

Delegated Report

Officer: Ashleigh Gade
Title: Senior Planning Officer

Planning Ref: 25/00310/CLP
Applicant: Mr Brian Breen
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Heath Lane Academy, Heath Lane, Earl Shilton

Proposal: Certificate of proposed lawful development for the removal of the existing glazed entrance screen and doors to the main school entrance and replacement with new polyester powder coated (PPC) aluminium glazed entrance screen with double automatic sliding doors. Removal of the existing white uPVC shiplap cladding above the entrance screen and replacement with new white uPVC shiplap cladding to match the existing.

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning application description

- 2.1. The application seeks a Certificate of Proposed Lawful Development for the proposed replacement of entrance doors and external cladding at Heath Lane Academy, Heath Lane, Earl Shilton.
- 2.2. The proposed replacement of the existing entrance doors involves removal of the two existing glazed outward swinging glazed entrance doors and replacement with two powder-coated aluminium glazed automatic sliding entrance doors.
- 2.3. The proposed replacement of external cladding involves the removal of existing white uPVC shiplap cladding to the building entrance and replacement with new white uPVC shiplap cladding to match.
- 2.4. The proposed works also include internal alterations in the form of new powder-coated aluminium sliding doors on the first floor, replacement of stair treads, and the addition of access control to internal doors within the reception area.

3. Description of the site and surrounding area

- 3.1. Heath Lane Academy is located within the settlement boundary of Earl Shilton and is located to the west of the settlement, close to Barwell. Heath Lane Academy is a secondary school and sixth form academy.
- 3.2. The Academy site comprises the central school building and several smaller detached buildings, car parking areas to the west, and playing fields and surfaced courts to the north and east. The entrance to the site from Heath Lane is gated.
- 3.3. The application site comprises a defined area of land within the broader Heath Lane Academy site. The red line area covers the access from Heath Lane, an internal pathway toward the main building entrance, and a portion the eastern section of the façade of the main school building, as well as the external section of the building's main entrance.
- 3.4. To the south, east and west of the site are the settlements of Earl Shilton and Barwell. To the north is land within the designated open countryside.

4. Relevant planning history

24/00824/FUL

- Replacement roof to the main block and associated works
- Planning Permission
- 17.10.2024

24/00257/FUL

- Replacement of windows
- Planning Permission
- 14.05.2024

5. Publicity/Consultation

- 5.1 There is no statutory requirement to consult third parties on applications for a lawful development certificate. As such, no consultation has been undertaken for this application.

6. Policy

- 6.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7. Appraisal

- 7.1 The main consideration for the determination of this proposal is whether the proposed development falls within permitted development as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 7, Class M.
- 7.2 It is noted that Class M covers the erection, extension or alteration of a school, college, university, prison or hospital building.

Development is not permitted under Class M-

- (a) *if the cumulative footprint of any erection, extension or alteration under Class M or on the relevant date (21 April 2021) would exceed the greater of – (i) 25% of the cumulative footprint of the school, college, university, prison or hospital buildings as it was on the relevant date, or, (ii) 250 square metres.*

The development does not result in any increase to footprint.

- (ba) *in the case of a school where any land adjacent to the site is used for a purpose within Part C of the Schedule to the Use Classes Order (residential purposes) if any part of the proposed development is within 5 metres of the boundary of the curtilage of that residential land.*

The development is not within 5 metres of the boundary of the curtilage of adjacent residential land.

- (c) *if, as a result of the development, any land used as a playing field at any time in the last 5 years before the development commenced and remaining in this use could no longer be so used.*

The development site does not form part of a playing field and has not done so at any time during the last 5 years.

- (d) *if the height of any new building erected would exceed – (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres, or, (ii) in all other cases 6 metres.*

The development does not involve the erection of any new building.

- (da) *if the height of any rooftop structure would exceed 1.5 metres.*

The development does not involve any rooftop structures.

- (e) *if the height of the building as extended or altered would exceed- (i) if within 10 metres of a boundary of the curtilage of the premises, the lesser of the height of the building being extended or altered or 5 metres, or, (ii) in all other cases, the height of the building being extended or altered.*

The development does not involve any alterations that would exceed the height of the existing building.

- (f) *if the development would be within the curtilage of a listed building.*

The development is not within the curtilage of a listed building.

- (g) *unless – (i) in the case of a school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education...*

The buildings on the premises are predominantly used for education.

Development is permitted under Class M subject to the condition that-

- (a) *the development is within the curtilage of an existing school, college, university, prison or hospital.*

The development is within the curtilage of an existing school.

- (b) *the development is only used as part of, or for a purpose incidental to, the use of that school, college, university, prison or hospital.*

The development is incidental to the use of the use of the main school building.

- (c) *any new building erected is, in the case of article 2(3) land, constructed using materials which would have similar external appearance to those used for the original school, college, university, prison or hospital buildings.*

The development does not involve the erection of any new building and is not within article 2(3) land.

- (d) *any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.*

The building is not within article 2(3) land.

- (e) *where proposed development under Class M related to the erection, extension or alteration of a school building that results in an increase in the school's published admission number, the developer must, within a period of six months starting with the date the development is completed, submit to the local planning authority a travel plan for the site.*

The development does not involve erection, extension or alteration to the school building that would facilitate an increase in the published admission number.

- (f) *where proposed development under Class M related to the erection, extension or alteration of a university building, development is permitted subject to a condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required...*

The proposed development is not related to a university building.

- (g) *an application required under paragraph (f) is to be made and determined in accordance with Paragraph M.2A...*

Paragraph (f) does not apply to the development as it is not related to a university building.

- (h) *development approved pursuant to an application under paragraph (f) is permitted subject to the condition that it is completed within a period of three years starting with the prior approval date.*

Paragraph (f) does not apply to the development as it is not related to a university building.

- (i) *where proposed development under Class M related to the erection, extension or alteration of an open prison building, before beginning development the developer must— (i) assess the contamination and flood risks of the development, (ii) identify measures to reduce, so far as practicable, any contamination or flood risks of the development, (iii) where the development is in an area within Flood Zone 3, carry out prior consultation in accordance with paragraph M.2B (procedure for prior consultation under Class M), (iv) provide written notification to the local planning authority of the proposed development with the documents and information listed in sub-paragraph (j).*

The proposed development does not relate to an open prison building.

- (j) *the documents and information specified in sub-paragraph (i)(iv) are; (i) a written description of the proposed development, (ii) a plan indicating the site and showing the proposed development, (iii) a drawing, prepared to an identified scale, showing— (aa) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and (bb) in the case of a building to be extended or altered, the external dimensions and*

elevations of that building both before and after the proposed extension or alteration, (iv) the proposed commencement date, (v) written confirmation that development will not take place on any land used as a playing field, and remaining in that use, at any time in the 5 years before the proposed commencement date, (vi) the developer's contact address, (vii) the developer's email address if the developer is content to receive communications electronically.

Sub-paragraph (i)(iv) does not apply as the development does not relate to an open prison building.

8. Equality implications

8.1 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.

8.2 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.

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

9. Conclusion

9.1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2 Part 7, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

10. Recommendation

10.1 **Grant Certificate of Lawful Proposed Development**

11.1 Notes to applicant

- a) The application has been determined with consideration to the following submitted documents:
 - Certificate of Lawful Proposed Use Application Form
 - Planning Statement
 - Design and Access Statement
 - Block, Site Location Plan, Drg No. P24713-BA-A1-XX-DR-A-2001 Rev P01
 - Site Plan, Drg No. P24713-BA-A1-XX-DR-A-2002 Rev P01
 - Proposed Plans, Drg No. P24713-BA-XX-GF-DR-A-2004 Rev P01

- Existing, Proposed Elevations, Drg No. P24713-BA-XX-ZZ-DR-A-2008
Rev P01
- b) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.