

ITEM 1**RETROSPECTIVE APPLICATION FOR THE ERECTION OF PORTABLE CLASSROOM BUILDING FOR A TEMPORARY PERIOD - REVISED PLANS RECEIVED, NEW FENCE PROPOSED AT BOUNDARY WITH EVERGREEN TRELLIS TO PROVIDE SCREENING AT HASLAND SUPPORT CENTRE, 38 THE GREEN, HASLAND, CHESTERFIELD, DERBYSHIRE, S41 0LN FOR ESTEEM MULTI-ACADEMY TRUST****1.0 CONSULTATIONS**

| | |
|--------------------------|---|
| Ward Members | Comments from Councillor Brady and Councillor Serjeant |
| Strategic Planning | No comments received |
| Environmental Health | No comments received |
| The Coal Authority | Development is exempt from requirement for Coal Mining Risk Assessment |
| Local Highways Authority | Comments received – see report |
| Tree Officer | Comments received – see report |
| Representations | Representations received from four neighbours, including multiple letters |

2.0 THE SITE

- 2.1 The application site is located on the west side of The Green in Hasland. The applicant for the scheme is the Esteem Multi-Academy Trust. The site is run as an Educational Support Centre and is the main school for permanently excluded pupils in North Derbyshire.
- 2.2 The original school building is largely single storey in character, faced in stone with a slate roof and later brick built addition. The immediate streetscene is residential in character. The allocated Hasland Local Service Centre is situated 150m to the north centred around the junction with Hasland Road.



Extract of submitted location plan ©



Aerial photo of site taken from google maps ©

2.3 On the site frontage there is a mature oak tree protected by tree preservation order 4901.160 Hasland Road/Mansfield Road/The Green, Hasland (1996).

3.0 SITE HISTORY

- 3.1 CHE/23/00378/TPO - Crown lift T71 Oak by 5m to allow access of a vehicle and container – **CONDITIONAL PERMISSION (19.07.2023)**
- 3.2 CHE/12/00720/CPO - Proposed installation of ball catch netting to the top of existing security fence – **NO OBJECTION AND NO COMMENTS (19.12.2012)**
- 3.3 CHE/10/00129/CPO - Installation of a powder coated steel framed pram and pushchair shelter, storage shed and re-location of existing powder coated steel pedestrian gate - **NO OBJECTION AND NO COMMENTS (17.03.2010)**

4.0 THE PROPOSAL

Background to application

4.1 The agent provided a statement to set out the requirement for the development;

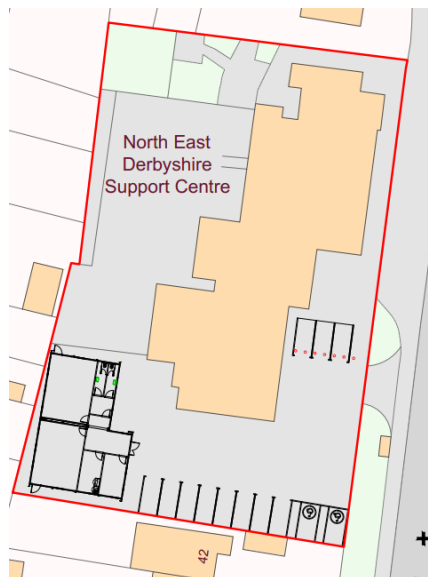
‘The County has seen an unprecedented increase in the number of excluded pupils (120%) and they have had to put a number of projects in place to deal with the upsurge. This is due to behaviours arising from covid with increasing mental health issues in vulnerable students

particularly affecting years 10 upwards. The county council has identified the need for immediate short term measures to address the increase from September and expects that once the boom has been addressed, numbers of excluded pupils are likely to return to the pre-covid levels and the cabin can then be removed from the site (hence the request for the temporary 3 year position). The cabin is needed for this September, hence the installation on site. ‘

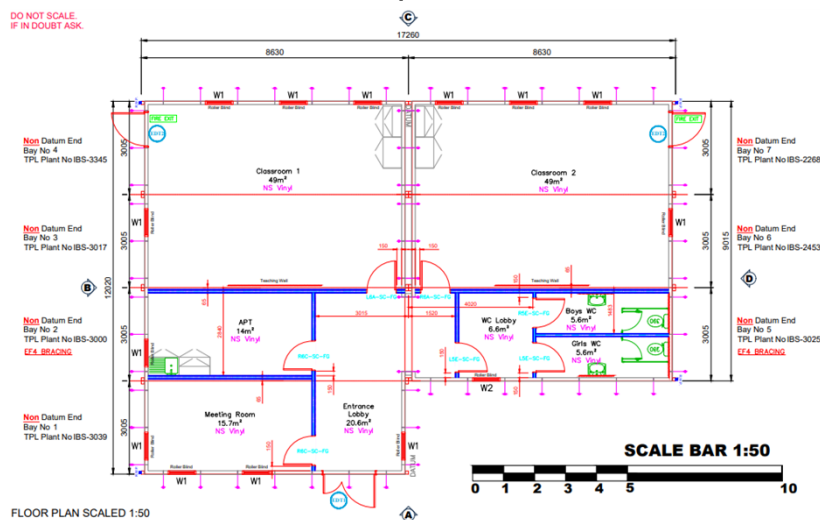
4.2

The application seeks consent for the installation of a temporary classroom in the south western corner of the site in car park, sited in close proximity to the boundary. The building is formed of an L-shaped design with a footprint of 17m x 12m overall. The structure comprises of two classrooms, toilet facilities, meeting room and kitchen space. The plans indicated almost all windows for the classrooms would be located within the west elevation facing directly towards the boundary. The building is formed of a flat roof and pale grey in colour with white upvc windows.

Revised Site plan



Floorplan



4.3 Concerns were raised by officers prior to the delivery of the building due to its close proximity to residential properties and position of the proposed classroom windows. The Case officer requested a revised plan and amended scheme, altering the layout and siting of the development to limit the impact on the amenity of the surrounding neighbours. The agent subsequently confirmed that the design of the building was fixed as it was already under construction.

4.4 The Case Officer undertook a site visit and noted that supporting plinths had already been installed on site to create a level platform for the building. Due to the sloping nature of the car park the largest plinth in the south western corner of the site measured 0.8m in height. The plinths were not shown on the original submitted plans and would result in the structure being elevated considerably above ground level, and as a result the windows would be located above the timber boundary fence and the visibility of the structure would be significantly increased for the neighbours. Revised plans were requested as a matter of urgency to accurately reflect the development including plans for mitigation and further detail on access ramps.



4.5 The classroom building has since been delivered to the site. The scheme is now being considered as retrospective.

Retrospective application

4.6 Revised plans have been submitted to reflect the works as undertaken on site. Ongoing discussions have taken place to agree an appropriate

scheme of mitigation. A revised site plan was also provided with the provision of 3 new car parking spaces within the car park.

Revised elevations showing supporting plinths





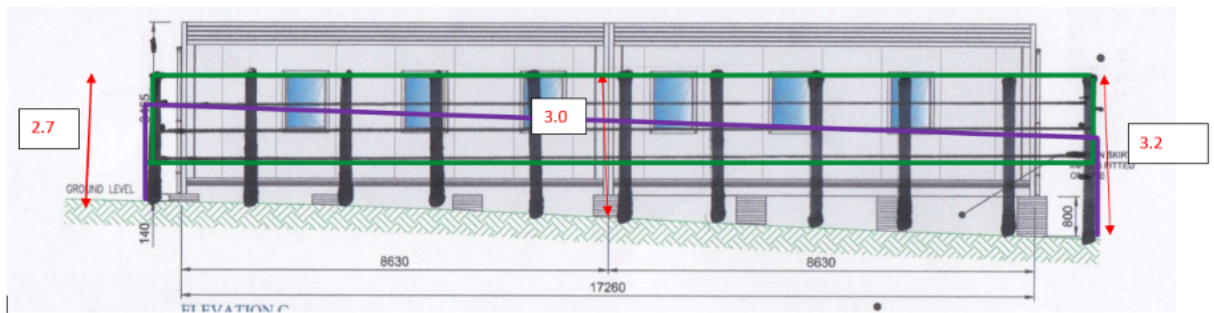
4.7

To screen the windows which overlook the neighbouring properties a trellis screen is proposed with a dense faux evergreen screening to prevent overlooking. Obscure film has been installed to all windows in the west elevation facing the residential properties on Smithfield Avenue. The screening will be attached to posts within the school boundary and extend across the full width of the car park from the existing fencing surrounding the play ground and wrap around the south western corner of the building.

Proposed trellis screening



Annotated plan showing existing fence height and location of trellis



Red Arrows show the height of the posts and trellis work in meters

Purple lines denote the height of the neighbour's fence approximately 1.8m

The green line denotes the size of the artificial hedge which will be 2m high, as you can see the screening will come well below the fence line

Proposed artificial ivy screen



5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development
- CLP10 Social infrastructure
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF) 2023

5.4 Principle of Development

Relevant Policies

5.4.1 Local Plan policies CLP1, CLP2 and CLP10 are considered to be relevant to the principle of development.

Considerations

5.4.2 The application site is unallocated and is within the built-up area of Hasland. The site is located approximately 150m walking distance from Hasland Local Centre therefore the proposal accords with policy CLP1 Spatial Strategy which seeks to concentrate new development to within walking distance of a range of facilities and services. As the proposal seeks temporary facilities to the existing school site it is considered that it would meet the criteria for exceptions CLP2 (i) as it needs to be in a specific location in order to serve a defined local need and access specific resources or facilities at the existing school. Policy CLP10 also supports improvements to existing facilities and new facilities in accessible locations or where it meets an identified need.

5.4.3 The principle of development is therefore considered to be acceptable in accordance with Local Plan policies CLP1, CLP2 and CLP10 on a temporary basis.

5.5 Design the Proposal

Relevant Policies

5.5.1 Local Plan policy CLP20 requires all development to respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area

Considerations

5.5.2 The design of the building is typical of temporary 'portakabin' buildings, utilitarian in design and single storey in character. The siting, location and position of the windows is poorly designed and the elevated nature of the building results in an overbearing impact. The school has set out the urgent need for additional classroom space and it is considered a pragmatic approach is required. A scheme of mitigation with obscure glazing film to the windows and faux evergreen screening is considered to provide a sufficient degree of mitigation for this temporary proposal. This is not an acceptable long-term solution and if additional classroom space is required in the longer term the school will need to create a plan for a permanent extension to the existing building to enable the removal of the temporary classrooms.

5.5.3 Subject to conditions ensuring the screening is installed in accordance with a set timescale and the scheme is for a temporary period only, the proposal will accord with Local Plan policy CLP20.

5.6 Impact on Residential Amenity

Relevant Policies

5.6.1 Local Plan policies CLP14 and CLP20 requires consideration of the impact on the amenity of residential occupiers including overlooking.

Considerations

5.6.2 The application site is bound by a mixture of residential dwellings immediately to the north and south. As set out in section 5.5 above, the design of the scheme is poor, however a proposal for mitigation

which includes dense faux evergreen trellis and obscure glazing film to the windows is considered to provide an acceptable level of mitigation on a temporary basis.

- 5.6.3 The structure is pale (goosewing) grey in colour and appears overly dominant when viewed from the residential properties. It has been suggested that the applicant explores opportunities to paint the rear (west) elevation of the building a dark green colour to make the building appear more recessive. However the applicant is renting the building from a company and painting may not therefore be an option.
- 5.6.4 The retrospective scheme is not an acceptable long-term solution, it is recommended that within 12 months of the date of the decision the Trust provides a summary on student number and anticipated numbers for the following year. If the numbers of students are not decreasing as anticipated a management plan for long term provision should be then provided to ensure that any capacity can be accommodated within a purpose built extension on the site (if required) with timescales for implementation to ensure that the temporary building can be removed at the end of the consent period.
- 5.6.5 Subject to conditions as set out above including management plan, screening to be installed in accordance with a set timescale and a temporary consent period, the proposal will accord with Local Plan policies CLP14 and CLP20.

5.7 Highways Safety and Parking Provision

Relevant Policies

- 5.7.1 Local Plan policy CLP20 and CLP22 require consideration of parking and highway safety

Considerations

- 5.7.2 The application results in the loss of approximately 6 parking spaces within the car park. A revised site plan was submitted with a scheme for the provision of 3 new parking spaces, which will result in an overall loss of 3 parking spaces.
- 5.7.3 The Local Highway Authority were consulted on the scheme and provided comments on the proposal. The Highways Officer noted the existing parking restrictions on The Green to the north of the school and commented on the loss of parking spaces as a result of the

scheme and asked what measures will be put in place for the displaced vehicles.

- 5.7.4 The applicant subsequently provided a revised plan proposing three new car parking places. The bollards have already been removed on site to provide the additional parking. It is acknowledged that the scheme will result in the overall loss of parking and a further intensification of the use of the site which may generate an increased demand. Any staff or visitors who are unable to park on the site will likely park on the surrounding adopted highways. It is recommended that the Trust actively and collaboratively work with staff/visitors to ensure parking in the surrounding area does not result in adverse impacts on local residents and this can be promoted in a parking management plan. On balance the social benefit arising from the scheme and urgent requirement for the additional classroom space at the site, it is considered that the proposal is acceptable on a temporary basis.
- 5.7.5 It is recommended that a condition be imposed requiring the three new parking places to be provided free from obstruction during the temporary consent period. The proposal will therefore comply with the provisions of local Plan policy CLP20 and CLP22.

5.8 Impact on Protected Oak Tree and Biodiversity

Relevant Policies

- 5.8.1 Local Plan policy CLP16 requires consideration on biodiversity impact and net gain.

Considerations

- 5.8.2 The Councils Tree Officer was consulted on the scheme and highlighted that no tree survey or Arboricultural Impact Assessment have been submitted with the application but a separate TPO tree pruning application reference CHE/23/00378/TPO has been received for the crown lifting of the lower branches of the tree to facilitate the delivery of the classroom units. Application CHE/23/00378/TPO has been granted and the works undertaken. The Tree Officer raised no objections recommended a tree protection condition be imposed to prevent accidental damage to the tree during delivery. As the application is now retrospective and pruning works already undertaken it is recommended that the wording of the condition be amended to ensure the soft landscaped area under the tree canopy be protected

from the storage of materials and prevent any excavations within 8m of the tree for the extent of the temporary permission.

5.8.3 The classroom is located on an area of existing hardstanding with no biodiversity value. As the scheme is also for a temporary period there is considered to be no requirement for a net gain in this instance.

5.8.4 Subject to the condition as recommended above the development accords with the requirements of CLP16 and the NPPF.

5.9 Other Matters

5.9.1 The application site is located in flood zone 1 and is therefore considered to be at low risk of flooding. The site is located in an area at high risk of coal mining legacy. The Coal Authority were consulted on the scheme and confirmed that the temporary development was exempt from requirements for Coal Mining Risk Assessment and no further consultation would be required. The development would therefore comply with Local Plan policies CLP13 and CLP14.

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters. A brief summary of the main points raised by 4 local residents is set out below (see website for full letters)

- **Loss of privacy and security for residents** – the building is located adjacent to the boundary with a number of windows overlooking gardens creating a privacy and security risk
- **Nuisance and disturbance for residents** – increased noise and disturbance experienced already due to increasing number of pupils attending the Centre. The development will enable an additional 25 pupils to attend the Centre. Noise and disturbance such as balls being kicked into gardens is already an issue
- **Impact on parking** – scheme will reduce the number of parking spaces on site and given the growth in pupil numbers it is expected that additional staffing will be requiring resulting in additional vehicles requiring space. Parking in the local area is already at capacity as most do not have off-street parking. Concern that this will push staff to park on the already full Smithfield Avenue to the detriment of residents. Examples provided of Smithfield Avenue showing cars parking on the road
- **Increased traffic volumes** – increase in pupil numbers will increase traffic volume with no designated drop off area and next to a T-junction and bus stop. Any increase in traffic has an

environmental impacts on local residents and no traffic/environmental impact assessment has been undertaken

- **Insufficient capacity on site** – centre should move to a property which is fit for long term use. Application is submitted as temporary however there is no plan provided for long term use. If approved should be granted on the basis that permanent accommodation or alternative provision must be sought
- **Security and safeguarding concerns**
- **Concern about timeline for application** – submission and neighbour consultation period is extremely short, particularly given the applicant seeks to undertake the work in September giving them only 6 weeks and there is a concurrent application to raise the crown of the oak tree to provide vehicular and container access it appears the application is pre-determined.
- **Building installed on site prior to determination of application** – Building installed with windows overlooking the neighbouring properties. The building is also higher than as shown on the plans. Plans submitted originally were misleading
- **Lighting** – lights have been left on all night creating a nuisance for neighbours.
- **Obscure film damaged** – The obscure glazing film has been damaged meaning students can overlook gardens
- **Number of concerned residents** - The erection of the building has rightly generated a number of objections from neighbours as it has highlighted the revised height of the construction and the number of windows which, at the new height, have a greater impact on the neighbouring properties. The safety, security, safeguarding and privacy of residents is a significant concern and photographs provided with the objections clearly demonstrate this impact.

Comments have also been raised by Councillor Brady and Councillor Serjeant

- Contacted by local residents on Smithfield Avenue regarding inappropriate and inconsiderate parking by contractors and staff working in the project. At times the road which is narrow is completely blocked and cars cannot pass. Residents have also had access to their drives blocked and cannot "swing in" due to the large vans parked on there. Is this something you can also raise with the support centre please?
- Visited residents on Smithfield Avenue who, although are not demanding the somewhat over large and grey concrete type spare classroom be refused the retrospective planning application, they are concerned that the screening that the school have stated they will provide to help the planning application, actually happens. I

would be grateful for any comments you can offer and also comment on the screening issue.

6.2

Officer comments – the comments have been noted.

As set out in the report the building has already been installed prior to determination and the scheme is now being considered retrospectively with revised plans submitted to accurately show the development on site. The siting of the structure and number of windows in the rear (west) elevation is considered to have an adverse impact on the amenity of the residents on Smithfield Avenue therefore a mitigation scheme is required. Planning permission is required for the screening in its own right due to the required height of the structure, therefore this was added to the application and description amended. To give neighbours time to make comments on the revised plans a further full 21 day consultation period was allowed. The trust is waiting for permission to be granted before installing the trellis screening to avoid further works being undertaken without the benefit of planning permission. It is recommended an enforceable condition be imposed on the decision requiring the trellis screen to be installed within a set timeframe.

The revised scheme will provide three new parking spaces however it is accepted that the scheme will result in a loss of parking overall. Staff and visitors to the school are able to park on the adopted highway (the same as other highway users), this is outside of the control of the Local Planning Authority however a condition seeking a parking management plan can be required. Cars/vehicles should still be parked safely and without obstruction to other highway users. Lighting should be turned off at night and it is anticipated that the trellis screening will prevent undue light pollution during hours of darkness when the classrooms are in use.

7.0

HUMAN RIGHTS ACT 1998

7.1

Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

8.2 The Local Planning Authority have worked with the applicant during the consideration of this application to amend the scheme through a positive and proactive dialogue in order to achieve a positive outcome for the application.

9.0 CONCLUSION

9.1 The proposal is considered to accord with the planning policies as set out in the report above.

10.0 RECOMMENDATION

10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

Conditions

Temporary permission

1. The development hereby permitted is granted for a limited period only expiring on 2nd October 2026. On or before this date, the development carried out in pursuance of this permission shall be removed from the site and the land restored to its former condition.

Reason - The hereby approved use is not considered to be suitable development on a permanent basis having regard to Local Plan policies CLP14 and CLP20.

Approved plans and documents

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Revised Proposed Site Block Plan, drawing number 713.172061 (00) 002 (received 31.07.2023)
 - General Arrangement Modular Accommodation, drawing number 36791-PML-B1-XX-DR-A-0001 Revision P7
 - Building Elevations Modular Accommodation, drawing number 36791-PML-B1-XX-DR-A-0060 Revision P3
 - FENCING DRAWING, (received 24.08.2023)
 - SCREENING FENCE DETAILS (received 24.08.2023)
 - Email with link to green evergreen trellis (received 24.08.2023)

Reason - In order to clarify the extent of the planning permission

Installation of Trellis

3. The trellis screening shall be installed in accordance with the approved plans set out in condition 2, within two months of the date of the decision and shall thereafter be maintained in place for the life of the development.

Reason – To protect the amenity of the residential neighbours in accordance with Local Plan policies CLP14 and CLP20.

Obscure film

4. Obscure film shall be installed to all windows in the west (rear) elevation of the building within one week of the date of the decision and shall thereafter be maintained for the life of the development.

Reason – to protect the amenity of the residential neighbours in accordance with Local Plan policies CLP14 and CLP20.

Management plan for removal of classroom

5. Within 12 months of the date of the decision a detailed assessment of current and anticipated student number with a long term management plan shall be submitted to the Local Planning Authority for written approval. The details shall include an assessment of pupil numbers up to the end of the temporary consent period and include clarification as to whether additional classroom space will be required after the expiry of the temporary consent period. If additional classroom space is required then a plan for the removal of the building and works extend or alter the

existing building shall be submitted to show comprehensive long term management of the site.

Reason – to protect the amenity of the residential neighbours in accordance with Local Plan policies CLP14 and CLP20.

Oak Tree

6. Tree protection measures
 - a. There shall be no excavations for services within 8 metres of the Oak tree and no storage of materials or machinery in the soft landscaped area underneath the canopy of the tree T71 Oak.
 - b. The delivery, off-loading and subsequent removal of the classroom units shall be clear of the outermost parts of the Oak tree T71 canopy and supervised by a competent banksman who shall be present when the units are delivered and removed to make sure that the delivery vehicle and crane off-loading of the units does not come into contact with any part of the protected tree.

Reason – to protect tree T71 protected by tree preservation order.

Retention of parking

7. Space shall be provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason - In the interests of providing adequate off-street parking provision in accordance with CLP20 and CLP22.

Parking Management Plan

8. Within 2 months of the decision a car parking management plan including any green travel initiatives to be provided, shall be submitted to the local planning authority for consideration. The development shall only proceed on the basis of the car park management plan which is subsequently agreed in writing by the local planning authority.

Reason - In the interests of mitigating on street parking in the interests of residential amenity and in accordance with CLP14, CLP20 and CLP22.