



EAST NORTHAMPTONSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

PLANNING PERMISSION

EN/11/00705/FUL

Location

Trinity Church Of England School Main Street Aldwincle Kettering Northamptonshire
NN14 3EL

Proposal

Mobile classroom for a pre school playgroup (retrospective)

Applicant

Aldwincle Playgroup

Trinity Church Of England School Main Street Aldwincle Kettering

Agent

Waterland Associates Ltd

Waterland House 81 West Street Oundle PE8 4EJ

Date received

9 May 2011

Date valid

6 June 2011

Under the provisions of the Town and Country Planning Act 1990 the Local Planning Authority hereby **GRANT PLANNING PERMISSION** for the above development in accordance with the application and plans submitted, **subject to the following conditions** which are imposed for the reasons noted thereafter:

1. This permission shall be limited to a period of three years starting with the date of this permission and at the expiration of that period the use shall have been discontinued and the site restored to its former condition.

Reason: In the interests of visual amenity and to maintain proper planning control.

2. The works hereby permitted shall be carried out strictly in accordance with the approved plans (890 P/LP/00, received on the 6th June and 14th June 2011) unless otherwise agreed in writing by the local planning authority.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

Your attention is drawn to the following notes:

1. In approving this application, the relevant planning guidance and policies were identified as PPS1 of National Planning Policy Guidance, Policy 2 of the East Midlands Regional Spatial Strategy, Policy 13 of the North Northamptonshire Core Spatial Strategy 2008, Rural North, Oundle and Thrapston Plan. Having regard to these, the representations received and any reasons, the main issues were identified as the principle of development, visual impact and impact on neighbouring amenity. The application has been approved as:

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1. The siting and design of the mobile classroom would not harm the visual amenity or character of the area and is therefore acceptable as a temporary measure.
 2. The proposal would not have a significant impact on the amenities of neighbouring occupiers.
2. Attention is drawn to paragraph 7.2.1 of the case officers report which states "It is important to note that the mobile classroom is a temporary structure, fit for temporary accommodation. It should by no means be seen as a long term solution. In this instance, and given the current economic climate, it would be reasonable to grant another temporary consent for the mobile classroom but the applicants should be aware that, should a further application for a temporary consent be received, the local planning authority is likely to be seeking evidence that the school has explored more long term solutions to provide the necessary accommodation. A further issue of temporary consent is likely to be resisted."

Decision Date
29 July 2011

Signed:

T. G. Watson

Head of Planning Services

NOTE: This notice relates only to planning permission and does not include or imply consent under the Building Regulations or any other legislation for which a separate application may be required.

RIGHT OF APPEAL:

Your attention is drawn to the following notes which explain how to submit an appeal should you be aggrieved by the above decision.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant of permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 or Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990, within six months of the date of this notice. However, where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is within **28 days** of the date of the decision notice or of the date by which the Local Planning Authority should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the Local Planning Authority had to determine the application, the period for receiving the appeal is within **28 days** of the date the enforcement notice was served (unless this extends the normal 6 months or 12 week deadline) (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements, to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of responsibly beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 or Chapter III of the Planning (Listed Buildings and Conservation Areas) Act

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3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 or Section 27 of the Planning (Listed Buildings and Conservation Areas) Act

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Delegated Report

Printed: 28 July 2011

Case Officer **Amie Baxter**

EN/11/00705/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
9 May 2011	6 June 2011	1 August 2011	Barnwell	Aldwincle

Applicant **Aldwincle Playgroup**

Agent **Waterland Associates Ltd**

Location **Trinity Church Of England School Main Street Aldwincle Kettering
Northamptonshire NN14 3EL**

Proposal **Mobile classroom for a pre school playgroup (retrospective)**

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application seeks retrospective planning consent for a mobile class room which is associated with Trinity Church of England Pre-school.

2.2 The mobile classroom is already in situ and has been for approximately 6 years. Planning permission was obtained in 2006 for the erection of the mobile and a temporary consent was given for a period of three years. The three year period lapsed in 2009 and the mobile has been unauthorised for the past two years.

2.3 The mobile is timber framed with grey render under a green felt roof.

3 The Site and Surroundings

3.1 The application site accommodates a single storey primary school building and associated playing fields to the rear. The mobile classroom is positioned amongst mature trees and shrubs along the western boundary of the site.

3.2 To the west of the site is a residential property which has a stone boundary wall separating its rear garden from the mobile classroom and the school playing fields.

4 Policy Considerations

4.1 National Planning Policy Guidance
PPS1- Sustainable Development

4.2 East Midlands Regional Plan

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's was a material consideration. This decision was however challenged. The Court of Appeal has however recently ruled that the Government's intention to abolish Regional Strategies is a material planning consideration.

Policy 2-Promoting Better Design.

4.3 North Northamptonshire Core Spatial Strategy

Policy 13 General Sustainable Development Principles

4.4 Rural North, Oundle and Thrapston Plan

At the Full Council meeting on Monday 18 July 2011 members resolved to adopt the Rural North Oundle and Thrapston Plan. This decision must now be taken into consideration in

relation to any items that affect the Rural North area of the district.

5 Relevant Planning History

5.1 06/01351/FUL. Temporary building for Aldwincle Playgroup. Permitted for a period of three years on 15.08.2006.

6 Consultations and Representations

6.1 Neighbours: 7 letters of support have been received from neighbours and parents of children attending the school.

6.2 Aldwincle Parish Council: No comments to make.

6.3 Highways Authority: No objection.

6.4 Ramblers Association: No comments to make.

7 Evaluation

7.1 The main considerations in the determination of this application are, principle of development, visual impact and impact on residential amenity.

7.2 Principle of development

7.2.1 It is important to note that the mobile classroom is a temporary structure, fit for temporary accommodation. It should by no means be seen as a long term solution. In this instance, and given the current economic climate, it would be reasonable to grant another temporary consent for the mobile classroom but the applicants should be aware that, should a further application for a temporary consent be received, the local planning authority is likely to be seeking evidence that the school has explored more long term solutions to provide the necessary accommodation. A further issue of temporary consent is likely to be resisted.

7.3 Visual Impact

7.3.1 Views of the mobile from the street are possible but the mobile is largely obscured by trees, shrubs and a 1.8 metres high fence to the south of the mobile. Given the neutral colouring of the mobile and as it does not have any dominance within the streetscene, the mobile does not have an adverse impact on the character and appearance of the site or the streetscene.

7.4 Impact on neighbouring amenity.

7.4.1 The mobile is positioned against the western boundary of the site which is shared with 48 Main Street. The mobile is single storey and is positioned approximately 22 metres from the rear of number 48. Therefore, the mobile does not have a negative impact in terms of overshadowing and it does not have an overbearing impact. The windows within the mobile look over land associated with the school only. No other properties are affected.

8 Other issues

8.1 Parking- The mobile classroom has not been within the existing car park so parking provision is not affected.

9.0 Conclusion

9.2 In recommending this application, the relevant planning guidance and policies were identified as PPS1 of National Planning Policy Guidance, Policy 2 of the East Midlands Regional Spatial Strategy, Policy 13 of the North Northamptonshire Core Spatial Strategy 2008, Rural North, Oundle and Thrapston Plan. Having regard to these, the representations received and any reasons, the main issues were identified as the principle of development, visual impact and impact on neighbouring amenity. The application has been recommended for approval as:

1. The siting and design of the mobile classroom would not harm the visual amenity or character of the area and is therefore acceptable as a temporary measure.
2. The proposal would not have a significant impact on the amenities of neighbouring occupiers.

10 Recommendation

10.1 That the planning application be APPROVED subject to the following conditions:

11 Conditions/Reasons -

1. This permission shall be limited to a period of three years starting with the date of this permission and at the expiration of that period the use shall have been discontinued and the site restored to its former condition.

Reason: In the interests of visual amenity and to maintain proper planning control.

2. The works hereby permitted shall be carried out strictly in accordance with the approved plans (890 P/LP/00, received on the 6th June and 14th June 2011) unless otherwise agreed in writing by the local planning authority.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as PPS1 of National Planning Policy Guidance, Policy 2 of the East Midlands Regional Spatial Strategy, Policy 13 of the North Northamptonshire Core Spatial Strategy 2008, Rural North, Oundle and Thrapston Plan. Having regard to these, the representations received and any reasons, the main issues were identified as the principle of development, visual impact and impact on neighbouring amenity. The application has been approved as:

1. The siting and design of the mobile classroom would not harm the visual amenity or character of the area and is therefore acceptable as a temporary measure.

2. The proposal would not have a significant impact on the amenities of neighbouring occupiers.

2. Attention is drawn to paragraph 7.2.1 of the case officers report which states "It is important to note that the mobile classroom is a temporary structure, fit for temporary accommodation. It should by no means be seen as a long term solution. In this instance, and given the current economic climate, it would be reasonable to grant another temporary consent for the mobile classroom but the applicants should be aware that, should a further application for a temporary consent be received, the local planning authority is likely to be seeking evidence that the school has explored more long term solutions to provide the necessary accommodation. A further issue of temporary consent is likely to be resisted."

Case Officer: [REDACTED]

Date: 28/7/11

Delegated Officer: [REDACTED]

Date: 29/7/11

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