DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H15-0217-21** | **Applicant:** | **Lincolnshire County Council** |
| **Proposal:** | Retention of existing single mobile classroom - retrospective - approved under H15-0329-19. Modification of Condition 2 to allow the retention of the classroom for a further period of 5 years. | | |
| **Location:** | Quadring Cowley And Browns School Cross Gate Donington | | |
| **Terminal Date:** | 19th March 2021 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

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| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |

**National Guidance**

**National Planning Policy Framework 2019**

Section 12. Achieving well-designed places
Section 16. Conserving and enhancing the historic environment

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| WARD MEMBER | 0 | 0 | 0 | 0 |

CASE OFFICER ASSESSMENT

**Proposal**

This is a Regulation 3 (retrospective) planning application for the retention of an existing single mobile classroom at Quadring Cowley and Browns School, Cross Gate, Donington, Spalding. An application was approved in 2019 (under H15-0329-19) for the retention of the classroom for 5 years. This application is to modify Condition 2 of that approval to allow the retention of the classroom for a further period of 5 years.

The purpose of the mobile classroom is to provide floorspace for school activities which cannot be accommodated inside the main block. These activities are intervention, small group work, special classes, school clubs, meetings and special events.

## Site Description

The school is a single-storey large building with subsequent extensions. The mobile classroom is located to the rear of the block and adjacent to the northern boundary. It is positioned across the curtilage and adjacent to the outdoor play area. The main access is on the western front elevation with an access ramp. A fire door with steps is on the rear elevation. A dual pitched roofed canopy is between the main rear door of the school block and the rear access of the mobile classroom. The finished floor levels are set half a metre from the ground floor on account of slightly irregular site levels of the unit location. The resulting height of the mobile unit is not excessive in relation to that of the school block. 5 no. windows are on each side elevation.

The Grade I Listed Building St. Margaret's Church is approximately 50 metres to north-east. A hedgerow of plants and shrubs is just behind the rear boundary which would mitigate the visual impact of the outbuilding towards the churchyard of St. Margaret's. Farm houses are accessed from the road to east and west.

## History

H15-0329-19- Approved- 16-04-19- Retention of existing single mobile classroom - retrospective.

## Consultation Responses

Local Highway and Lead Local Flood Authority- No observations.

## Planning Considerations

Principle

The site is outside the settlement boundaries of Donington and Quadring, and is considered to be in the countryside in planning policy terms. Policy 1 of the South East Lincolnshire Local Plan, 2019 states that "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". Given the ancillary use of the development, the proposed building cannot be located elsewhere within the defined settlement limits of urban settlements. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise (according to section 70(2) of the Town and Country Planning Act 1990).

Layout, Design, Size and Scale

The green painted walls and white painted fascia board dominate the overall appearance of the building. The windows are made of aluminium and timber is the material of the doors. Although these materials differ from the mixed brown facing brickwork of the school building, the appearance of the mobile classroom relates well with that of the main building on the site and the visual amenity is still preserved. The building appears to not have deteriorated and is still acceptable in terms of visual and design.

The mobile classroom measures approximately 5.56 metres in width, 11 metres in depth and 3. 27 metres in height. The height of the mobile unit is not excessive in relation to that of the school block. 5 no. windows are on each side elevation. Having regard to the scale of the school, the unit conforms with the main building in terms of scale, mass and bulk.

A hedgerow of plants and shrubs is just behind the rear boundary which mitigate the visual impact of the building towards the churchyard of St. Margaret's adjacent to the north-east.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Impact upon Residential Amenity

No residential building is adjacent to the application site, therefore the proposal would not cause any adverse impact in terms of residential amenity. The proposal therefore complies with Policies 2

and 3 of the South East Lincolnshire Local Plan, 2019 in this regard.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed retention of the existing single mobile classroom will not materially harm the character or appearance of the locality or amenity of nearby residents and the nearby listed church. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

## Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## Conclusion

The recommendation is therefore for a delegated approval.