

Delegated Report

Planning Ref: 23/00937/FUL

Applicant: Brookvale Groby Learning Campus

Ward: Groby



Hinckley & Bosworth
Borough Council

Site: Brookvale Groby Learning Campus, Ratby Road, Groby

Proposal: Proposed construction of a new single storey building (following the demolition of three existing modular buildings)

Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

Planning application description

- 2.1. Planning permission is sought for the construction of a new single storey building (following the demolition of three existing modular buildings).
- 2.2. The proposed is to construct a new single educational block in the form of a single storey new build and would have a width of almost 17m and a length of 25m. The new build proposal is to include the following:
 - 1no Photography Room
 - 1no Dark Room
 - 1no ICT Room
 - 1no Isolation Room
 - 2no P.E Classrooms
 - 2no P.E Storerooms
 - 1no Cleaners Cupboard
 - 1no Male WC Block (Inc 8no Cubicles)
 - 1no Female Block (Inc 12no Cubicles)
 - 3no Circulation Lobbies
 - 1no Plant Room
- 2.3. The proposed development shall be constructed of brick and mortar, its appearance is to match the existing profile of the brickwork present throughout the main campus. A flat roof system finished with a bitumen felt or similar covering has been proposed to suitably channel rainwater away from the main building façade. The proposed would have a height of 4.6m.
- 2.4. The proposed development is to also include a footpath around the perimeter of the new education block to ensure accessibility

Description of the site and surrounding area

- 3.1. The site is located south-west to 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.

4.0 Relevant planning history

Preapp 21/10178/PREHMO- Construction of timber frame building to provide further science classrooms

Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site.
- 5.2. No representations from the public have been received.

Consultation

- 6.1. HBBC Pollution Officer- No objection subject to a condition
- 6.2. HBBC Drainage has no objection subject to a condition
- 6.3. LCC Highways have no objections.
- 6.4. HBBC Waste have no objections
- 6.5. Groby Parish Council- No objections
- 6.6. Sport England- No objections

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) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

Appraisal

- 8.1. Key Issues
 - Principle of development
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) 2019 states that applications for planning permission must be determined in accordance with the

development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications.

- 8.3 The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4 These documents identify and provide allocations for housing and other development in a hierarchy of settlements within the Borough. Policy 8 of the adopted Core Strategy identifies Groby as a key rural centre benefitting from a range of services and facilities to support additional development. The Groby Allocations map within the adopted SADMP identifies that the application site lies just outside the settlement boundary of Groby in the countryside and just within the boundary of the Rothley Brook Meadow Green Wedge where Policy 9 of the adopted Core Strategy and Policy DM4 of the adopted SADMP would apply.
- 8.5 Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.
- 8.6 Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other material planning criteria. Forms of development that the policy may consider to be sustainable in the countryside do not include additional classrooms for an existing educational establishment and so the proposal would be in conflict with this adopted strategic policy. Policy DM4 also seeks to protect the physical and perceived separation and open character between settlements and prevent adverse impacts on the countryside from the exacerbation of ribbon development. Policy DM4 also seeks to protect the role and function of green wedge areas in line with Policy 9 of the adopted Core Strategy.
- 8.7 Policy DM25: Community Facilities states that in the Provision of New Facilities the Borough Council will seek to support the formation of new community facilities across the borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they are accessible to the community which they intend to serve by a range of sustainable transport modes.
- 8.8 Policy 9 of the adopted Core Strategy relates to the Rothley Brook Meadow Green Wedge. The policy seeks to protect the function, green networks, public access and visual appearance of the green wedge from inappropriate development. This type of development is not identified as being an acceptable land use within the green wedge and therefore the proposal would be in conflict with this adopted strategic policy.
- 8.9 Whilst located in the countryside and within the boundary of the Rothley Brook Green Wedge, in this particular case, the site is not in an isolated position, being a large educational campus with associated green amenity space/ grass running track etc, close to the settlement boundary where there would be reasonable access to the services and facilities available within the village. 3 smaller existing buildings would be demolished to cater for the proposed classrooms which would be located just to the north of an existing car park & approx. 20m from the all-weather football/ hockey pitch. It is also separated from the main part of the Rothley Brook Green Wedge & the large playing fields area to the south by this car park and all-weather pitch and is just to the rear of several large buildings associated with the College such that its contribution to the functions of the Green Wedge is very limited.

- 8.10 It could be considered that the proposed development would extend ribbon development along this part of Ratby Road and the site is outside the settlement boundary and therefore within the countryside. However, the proposed development would be tucked away at the rear of an existing community college which would support this community facility and development of this area 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.
- 8.11 In addition to the above Policy DM8 of the SADMP is relevant as the building would be sited on adopted open space, sport and recreation facilities, namely the school playing field. Paragraph 99 of the NPPF contains the presumption that playing fields should not be developed. Sport England have been consulted and have raised no objections. The proposal relates to the demolition of modular blocks and the construction of a single storey classroom building. The proposal would result in the loss of playing field as the planning definition of playing field covers the whole of the site that contains a pitch.

“The proposal would lead to the loss of playing field land. The proposal therefore needs to be considered against the exceptions in Sport England’s policy which accord with the specified justifications included in paragraph 99 of the NPPF which both seek to protect playing fields from being built on. Of Sport England’s playing field policy’s five exceptions – exception 3 could potentially cover the proposed development which allows developments which affects only land incapable of forming part of a playing pitch and does not:

- *reduce the size of any playing pitch;*
- *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- *reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- *result in the loss of other sporting provision or ancillary facilities on the site; or*
- *prejudice the use of any remaining areas of playing field on the site.*

The proposed building would be sited on land which is incapable of forming part of a playing pitch due to the restriction in its width and the positioning of existing structures.”

- 8.12 Therefore, it is considered that the proposal would meet exception 3 of Sport England’s Policy and would also not conflict with policy DM8 of the SADMP and paragraph 99 of the NPPF.

Design and impact upon the character of the area

- 8.11 Policy DM10 of the SADMP seeks to ensure that developments would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.12 The proposed layout, scale, design and appearance of the scheme would complement the character of existing built form on this large educational campus and create a unified appearance to 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 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

- 8.13 Policy DM10 of the SADMP seeks to ensure that development would 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.
- 8.14 The proposed siting of the new classroom building is fairly central on the School site, and over 70m from the nearest residential dwelling with mature trees between the proposed classroom and these dwellings. The proposed building is bound to the west by larger school buildings. To the east is a large open field.
- 8.15 To the south of the site is the school hardsurfaced playing area, beyond which is a car park. The proposed building would be over 40m to the site boundary, and separated by various trees and shrubs from the road. Consequently there is not considered to be any adverse amenity impacts to the residential enjoyment of neighbouring dwellings. Due to this separation distance, it is not considered that the proposed building would provide any adverse impacts in regard to noise, overshadowing, overbearing or overlooking to the occupants of these nearby properties.
- 8.16 As a result of the suitable siting and design of the proposed building, it is not considered that there would be any significant adverse impact to the amenity of nearby residents. Consequently it is considered that the development is in accordance with Policy DM10 of the SADMP in regard to impact upon neighbouring amenity

Highways

- 8.17 Policy DM17 of the SADMP sets out that proposals will be supported where they demonstrate that there would not be a significant adverse impact upon highway safety
- 8.18 Policy DM18 of the SADMP requires proposed developments to provide an appropriate level of parking provision.
- 8.19 The submitted Design & Access Statement states that the planning application does not propose any alternative access arrangements or additional parking 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.
- 8.20 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

- 8.18 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.

Equality implications

9.1 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.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 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).

Conclusion

10.1. 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/enhance facilities to the school.

Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 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).

3. The materials to be used on the external elevations of the 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).

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).

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).