

TM/04/03991/EL Grant With Conditions 22 August 2005

Proposed LV overhead line wood pole

TM/05/02310/FL Refuse 21 October 2005

Retention of a prefabricated wooden school classroom for temporary use

The application to use the premises as a care home was restricted to the assessment of parents with learning difficulties and provision and support and training for return to the community. The use was restricted to a maximum of 6 clients and their children and 2 resident staff.

Members will recall that the pre-fabricated building, mentioned in 1.1 above, was erected in the summer of 2005 and that a retrospective application was considered in September 2005. Following a site visit Members resolved to refuse planning permission and authorise enforcement action for the building to be removed within one month of the date of the enforcement notice becoming effective. An appeal was submitted in January 2006 against the enforcement notice and the application was considered at an informal hearing in July 2006. The Inspector dismissed the appeal and upheld the enforcement notice but varied the period for compliance period to twelve months – it must therefore be removed from the site by July 2007.

4. **Consultees:**

- 4.1 TC: raised concerns about slab levels and height of the building. Any outbuilding should complement the listed building. There is also concern about highway safety with on-street parking in Paddlesworth Road generated by the use of the building. The TC values the trees and would like to see them retained.
- 4.2 KCC (Highways): Notes the new building will not increase the current use but will replace a temporary structure that has been in use for some time. There is no inference that either staff or pupil numbers will be increased and it is unlikely to be any change in the way the site operates. I would not like to see any reduction in parking taking place. With the off street parking arrangements being maintained it is likely that the impact on the highway will be unchanged. Applicant confirms there will be no changes to the parking arrangements, therefore the proposal is acceptable.
- 4.3 SWS: No objection.
- 4.4 KCC Social Services: No response received.
- 4.5 KCC Education Services: No response received.

- 4.6 English Heritage: Do not wish to comment.
- 4.7 Environment Agency: no objections but suggest that a desktop study should be carried out to identify previous uses and potential contaminants. If contamination is found remedial conditions should be attached.
- 4.8 DHH: Would like to ensure that the proposed development is provided with adequate means of foul drainage, that is via a public sewer. Pending confirmation from the applicant that he will make suitable arrangements, both physical and legal to provide for the discharge of the foul drainage from the proposed development to the public sewer I must object to the application.
- 4.9 The potential occurrence of contamination should be considered and a desk study report should be submitted prior to the determination of the application.
- 4.10 32/0X/6R/OS Written Reps: responses have been received from 6 addresses and concerns expressed as follows:
- Design and materials on amended plans are more acceptable.
 - Structure should not be higher than the temporary building.
 - Adequate distance should be retained from neighbours fences.
 - Need to accommodate and preserve the trees at the site.
 - Insufficient parking places. Possible parking arrangement with the Community Centre.
 - Timescale for construction.
 - No satisfactory means of foul water disposal.
 - Other issues raised include parked cars impeding visibility for children crossing the road, residential parking permits, traffic congestion and speeding.

5. **Determining Issues:**

- 5.1 The applicants desire to provide a suitable replacement classroom building at the site has arisen as a result of the refusal of the previous application TM/05/2310 and the outcome of the enforcement notice appeal decision in July of this year. The appeal was dismissed confirming the Council's view that the pre-fabricated building was unacceptable. The Inspector identified that the principal considerations were the effect of the classroom on the character and setting of the adjoining Grade II* listed building and the visual effect on the amenities of nearby residents. He concluded that however meritorious the use of the unauthorised building there was no doubt that the classroom failed to reflect the character of the listed building in almost every way and that the setting of the listed building had

not been preserved. He did not make a judgement on the impact of the use of the classroom facility on the amenities of the area.

- 5.2 At the informal hearing the applicants indicated that the most appropriate time for them to remove the existing classroom building would be in the Easter holiday 2007. The existing building would need to be removed by July 2007 regardless of whether planning permission has been granted for replacement or if an approved structure has been built.
- 5.3 The plans for this current application originally showed a 2 storey building with hipped roof and windows of domestic proportion and a dormer in the south elevation. The design and proportions of this building were felt to be inappropriate in this location and out of keeping with the adjacent listed building. Officers sought to negotiate a more suitable design.
- 5.4 The amended plans show a barn style building finished in traditional materials with asymmetrical roof and windows of vertical proportions. The footprint would measure 10.8m x 6m with main access on the south side. The building is shown as having a slightly lower slab level than the property to the north, number 8 Hegarty Court (shown as number 9 on the plan). The proposed building would be facing the south rather than the west. As a result the western elevation would be sited approximately 5m from the western boundary compared to approximately 11.5m with the present building.
- 5.5 The design and proportions of the building resemble a barn and the structure would reflect the style of the western most part of the main Woodlands Farm building. The need to establish a satisfactory slab level and the use of appropriate materials will ensure that the building is in keeping with the character of the area, without being harmful to the setting of the listed building. In general the overall style of the building is much more in keeping with the surroundings and will not have a harmful effect on the setting of the nearby listed building.
- 5.6 The revised design of the building and re-orientation is considered to have an acceptable impact on the residential amenities of the occupants of number 9 Hegarty Court to the west. Whilst the building will be sited nearer to this property than the existing unauthorised building there should be no overlooking as only obscure glazed windows will be installed in the western elevation. The revised design will have the appearance from the west of a single storey structure with the roof sloping away at a fairly steep pitch.
- 5.7 In terms of the effects on the occupants of number 8 Hegarty Court to the north it is noted that the proposed building will be approximately 3.2m away and will have some impact given the orientation west to east and the difference in height. I do not consider that the physical changes will be so unduly harmful to outlook or overshadowing such as to justify withholding consent. The north elevation to the building is shown to be blank and as such no overlooking from inside the classroom should take place.

- 5.8 In addition to the physical aspects of the proposal it is recognised that this application to formalise an additional use of the Woodlands Farm premises also has some impact in terms of comings and goings and associated noise and activity. The Inspector noted that the school is currently operating on a small scale and the longer term aims and funding for this specialised project seem uncertain according to information provided by the applicants at the hearing. The functioning of this small scale activity however appears to have occurred without undue harm to residential amenity, as this matter has not been highlighted by neighbours. The relatively small internal size of the proposed building would be a natural limit on the number of children that could be accommodated bearing in mind educational and health and safety requirements.
- 5.9 KCC Highways notes that internal parking facilities will not be altered in association with the development and has not raised an objection to the use of the building or educational purposes. Neighbours have expressed concerns about on-street parking, traffic congestion and speeding in the adjacent road and possible associated dangers for children in the area. KCC Highways has assessed the parking situation at the site and the level of activity associated with the proposed use and has confirmed that current parking arrangements are acceptable as long as there is no reduction in parking provision. Any change in the number of staff or pupils may affect the parking requirements. Whilst the issue of speeding along the adjacent road is an important matter for the residents, this does not appear to be a planning reason for withholding planning permission for the proposed building.
- 5.10 The change in position of the classroom building at the site has raised concerns with regard to a nearby tree. A survey assessing the condition of the tree and the impact of the proposed development upon it was requested from the applicants. It is reported that the tree would benefit from being pollarded and that the development can take place without harming the trees.
- 5.11 The comments of the DHH about the need to provide a suitable system of foul drainage are noted. This matter has been raised with the applicant who has stated that the building would be connected to the existing sewerage and system which in turn will be connected to the main drainage system on the adjacent housing estate. This matter can be covered by a condition requiring the submission and approval of the necessary details before building works commence.
- 5.12 Concern has also been expressed about possible contamination of the site. It is understood that the adjacent site developed by Berkeley Homes was found to suffer from some contamination. DHH raised no objections to the previous application as this was for the retention of a building for a temporary period rather than an application to construct a new building. The current application will involve some excavation for foundations and general ground disturbance. There will also be more people on site as a result of the use of the proposed facility.

5.13 As a result it can be argued that a contamination survey is required in order to make an assessment of the situation at the site. Given that the site already has consent to be used as a care home and that the temporary classroom has been on site for approximately 18 months, I do not consider it essential for the survey to be carried out prior to determination of the application. It will be necessary however for this work to be completed prior to the consent being implemented, in the event that planning permission is granted.

5.14 The current scheme has resulted from detailed negotiations in an attempt to find a workable solution that respects the character and setting of the listed building whilst maintaining the residential amenities of the adjacent houses and having regard to the welfare of the tree. The design is much improved but it will be important to ensure that various safeguarding conditions are attached to ensure a high standard of development. It is concluded that this scheme achieves those aims and it is recommended that planning permission is granted.

6. **Recommendation:**

6.1 **Grant Planning Permission** as outlined in the submitted design statement and site plan and drawing number WF/PRO1 received 09.05.2006 and drawing Number WF/PRO3A received 07.07.2006 and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. Prior to the development hereby approved commencing details of the slab level of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of the visual amenities of the area and in order to secure a satisfactory standard of development.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any elevation of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property.

5. The roof lights to be installed in the western elevation of the hereby approved building shall be of Conservation style only and at no time shall windows of an alternative design be fitted. Details of these rooflights shall be submitted to and approved by the LPA before installation.

Reason: In the interests of the visual amenities of the area.

6. The building hereby approved shall only be used as an educational facility and at no time shall it be used for any other purpose without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of highway safety.

7. The fencing that runs in a north/south direction and links up to the domestic boundary of Hegarty Court should be retained in situ throughout construction of the new building.

Reason: To prevent damage to the trees during the construction period.

8. Prior to the development hereby approved commencing, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be installed as approved and shall be maintained thereafter as installed.

Reason: In the interests of pollution prevention.

9. No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety. (N015)

10. No development shall take place until details and samples of all materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. (D001)

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

11. No development shall take place until details of any joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. (D006)

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

12. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of external decoration, which scheme shall be completed within three months of the work being completed and shall thereafter be so retained. (D007)

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

13. No development shall take place until details of eaves details, rainwater goods and vents have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

14. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate. (L003)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Informatives:

1. You are advised to contact the Environmental Health Officer to discuss any potential food safety and health and safety provisions.

Contact: Hilary Johnson