

**Reference: 15/00394/FUL**

**Applicant: Battling Brook Primary School**

**Location: Battling Brook Primary School Frederick Avenue Hinckley**

**Proposal: Proposed 2 no. single storey modular buildings consisting of 3 no. classrooms toilets and store room**

**RECOMMENDATION:- Grant subject to conditions.**

### **Introduction:-**

This application is to be considered by the Planning Committee as it has been called in by Councillor Cope due to considerations of ongoing parking and traffic movement problems in the surrounding area and adverse impacts as a result of the growth and operations of the school on surrounding residents.

### **Application Proposal**

This application seeks full planning permission for the erection of two single storey modular buildings for use for educational purposes at Battling Brook Primary School, Frederick Avenue, Hinckley. The buildings would be located in the north east corner of the school grounds adjacent to the existing school building on an informal grassed area. The buildings would provide 3 classrooms (105 square metres, 40 square metres and 40 square metres floor space), a lobby (9 square metres), toilets and a store room (8 square metres). The proposed buildings have a flat roof design and each measures 12.3 metres in width x 9 metres in depth with an overall height of 3.2 metres. The external elevations would be finished in a mix of cedar cladding (front and open side elevations) and Silver Grey Plastisol Coated aluminium cladding (rear and closed side elevations) with white uPVC windows.

Additional information submitted to support the application clarifies that the reasons for the proposed buildings, which would be in use throughout the day, are as follows:-

- to provide small base rooms for use as intervention rooms for underachieving pupils. Groups of between 1 and 16 pupils being removed from mainstream lessons to be provided with 1 to 1 or additional tuition time
- to provide some flexibility within the school timetable
- the rooms do not support increase in pupil numbers
- the rooms do not require additional staffing

### **The Site and Surrounding Area**

The 2.24 hectare school site is located within a residential area of Hinckley between Outlands Drive to the south and Frederick Avenue to the north. The school buildings and parking areas (50 spaces plus 2 disabled spaces) are located to the east side of the site with formal playing fields laid out on the western side. The main building is single storey in scale with a flat roof design and constructed of buff facing bricks, white uPVC cladding and windows and coloured panels. More recent detached ancillary classroom buildings of modern design have external elevations finished in larch cladding and white render. The site is surrounded by residential properties other than a social club/bar located immediately to the north of the school buildings on Frederick Avenue. The site is enclosed by a mix of security fencing and hedgerows.

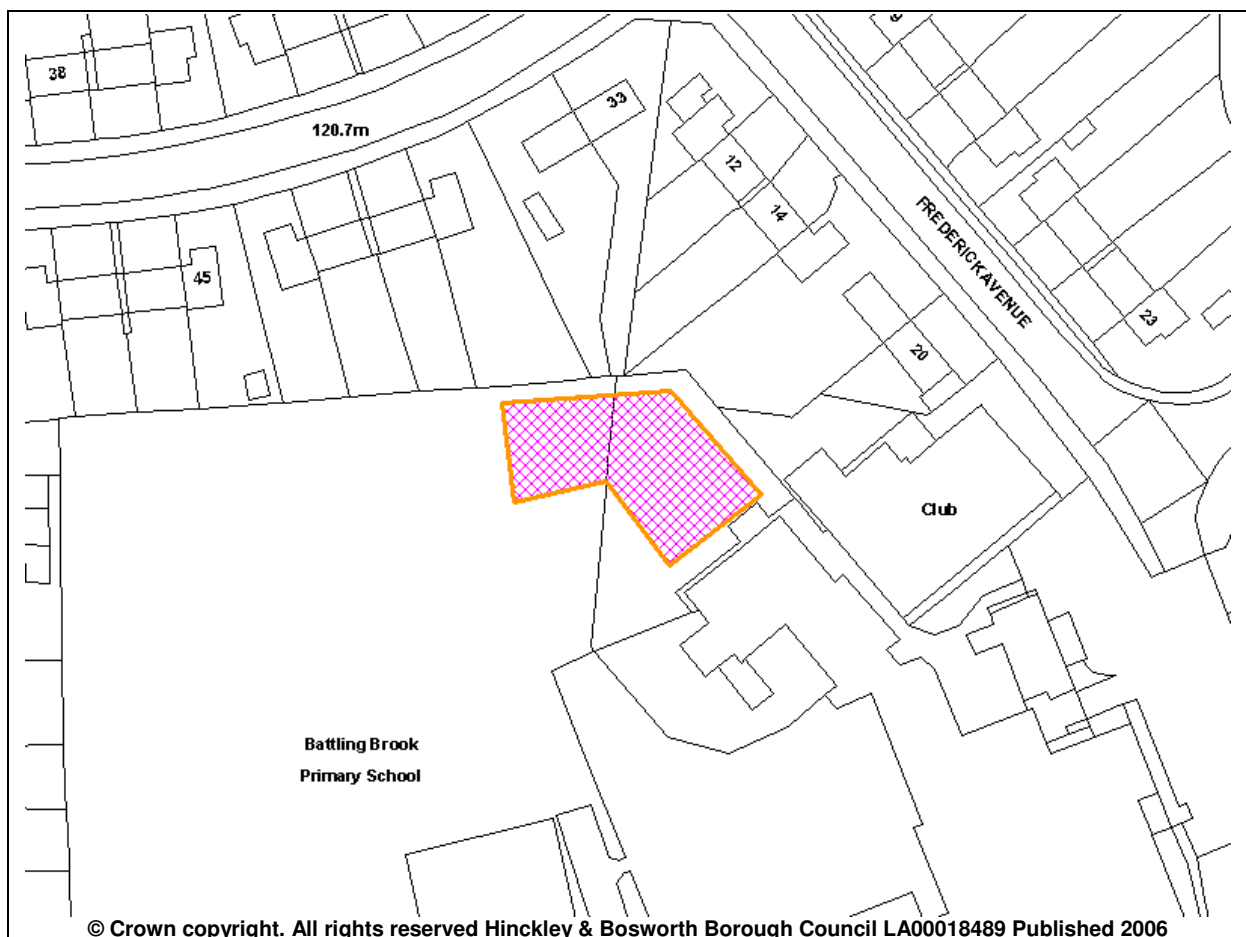
Technical Documents submitted with the Application

Design and Access Statement  
Planning Statement  
Planning Statement from Battling Brook Primary School Business Manager

**Relevant Planning History:-**

There have been a number of planning permissions for modular classrooms on the site including retention/renewal of temporary permissions. The most recent and relevant being:-

11/00528/C	Construction of a new six classroom building as replacement for existing mobile unit, extension to existing hall and the provision of additional hard play area to school	CC Approved 18.07.11
08/00615/C	Temporary permissions for the continued standing of a double mobile classroom	CC Approved 08.07.08
08/00448/C	Proposed Two Classroom Extension	CC Approved 20.05.08



## **Consultations:-**

No objection has been received from Leicestershire County Council (Highways).

Site notice displayed and neighbours notified. Letters of objection have been received from two individual addresses and Hinckley West Residents Group raising the following issues and concerns:-

- a) adverse impacts on residential amenity and highway and pedestrian safety as a result of additional parking congestion and vehicle movements on surrounding roads
- b) large overbearing building that will attract noisy activity in close proximity to gardens
- c) uncertainty of the proposed use - contradictory supporting information which suggests the provision of additional pupil capacity as it states that 'the change in age range requires provision of additional space which forms part of the strategic plan for the school' and 'usage of the existing building is close to capacity within the existing age range'
- d) the approval of a large scale building in 2011 was justified as being 'required to accommodate the increase in forecast pupil numbers from 489 to 647 over the next five years. The new building will provide six classrooms with additional group and flexible spaces.' Why is additional room space now needed?'
- e) planning conditions attached to the 2011 (County) permission remain unenforced and have failed to address problems they were intended to prevent, e.g. parking and travel plan conditions amongst others
- f) the increase in pupil numbers over the years has been accommodated without any improvements or alterations to the local neighbourhood and is unsustainable.

## **Policy:-**

### National Policy Guidance

National Planning Policy Framework (NPPF) 2012  
National Planning Practice Guidance (NPPG) 2014

### Hinckley & Bosworth Core Strategy 2009

Policy 1: Development in Hinckley

### Hinckley & Bosworth Local Plan 2001

The site is located within the settlement boundary of Hinckley and designated as an Education/Community Site as defined in the adopted Hinckley & Bosworth Local Plan.

Policy BE1: Design and Siting of Development

Policy CF2B: Alternative Uses of Existing Educational and Community Sites

Policy T5: Highway Design and Vehicle Parking Standards

## **Appraisal:-**

The main issues for consideration in the determination of this application are:-

- Principle of development
- Impacts on the character of the area
- Impacts on neighbouring properties
- Impact on highway safety
- Other issues

## Principle of Development

Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

The application site is located within the settlement boundary of Hinckley and within an established Educational/Community facility as defined in the adopted Local Plan. Policy CF2B of the adopted Local Plan identifies the site as being for educational or community use where the enhancement of such facilities is generally acceptable in principle. The adopted Core Strategy is silent on this type of development.

The National Planning Policy Framework (NPPF) in paragraph 14 provides a presumption in favour of sustainable development. Paragraph 14 requires the approval of development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out of date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific policies in the Framework indicate development should be restricted.

Paragraphs 17 and 70 of the NPPF both support the delivery of sufficient community facilities and services to meet local needs. Paragraph 72 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of the community. It further states that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and should give great weight to the need to expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.

Objections to the application have been received on the grounds that the increase in pupil numbers at the site over the years has been accommodated without any improvements or alterations to the local neighbourhood and therefore any further expansion of the school is unsustainable. Objectors also refer to uncertainty of the proposed uses of the buildings as a result of contradictory supporting information and question the justification for additional classroom facilities following the previous expansion of the school in 2011.

Additional supporting information has clarified that the Leicestershire County Council (LCC) Education Authority has agreed a maximum admission number of 630 pupils on the school role (30 pupils x 21 classes), although this was previously agreed at 647 pupils. That number is now further capped at the school's request at 609 pupils following a net capacity review undertaken in May 2015 by LCC. Although there are circumstances whereby the school can be forced to accept up to 630 pupils, the net capacity review supports appeals by the school against pupil placement over the capped limit of 609 pupils. The proposed buildings which are relatively small scale and do not form classroom bases do not support an increase in the capacity of the school over and above that already agreed by the Education Authority.

The additional supporting information also clarifies that the proposed buildings are to be used to provide 1:1, small intervention groups and flexible space to further raise standards at the school which has a significant number of pupils below national expectations on entry into reception classes. Such spaces have been lost in the main buildings following alterations that were required to create Department for Education standard sized classrooms.

The site is located within a highly accessible sustainable urban location adjacent to existing residential development and within a reasonable distance of services and facilities. The proposal is for two detached buildings well related to the existing school buildings and to be

used for purposes ancillary to the existing educational uses of the site identified within Policy CF2B. Paragraph 7 of the NPPF states that sustainable development has three interacting dimensions:- the social, economic and environmental roles. The proposal would contribute to the social role of sustainable development by providing additional education facilities that reflect the need of the school to raise education standards and support social well being. The construction of the development would contribute to the local economy. The proposed development would not have any material adverse impacts on the environment.

Therefore, notwithstanding the objections received, the proposal is considered to be a sustainable development in relation to paragraphs 14 and 7 of the NPPF and therefore acceptable in principle subject to all other planning matters being appropriately addressed.

### Layout and Impact on the Character of the Area

In conformity with the NPPF, Policy BE1 (criterion a) of the adopted Local Plan seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, design and materials with the intention of preventing development that is out of keeping with the character of the surrounding area.

The NPPF in paragraph 56 states that good design is a key aspect of sustainable design. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.

The proposed buildings would be located in an area used for informal play and a garden area adjacent to and well related to the existing school buildings in a position that would not be prominent from any public vantage points. The siting of the buildings would not therefore impact on any formal playing fields within the school grounds. By virtue of their siting, screening by existing mature boundary hedgerows to the north east and north boundaries of the site, the proposed reductions in ground levels that can be controlled by condition, their single storey flat roof design and the proposed use of external materials that complement the appearance of the existing school buildings, the proposal would not adversely affect the character or appearance of the site or surrounding area. The proposal would therefore be in accordance with Policy BE1 (criterion a) of the adopted Local Plan and the overarching design principles of the NPPF.

### Impact on Neighbours Amenities

Policy BE1 (criterion (i) of the adopted Local Plan requires that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties. The NPPF in paragraph 17 seeks a high standard of amenity for all existing and future occupiers of land and buildings.

Objections have been received on the grounds that the proposal would have an adverse impact on residential amenity as a result of additional parking congestion and vehicle movements on surrounding roads and that the buildings would be overbearing and attract noisy activity in close proximity to residential gardens.

The proposed buildings are to be used for purposes ancillary to the existing operational uses of the school and are not related to any increase in either pupil or staff numbers. The proposal would therefore have no additional impacts in respect of additional parking requirements or traffic movements and would not have any additional impacts on highway or pedestrian safety or result in additional inconvenience to surrounding residents in this respect.

The buildings would be located 8.4 metres inside the north east boundary of the school site (with the rear gardens of Nos. 14, 16, 18 and 20 Frederick Avenue) and 4 metres inside the north boundary of the school site (with the rear gardens of Nos. 33, 35 and 37 Henry Street). The rear gardens of these properties are approximately 20 metres or more in length. By virtue of the siting and separation distances, the proposed reductions in ground levels within the development site that can be controlled by a planning condition, their single storey flat roof design and screening provided by existing mature boundary hedgerows, the buildings would not be prominent to neighbouring occupiers or have any adverse overbearing or overshadowing impacts on the amenities of any neighbouring dwellings or gardens.

Notwithstanding that the proposal would result in buildings being closer to the rear gardens of the aforementioned neighbouring dwellings than the existing school building, the proposed uses are ancillary to the existing educational uses within the site and unlikely to result in any significant additional noise or disturbance to neighbouring residents over and above the existing situation.

The proposal would not have any significant adverse impacts on residential amenity of neighbouring properties and is therefore in accordance with Policy BE1 (criterion (i) of the adopted Local Plan and paragraph 17 of the NPPF.

### Highway Safety

Policy T5 applies highway design and vehicle parking standards. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Objections to the scheme have been received on the grounds of adverse impacts on highway and pedestrian safety from additional parking congestion and vehicle movements on surrounding roads as a result of the provision of additional classroom space and potential increased pupil capacity.

As discussed above, the additional supporting information confirms the capacity of the school in terms of pupil numbers as assessed by and agreed with the LCC Education Authority. The proposed buildings which are relatively small scale and do not form classroom bases do not support an increase in the capacity of the school over and above that already agreed. Therefore, the proposal would not result in any additional parking requirements or additional traffic movements or have any additional adverse impacts on highway or pedestrian safety.

There are 50 vehicle parking spaces plus 2 disabled spaces within the site to serve the school. The proposed buildings do not impact on any existing parking or turning areas. The proposal is therefore in accordance with Policy T5 of the adopted Local Plan.

On the basis that the proposal would not result in any increase in members of teaching staff, Leicestershire County Council (Highways) has no objection to the application.

### Conclusion

The application site is a designated educational/community facility in a highly accessible sustainable urban location within the settlement boundary of Hinckley where additional ancillary facilities are acceptable in principle. By virtue of the siting, single storey flat roof design and proposed external materials the buildings would not be overly prominent in any street scene or have any adverse impacts upon the character or appearance of the site or surrounding area. By virtue of their separation distance to neighbouring dwellings, single storey flat roof design and existing screening, the proposed buildings would not be prominent or result in any adverse overbearing or overshadowing impacts or loss of amenity from noise

or disturbance over and above that already experienced from this established school site. The proposed uses of the buildings would not result in any increase in the capacity of the school or staff or pupil numbers and on that basis would have no additional adverse impacts on highway or pedestrian safety. The scheme is therefore considered to be in accordance with Policies BE1 (criteria a and i), CF2B and T5 of the adopted Local Plan together with the overarching principles of the NPPF and is recommended for approval subject to conditions.

**RECOMMENDATION:- Grant subject to conditions.**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is a sustainable development that would complement and be ancillary to the existing uses of this designated educational site and by virtue of the siting, design and appearance would complement the character of the site and surrounding area and would not give rise to any significant or demonstrable adverse impacts on the amenities of the occupiers of any neighbouring properties or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), CF2B & T5.

In dealing with the application, through ongoing negotiation and the receipt of additional information, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

**Conditions:-**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan; Part Existing Site Plan Drawing No. S2e 024/02; Proposed Site Plan Drawing No. S2e 024/03 and Floor Layouts & Elevations of Proposed Modular Buildings Drawing No. S2e 024/01 received by the local planning authority on 14 April 2015 and Planning Statement dated and received by the local planning authority on 10 June 2015.
- 3 The modular buildings hereby permitted shall only be occupied by the school in association with, and ancillary to, educational and associated community activities and for no other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 The modular buildings hereby permitted shall be constructed in accordance with the external materials schedule within Section 9 of the submitted Planning Application

form and on the approved Floor Layouts & Elevations of Proposed Modular Buildings Drawing No. S2e 024/01 received by the local planning authority on 14 April 2015.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the use of the buildings remains compatible within this locality and does not give rise to unacceptable impacts on the amenities of neighbouring residents in accordance with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 4&5 To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

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