

Delegated Officer Report

Planning Ref: 24/00949/CONDIT

Applicant: Mr Matt Nicolle

Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

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

Proposal: 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.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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 23/01164/FUL granted approval for a new sports hall with changing facilities, classrooms, car parking, landscaping and solar panels.

2.3. The application seeks planning permission for the variation of condition 2. The application seeks to make revisions to the elevations and roof plan to include ventilation and wind catchers on the roof and louvres to the north elevation.

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

24/00861/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

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
 - LCC Ecology: No objections
 - LCC Drainage: No objections
 - HBBC Waste Management: No objections
 - Sport England: Re-iteration of the previously imposed conditions
 - S106 & Monitoring Officer: Current DISCON application under consideration, so noted to ensure conditions moved over correctly.
 - LCC Tree Officer: No objections.
 - Environment Agency: 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 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) (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 23/01164/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 amendments to condition 2 of the original permission include ventilation and wind catchers to the roof of the sports hall and louvres to the north elevation. The proposed plans indicate a lower overall roof height with the wind catchers atop of this roof not exceeding the overall height of the original approval. It is considered that whilst the amendments to the roof may be slightly visible from distance, due to the location atop of the roof it would not be significantly visible from ground level to result in a significant detrimental impact to the character of the area.
- 8.4 The additions of the ventilation and wind catcher systems do weaken the design to a degree, however, they are viewed in the context of the approved building which has a functional and utilitarian design they are not therefore out of keeping with the building.
- 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 original permission considered the erection of the sports hall to be acceptable in terms of its impacts on neighbouring residential amenity, by way of its distance from neighbouring properties and also through additional landscaping which was secured by way of condition. The amendments to the original plans considered under this proposal are not considered to give rise to any detrimental neighbouring amenity issues further to the original permission. This is due to the nature, size and scale of the amendments.
- 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 original application confirmed that the increase in pupil numbers at the school and was considered acceptable by the County Highways Authority subject to conditions which have been included on the original permission and included at the end of this report. The Highways Authority confirmed they have no objections to the proposed amendments and it is considered that the amendments to the roof and northern elevation would not lead to any detrimental impacts to highway safety or vehicular parking.
- 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 23/01164/FUL was subject to 12 conditions. Condition 2 relates to approved plans which are to be varied under this application.
- 8.13 The following conditions have been formally discharged: C3 (Drainage); C4 (Construction Management Plan); C8 (Light Spill). Compliance conditions will be reinstated to ensure the development is carried out with these approved details. Condition 6 (Community Use Agreement) is currently under consideration under a discharge of condition application, the condition for such shall be included in this report and amendments will be made to the discharge application.
- 8.14 All other conditions are still considered relevant and necessary for the 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, 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, DM17, DM18 and DM25 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 be begun before the expiration of three years from the date of the original permission 23/01164/FUL, dated 10 May 2024.

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:

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

Travel Plan

PIA Analysis

Proposed Landscape Plan Drg No. 105 Rev P3

Submitted and approved under application 23/01164/FUL

Proposed Roof Plan, Drg No. 23215 -112 Rev P3

Proposed Elevations, Drg No. 23215 -300 Rev P3

Proposed Roof Plan, Drg No. 24006-AKA-AA-00-DR-A-2003_C6

East, North Elevations, Drg No. 24006-AKA-AA-00-DR-A-2101_C3

West, South Elevations, Drg No. 24006-AKA-AA-00-DR-A-2102_C3

Submitted and approved under application 24/00949/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).

3. The development shall be implemented in accordance with the surface water drainage details approved under application 24/00460/DISCON.

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).

4. The construction of the development shall be carried out in accordance with the construction traffic management plan approved under application 24/00460/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 in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

5. Prior to the commencement of any development on the site, a construction fence shall be erected along the western boundary of the proposed building as shown in red on the Location Plan (Drw No: 01 rev P2) . This construction fence line (limit of works) shall remain in place throughout the duration of the construction activity and no works/storage shall take place on the playing field area which lies outside of this fence.

Reason: To ensure that there is no impediment to the ability to use the retained playing field at the site during construction of the approved development in accordance with the requirements of the NPPF (2023).

6. No development shall commence above foundation level of the building hereby approved until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the local planning authority, and a copy of the completed approved agreement has been provided to the local planning authority. The agreement shall include use of the sports hall, fitness suite, changing rooms, external grass playing pitches, non turf cricket wicket and external netball/tennis courts along with access to the car park and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sport facility and the remaining playing field land to ensure sufficient benefit to the development of sport and to accord with the NPPF (2023).

7. The hereby approved windows serving changing room A and changing room B shall be obscured glazed.

Reason: To safeguard the privacy and safety of future users of the site.

8. The lighting shall be installed and maintained in accordance with the lighting details approved under application 24/00460/DISCON in perpetuity.

Reason: To ensure that the proposal does not cause detrimental impacts to light pollution or neighbouring residential amenity in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The landscaping detailed within the approved 'Proposed Landscape Plan Drg No. 105 Rev P3' shall be planted within the first planting season following the receipt of this decision notice. The landscaping shall be remain and be maintained in perpetuity. If any planting dies or is diseased and is therefore required to be removed, replacement planting shall be required and the applicant shall notify the LPA in writing.

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).

10. The development hereby permitted shall not be first used until such time as the parking and turning facilities have been implemented in accordance with S2e drawing number 101 Rev P1. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

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 and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

11. The development hereby permitted shall not be first used until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

12. The agreed Travel Plan (dated March 2024) shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

7.5. **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.
2. More information on Community Use Agreements including a model template is available on Sport England's website: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

3. Where possible, the position of the internal lights in the sports hall should be positioned off the badminton playing court area to ensure the hall is best suited for badminton.
4. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).