

NORTH YORKSHIRE COUNTY COUNCIL

PLANNING AND REGULATORY FUNCTIONS COMMITTEE

22 SEPTEMBER 2009

**C4/09/00340/CCC - PLANNING APPLICATION FOR THE PURPOSES OF THE
RETENTION OF ELLIOTT UNIT 3133 ON LAND AT GEORGE PINDAR
COMMUNITY SPORTS COLLEGE, MOOR LANE, EASTFIELD, SCARBOROUGH
ON BEHALF OF THE CORPORATE DIRECTOR, CHILDREN AND YOUNG
PEOPLE'S SERVICES (SCARBOROUGH BOROUGH) (EASTFIELD AND
OSGODBY ELECTORAL DIVISION)**

1.0 PURPOSE OF REPORT

- 1.1 To determine a planning application for the retention of Elliott Unit 3133 on land at George Pindar Community Sports College, Moor Lane, Eastfield, Scarborough on behalf of the Corporate Director, Children and Young People's Services.
- 1.2 This application is subject to an objection having been raised by Scarborough Borough Council in respect of this proposal and is, therefore, reported to this Committee for determination.

2.0 BACKGROUND

- 2.1 A plan showing the application site is attached to this report.
- 2.2 George Pindar College is a specialist Community Sports College (designated in 2005) situated adjacent to an industrial area and housing estate on the outskirts of Scarborough. The College takes the majority of its students from Eastfield and the surrounding villages, areas of significant economic deprivation. There are currently 878 students on roll (aged 11 to 16 years) and the College has a net capacity of 969.
- 2.3 Elliott Unit 3133 was installed in its current position in 1996. Planning permission for Elliott Unit 3133 has been renewed in 1999, 2003 and 2006. The most recent planning permission (see Decision Notice C4/05/02465/CC, dated 6 February 2006) for Elliott Unit 3133 expired on 5 February 2009.
- 2.4 The Local Education Authority (Children and Young People's Services) states that George Pindar Community Sports College suffers from significant overcrowding, and serves an area of high deprivation. According to the Local Education Authority small class sizes are maintained to provide the best

possible opportunities for students. The Local Education Authority (Children and Young People's Services) states the net capacity calculation often does not accurately reflect space requirements when a school offers provision, which is biased towards more practical curriculum, with the related requirement for large spaces and small group sizes. George Pindar Community Sports College is a specialist college, which offers significant provision for sports alongside a vocational curriculum. Elliott Unit 3133 is used for the delivery of construction, a vocational part of the curriculum.

- 2.5 According to the Local Education Authority the school will form part of the first phase of the Building Schools for the Future (BSF) when all of the temporary classrooms will be addressed.

3.0 THE PROPOSAL

- 3.1 The Corporate Director, Children and Young People's Services requests a 3 year extension to the current planning permission.
- 3.2 The building is a single prefabricated classroom unit with timber clad walls with a textured Vandyke brown (BS 08 B 29) finish. The building is 8.2 metres in length, 8.2 metres in width and stands 3.3 metres high (flat felted roof). The building has a floor area of 67.3 square metres. Elliott Unit 3133 stands to the west of the main school complex adjacent to the annex that houses the Youth Club.

4.0 CONSULTATIONS

- 4.1 Scarborough Borough Council (Planning) - the Borough Council would raise objection to the retention of the classroom for a period in excess of one year and recommend that a more permanent and appropriately designed solution to accommodation needs at the school is now developed.
- 4.2 Eastfield Parish Council - has no objections to the application.
- 4.3 County Councillor Brian Simpson - was notified by letter.

5.0 ADVERTISEMENT AND REPRESENTATIONS

- 5.1 This application has been advertised by means of a Site Notice, which was posted at the front of the school on 2 March 2009. No letters of representation have been received. With respect to Neighbour Notification, in accordance with the County Council's adopted Statement of Community Involvement, it has been considered that the posting of a Site Notice, rather than wider neighbour notification has been an effective means of drawing the attention of local residents to the existence of the planning application.

6.0 PLANNING GUIDANCE AND POLICY

- 6.1 Planning guidance at the national level is provided in Planning Policy Statement (PPS) 1 entitled "*Delivering Sustainable Development*". PPS 1 encourages good forms of urban design and states specifically in paragraph 34 that high quality and inclusive design should ensure a place will function well and adds to the overall character of the site and quality of the area.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.3 The Development Plan comprises a number of planning documents including the Yorkshire and the Humber Regional Spatial Strategy (RSS) and any relevant Plan(s) adopted by the County and District (or Borough) Councils.
- 6.4 In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:
- the Yorkshire and the Humber Plan (forming the Regional Spatial Strategy (RSS) for the area);
 - any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under the direction of the Secretary of State; and,
 - any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.
- 6.5 At the regional level, consideration has to be given to the policies contained within the Regional Spatial Strategy (RSS) for Yorkshire and the Humber (adopted May 2008). However in this particular instance there are no planning policies contained in the Regional Spatial Strategy relevant to the determination of this planning application.
- 6.6 At the local level, consideration has to be given to the 'saved' policies contained within the Scarborough Borough Local Plan (adopted April 1999). In accordance with the provisions of the Planning and Compulsory Purchase Act 2004 after 27 September 2007 only the policies which were 'saved' by the Secretary of State can be considered as material planning considerations. With this in mind 'saved' policies H10 and E12 should be taken into consideration with respect to this proposal.
- 6.7 'Saved' policy H10, with regards to the protection of residential amenity, states that "planning permission will not be granted for development that would have a serious effect on residential amenity".

- 6.8 'Saved' policy E12, with regards to the design of new development, states that "planning permission will not be granted for development which by virtue of its design would detract from the appearance of the area in which it is located".

7.0 PLANNING CONSIDERATIONS

- 7.1 The Borough Council oppose the retention of Elliott Unit 3133 for a period in excess of one year and recommend that a more permanent and appropriately designed solution to accommodation needs at the school is now developed.
- 7.2 Elliott Unit 3133 has been on site for 13 years and despite the unit being constructed from temporary materials it is evident that it has not been a short-term solution to accommodation pressures. Elliott Unit 3133 is still in full time use as a general teaching classroom although the Local Education Authority (Children and Young People's Services) states that the school will form part of the first phase of the Building Schools for the Future (BSF) when all of the temporary classrooms on site will be addressed. It is considered that limiting the planning permission for the unit to one year would be unreasonable on the basis that the unit has been maintained in good physical and decorative order and is essential to the functioning of the school.
- 7.3 Elliott Unit 3133 stands to the west of the main school complex adjacent to the annex that houses the Youth Club. Elliott Unit 3133 is largely screened by the existing school buildings located to the north and east and the presence of the Youth Club annex ensures that the unit is not visible from the residential properties on Moor Lane to the west. It is considered that there would be no loss of residential amenity in terms of visual impact arising from the retention of this unit.
- 7.4 It is considered that the proposal complies with the provisions of 'saved' policies H10 and E12 of the Scarborough Borough Local Plan (adopted April 1999) as the retention of the unit would not have a detrimental impact on the area in which it is located or the surrounding residential properties.

8.0 CONCLUSION

- 8.1 It should be noted that there have been no material changes in circumstance since the previous grant of temporary permission and it has been evidenced that the unit is essential to the functioning of the school and its presence on site does not have a "serious effect on residential amenity" and neither does the unit visually detract from the area within which it is situated.
- 8.2 The unit has been maintained in good physical and decorative condition, which when considered in conjunction with its setting within the landscape has minimal impact upon visual and residential amenity. As a result it is considered that further retention of the unit would not conflict with 'saved' policies H10 and E12 of the Scarborough Borough Local Plan (adopted April

1999). On balance there are no substantive planning or environmental objections to the application and the application is recommended for approval.

9.0 RECOMMENDATION

9.1 That, **PLANNING PERMISSION BE GRANTED** as the proposal accords with 'saved' policies H10 and E12 of the Scarborough Borough Local Plan (adopted April 1999) subject to conditions to include:

1. The permission hereby granted is valid only until 5th February 2012 and the building shall be removed from the site before that date with the ground reinstated to its condition prior to the development hereby authorised having taken place.
2. The unit hereby authorised shall be maintained in a good state of repair for the duration of the planning permission.

Reasons

1. The building is constructed with temporary materials and the County Planning Authority wish to review the position at the end of the stated period to ensure the building have been satisfactorily maintained, presents an acceptable appearance in the interest of the visual amenities of the area, and no firm plans exist for its permanent replacement.
2. To safeguard the character of the site in the interest of visual amenity and so to comply with 'saved' policy E12 of the Scarborough Borough Local Plan (adopted April 1999).

RICHARD FLINTON
Corporate Director, Business and Environmental Services

Background Documents to this Report:

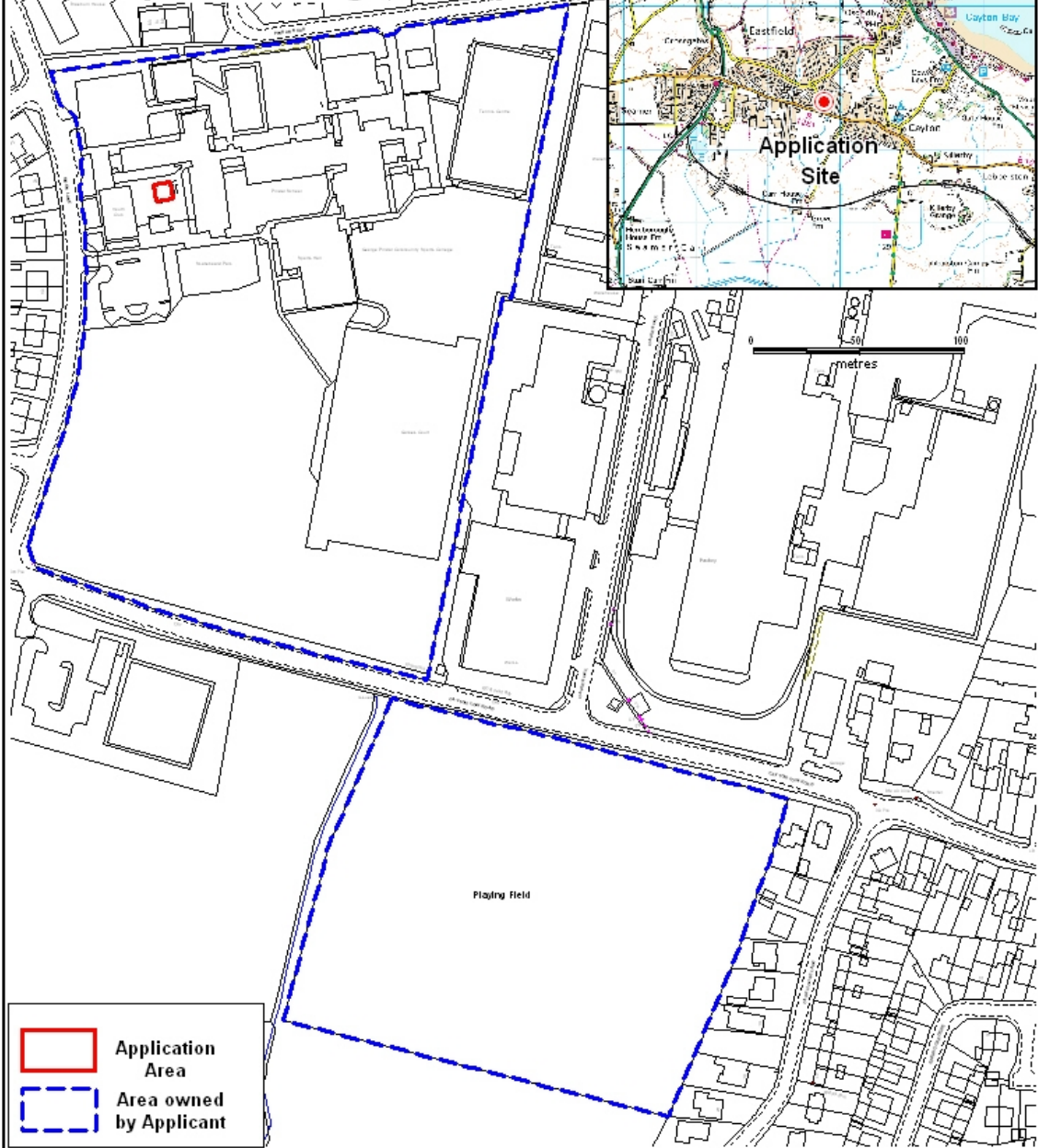
1. Planning Application Ref Number: C4/09/00340/CC (NYCC ref. no. NY/2009/0068/73A) registered and validated on 16 February 2009. Application documents can be found on the County Council's Online Planning Register by using the following web link:



<https://onlineplanningregister.northyorks.gov.uk/>

2. Statutory and, where applicable, non-statutory consultation responses received.

Case Officer: Alan Goforth

George Pindar Community Sports College



	Application Area
	Area owned by Applicant

Title: Application No : C4/09/00340/CCC

Planning application for the retention of Elliott Unit 3133 at George Pindar Community Sports College, Moor Lane, Eastfield, Scarborough

 N	Business and Environmental Services North Yorkshire County Council County Hall, Northallerton, North Yorkshire. DL7 8AH
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