to the application. The comments received note the slight increase in staffing levels and accept that there is sufficient space within the existing car park to accommodate the increase. Notes the pupil level would increase and recommends that the School Travel Plan should be updated to reflect the changes.

Environment Agency raises no objection, advising that the site lies in a Source Protection Zone and that all precautions should be taken to avoid discharges and spillages to the ground both during construction and subsequent operations.

Publicity

17. The application was publicised by the posting a site notice and the notification of 11 neighbouring properties.

Representations

18. One letter of representation objecting to the application has been received from a local resident. The main points raised can be summarised as follows:

- Notes the planning application is retrospective as the classroom units are already on site. Considers that unless the Council is prepared to entertain the possibility of rejecting the application and removing the units it is a pointless exercise to notify neighbours inviting their comment.

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- Considers that the mobile classroom units are out of keeping with the area and in the immediate vicinity of a Listed Building. Comments that the units are of crude simple construction with no redeeming aesthetic qualities. Considers that they compromise the heritage value of the surrounding built development.
- Comments that the classroom units are clearly visible from the street and compromise the aesthetic values of the streetscape. Notes that where once there were trees and shrubs, visitors and residents now see ugly oversized sheds that give the area an industrial appearance.
- Raises concern about the proximity of the southernmost unit to residential property (barely twelve metres). Raises concerns that there will be significant student activity close to residential property increasing noise levels.
- Raises concerns that the proximity of the units to the site boundary would invite vandalism.
- Raises concern that the increase in student numbers attending the site would add to traffic on Sea Street, which has little legal parking available and is congested at the start and end of the school day. Considers that an increase in traffic would exacerbate an already dangerous situation, particularly for parents and children.
- Notes the future intention to relocate Portal House School.
- Given the County Council appears to have responsibility for Portal House School, there looks to be a conflict of interest with the Council deciding its own planning application.
- Notes that there is a third mobile building on the site queries whether the building has planning consent and if so why local residents were not consulted on the application.

Local County Member

19. The Local County Member for Dover North, Mrs E. Rowbotham was notified of the application on 28 October 2008.

Discussion

20. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In considering this proposal the Development Plan Policies outlined in paragraphs (15) above are particularly relevant.

21. In my opinion, the main determining issues relate to the following points:

- the siting, design and appearance of the proposed buildings;
- the potential highway impacts;
- local amenity impacts;
- the need for the development; and
- other considerations.

22. The application seeks retrospective planning permission for two temporary mobile buildings providing 4 additional classroom spaces within the confines of Portal House School grounds. The two units are located in the south-east corner of school grounds on a former amenity space adjacent to the schools boundary with Sea Street. The main school buildings are located to the north along with an existing mobile building granted

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planning permission in 2007. The closest residential properties are located to the south and west across Sea Street.

23. I note that the application is retrospective in nature, and it is disappointing that the buildings have been provided on site in advance of determination of the planning application. However, the presence of the buildings does not change the manner in which the application is considered. The application should be determined in accordance with the Development Plan, on its planning merits balancing the material considerations, including those raised by consultees and members of the public. Any work undertaken in advance of a planning decision is at the applicant's own risk, and should the application be found to be unacceptable then they would be required to remove the buildings and make good any damage to the land.

Siting, design and appearance

24. The application raises a number of material considerations concerning the siting and design of the mobile buildings when considered in the context of the character of the surrounding built environment and landscape.
25. The proposed site is located within the confines of St Margaret's-at-Cliffe as defined on the Dover District Local Plan Proposals Map, approximately 100m south-east of a Conservation Area. The existing school buildings screen the application site from the Conservation Area. Therefore given the relatively small scale of the development proposed the buildings would not impact on views into or out of the Conservation Area and therefore would be in accordance with Policy QL6 of the Structure Plan.
26. St Margaret's-at-Cliffe and the surrounding countryside is located within a Special Landscape Area. Structure Plan Policy EN5 seeks to conserve and enhance the special character of the landscape whilst having regard for the social and economic needs of the community. I note that the application site is screened from views in the context of the wider landscape by established planting and the surrounding built environment. Due to the scale of the buildings proposed, the development would only be visible at a local level from Sea Street. The visual effect of the application in the context of street-scene is considered in more detail below. In my opinion the proposed development would not have an adverse impact on the special character of the wider landscape.
27. The application site is located east of two Grade II Listed Buildings, across Sea Street. A number of mature trees and shrubs line the school boundary between the site and the public highway. An objection has been received from a local resident on the grounds that, amongst other matters, the proposed buildings would detract from the street-scene as well as the setting of the school and nearby Listed Buildings, due to its location, design and materials used in construction.
28. Kent and Medway Structure Plan Policies QL1 and QL8, and Dover District Local Plan Policies DD1, all seek proposals that are well designed, and appropriate in the context of the existing pattern of development, with emphasis on protecting or enhancing the character and the setting of any Listed Buildings.
29. In my opinion, whilst the application site is in relatively close proximity to the nearby Listed Buildings, due to their location on the opposite side of Sea Street, it would be difficult to consider that the proposed buildings would form part of the setting of the Listed Buildings. When looking along Sea Street from either direction, due to the mature planting around and within the school grounds, the mobile buildings are not prominent and only visible at a very local level. Although, I note that at present the deciduous

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planting around the site is relatively scant and does not provide the level of screening enjoyed during the spring and summer months. The applicants agent has acknowledged the concerns raised by the neighbouring resident about the visibility of the buildings in the immediate street-scene, and has suggested that additional screening planting could be provide to enhance the existing provision in locations where the buildings would be more prominent.

30. In considering the design of the building proposed, I would advise that the development consists of mobile buildings similar in construction to a number of units used across the County and to an existing unit that occupies a part of the site directly to the north west. This unit is arguable closer to the Listed Buildings and has been afforded planning permission until 2012.
31. I note that the buildings proposed would be highly unlikely to be considered as an acceptable permanent solution in this locality. The single storey, flat roof construction cannot be said to enhance the character of the existing built environment. However, the issue to be considered in this instance is whether the structures would detract from or fail to preserve the character of the surrounding area for a temporary period.
32. As previously mentioned, the application site is reasonably well screened from views from outside of the school grounds. The space available to accommodate the unit within the school site is limited and the position proposed is the most practicable option available. The mobile buildings would be visible at a local level from properties opposite on Sea Street. However, the existing shrubs and trees that line the school boundary would help to break up views of the structures and soften its overall impact on the immediate vicinity. Whilst the buildings would be visible in the winter months when the trees are bare, during the summer period the location is well screened. I note the applicant has offered to enhance the existing planting at key locations. The provision for lower growing shrubs would help to further break up the structures below the canopy of the trees. However given the light that is likely to reach the ground under the canopy of the trees, the selection of an appropriate species would be important if any planting scheme were to succeed.
33. Whilst a permanent solution to provide the proposed accommodation would be preferable in this location, bearing in mind that there are plans to relocate the school, it would be unreasonable to seek this approach in this instance. The application states that due to the limitation of the site the County Council is not considering an option to develop the grounds under the BSF programme. Taking into account the comments received from consultees and the existing planning permission for a mobile building on site, I consider that the limited visual impact the development has on the immediate street-scene is not in itself sufficient justification to presume against a temporary planning consent on design grounds.

Highway Impacts and Car Parking

34. Representations received from a nearby resident raise material highway considerations in association with this application. The comments received note the increase in pupils proposed to attend the school, the limited opportunities to park legally directly outside the site and the congestion that already exists in association with both schools that share the grounds. The material objection raised by the local resident is that an increase in the number of pupils attending the site would add to the traffic using the area at peak travel times thereby impacting on highway safety.

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35. I note that the site is established for educational uses and two schools share the property including a main egress onto the public highway. There is no pedestrian footway on the school side of Sea Street and there are limited options for parents to park legally directly outside the school grounds.
36. Any potential increase in traffic associated with this application should be considered in context. The Portal House School roll is currently around 45 pupils and St Margaret's-at-Cliffe Primary School is one form entry, accommodating approximately 210 pupils. The planned increase to the size of Portal House School would result in an additional 15 pupils attending the site. All pupils travelling to Portal House School are transported by taxis, which enter the one way system within the grounds drop the pupils in school and leave via Sea Street. Whilst an increase in the number of pupils would add additional vehicle movements onto the highway network, due to the travel arrangements for pupils attending Portal House it should not have a material effect on the vehicles seeking to park in the immediate area. I note that the general locality is heavily congested at the beginning and end of school, not unlike most schools around the County.
37. The Divisional Transportation Manager has formally assessed the scheme as proposed, and has been made aware of the concerns being raised by the local resident on highway grounds. His comments on the proposals are set out in paragraph (21) above. In conclusion, he is not raising objection to the scheme and recommends that due to the projected increase in the roll the School should be required to review and update their Travel Plan appropriately. By its nature this Travel Plan should seek to anticipate and respond to the travel implications for the School and seek to reduce reliance on private motor vehicles.
38. It is my opinion that the provision of additional accommodation at the school would not generate an unacceptable increase in traffic movements so as to cause significant harm in highway terms. On the basis of the details set out above, I would not raise a planning objection to the proposals on highway grounds, subject to a condition covering a review of the existing Travel Plan.

Local Amenity Impacts

39. Policy QL1 of the Kent and Medway Structure Plan and DD1 of the Dover District Local Plan require new development that respects the privacy and amenities of residential properties. The application has caused concern to a local resident regarding the potential impacts that may result from the development of the site on the properties opposite, particularly in terms noise generated by the concentration of activity on the site boundary. I note that the location was previously used as an open play area and forms part of an established school site that could be used for any activity ancillary to this use.
40. In my opinion the provision of the structures between the main part of the school grounds and residential properties, particularly the existing playground would help to reduce the noise emitted from the site by moving external activities away from the boundary. The mobile buildings would allow some acoustic insulation to noise generated within, the natural vegetation, distance between the buildings and the public highway would also influence the background noise. Given the surrounding uses and the relatively small numbers of pupils involved, it is my opinion that the provision of the buildings in the location proposed would not have a material impact on background noise levels or residential amenity.
41. Due to the design of the buildings and the proposed orientation, there would be no impact from the development of the site on privacy levels in nearby property.

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Need for the development

42. Dover District Local Plan Policy CF2 states that mobile classrooms will only be considered where there is a proven short-term need, the building is located to minimise visual harm, and the siting does not result in damage to important trees. The location and visual impact of the development has already been covered in more detail above under the siting, design and appearance.
43. The proposed units already occupy the site. Whilst the development required the removal of a limited number of small trees and shrubs, the more mature trees that form the boundary with Sea Street and form part of the street-scene have been retained. I therefore do not consider that the development as proposed would result in significant damage to any important trees.
44. The documents received with the application outlines the recent re-designation of the school to cater for pupils of 11 to 16 years old and the resultant planned increase in the school roll from 45 to 60 pupils by 2009. The application sets out the future aspirations of the Education Authority to accommodate Portal House School in facilities that are better suited to the education needs. The County Council is in the process of considering potential options to relocate the school to an alternative site. In the mean time the School are in need of adequate classroom space to accommodate the pupils attending the site. Due to the nature of the school it is a necessity that class sizes are small which results in the need for additional space to allow for the expected increase in pupil numbers.
45. Taking into consideration that Portal House School accepts pupils from all over mid and east Kent, providing a specialist service to the community, and that there are plans to relocate the school to a more appropriate facility, in my opinion, the above circumstances demonstrate that there is a justified short-term need for the mobile buildings to allow the effective operation of the school, whilst a permanent solution is formulated. Therefore, I am content that the application accords with policy CF2 of the Local Plan.

Other considerations

46. The application site lies in a Groundwater Source Protection Zone, which means potable supplies are at risk from activities on site. Subject to all precautions being taken to avoid spillage to the ground and the applicant ensuring that the existing drainage systems are of sufficient capacity to cope with any additional flow or loading, the Environment Agency raises no objection to the proposal.
47. Comments received from a nearby resident raise concern over site security and the risk of vandalism through locating the proposed buildings directly adjacent to the site boundary. I note that the application site falls within the existing school grounds, which is afforded protection to unauthorised entry by a 1.8m steel palisade fence. Unfortunately many school sites across the County are subject to nuisance through trespass and vandalism. I am not aware that it is a particular problem at this school. Whilst the proposed buildings would be relatively close to a boundary, this fronts onto Sea Street and as such benefits from a certain level of natural surveillance. Substantial fencing is in place around the site and I am satisfied that any issues that may arise from time to time, with regard to site security, should be covered under the general day to day management of the school and are not of particular weight to the consideration of this

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application.

48. I note the point raised concerning the County Council's broad responsibilities and the potential for a conflict of interest. However, under the Town and Country Planning General Regulations 1992, due to its nature, the application falls to be determined by the County Council as the relevant Planning Authority. This function is completely separate from the County Council as the Education Authority. The application will be determined in accordance with the Development Plan for the area, on its planning merits and all other material considerations raised during the process (set out above), including third parties and statutory consultees like Dover District Council.
49. The representations received from a nearby resident also note the third mobile unit on the site. This building was granted planning approval by the County Council back in 2007 and has a temporary permission until 2012. Having looked back at the County Council's records I note that at the time the statutory consultations and notifications were carried out, including immediate residents opposite the building. It just so happens that in the instance of the current application the buildings proposed are closer to the resident in question which resulted in the notification process expanding to include additional residential properties.

Conclusion

50. In weighing the considerations set out above, I consider that the design of proposed development is not acceptable as a permanent fixture in this relatively sensitive location. Nevertheless, the development is screened from the views in the context of the wider landscape, nearby Conservation Area and Listed Buildings. Any visual impact from the development would be localised to the immediate vicinity, primarily during the winter months when surrounding vegetation is scant.
51. In my opinion, the applicant has established that the building is necessary to the short-term operation of the School whilst a suitable site to relocate the facility is established. The Portal House School is identified to be part of the next round of the BSF programme and subject to planning approval construction on a new site would begin in 2010. When balancing the visual impact of the mobile buildings in the context of the character of the surrounding area against the effective operation of the school, I would consider that, in this instance, the continued provision of a community service outweighs the potential impact of a temporary period of planning permission. I note that the local visual impact could be further mitigated through the provision of enhancements to the existing boundary treatment. Taking account of the previous temporary planning consent granted for a mobile building on site and the educational need for the facilities, I would not raise a material objection to the proposals. Therefore, subject to planning conditions requiring the submission of a landscape scheme and the update of the School Travel Plan, I would recommend the planning permission be granted for a temporary period of 3 years.

Recommendation

52. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions requiring, amongst other matters, the buildings to be removed and the site restored within 3 years of the grant of planning permission, within 3 months of the date of permission a landscape scheme to enhance the existing arrangements be submitted for prior approval, and the School Travel Plan to be updated within 6 months of planning permission.

Item D3

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Case officer – James Bickle	01622 221068
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Background documents - See section heading
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