

Delegated Report

Planning Ref: 24/00861/CONDIT

Applicant: Mr Matt Nicolle

Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: Redmoor High School Academy Trust, Wykin Road, Hinckley

Proposal: Application to vary condition 2 attached to planning permission 23/01068/FUL. Amendment to increase the height of the proposed building.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions to be delegated to the Head of Planning.

2. Planning application description

2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.

2.2. In this case, planning permission for application 23/01068/FUL granted approval for a two storey classroom block and associated works (following demolition of existing temporary classroom block).

2.3. The application seeks planning permission for the variation of condition 2. The application seeks to make revisions to the overall height of the classroom block by 1.135m to allow for deeper service voids.

3. Description of the site and surrounding area

3.1. Redmoor Academy is located to the North West of Hinckley. The development site is located within the existing cluster of school buildings. The school is bounded by residential properties and Dorothy Goodman School to the East. There are existing boundary treatments situated between the development site and Wykin Road including existing trees providing a degree of natural screening. There is existing car parking facilities at the site located South of the main Academy buildings, including an overflow car park.

4. Relevant planning history

24/00490/FUL

New electrical substation

Planning Permission

20.06.2024

24/00460/DISCON

Application to discharge conditions 3 (Drainage), 4 (Construction Management Plan), 8 (Light Spill) attached to planning 23/01164/FUL
Discharged

09.07.2024

24/00152/DISCON

Application to discharge planning condition 4 (Construction Traffic Management Plan) from 23/01068/FUL

Discharged

26.03.2024

23/01164/FUL

New sports hall with changing facilities, classrooms, car parking, landscaping and solar panels
Planning Permission
10.05.2024

23/01068/FUL

Proposed two storey classroom block and associated works (following demolition of existing temporary classroom block)
Planning Permission
09.01.2024

5. Publicity

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

5.2. No objections have been received.

6. Consultation

6.1. Responses have been received from:

- HBBC Drainage: No objections
- HBBC Pollution: No objections
- LCC Highways: No objections

7. Policy

7.1. Core Strategy (2009)

- None

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- 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) (2023)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

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

8. Appraisal

8.1. The principle of development has already been established through the earlier grant of the extant planning permission on the site. This application involves varying the approved plans, approved under the full application referenced 23/01068/FUL. The considerations under this application are:

- Design and impact upon the character of the area
- Impacts on neighbouring amenity
- Impact on highway safety
- Conditions

Design and Impact upon the Character of the Area

- 8.2 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.
- 8.3 The proposed replacement class room block is two storey in nature and consists of a mix of brickwork and cladding, with light white and burgundy cladding to match the existing educational buildings on site. The design of the structure matches that of the existing academy buildings on site with its flat roof design and cladded exterior.
- 8.4 The block is distanced away from Wykin Lane and is screen by existing educational building to the extent that it will not be highly visible from public vantage points and as such, the proposed increased in height of 1.135m would not have any detrimental impacts upon the character of the area.
- 8.5 As such the proposed amendments are in accordance with Policy DM10 of the SADMP.

Impact on Neighbouring Amenity

- 8.6 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.7 The two storey classroom block is located amongst a cluster of existing educational buildings. The location of the classroom block is set away from the well screened boundaries of Redmoor Academy significantly, and as such it is considered that there would not be detrimental impacts caused by the increased height of the development to neighbouring residential amenity in terms of loss of privacy, overshadowing/loss of light, overbearing impacts or noise impacts.
- 8.8 As such it is considered that the variation is in accordance with Policy DM10 of the SADMP.

Impact on highway safety

- 8.9 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.10 The proposal to increase the height of the classroom block does not lead to an increase in pupil or staffing numbers, and does not cause the loss of parking facilities on site. One condition was included on the previous approval for the classroom block and any conditions will be included at the end of this report.
- 8.11 It is therefore considered that the proposed variation is compliant with Policies DM17 and DM18 of the SADMP.

Conditions

- 8.12 Planning permission 23/01068/FUL was subject to 4 conditions. Condition 2 relates to approved plans and will be amended to account for the revised plans. Condition 4 relating to the submission of a construction management plan has been

discharged and therefore amended to a compliance condition. Development has commenced and therefore condition one of the original approval has been removed from this decision.

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, 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).

10. Conclusion

10.1 The proposal remains acceptable in principle, would not result in any adverse impact to the character or appearance of the area, neighbouring amenity or highways. The proposal is therefore considered to accord with Policy DM1, DM7, DM10, DM17 and DM18 of the SADMP.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, received by the Local Planning Authority as follows:

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

Design and Access Statement
Site Location Plan Drg No. 01 Rev P1
Proposed Site Plan Drg No. 100 Rev P1
Proposed Ground Floor Plan Drg No. 110 Rev P2
Proposed First Floor Plan Drg No. 111 Rev P2
Drainage Strategy Drg No. 2023_237_301c
Submitted and approved under application 23/01068/FUL

Elevations - NE_SW Drg No. 17263-DB3-B01-ZZ-DR-A-21001 Rev C3
Elevations - NW_SE Drg No. 17263-DB3-B01-ZZ-DR-A-21000 Rev C3
Submitted and approved under application 24/00861/CONDIT

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).

2. The development hereby approved by this permission shall be carried out in accordance with the submitted Drainage Strategy prepared by GMB Consultants dated August 2023.

Reason: To ensure adverse impacts from pollution and flooding are prevented in line with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development shall be carried out in accordance with construction traffic management plan as approved under application 24/00152/DISCON.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.