

Planning Committee 15 March 2022
Report of the Director Environment and Planning

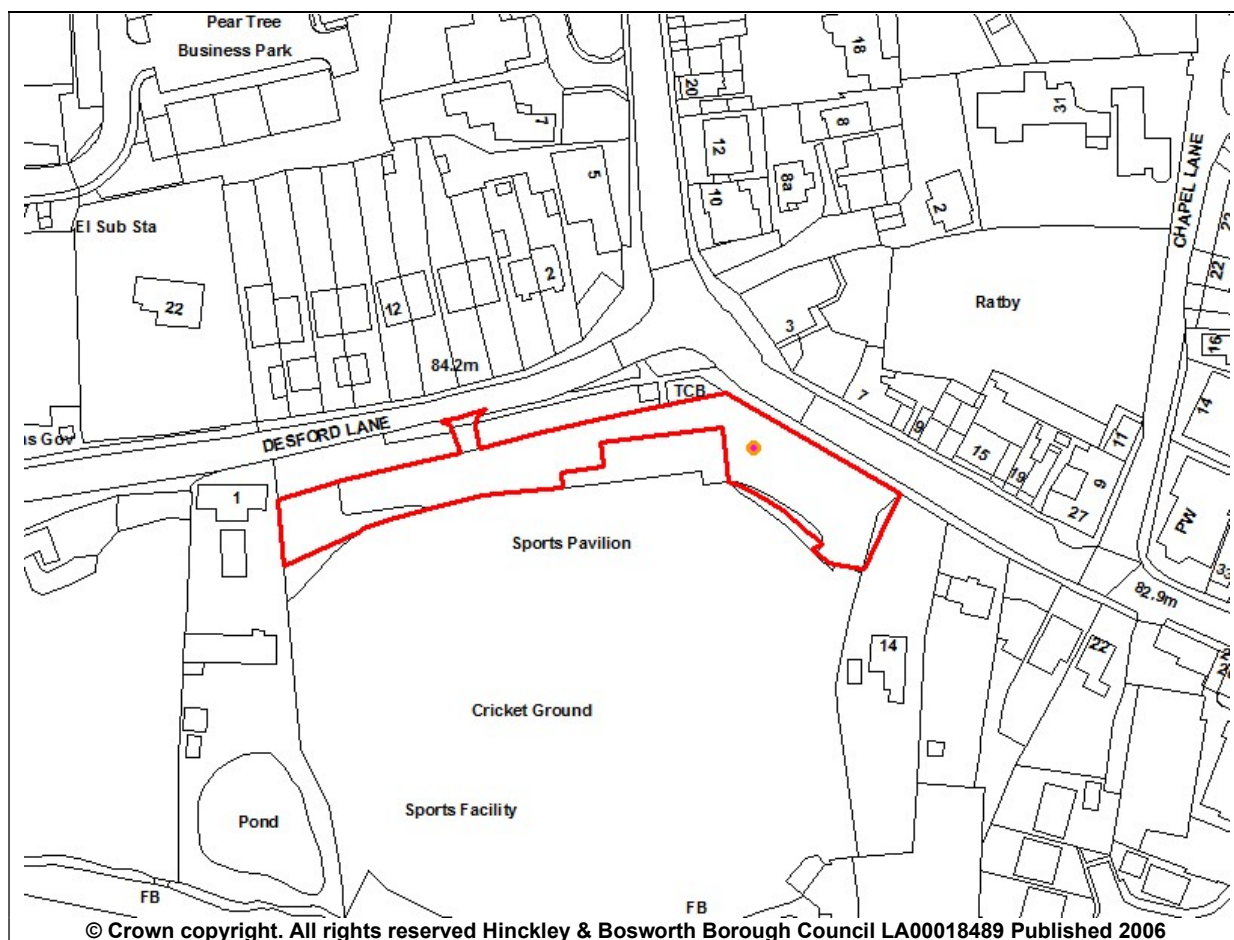
Planning Ref: 21/00691/FUL
Applicant: Gemma Thompson
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Ratby Sports Club Desford Lane Ratby

Proposal: Four temporary mobile classrooms for educational use, play area, 2.1 metre high gates and fence



1. Recommendations

1.1. Grant temporary planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1.** The application seeks full planning permission for four mobile classrooms with associated play area and 2.1 metre high gates and fencing. The proposed classrooms would measure 6 metres in length, 2.4 metres in width and 2.7 metre in height with a flat roof. Materials proposed comprise composite steel walls with aluminium doors. The classrooms would be positioned around an external area of

hardstanding forming the play area, with an entrance to the east of the buildings close to the access. The applicant has stated there would be 15-20 pupils on-site and around 4-8 staff members on site at any one time. Hours of use are stated as 0830 to 1530 Monday to Friday.

2.2. The application is accompanied by a Design and Access Statement.

3. Description of the site and surrounding area

3.1. The site relates to an area of hardstanding forming part of the car park on the edge of an existing sports ground (Ratby Sports Club) situated off Desford Lane. The site contains football and cricket pitches with an associated clubhouse. The site is surrounded by residential properties to the north, east and west. To the south of the site beyond the football pitches are open countryside. The site is located outside of the settlement boundary for Ratby therefore forming part of the countryside. The sports pitches fall within a designated open space and recreation facility in the local plan (RAT10) however the area for the proposed classrooms and car park areas fall outside of that designation. The site is located within a 'Swift Alert Area' where there is a high level of recordings of Swifts in the area.

4. Relevant planning history

00/00252/FUL

- ALTERATION AND EXTENSION OF STORE TO FORM CRICKET PAVILION AND AMENDED SCHEME FOR CHANGING ROOMS
Permitted
04.05.2000

00/00395/TEMP

- RETENTION OF TWO PORTABLE CHANGING ROOM AND SHOWER BUILDINGS
Permitted
19.06.2000

00/00878/FUL

- INSTALLATION OF FLOODLIGHTING
Permitted
26.10.2000

01/00874/FUL

- ERECTION OF CHANGING ROOMS AND CRICKET PAVILION AND FORMATION OF CAR PARKING AREAS
Permitted
02.12.2002

02/00034/FUL

- INSTALLATION OF FLOODLIGHTING (REVISED SCHEME)
Permitted
27.02.2002

5. 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. There have been 5 objection letters received as a result of the publicity making the following points:

- 1) The application only gives F1 use on the application form, the application should be restricted to education use only

- 2) The demand for the use of the existing parking area will increase
- 3) No consideration has been made to the existing access which is only single width
- 4) No provision has been made for the provision or collection of waste
- 5) The design and materials for the classrooms are inappropriate for the countryside setting
- 6) No details for the provision or disposal of surface water has been given
- 7) Overlooking issues into the neighbouring properties garden
- 8) Impact on existing trees and hedges
- 9) The area of the site appears insufficient for 20 pupils
- 10) No timescale for the buildings or use of the land has been given
- 11) No provision for water supply or sewage
- 12) The location needs to be retained for sports provision

6. Consultation

- 6.1. No objection has been received from:
Sport England
LCC Ecology
LCC Highways
HBBC Environmental Services- Waste
HBBC Environmental Services- Drainage
- 6.2. Ratby Parish Council object to the application making the following points:
 - 1) The drawings are inaccurate, the clubhouse pavilion are not changing rooms
 - 2) It is unclear if the present owners of the site have been informed of the application
 - 3) The cricket club haven't been informed of the application
 - 4) Will remove a valuable sports facility in the village

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 8: Key Rural Centres Relating to Leicester
- 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: 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
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide (LHDG)

8. 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 and parking
- Drainage
- Ecology

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) states 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 NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4 Ratby Sports Club is a site designated for outdoor sports facilities (reference RAT10) within the SADMP. Policy DM8 of the SADMP is applicable and this policy 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.
- 8.5 However the area of land for the proposed temporary classrooms as well as the car park are located outside of this designated facility. Therefore the proposal will not result in the loss of any land in recreational or sporting use and will not prevent the day to day running of the sports club. The proposal therefore does not conflict with policy DM8 of the SADMP.
- 8.6 Sport England have been consulted on the application. They set out that the proposal will not impact on the existing sports pitches on the site and that it is unlikely the classrooms will be used at the same time as the sports pitches. There is a small risk of damage to the buildings from ball striking however this will be for the site management. Given there is no prejudicing the existing sports pitches. Sport England do not raise an objection to the proposal.

- 8.7 The proposal would provide an education facility on the site. Policy DM25 of the SADMP 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. As the proposal is for an educational facility this is seen as a community benefit in compliance with policy DM25 of the SADMP and the classrooms will help to ease the pressure on an oversubscribed school located elsewhere in the county.
- 8.8 The site lies outside of but adjacent to the settlement boundary for Ratby. It is therefore classed as being on land designated as countryside. Policy DM4 of the SADMP is therefore applicable. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. 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;
- 8.9 Whilst the proposal does not directly conform to any of the criteria within policy DM4 as set out above the site 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 also fall outside of the defined settlement boundary. This part of the site is not therefore rural in character. It is therefore considered that the principle of the development is acceptable in this case especially given the temporary nature of the development and that it is providing an educational facility. Consideration of its impact upon character of the countryside is made later in the report.
- Design and impact upon the character of the area
- 8.10 Policy DM4 of the SADMP requires that development in the countryside does not have a significant adverse effect on the open character or appearance of the surrounding landscape and countryside.
- 8.11 Policy DM10 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.

- 8.12 The proposed classrooms would be located in the North West corner of the site close to Desford Lane on an existing area of hardstanding. There are boundary trees and hedges along Desford Lane which would help to screen the proposal from the main road. There is fencing behind the proposed area separating it from the cricket pitch. The proposed classrooms are flat roof, low level buildings so they would not appear overly prominent. However the nature and design of the classrooms are temporary with this type of building capable of falling into disrepair after a few years. It is therefore considered that this type of development is suitable for a temporary period of time. If Members agreed to approve the scheme the permission would therefore be a temporary one.
- 8.13 As discussed above the character and appearance of this part of the site is more urban given its proximity to the residential properties on Desford Lane. The location of the proposed classrooms are a significant distance from the open countryside to the south of the sports pitches, where they are partly screened by boundary trees in between the cricket and football pitches, therefore the impact of the development on the intrinsic value, beauty, open character and landscape character of the countryside would be minimal.
- 8.14 Concern has been raised regarding the loss of trees and hedges on the site or on the boundary of the site, however no loss of trees and hedges has been stated on the application form. The classrooms are set in slightly from the boundary so they would largely avoid the trees and hedges, the pruning of any overhanging branches may be necessary, but this permission is only proposed for a temporary period of time.
- 8.15 The proposal will, subject to suitably worded conditions, result in a minimal visual impact on the character and appearance of the existing site and the wider rural area and is therefore not considered to be in conflict with policies DM4 and DM10 of the SADMP.
- Impact upon neighbouring residential amenity
- 8.16 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.17 The proposal is located close to the neighbouring residential property at number 1 Desford Lane. Concern was raised in the objection letters regarding overlooking from the classrooms to this property however all the classroom windows are inward facing and not facing this neighbouring property. There are boundary trees and landscaping separating the proposal from this neighbour which will help to reduce some noise outbreak. Any possible noise outbreak would be during the day. Nevertheless it would be appropriate to attach a condition to any consent granted restricting the hours of use of the facility to similar hours to those set out in the application form. The proposal is located away from other neighbouring residential properties.
- 8.18 Under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 an education use falls into a broader F1 use, which encompasses other uses that it could change to without requiring a further planning application. These uses include places of worship. It is considered reasonable to attach a condition to any permission granted restricting the use of the buildings to educational use only in order to minimise impact on residential amenity within the immediate area.

- 8.19 The proposal, subject to suitably worded conditions, is considered to result in a minimal impact on residential amenity and is therefore deemed to be in compliance with policy DM10 of the SADMP.

Impact upon highway safety and parking

- 8.20 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.21 Paragraph 111 of the NPPF (2021) 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.
- 8.22 There are no proposed changes to the access off Desford Lane, a C classified road subject to a 30mph speed limit. The existing access into the site is 5.4 metres wide. The applicant has confirmed pupils will be dropped off by taxi rather than bus/coach. The proposed gates and fencing would be set away from the access to the site.
- 8.23 Based on available records to the Local Highway Authority there have been no Personal Injury Collisions (PIC) on Desford Lane within the vicinity of the site access within the last five years. One PIC has however occurred on Station Road close to the junction of Desford Lane in March 2021. This was recorded as slight and involved a vehicle overtaking a parked vehicle.
- 8.24 The area set out for the proposal is an area of hardstanding that could be used for parking. The application form states there will be 10 fewer car parking spaces on the site as a result of the proposal. Historically the sports club car park has been available for public use however at the time of the site visit the barrier was down suggesting the use as a public car park has ceased. It is also understood the use of the site for football has ceased therefore cricket remains the only activity on the site at present. The cricket use is likely to be during the evenings and weekends and therefore outside of working/school hours, so the sharing of the car park with the cricket club is unlikely to cause conflict with parking between the sports and education uses.
- 8.25 Nonetheless the Local Highway Authority set out that suitable parking for staff members is required. Based on the requirements within the Leicestershire Highway Design Guide (LHDG) one car space per member of teaching staff plus three additional spaces are required. Taking the maximum number of staff on site at any one time which they have stated will be 8 then the proposal requires 11 parking spaces. This can be comfortably achieved within the site.
- 8.26 Notwithstanding the above the LHA also need to consider the impact the loss of parking could have on the surrounding area when all sports pitches are in use, taking into account the maximum capacity should the football use be brought back into operation. Given the proposal will take away 10 spaces and the site can only accommodate 31 spaces in total, then the 21 remaining spaces would appear inadequate when at full capacity. It is also acknowledged that on street parking in the centre of Ratby is at a premium. After further consultation with the Local Highway Authority it was accepted that the area around the classrooms shall be made available for parking outside of the school hours, including evenings and weekends to ease the potential parking pressures on the site. This can be secured via a suitably worded condition.

- 8.27 Subject to conditions the proposal will result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP.

Drainage

- 8.28 Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding.
- 8.29 The site is located within flood zone 1 indicating there is a low risk of surface water flooding. The proposal sits on an existing area of hardstanding. The Borough Councils Drainage Officer has no objection to the proposal. Minimal changes to the surface of the site are proposed as the mobile classrooms are sited on an existing area of hardstanding.
- 8.30 The proposal will result in a minimal impact on flood risk and drainage in compliance with policy DM7 of the SADMP.

Ecology

- 8.31 Policy DM6 of the SADMP 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.
- 8.32 Leicestershire County Council Ecology team have been consulted on the application. They outline that as the proposal is located on existing hardstanding then no ecology survey is required. The site is within a 'Swift Alert Area', where opportunities for artificial nest sites can be taken with proposed developments, however LCC Ecology set out that this type of development does not provide the opportunity for artificial nest sites. Also given the Local Planning Authority are recommending a temporary permission, artificial nest sites are not considered to be necessary in this instance.
- 8.33 The proposal is considered to result in a minimal impact on Ecology and does not conflict with policy DM6 of the SADMP.

Other matters

- 8.34 Objection letters have been received relating to the issue of the provision and disposal of waste from the proposal. The Waste Streetscene Services team have been consulted and they recommend a condition for the adequate provision for waste and recycling facilities. The request for this condition is reasonable and can be attached to any permission granted.
- 8.35 It is understood after discussions with the agent that as the classrooms do not have toilet facilities the existing clubhouse toilet facilities will be available for use.
- 8.36 The Parish Council raised the issue that the existing landowners have not been notified of the application. This is not the case as notice was served on the landowners as detailed on the application form prior to submission of the application. It is understood the applicant is in the process of purchasing the site from the current owners however this is a civil matter not related to the determination of this application.

9. 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 in the consideration of this application. The Committee must also ensure the same when determining this planning 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).

10. Conclusion

- 10.1. The proposal will not result in the loss of any playing space to the existing sports and recreation facility whilst providing a community facility on site. The proposal is therefore in compliance with policies DM8 and DM25 of the SADMP. Whilst the proposal is located within the countryside it is adjacent to the settlement boundary for Ratby and located on previously developed land.
- 10.2. The proposal would result in a minimal impact on the character and appearance of the site and the wider rural area, however given the nature of the development it is considered limiting the time period for the development to prevent the temporary classroom buildings falling into disrepair. This is in compliance with policies DM4 and DM10 of the SADMP.
- 10.3. The proposal will result in a minimal impact on residential amenity subject to conditions. The proposal will result in a minimal impact on parking and highway safety subject to conditions. The proposal will result in a minimal impact on drainage and ecology. The proposal will therefore be in compliance with policies DM6, DM7, DM10, DM17 and DM18 of the SADMP.

11. Recommendation

- 11.1 **Grant temporary planning permission** subject to:
- Planning conditions outlined at the end of this report
- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 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 approved mobile classrooms shall be removed, the educational use shall cease and the land restored to its former condition by no later than the 31st March 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
Proposed Elevations Plan - Classroom A Drg No. 8265_03_11 received 26th May 2021
Proposed Elevations Plan - Classrooms B, C and D Drg No. 8265_03_12 received 26th May 2021
Proposed floor plans Drg No. 8265_03_12 received 22nd June 2021
Site location plan Drg No. 8265_01_10 received 7th July 2021
Proposed site plan Drg No. 8265_03_10 received 7th July 2021
Proposed fence and gate elevation Drg No. 8265_03_013 received 3rd March 2022

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).

4. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved plans and submitted application form.

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).

5. The educational use hereby approved shall not take place other than between the hours:-

0730 - 1600 Monday - Friday

No openings on Saturdays, Sundays or Public Holidays.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The premises shall be used for educational purposes and for no other purpose including any other purpose in Class F1 within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. The proposed gates shall be left open for parking provision serving the remainder of the site when the educational facility is not in use.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

8. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 **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.