

PLANNING, DESIGN & ACCESS STATEMENT

**IN CONNECTION WITH A PLANNING PERMISSION FOR A TEMPORARY CHANGE OF USE OF THE
GROUND FLOOR OF THE EXISTING PAVILION TO COMPRISE CLASSROOMS FOR EDUCATIONAL USE
(CLASS F1 OF THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987)**

RELATING TO EXISTING PAVILION AT DESFORD LANE, RATBY, LE6 0JN

Prepared by

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May 2023

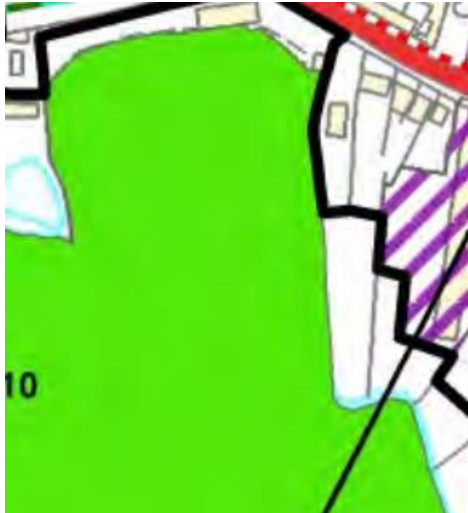
PLANNING STATEMENT

1. Introduction

- 1.1 This Statement is submitted in support of an application for full temporary Planning Permission (the “**Application**”) for a change of use of the ground floor of the existing pavilion (the “**Pavilion**”) to comprise classrooms for educational use (Class F1 of the Town and Country Planning Act (Use Classes) Order 1978 (as amended)) (the “**Proposed Use**”) at land adjacent Desford Lane, Ratby, LE6 0JN on the location shown edged in red on the enclosed Site Location Plan (the “**Site**”). The Application is made on behalf of Ms Gemma Thompson of Wolfdale School, Anstey Nomads, Cropston Road, Anstey, LE7 7BP (the “**Applicant**”).
- 1.2 The Proposed Use would be utilised by the Applicant in the running of Wolfdale School (“**Wolfdale**”), which is a reputable Independent Specialist School with multiple successful sites in Leicestershire. The Proposed Use would respond to Wolfdale’s increasing capacity requirements by providing additional space under the school week for teaching and learning.
- 1.3 This Statement intends to demonstrate that the Proposed Use the subject of the Application is acceptable in planning terms and complies with the local and national policy framework as set out further below.

2. The Site

- 2.1 The Application relates to the Site as shown edged in red on the Site Location Plan submitted in support of this Application.
 - 2.2 The Site is located outside of the settlement boundary for Ratby and is therefore regarded as forming part of the countryside.
 - 2.3 From a review of the Ratby’s Allocations (p.56 of the Site Allocations and Development Management Policies DPD (adopted July 2016) (the “**DPD**”)), it appears that the Site falls outside the scope of RAT10 (Open Space, Sports and Recreation Facility) and instead falls within the rectangular white parcel of land adjacent to RAT10 to the west (see screenshot below):
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3. Relevant planning history

3.1. The following planning applications are considered relevant in the context of the Application for the Proposed Use on the Site:

- 3.1.1 On 16th March 2022, the Council granted temporary planning permission until 31st March 2025 for *“Four temporary mobile classrooms for educational use, play area, 2.1 metre high fencing and gates”* (Reference: 21/00691/FUL) (the **“Previous Temporary Consent”**); and
- 3.1.2 Planning permission was granted by the Council to erect changing rooms and a cricket pavilion (the Pavilion) on the Site (Reference: 01/00874/FUL). A copy of the full planning permission is not available online. However, we understand that this planning permission was granted by the Council in late 2002/early 2003.

4. Description of the Proposed Use

4.1 The Proposed Use is shown on the following plans submitted in support of the Application:

- 3.1.1. Site Location Plan;
- 3.1.2. Block Plan; and
- 3.1.3. Layout Plan.

4.2 The Pavilion is presently unoccupied and unused. The Pavilion needs investment but the cost of work/funding is not available currently to undertake work across the ground and upper floors. Accordingly, an application is intended to be submitted shortly for a temporary changing room facility on the wider site for the cricket team to use along with a space for cricket teas.

4.3 Woldale needs additional teaching space to accommodate the growing number of pupils attending the school and to hopefully be able to accept some of those pupils presently on the long waiting list. The Proposed Use is an opportunity to utilise the empty Pavilion during school hours for the benefit of Woldale and its students. This Application will allow some use of the Pavilion for classrooms on the ground floor only for a temporary period to allow

investment into the whole of the Pavilion and ultimately allow the building to also be used for its intended, original purpose.

4.4 The Proposed Use is intended only to cover the ground floor of the Pavilion. The Layout Plan shows that the Proposed Use requires no internal (nor external) amendments to be able to function for its dual intended educational purpose during school hours and its changing room facility purpose in the evenings/weekends. Therefore, the Application simply involves a temporary change of use as there is no operational or other development proposed.

4.5 The Proposed Use will comprise 4 teaching classrooms (providing functioning space for up to 10 pupils for the next academic year), with use of the existing WC's by students and staff. The Proposed Use will only be occupied during the hours of 08:30am – 17:30pm Monday-Friday. The Proposed Use will not be used during weekends or bank holidays, given its educational requirement is only necessary during normal school hours. This also therefore ensures that the Pavilion can run as a changing room facility in the evenings and weekends, without any disruption. No additional staff are anticipated over and above that already working on the wider site.

5. The relevant provisions of the Local Plan and the Framework in the context of the Application

5.1 In our assessment, the relevant planning policy framework in the context of this Application includes:

Core Strategy (adopted December 2009)

Policy 8 – Key Rural Centres Relating to Leicester

DPD

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: Preventing Pollution and Flooding

Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities

Policy DM10: Development and Design

Policy DM17: Highways and Transportation

Policy DM18: Vehicle Parking Standards

Policy DM25: Community Facilities

Other Material Planning Considerations

National Planning Policy Framework (revised July 2021) ("**Framework**")

Planning Practice Guidance ("**PPG**")

Other relevant guidance

Good Design Guide (2020)

6. Consideration of the Proposed Use in the context of the aforementioned local and national planning policy context

- a. The starting point is the Framework, which states (at paragraph 2) that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, and that the Framework is a material consideration in determining applications.
 - b. Paragraph 11 of the Framework and Policy DM1 of the DPD set out a presumption in favour of sustainable development, stating that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The 'development plan' comprises the Core Strategy and DPD, as previously defined.
 - c. Ratby Sports Club is a site designated for outdoor sports facilities (reference RAT10) within the DPD. Policy DM8 of the DPD seeks to prevent the loss of land or buildings in recreational or sporting use and areas of open space, as identified in the most recent Open Space, Sports and Recreational Facilities Study except where:
 - a) A replacement of an equivalent typology is provided, as defined by the most recent Open Space, Sport and Recreational Facilities Study, in an appropriate location serving the local community; or
 - b) It is demonstrated that there is a surplus of recreational land, facilities or open space of the same typology exceeding the needs of the local community; or
 - c) The development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the community, remainder of the site, or on a nearby site serving the same community.
 - d. Notwithstanding this, the Site proposed for the temporary Proposed Use is located outside the scope of this designated facility. Even if an argument were brought forwards that the Site is located within the designated facility, the Proposed Use is temporary in nature and is only to be used during normal school-opening times when the Pavilion/Site is not utilised by as a changing facility. Accordingly, the Proposed Use would not result in the loss of any land in recreational or sporting use and will not prevent the day-to-day running of the Site for use as changing room facilities during evenings and weekends. Irrespective of the Proposed Use, the Site will remain open and can be used in the same way as intended i.e. at weekends and in the evenings after school times as changing room facilities. Accordingly, the Proposed Use does not conflict with Policy DM8 of the DPD.
 - e. It is anticipated that Sport England will be consulted on this Application, in the same way as was the case with the Previous Temporary Consent. It is expected that, owing to the similarities in respect of the nature of the Proposed Use and that of the Previous Temporary Consent, Sport England will similarly confirm that the Proposed Use will not impact on the existing sports pitches on the Site/wider site and that the classrooms will not be used at the same time as the sports pitches, owing to the fact that the sports pitches are used in the evenings after the school day/at weekends only.
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- f. Furthermore, the previous Temporary Consent arrangement works effectively and efficiently and there is no conflict between changing facilities/sporting events and Wolfdale in respect of the current operation of the temporary classrooms at this wider site. In addition, Wolfdale has a further site at Anstey Football Club where Wolfdale utilise the site and parking facilities during school hours, and the Football Club use the site during evenings and weekends. This arrangement also works effectively and efficiently, in the same way that the Proposed Use will do in the context of the Site.
 - g. Wolfdale's existing site in Anstey is continually seeing a large increase in numbers and further classroom space is required to ensure that their existing pupils are receiving the support and facilities that they require. Accordingly, the utilisation of the Site will provide a temporary and fast solution to Wolfdale's increasing space requirements, in order to hopefully be able to offer students a place for those that are presently on the waiting list.
 - h. The School's current cohort has 87% from Leicestershire and 13% from Leicester City Council. Leicester City Council and Leicestershire County Council have completed their own strategies to meet the SEND need: Leicestershire County Council and Leicester City Council have identified that the number of children attending specialist provision is 'significantly above the national average'. It is identified across the whole of Leicester/Leicestershire that there is an increase of young people being issued with an EHCP and a risk of greater gaps of achievement.
 - i. Wolfdale's vision is to allow each young person with an EHCP to achieve their aspirations, allowing them to be a valued and contributing member to their community and in turn to the whole of Leicestershire. Wolfdale is currently at its maximum capacity, therefore the expansion to the Site would allow those on a waiting list to have confirmation of a placement in the near future, reducing the stress and anxiety that they see lots of these families facing. Wolfdale are able to offer placements to children with disabilities whether connected to their Autism diagnosis or not; however, this is limited through the availability of space. Wolfdale has confirmed that they would be able to offer far more beneficial and expanding opportunities for students if they were able to utilise the Site for the Proposed Use.
 - j. The School currently employs 42 staff, all from the local surrounding areas, and an expansion to the Ratby site would provide additional jobs for the local area.
 - k. In the same way as the Previous Temporary Consent, the Proposed Use would provide an education facility on the Site. Policy DM25 of the DPD seeks 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. The Council confirmed, in respect of the Previous Temporary Consent, that the proposal was for an education facility which is seen as a community benefit in compliance with Policy DM25 of the DPD and that the classrooms will help to ease the pressure on an oversubscribed school located elsewhere in the country. A parallel can be drawn from this and applied directly in the context of this Application for the Proposed Use to demonstrate the acceptability of the proposal in this context.
 - l. The Site lies outside the extent of the settlement boundary for Ratby. Whilst it is adjacent to the settlement boundary, it is regarded in local framework terms as designated open
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countryside. Policy DM4 of the DPD is therefore relevant in this context. This provides that development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - d) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation. and
 - i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and ii) It does not undermine the physical and perceived separation and open character between settlements; and iii) It does not create or exacerbate ribbon development
- m. In relation to the Previous Temporary Consent, the Council concluded that, whilst the proposal did not directly conform to any of the criteria within Policy DM4, the site in that case is located on an existing area of hardstanding, is adjacent to the settlement boundary and is surrounded on three sides by residential development. There are also other existing buildings on the site (clubhouse/changing rooms) that fall outside of the defined settlement boundary. This part of the site is not therefore rural in character. The same factors can be levied in the context of the Site, as the Site presently comprises the existing Pavilion (thereby requiring no development or alterations whatsoever to facilitate the Proposed Use), is adjacent to the settlement boundary and is closely located to extensive adjacent residential development. Accordingly, the Site is not rural in character and it is therefore considered that the principle of the Proposed Use should be regarded as acceptable in this case, especially given the temporary nature of its use and that it is providing an education facility for the benefit of the Borough.
- n. In relation to the design, impact upon the character of the area and impact on residential amenity, no operational development is taking place and there are no amendments proposed to the Pavilion. Only a change of use to an educational facility during school hours is proposed. Given the nature of this facility i.e. educational during sociable day-light hours, there would be no impact on the existing design of the Pavilion, on the character of the area or any impact on residential amenity as a consequence of the Proposed Use. Accordingly, the Proposed Use is deemed to comply with Policy DM10 of the DPD.
- o. In respect of the impact upon highway safety and parking, the existing access arrangements for pupils shall remain unchanged by virtue of the Proposed Use. Future pupils will be dropped off by taxi's (either alone or in groups) and so there is no impact in car parking spaces/capacity anticipated. There will be no formalised access from the car park to the north to the Pavilion but it will be pedestrian access only. Accordingly, the Proposed Use complies with Policy DM17 of the DPD as it would not have an adverse impact upon highway safety and there is appropriate parking provision for the Proposed Use pursuant to Policy DM18 of the DPD.
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- p. Policy DM6 of the DPD requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused. Given that no amendments are being made to the Pavilion as a consequence of the Proposed Use, there is considered to be no impact on ecology and therefore no conflict with Policy DM6 of the DPD.

7. Conclusion

- 7.1 The Proposed Use will not result in the loss of any playing space to the existing sports and recreation facility and it will, at the same time, provide a community facility on Site. The Proposed Use therefore complies with policies DM8 and DM25 of the DPD.
 - 7.2 Whilst the Site is located within the countryside, it is adjacent to the settlement boundary for Ratby and comprises the existing built Pavilion which will be utilised. Furthermore, the Proposed Use would not result in any impact on the residential amenity, character and appearance of the Site and the wider rural area given the Pavilion already exists and given the nature of the development (an education facility) and it is for a temporary period of time. Taking these factors into account, the Proposed Use is in compliance with Policies DM4 and DM10 of the DPD.
 - 7.3 Taking into account the factors set out herein, it is recommended that temporary planning permission for the Proposed Use should be granted, subject to appropriate conditions.
 - 7.4 Should the Council require any further input or clarification, the Applicant is happy to assist as required.
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DESIGN AND ACCESS STATEMENT

ASSESSMENT OF CONTEXT

The physical context of the Site is set out within paragraph 2 of the Planning Statement above.

USE

The proposal is intended to be used by Woldale as an educational facility (Use Class F1 of the Town and Country Planning (Use Classes) 1987 (as amended)) during the school hours of 08:30 – 17:30 on school days (Mon-Fri). The Site will continue to operate as a changing rooms facility as existing, during the evenings and weekends (as is presently the case).

AMOUNT

The Proposed Use will utilise the existing Pavilion on the Site. The proposal represents a proportionate amount of space (namely 4 classrooms) required to accommodate Woldale and the Borough's educational schooling requirements. No external or internal alterations are proposed to the existing Pavilion on the Site.

LAYOUT, SCALE AND APPEARANCE

The Proposed Use contains no internal or external alterations as the existing layout as changing rooms are sufficient to be used as classrooms in their existing form. There is no increase in scale of the Pavilion as a consequence of the Proposed Use. In addition, the appearance of the Site and Pavilion shall remain as existing, given that no alterations externally or internally are proposed.

LANDSCAPING AND ACCESS

Access is proposed to remain as existing, with access being via the carpark to the north of the Site.

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