
Delegated report Officer: Thomas Beardsmore

Application ref. DMPA/2021/0879

The erection of a temporary toilet building at Foremark Hall, Unnamed Road To The Grove From C241
At Foremark, Foremark, Derby, DE65 6EJ

Valid date: 28/05/2021

Consults expired: 23/07/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2017/0052 Installation of new bollard lighting to the central car park, and external alterations to the existing plant room within the changing block to create two new WCs - Approved April 2017

9/2015/1167 Demolition of an existing brick and portacabin dining hall and erection of a new build detached dining facility, along with relocation and installation of a new electrical substation and access drive - Approved February 2016

9/2012/0981 The variation of condition 2 of planning permission 9/2010/0819 to allow for alterations to internal road and parking layout - Approved January 2013

9/2011/0255 The construction of two temporary classroom blocks - Approved May 2011

9/2010/0819 The demolition of existing buildings and construction of a new music school, classroom block and cdt/ art block - Approved December 2010

Various other applications for listed building consent.

Responses to consultations and publicity

Environmental Health - No concerns or comments about the implications of this proposed development.

Conservation Officer - The proposal would have an adverse impact upon the immediate context of the former walled garden walls however this would be very minor if the proposal is for a time limited period, particularly given the proposals to wrap the structure so as to, at least partly, blend with the brickwork of the existing 20th century building to its south.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy); S2 (Presumption in Favour of Sustainable Development); SD1 (Amenity and Environmental Quality); SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure); INF2 (Sustainable Transport); BNE3 (Biodiversity); BNE1 (Design Excellence) and BNE2 (Heritage Assets).
- Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development) and BNE10 (Heritage)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of Development; and
- Design and Heritage Impact.

Planning assessment

Principle of development

The proposal seeks permission for a temporary toilet building within the grounds of Foremark Hall and the Repton Prep school. The site is located outside of a settlement boundary as defined in the Local Plan, policy SDT1 states that outside settlement boundaries and allocated sites, within rural areas as defined by policy H1, development will be limited to that considered acceptable by policy BNE5. The justification for the proposed building as detailed within the supporting statement and an additional supporting email from the agent is that the additional toilets are required for a temporary additional classroom which has been converted from a library. During the current teaching year the school has had a large increase of children coming into the reception classes. At present they have 2 classrooms for reception, the children will go through 3 years in the reception classes before moving on to the Year 1 classrooms. Due to safeguarding measures the reception children need to be in the Lower prep buildings which is secured separately from the rest of the school. Once the children move onto Year 1, the school has the facilities already in place for them to use. After these children have gone through the reception classes the temporary toilet building will no longer be required. This justification is considered acceptable and as such the proposal is considered to comply with part iii) of policy BNE5, with the proposed development being unavoidable sustainable development that is located outside of a settlement boundary, part v) of BNE5 is to be assessed below.

Design and Heritage Impact

The proposal is for a temporary toilet building, the proposed plans and elevations show that the building would be for a portakabin measuring 4.9m x 2.9m, the three elevations that would be visible are to be wrapped with a vinyl brick effect wrap, designed to match the adjacent building. The application proposes siting the portakabin structure along the northern side of the existing 20th century school buildings and 90m to the east of the Grade I listed Foremark hall. There are a number of other listed structures associated with the hall, the nearest of which to the portakabin would be the former kitchen gardens located to the north and east of the proposed location, which are Grade II listed. In terms of the visual impact on the public realm and that of the open countryside, the proposed siting of the building would be such that it would be surrounded by existing buildings and is located centrally within the school grounds, therefore appearing as part of the existing built form in this area, there would be no views of the building from the closest public highway 400m to the north and as such the building would not be considered harmful to the character of the area.

The Council's Conservation Officer considers that the proposal would have an adverse impact upon the

immediate context of the former walled garden walls, however, this would be very minor if the proposal is for a time limited period as proposed by the applicant, particularly given the proposals to wrap the structure so as to, at least partly, blend with the brickwork of the existing 20th century building to its south. As such, subject to any approval granted being a temporary permission only it is considered that there would only be a minor adverse impact upon the significance of the nearby listed walled garden, this would be outweighed by the wider public benefits of allowing the school to continue to provide for the educational needs of all of its pupils via application of the test in paragraph 201 of the NPPF and that this would certainly be a substantial enough benefit to justify departure from the statutory presumption under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as such the proposal is considered to comply with policies BNE1, BNE2, part v) of BNE5 and BNE10.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	16/12/2021
Report agreed:	17/12/2021
Authorised officer:	Steffan Saunders
