

Delegated Report



Hinckley & Bosworth
Borough Council

Planning Ref: 24/00693/CONDIT

Applicant: Mr Ian Fulbrook

Ward: Groby

Site: Brookvale Groby Learning Campus, Ratby Road, Groby, Leicestershire

Proposal: Application to vary condition 2 (approved plans) and 3 (materials) on planning application 23/00937/FUL

Recommendations

1.1. **Grant planning permission** subject to

- Planning conditions outlined at the end of this report

Planning application description

2.1. Application 23/00937/FUL granted permission for the proposed construction of a new single storey building (following the demolition of three existing modular buildings)

2.2. This application seeks variation of condition 2 & 3 of application 23/00937/FUL which currently read as;

Condition 2: 'The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed East Elevation - Drg. No 5022335-RDG-XX-XX-D-B-092

Proposed South Elevation - Drg. No 5022335-RDG-XX-XX-D-B-093

Proposed West Elevation - Drg. No 5022335-RDG-XX-XX-D-B-094

Proposed North Elevation - Drg. No 5022335-RDG-XX-XX-D-B-095

Drainage Strategy - Drg. No 5022335-RDG-XX-DOC-C-0001 ver. P03

Proposed Site Plan- Drg No. No 5022335-RDG-XX-00-D-B-0023

Proposed Roof Plan- Drg No. No 5022335-RDG-XX-XX-D-B-091

Proposed Floor Plan- Drg No. No 5022335-RDG-XX-00-D-B-0901

Proposed Demolition Plan- Drg No. No 5022335-RDG-XX-00-D-B-0903

Proposed Block Plan- Drg No. No 5022335-RDG-XX-00-D-B-0924

Below Ground Drainage Layout- Drg No. No 5022335-RDG-XX-ST-PL-C-P03 all received 25/09/2023

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)'.

Condition 3: 'The materials to be used on the external elevations of the development shall accord with the approved Elevations and Floor Plans - received on 25/09/2023

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)'.

- 2.3 The applicant is seeking approval to convert the originally planned single-storey building into a modular building via variation of condition. Following a tender review of the contractor submissions, the client is over budget by circa £300-400k & to keep costs within budget the applicant has decided to go down a modular approach as opposed to a traditional brick built building. The applicant believes a modular approach is more cost-effective, both in terms of initial construction costs and long-term maintenance. The precision of factory fabrication reduces the likelihood of costly errors and rework, and the high-quality materials used in modular construction can lead to lower maintenance costs over the building's lifespan. However, following these changes, the external facade, and materials to be used are now different to what was originally proposed.
- 2.4 The applicant states they are 5-6 months behind programme & the modular approach offers significant improvements in construction efficiency and flexibility compared to traditional single-storey construction. Modular construction allows for off-site fabrication of building components, which can then be rapidly assembled on-site. This process minimizes construction time and disruption to the surrounding area & the applicant believes this will enable them to align with the programme scheduled initially.
- 2.5 See below regarding the existing external elevation design details as a comparison with what the applicant is now proposing.

Initial Planning Application:

Wall Brickwork Match as close to adjacent buildings
Fascia uPVC White
Parapet Brickwork Match as close to adjacent buildings
Trim GRP Black
Rainwater Goods uPVC Black
Windows Aluminium Double Glazed Dark Grey
External Doors Aluminium Dark Grey
Louvers Aluminium Silver

Variation of Condition (Design is now being updated to include the following):

Windows- FOV type, double glazed (colour: Anthracite)
External walls - Low Maintenance Pastisol Steel on 9mm Multipro (colour: Merlin Grey)
Fascias - Low Maintenance Pastisol Steel on 9mm Multipro (colour: Black)
Skirt/Plinth - Low Maintenance Pastisol Steel on 9mm Multipro (colour: Black)
Doors - Composite Steel (colour: Ultramarine Blue)
Rainwater Goods – uPVC (colour: Black)

- 2.6 In addition to the changes noted above to the external facade, the height of the modular has decreased from circa 4.7m to 4.1m. The building footprint and perimeter has not changed however there have been some changes to the internal layout design.

Description of the site and surrounding area

3.1. The site is located south-west of the village of Groby, on the west side of Ratby Road. The proposed development is situated within the Brookvale Groby Learning Campus, it is located circa south-west to the main rear block and adjoins the sports field and recreational grassed fields to the rear. The proposed site area is mostly occupied by three single storey modular buildings which have a footprint of circa 126m², 66m² and 129m² respectively. These three modular buildings currently provide a teaching space for subjects including ICT, Photography and P.E.

3.2. Relevant planning history

23/00937/FUL- Proposed construction of a new single storey building (following the demolition of three existing modular buildings). Approved 15/11/2023.

Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. No letters of representation were received.

Consultation

6.1. Groby Parish Council- Objected to change the variation of condition from a single-storey brick-built building into a modular building. There were concerns as to the number of modular buildings on site and the longevity of modular builds v's bricks and mortar.

6.2. Sport England- does not wish to raise an objection to the variation of conditions 2 and 3. The proposal would accord with exception 3 of Sport England's playing fields policy and with Paragraph 103 of the NPPF.

6.3. LCC Highways- there would appear to be no material impact on the public highway and therefore the LHA has no comments to make in these site-specific circumstances.

6.4. HBBC Drainage- No objection on sustainable drainage grounds.

6.5. HBBC Pollution- No objection

6.6. No comments were received from HBBC Waste, Leicestershire & Rutland playing fields association, LCC Children and young peoples services.

Policy

7.1. Core Strategy (2009)

- Policy 8 Key Rural Centres Relating to Leicester
- Policy 9 Rothley Brook Meadow Green Wedge

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Prevention of Pollution and Flooding
- Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM10: Development and Design

- Policy DM17: Highway Design
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8.0 Appraisal

8.1 Key Issues

- Assessment Against Strategic Planning Policies
- Design and Impact upon the Character of the Area
- Impact upon Neighbouring Residential Amenity
- Impact upon Highway Safety
- Impact upon Trees
- Drainage
- Biodiversity
- Other Matters
- Planning Balance

Assessment against strategic planning policies

8.2 This application is for the Variation of Condition 2 (approved plans) and 3 (materials) on planning application 23/00937/FUL (Date of Decision: 15/11/2023). Variation to include changing the materials are elaborated on above.

8.3 The principle of development has already been established in application 23/00937/FUL

Design and impact upon the character of the area

8.4 Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

8.5 The proposed layout, scale, design and appearance of the scheme would complement the character of existing built form on this large educational campus and be unseen from the street scene. The proposals design is utilitarian and generic to the form of building proposed but is characteristic of much educational development over the years on this

and a variety of establishments throughout the District. Any potential minimal impact could be reduced further by hedgerow/ landscaping between the proposed classrooms and the existing carpark. The proposed layout, scale, design and appearance are therefore considered to be appropriate to the site.

Impact upon neighbouring residential amenity

- 8.6 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.7 Policy DM10 of the SADMP identifies that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.8 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.9 Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.10 It is not considered the change in materials will have a detrimental impact on neighbouring amenity and the internal environment would be conducive to learning and education.
- 8.11 Therefore, it is considered that the proposed scheme would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.12 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.13 Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible. This would be assessed and secured at reserved matters stage.
- 8.14 Paragraph 115 of the NPPF (2023) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.15 No alternative access arrangements or additional parking is proposed as there is a net zero change in teaching space. Therefore there will be no increased pressure for parking at the site. The Local Highway Authority have raised no objection given that the proposals would not increase pupil or staff numbers, the LHA consider that it is unlikely the proposals would exacerbate the current PIC situation.

- 8.16 Consequently, it can be considered that the proposed development would not have any significant adverse impact upon highway safety, and that the school can provide an adequate level of parking for the proposed development. Therefore this application is in accordance with Policies DM17 and DM18 of the SADMP.

Other Matters

- 8.17 The site is a designated Community Facility within Policy DM25 of the SADMP, the proposal relates to the loss of 3 modular classrooms however, they will be replaced with an equivalent classroom which has long term benefits for the school. There is therefore no conflict with Policy DM25.
- 8.18 Groby Parish Councils objection is noted but as there are other similar buildings on this educational campus it is not felt this replacement building of a similar construct would warrant a refusal in this case.

Planning Balance and Conclusion

- 8.19 The proposed development would be tucked away at the rear of an existing community college & would support this community facility. Development of this part of the site would not result in significant adverse harm to the character or appearance of the countryside or the appearance or function of the Rothley Brook Green Wedge. In this case given its close relationship to the adjacent built form, an existing community school/college, the proximity to the settlement boundary and the separation of this part of the site from the main area of Green Wedge by the car park and all-weather playing pitch the perceived separation between the built form of the campus and the wider countryside would be observed and maintained. For these reasons, the proposal would comply with Policy DM25 & is considered to have only limited conflict with the restrictive criteria of Policy DM4 of the adopted SADMP and Policy 9 of the adopted Core Strategy. However, these conflicts would be outweighed by the social benefits of the proposal in providing additional/enhanced facilities to the school.

8.20 Equality implications

- 8.21 Section 149 of the Equality Act 2010 created the public sector equality duty.
Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.21 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application. There are no known equality implications arising directly from this development.

- 8.22 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data

Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Recommendation

10.1 Grant planning permission subject to

- Planning conditions outlined at the end of this report

10.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission, application number 23/00937/FUL (15th November 2023).

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed Floor Plans Drg No. DB657.20 received on 17/07/2024
Proposed Elevations- Drg No. DB657.21 received on 17/07/2024
Drainage Strategy - Drg. No 5022335-RDG-XX-DOC-C-0001 ver. P03
Proposed Site Plan- Drg No. No 5022335-RDG-XX-00-D-B-0023
Proposed Demolition Plan- Drg No. No 5022335-RDG-XX-00-D-B-0903
Proposed Block Plan- Drg No. No 5022335-RDG-XX-00-D-B-0924
Below Ground Drainage Layout- Drg No. No 5022335-RDG-XX-ST-PL-C-P03 all received 25/09/2023

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the development shall accord with the approved Elevations Drg No. DB657.21 - received on 17/07/2024.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby approved by this permission shall be carried out in accordance with the submitted Surface Water Drainage Strategy prepared by Ridge Consultants dated September 2023.

Reason: To reduce the possibility of surface water flooding in accordance with policy DM7 of the Site Allocations and Development Management Policies

Development Plan Document (2016) and the National Planning Policy Framework (2023).

5. Works of site clearance, and construction, including deliveries to and from the site, shall take place only between the hours of 07.30-18.00 on weekdays and between 08.00-13.00 hours on Saturdays and shall not take place at any time on Sundays and/or on Bank or Public Holidays.

Reason: To minimise disruption to the neighbouring residents in accordance with policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).