

PLANNING AND REGULATORY COMMITTEE

25 SEPTEMBER 2018

PROPOSED RENEWAL OF PLANNING CONSENT FOR A MOBILE CLASSROOM AT SEDGEBERROW CE FIRST SCHOOL, MAIN STREET, SEDGEBERROW, EVESHAM

Applicant

Worcestershire County Council

Local Member(s)

Mrs E A Eyre (Broadway Division)

Purpose of Report

1. To consider a Regulation 3 planning application for a Proposed Renewal of Planning Consent to retain a Mobile Classroom at Sedgeberrow CE First School, Main Street, Sedgeberrow, Evesham.

Background

1. Sedgeberrow CE First School currently has 175 pupils on role with capacity for 180. The school takes pupils aged 4-10 years old from Reception to Year 5. This application is seeking planning permission to retain an existing double mobile classroom. The planning permission for this mobile classroom expired on 31 December 2016.
2. In terms of the site's planning history, planning permission was granted for the replacement of a single mobile classroom with a double mobile classroom on 20 December 1995.
3. Planning permission was granted by Worcestershire County Council for the replacement of this double mobile classroom with the existing double mobile classroom currently on site on 12 October 2010 (Application Ref no. 10/000072/REG3). Planning permission was granted for an extension of time for the double mobile classroom to remain at the site until 31 December 2016 on 17 March 2014 (Application Ref no. 13/000067/REG3).
4. A single mobile classroom is also present at the site, which was installed in May 1997. The applicant states that this mobile has planning permission by virtue of Permitted Development rights.

The Proposal

5. The applicant is proposing a Renewal of Planning Consent to retain a Mobile Classroom at Sedgeberrow CE First School, Main Street, Sedgeberrow, Evesham.

6. The proposal would allow the existing double mobile classroom to be retained on site for a period of five years. The applicant states that this time span would allow Worcestershire County Council's Children, Families and Communities Directorate (CFC) to incorporate the need to replace the double and single mobile classrooms at the school with a permanent three classroom solution within its five year plan from 2018-2023. The applicant states that this would be subject to future demand, funding, and responsibilities. They state that they are provisionally incorporating the project to feature in the 2021 budget year.

7. The double mobile classroom consists of two classrooms and a toilet block, which the applicant states fulfils a basic need for the school. The mobile measures approximately 146m² in area.

8. The double mobile classroom holds 30 pupils in each classroom and 4 staff members. The toilet block is used by 90 pupils. The double mobile classroom provides classroom space to approximately one third of the school's pupils

9. In terms of sustainability, the applicant states that the double mobile classroom has a rain water harvesting system using water butts fitted to the existing downpipes. Percussion taps within the unit also prevent unnecessary water consumption. In addition, the applicant states that the double mobile classroom has had a new heating and air conditioning system fitted in 2018 with a Band A+ energy efficiency rating.

The Site

10. Sedgeberrow CE First School is located on Main Street in Sedgeberrow village, approximately 5.1 kilometres to the south west of Evesham town centre.

11. The school is located to the south west of Sedgeberrow village in a predominantly residential area with residential properties on three sides of the site, and open fields to the north east of the site.

12. The school site is accessed directly from Main Street (C2257).

13. The site measures approximately 146m² in area.

14. The main single storey school building, one single mobile classroom and one double mobile classroom are located on the south eastern side of the school site. Staff and visitor parking are located on the north western side of the school site.

15. The existing double mobile classroom is located to the north east and to the rear of the main school building approximately 6 metres from the school site's south eastern boundary.

16. The nearest residential property to the double mobile classroom is No. 92 Main Street, which is located approximately 25 metres to the south of the site.

17. The site lies in Flood Zone 1 (a low-risk zone).

Summary of Issues

18. The main issues in the determination of this application are:

- Need to retain school places
- Design

Planning Policy

National Planning Policy Framework (NPPF)

19. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes). The revised NPPF replaces the previous NPPF published in March 2012.

20. Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

21. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

22. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

23. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

24. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

25. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

The Development Plan

26. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this proposal consists of the Adopted South Worcestershire Development Plan.

27. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

28. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

South Worcestershire Development Plan

SWDP 1: Overarching Sustainable Development Principles

SWDP 2: Development Strategy and Settlement Hierarchy

SWDP 4: Moving Around South Worcestershire

SWDP 21: Design

SWDP 22: Biodiversity and Geodiversity

SWDP 25: Landscape Character

SWDP 27: Renewable and Low Carbon Energy

SWDP 28: Management of Flood Risk

SWDP 29: Sustainable Drainage Systems

SWDP 30: Water Resources, Efficiency and Treatment

SWDP 31: Pollution and Land Instability

SWDP 38: Green Space

Consultations

29. **County Councillor Eyre** has made the following comments:

- 50% of the school are mobiles. There are two mobiles.
- The oldest mobile is 30 years old from new, it has no toilets, smells in the winter, and has mould/mushrooms growing on the fabric in the damp winter.
- The other mobile is a 2008 double mobile with toilets, but also a rotten fabric. Water freezes in the pipes in winter, the smell in the classrooms comes from the toilet seals at the rear. It seems quite an expensive refurbishment job.
- Both mobiles have electrical problems in some cases from water coming through the roof. The wall strength is a problem for modern materials such as a White Board. Cladding repairs are needed.
- Planning permission ran out for the double mobile 18 months ago. The planning permission previously was for 3 years with a condition that the mobile be removed from site by 31 December 2016.
- Both mobiles need a condition survey but this is not happening until October. In view of the age of the mobile, she asked that the planning application was not heard until the condition survey took place. She was advised that this could delay planning even further until Christmas.
- She notes that the school was advised a condition survey did not cover electrical, mechanical and the roof. She is very surprised that a Worcestershire County Council condition survey is not as thorough as she believes it should be.
- As a long-standing local member, she can remember these mobiles coming before planning committee a few years ago. Worcestershire County Council mechanisms should ensure that there is no period when planning permission has lapsed and conditions have not been followed up. She thinks a recommendation of this planning committee to the Local Authority should be

that a full condition survey should be just that; covering all aspects that might affect health and safety and the education of children. This planning committee should follow up on this additional recommendation.

- The school has done a remarkable job in continuing to cope with a very small capital budget on the issues the mobiles have thrown up. The school only has £5000 of capital budget per pupil. This element is really for moderate repairs and maintenance. The school cannot be asked to keep patching and repairing. There are only £7000 S106 monies and £9-11,000 New Homes Bonus monies to come. The whole scenario is compromised. When the school spends its hard pressed money it in fact changes temporarily the condition survey and whether a new mobile will be ordered. This is a chicken and egg situation.
- Attendees at a meeting in August were advised that the cost for replacing the mobiles would be around £750,000 to £1,000,000. The basic needs budget is too small. It was advised that another school needed capital because it had 14 mobile classrooms and that other mobiles needed to be replaced because they were in a conservation area, and that these should be dealt with first. Surely education and well-being is more important?
- This school on the edge of Worcestershire has been neglected. The Local Authority is taking advantage of the hard work of the staff to keep the school going. The cost reduction in the children's basic education budget to back fill the missing money for maintenance etc. is just not fair to the children in the year group.
- In summary, the mobile has been on site illegally for 18 months with no planning consent.
- The school cannot leave the mobile in place for another 3 years to 2020. The earlier planning application stated that a mobile classroom is a temporary structure and is not suitable for permanent retention on site. It had a condition that it would be removed.
- Whilst the size of the cost envelope to build is appreciated and the complications that ensue are appreciated, it is not reasonable for the County Council not to address, with more pace, the needs of the children at this school which is rated outstanding. We cannot leave this mobile with no planning permission.
- She asks the following of the Planning and Regulatory Committee:
 - To approve this application for 12 months only extension;
 - That a planning condition be imposed that there will be a review after 12 months when the fabric of the building condition survey plus the school's independent surveys on the roof, the electrics and other aspects of the school will be available to better understand the Educational and Health and Safety risks associated with the mobiles;
 - That, mindful of the effect of poor fabric on the education of the children and the well-being of the teachers and the effect of mould on the health of

the children, that a condition be imposed that some funding be found by the Local Authority to supplement the school's very small capital budget until a more permanent building can be completed to minimise the reduction of educational grant diverted to support the mobiles;

- That any access issues needed for those with disabilities are addressed with pace, i.e. ramps, adequate access and space; and
- To urge the Local Authority, mindful of the need and in a spirit of fairness to taxpayers equally across the County to redress the issues here and begin work (project planning, feasibility study etc.) to arrive as swiftly as possible at a permanent solution as soon as possible.

30. **Wychavon District Council** have stated no objections and have the following comments:

- The classroom is sited in Flood Zone 1 and at low risk of surface water flooding. The classroom is close to a footpath but will not affect, nor be affected by it
- Visually, the classroom is hidden from wider public view on this part of the site behind the main school building and as such, it is not considered that it will have a significant visual impact
- The design allows it to function and provide the teaching room needed by the school and that the scheme complies with Policy SWDP37.

31. **Sedgeberrow Parish Council** state that they object to the renewal of consent for the mobile classroom and have the following comments:

- Mobile classrooms have been on the site for over 25 years and that they do not meet current Health and Safety standards, nor are they suitable to provide access for the disabled
- The previous renewal of planning permission for 3 years was approved on 17/3/2014 with a condition requiring removal by 31/12/2016. They comment that as the mobile classroom has been on the site illegally for 18 months with no planning consent, the Parish Council question whether this application for renewal is valid
- The earlier planning approval states that a mobile classroom is a temporary structure and is not suitable for permanent retention on site
- It is imperative that the mobile classrooms are replaced with modern permanent structures with immediate effect and that a renewal for a further 5 years is totally unacceptable.

32. **The County Ecologist** comments that there are no proposed changes to the mobile classroom and have no comments to add on ecology.

33. **The County Highways Officer** has no objections.

34. **The County Landscape Officer** comments that they see no particular impact for landscape. The development will fit within the existing morphology of the school and 1997 mobile classroom with no identifiable issues for the immediate or wider townscape character. They comment that they have no objections, concerns, or recommendations for mitigation, which would be unwarranted in this case.

35. **The Lead Local Flood Authority** have no comments.

36. **The County Sustainability Officer** has no comments.

37. **The Hereford and Worcester Fire and Rescue Service** have made no comments.

38. **The South Worcestershire Land Drainage Partnership** have made no comments.

39. **West Mercia Police** have stated that they have no concerns or objections.

Other Representations

40. The application has been advertised on site, and by neighbour notification. To date there have been 2 letters of representation commenting on the proposal. These letters of representation are available in the Members' Support Unit. Their main comments are summarised below:

- Objection to the application
- Concern that granting approval for a further 5 years is too long and will reinforce the lack of attention and effort from Worcestershire County Council experienced to date by the governing body to replace the temporary mobile structure. A temporary double mobile classroom has been on site in this location for over 25 years with the current structure erected in 2010. This structure was not new at the time of placement and replaced a previous structure that was put in place in the late 1990s
- Concern that the wording in the proposal is vague and ambiguous and provides the governing body with zero confidence that Worcestershire County Council are committed to replacing the temporary mobile classroom with a permanent 3 classroom solution within the timescales quoted
- Concern that, without remedial work or replacement of the temporary mobile classroom, the proposal is not compliant with the Equality Act and does not provide a suitable environment for those with disabilities, i.e. no wheelchair access, no disabled toilet facilities, doorways too narrow for wheelchairs, and no suitable fire escapes
- Concern that the timescales provided for replacement with permanent classrooms do not take into account the future needs of those with disabilities. The temporary mobile classrooms are unsuitable for those with disabilities in that they do not enable independent access to classrooms or toilets (which affects equal treatment in terms of learning and social ability) and do not allow fire escape. In addition, concern that the timescales for replacement would lead to

replacement not being carried out in a timely manner, which would lead to those with disabilities being located in an unsuitable environment for longer than would otherwise be necessary

- Concern that the ongoing uncertainty regarding the future of the temporary mobile is making it difficult for the governing body to plan and manage their capital expenditure in a way that ensures it is beneficial for children being educated at the school. The proposed 5 years in this application and the vague statement of intent from Worcestershire County Council make it impossible to plan ahead with any certainty
- Concern that it is no longer acceptable that the temporary mobile classrooms provide only a basic education need to Sedgeberrow C of E First School
- Comments that the Governing Body do not believe the proposal is commensurate with the South Worcestershire Development Plan because:
 - It does not build a better environment today and tomorrow because the mobile classrooms have been in situ for more than 25 years and are degrading to a point where the learning environment for the pupils being taught in them is being significantly impacted. The mobile classrooms are not providing a better environment for today's pupils, will only get worse for future pupils, and are not keeping pace with the demands of today's education curriculum.
 - The temporary mobiles are not fit for purpose from a health and wellbeing perspective. The buildings are in an increasing state of disrepair, there is limited storage space and only basic (not disabled friendly) toilet facilities that are not sufficient to cope with the demands of 90 pupils. The school has already had to invest significant amounts of its limited capital budget in order to ensure that the temporary mobile classrooms are weather proof and don't impact the health of the pupils being educated in them. E.g. in the financial year 2017/18 the decision has been taken to use a substantial element of funding to fit air conditioning units to ensure the temperatures in the temporary mobile classrooms are regulated to an acceptable level and that they can be used all year round.
- Requests for the following:
 - A shorter permission of 2 years.
 - A proactive approach from Worcestershire County Council and all other parties to replace the temporary mobile classrooms as soon as possible.
 - A stronger, definitive commitment from Worcestershire County Council to commit funding to replace the temporary mobile classrooms with a permanent structure.
 - An agreed plan with timescales for the design and build of a permanent structure.
 - That this application is taken to full council for the planning committee to properly debate and consider.

The Head of Strategic Infrastructure and Economy's Comments

41. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Need to retain school places

42. The proposal would involve the retention of an existing double mobile classroom at the school for a temporary period of five years. The applicant states that the mobile would be required for this length of time in order to develop a plan for permanent accommodation at the site.

43. Wychavon District Council has no objections and comment that the design allows the classroom to function and provide teaching room needed by the school. They also comment that the scheme would comply with Policy SWDP37. Councillor Liz Eyre comments that the mobile should only be allowed to be retained on site for a period of 12 months. Sedgeberrow Parish Council comment that they object to the proposal. Two letters of representation express objections to the proposal, whilst one letter requests a shorter permission of two years in the event that approval is granted, together with a definitive commitment from the County Council to commit funding to replace the temporary mobile classrooms on site with a permanent structure.

44. In terms of the Development Plan, Policy SWDP37 of the South Worcestershire Development Plan states that any proposal that would result in the loss of a building currently used as a community facility will only be permitted if an alternative community facility which meets local needs to at least the same extent is, or will be, provided in an equally or more accessible location. In addition, the material consideration of Paragraph 94(a) of the NPPF requires planning authorities to give great weight to the need to create, expand or alter schools through decisions on applications.

45. Taking into account the comments of Wychavon District Council, the Head of Strategic Infrastructure and Economy considers that the proposal to retain the existing double mobile classroom, which currently provides classroom space to approximately one third of the school's pupils, would accord with Policy SWDP37. It is considered that refusing planning permission would not comply with Policy SWDP37 because there would be no alternative community facility in place to provide one third of Sedgeberrow CE First School's classroom space. Therefore, it is considered that the proposal would be acceptable in terms of the need to retain school places, subject to a condition requiring the removal of the double mobile classroom within five years in order to allow the applicant time to develop a plan for permanent accommodation at the site. A condition requiring the removal of the double mobile classroom in 12 months is considered to be unreasonable in view of the applicant's rationale for 5 years being the time required to permanently replace the mobile.

Design

46. The proposal would involve the retention of an existing double mobile classroom at Sedgeberrow CE First School. The mobile classroom has been at the site since October 2010 and is displaying signs of age as a result of weathering, such as peeling exterior panelling in some areas.

47. Wychavon District Council comment that the design allows the double mobile classroom to function and provide teaching room needed by the school. In addition, they comment that the classroom is hidden from wider public view and would not have a significant visual impact. The County Landscape Officer comments that they have no objections or concerns regarding landscape or townscape character.

48. County Councillor Eyre comments that the school cannot be asked to keep patching and repairing the mobile. She comments that the double mobile has a rotten fabric, water freezes in the pipes in winter, and the classrooms smell from toilet seals at the rear, amongst other electrical problems. She comments that the poor fabric of the mobile has a negative effect on the education of the children the well-being of teachers, and the health of the children from the effect of mould.

49. She comments that she requested a condition survey be carried out before the application is determined by the Planning and Regulatory Committee. She comments that a planning condition should be imposed to limit the planning permission to 12 months, by which time the condition survey will be available to better understand the educational and health and safety risks associated with the mobiles. She also recommends a condition requiring that funding be found to supplement the school's capital budget until a permanent building can be completed to minimise the reduction of educational grant diverted to support the mobiles. She also comments that any access issues for those with disabilities should be addressed with pace, i.e. ramps, adequate access and space.

50. Sedgeberrow Parish Council object to the application and comment that the mobile classrooms do not meet current health and safety standards, nor are they suitable for providing access to the disabled. They comment that it is imperative that the mobile classrooms are replaced with modern permanent structures with immediate effect and that a renewal for a further 5 years would be totally unacceptable.

51. Two letters of representation object to the application. The letters comment that without remedial work or replacement, the temporary mobile classroom would not be compliant with the Equality Act and would not provide a suitable environment for those with disabilities. A letter expresses concern that the uncertainty regarding the permanent solution for replacement of the mobiles is making it difficult for the school to manage their capital expenditure. A letter comments that it is no longer acceptable for the temporary mobile classrooms to provide only a basic educational need for the school. The letter comments that the proposal would not comply with the South Worcestershire Development Plan because the mobiles are degrading to a point where the learning environment is significantly impacted. The mobile would not provide a better environment for pupils and would not keep pace with the demands of today's education curriculum. The letter also comments that the mobiles are not fit for purpose in terms of health and wellbeing, provide limited storage space, have basic toilet facilities insufficient for 90 pupils, and are increasingly difficult to weather proof requiring substantial investment for temperature regulation.

52. Policy SWDP21 of the South Worcestershire Development Plan states that all development will be expected to be of a high design quality and will need to integrate effectively with its surroundings in terms of its form and function. In addition, the

policy indicates that development should complement the character of the local area and that materials used should be of high quality.

53. Taking into account the comments of County Councillor Eyre, Sedgeberrow Parish Council, and one of the letters of representation, the Head of Strategic Infrastructure and Economy considers that the double mobile classroom would not accord with Policy SWDP21 due to its deteriorating condition and low quality external appearance, which would not complement the character of the area.

54. However, in terms of the concerns expressed regarding the condition of the double mobile classroom, it is considered that the deteriorating condition of the double mobile classroom does not compromise its essential function of providing classroom spaces for pupils at the school to such an extent that teaching is not possible. The mobiles have been kept in an acceptable condition and modifications have been made to keep pupils safe for learning. In addition, the applicant has supplied the latest condition survey for the double mobile classroom dated 2013, which did not identify any elements of the building as below 'B Satisfactory' condition. The applicant has also supplied the latest electrical survey dated March 2018, which identified a number of 'non-compliant' and 'life expired' elements at the double mobile classroom. The cost of these works was estimated at £4,000. The applicant states that works below £15,000 are the responsibility of the school, who manage their own building maintenance arrangements under delegated responsibility.

55. The Head of Strategic Infrastructure and Economy considers that an updated condition survey is not required to determine this application. The deteriorating condition of the mobile is already considered to not accord with the development plan in terms of design without an updated survey. In addition, if an updated condition survey identified works required that directly involved health and safety concerns then these would need to be addressed via appropriate repairs, which would be the responsibility of Sedgeberrow First School under their delegated responsibility (subject to being below £15,000 in costs). Members are also advised that repairs (providing they do not materially affect the external appearance of the mobile) would not constitute 'development' as defined in Section 55 the Town and Country Planning Act 1990 and would, therefore, not require planning permission.

56. Regarding the concerns expressed about the suitability of the double mobile classroom for those with disabilities and compliance with the Equality Act, policies in the Development Plan do not require the addition of ramps to the double mobile classroom. In addition, the applicant states that at the appropriate time, the school would be expected (under delegated responsibility) to undertake reasonable adjustments to the double mobile classroom to ensure any student could access/egress these classrooms with relative ease. The applicant states that the school has the option to re-organise its class bases to ensure there is no need for students with disabilities to have to access the mobile classrooms, a practice known to be in use by several schools in order to minimise expensive and disruptive building operations. The applicant also states that building improvements have been completed at the main school building to aid better access to the curriculum, and that any new build commissioned at the school would be Disability Discrimination Act compliant and not present any access issues for users with disabilities.

57. The County Planning Authority's Principal Planning Solicitor comments that the Council, as the Education Authority, has a duty to have regard to Equalities objectives

with respect to disabled pupils, and has a specific duty to make reasonable adjustments. They comment that the applicant's approach of requiring reasonable adjustments to be made by the school at the appropriate time accords with Equalities objectives and the duty to make reasonable adjustments.

58. The Head of Strategic Infrastructure and Economy considers that reasonable adjustments in the case of this double mobile classroom at the school would likely include the installation of ramps for suitable and safe access/egress, and other adjustments subject to specialist advice. Ramps, subject to their final design, would likely be granted planning permission at the appropriate time by virtue of Permitted Development rights under Part 4 (Class A) – temporary buildings and structures of the Town and Country Planning (General Permitted Development) (England) Order 2015.

59. Taking into account the above considerations, the Head of Strategic Infrastructure and Economy considers that the proposal would not be acceptable in terms of design overall, but that the building's essential function as a teaching space would not be compromised as a result of the proposal to retain the double mobile classroom. In addition, the Head of Strategic Infrastructure and Economy considers that the proposal would accord with the Council's Equalities duties taking into account the comments of the County Planning Authority's Principal Planning Solicitor. A condition requiring the removal of the mobile in 12 months in order to consider an updated condition survey is, again, considered to be unreasonable in view of the applicant's rationale for permanent replacement and their consideration that this would take 5 years.

Conclusion

60. The proposed development seeks planning permission to retain a Mobile Classroom at Sedgeberrow CE First School, Main Street, Sedgeberrow, Evesham.

61. The Head of Strategic Infrastructure and Economy considers that the retention of the existing double mobile classroom would, overall, accord with the development plan in a planning balance exercise for the following reasons.

62. Firstly, whilst the concerns expressed regarding the physical condition of the mobile in terms of its suitability for giving pupils the best possible learning environment (and the absence of high quality design which complements the character of the local area) are important, the weight carried by these concerns is not considered sufficient to outweigh the great weight that should be applied to the need to retain an existing community facility required by Policy SWDP37 and Paragraph 94(a) of the NPPF. The Head of Strategic Infrastructure and Economy considers that it would be wholly unreasonable to refuse planning permission and remove approximately one third of Sedgeberrow CE First School's classroom spaces with no alternative provision in place without considering the use of a planning condition that would allow the applicant sufficient time to develop a plan for permanent accommodation.

63. Secondly, the concerns expressed regarding the suitability of the double mobile classroom for those with disabilities, whilst sensitive and material considerations, are considered to be manageable in the way the school uses its buildings. The Development Plan policies do not require the addition of ramps to the double mobile

classroom. In addition, the County Planning Authority's Principal Planning Solicitor has confirmed that the applicant's approach to undertake reasonable adjustments at the appropriate time would accord with the County Council's Equalities duties.

64. Overall, the Head of Strategic Infrastructure and Economy considers that the planning balance lies in favour of retaining the existing double mobile classroom on site, subject to a condition requiring its removal within five years in order to allow the applicant time to develop a plan for permanent accommodation at the site.

65. Notwithstanding the above conclusion, the Head of Strategic Infrastructure and Economy agrees that permanent accommodation solutions for temporary mobile classrooms across Worcestershire should be sought as a priority in the interests of providing good quality learning environments for children in Worcestershire.

66. Taking in to account the provisions of the Development Plan and in particular Policies SWDP 1, SWDP 2, SWDP 4, SWDP 21, SWDP 22, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30, SWDP 31 and SWDP 38 of the South Worcestershire Development Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

67. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the Proposed Renewal of Planning Consent to retain a Mobile Classroom at Sedgeberrow CE First School, Main Street, Sedgeberrow, Evesham, subject to the following condition:

Requirement to remove the temporary mobile classroom

- a) The double mobile classroom and all associated infrastructure shall be removed from the site by 1 September 2023. Prior to the removal of the double mobile classroom and associated infrastructure, a scheme for the reinstatement of the land on which the double mobile classroom is situated shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the land shall be reinstated in accordance with the approved scheme.**

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference: 18/000026/REG3.