

## Delegated Report

**Planning Ref: 24/01014/FUL**

**Applicant: Mr Matt Nicolle**

**Ward: Hinckley Trinity**

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

**Proposal: Relocation of existing storage containers and erection of 2m high fenced enclosure for bike storage**

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Hinckley & Bosworth  
Borough Council

### 1. Recommendations

#### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

### 2. Planning application description

- 2.1. The proposal seeks to relocate existing storage containers within the site and for the erection of a 2m high fenced enclosure for bike storage.

### 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

#### **24/01013/CLP**

Lawful Development Certificate for the proposed development of a single storey extension to north west corner of existing school premises

Certificate Granted

24/12/2024

#### **24/00949/CONDIT**

Variation of condition 2 of planning permission 23/01164/FUL. Amendments to elevations and roof plan to include ventilation and wind catchers on the roof and louvres to the north elevation

Planning Permission

03/12/2024

#### **24/00861/CONDIT**

Application to vary condition 2 attached to planning permission 23/01068/FUL.

Amendment to increase the height of the proposed building.

Planning Permission

06/11/2024

#### **24/00490/FUL**

New electrical substation

Planning Permission

20/06/2024

#### **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

**20/00797/FUL**

Construction of toilet block to side of school

Planning Permission  
01/10/2020

**18/00002/FUL**

Two storey extension to Science and Mathematics block

Planning Permission  
13/11/2018

5. **Publicity**

5.1. The application has been publicised by a site notice within the vicinity of the site.

5.2. No comments have been received.

6. **Consultation**

6.1. LCC Ecology: No objection subject to condition.

6.2. LCC Highways: No objection.

7. **Policy**

7.1. **Site Allocations and Development Management Policies DPD (2016)**

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.2. **Core Strategy (2009)**

- None

7.3. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.4. **Other relevant guidance**

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

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
- Ecology and Biodiversity Net Gain (BNG)

### **Assessment against strategic planning policies**

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.3. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. Policy DM25 of the SADMP supports the redevelopment of community facilities borough wide.
- 8.4. Policy DM25 states that the Borough will resist the loss of community facilities, and will only be acceptable where it can be demonstrated that an equivalent range of replacement facilities can be provided in an appropriate location. This proposal whilst relating to the school, does not impact any of the existing facilities on the site. The proposal can therefore be considered to be in accordance with Policies DM1 and DM25 of the Site Allocations and Development Management Policies DPD.

### **Design and impact upon the character of the area**

- 8.5. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6. The proposal is for the relocation of two storage containers and the erection of a 2m high fence surrounding the cycle store facility on site. The location of this development is to the South East of the site located adjacent to the existing and approved car parking facilities. The location is well screen from Wykin Road by existing and mature hedgerow and trees and within this proposal additional planting is proposed to screen the fencing, containers and bike store further once mature. Overall it is considered that the proposal will not have a detrimental impact on the character of the area and is therefore in accordance with Policy DM10 of the SADMP.

### **Impact upon neighbouring residential amenity**

- 8.7. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.8. The proposed development is located to the South East of the site, and consists of a 2m high fence and storage containers which are 2.3m in height. The location of the development is a significant distance away from neighbouring properties on Wykin Road and Newhaven Gardens and is well screen from these properties by the existing mature hedgerow and trees within the boundary treatment. Alongside this, the development is proposed to implement additional planting and landscaping to shield the development further. It is considered that the development would not result in any detrimental impact to neighbouring residential amenity in terms of loss

of light, loss of privacy, overbearing impacts or overshadowing. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP.

### **Impact upon highway safety**

- 8.9. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.10. The proposal does not have any material impact on Highway safety and does not have any impact on the existing car parking provision on site, by the nature and location of the development.
- 8.11. As such it is considered that the proposal is in general accordance with Policies DM17 and DM18 of the SADMP.

### **Ecology**

- 8.12 Policy DM6 seeks to ensure that on site features are retained or included which safeguard and enhance biodiversity.
- 8.13 The development is not exempt from mandatory Biodiversity Net Gain (BNG). The statutory framework for BNG has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted, a 'Biodiversity Gain Plan' must be submitted and approved prior to the commencement of this development. However the PPG is clear that BNG is not just a post-permission matter, that it is a material consideration and that when determining a planning application LPAs need to consider whether the BNG condition is capable of being discharged successfully through the imposition of conditions and/or a legal agreement.
- . 8.14 The relevant BNG metric was submitted as part of this proposal which indicated a net gain of over 10%. LCC Ecology have confirmed that they are satisfied with the proposal, the BNG scheme is considered to be feasible and can be provided for on site. BNG proposals include the planting of hedgerow on the site.
- 8.15 As above the application will be subject to the standard, mandatory BNG 'pre-commencement condition', in addition to that a condition is required seeking a 30-year Habitat Management and Monitoring Plan (HMMP) to evidence how the proposed habitats will be created, managed to the condition stated and monitored for the relevant 30 year period.
- 8.16 Subject to the mandatory BNG condition and condition requiring the HMMP the LPA are satisfied the proposal will achieve 10% BNG and that this will be created and managed for the relevant period. In addition no onsite features would be lost as a result of the development, the proposal therefore also complies with Policy DM6.

## **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. It is considered that the proposal has limited impacts on the character of the area, neighbouring amenity, highways safety and ecology. The proposal therefore complies with Policies DM1, DM6, DM10, DM17, DM18 and DM25 of the SADMP.

## 10. Recommendation

### 11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

#### Planning Statement

Location and Block Plan Drg No. 900 Rev P1

Proposed Container Storage Area Drg No. 910 Rev P1

External Works Detail Drg No. 920 Rev P1

Proposed Landscape Plan - Drg No. 23215-901 Rev P1

Proposed Site Plan Drg No. 23215-910 Rev P2

Proposed Cycle Shelter Details Drg No. 23215-932 Rev P1

Proposed 10ft Container Details, Drg No. 23215-931 Rev P1

Proposed 20ft Container Details, Drg No. 23214-930 Rev P1

Cycle Shelter Information

**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).

3. Prior to commencement of the development a 30-year Habitat Management and Monitoring Plan (HMMP) shall be submitted in writing to and approved by the Local Planning Authority, and shall thereafter be adhered to.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

#### Mandatory BNG Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

#### **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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.