

Delegated Report

Planning Ref: 23/01164/FUL

Applicant: Mr Matt Nicolle

Ward: Hinckley Trinity

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

Proposal: New sports hall with changing facilities, classrooms, car parking, landscaping and solar panels



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 erect a sports hall with associated changing facilities, classrooms, additional car parking, landscaping and solar panels. The proposal is located to the South of the existing cluster of school buildings towards Wykin Road.

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

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 sending letters to neighbours and a site notice has been posted within the vicinity of the site. A press notice was posted in the Hinckley Times.

- 5.2. No comments received.

6. Consultation

- 6.1. HBBC Pollution: No objection. Lighting Plan requested and secured via condition.
- 6.2. HBBC Drainage: No objection, subject to condition.

- 6.3. LCC Drainage: No objections, standing advice.
- 6.4. HBBC Waste: No objections.
- 6.5. LCC Tree Officer: No objections.
- 6.6. LCC Highways: Additional information requested, secured via condition.
- 6.7. S106 Monitoring Officer: No comments.
- 6.8. Environment Agency: No objections.
- 6.9. Sport England: No objections subject to condition.

7. **Policy**

7.1. **Site Allocations and Development Management Policies 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

7.2. **Core Strategy (2009)**

- None

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. **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
- Other

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 of the SADMP states that the Borough Council will support the formation of new community facilities across the Borough. The proposal will act in a dual nature, both as a sports hall and classrooms to support the existing school and also out of school operating hours and a community facilities to support local sports clubs. A community use agreement will be secured by way of condition and is set out at the end of this report.
- 8.5. Policy DM8 of the SADMP states that planning permission will not be granted for proposals resulting in the loss of land or buildings in recreational or sporting use expect where a replacement typology is provided in an appropriate location serving the local community or where the development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the remainder of the site.
- 8.6. The proposal would lead to the loss of an existing sports pitch used by Redmoor Academy, however would provide an improved facility providing a sport hall with an internal pitch with associated infrastructure which benefits both the Academies usage and also the wider community. This was acknowledged within the Sport England consultation response where it was stated that the benefits of the sports hall outweigh the loss of the existing outdoor playing field.
- 8.7. As such it is considered that the proposal is acceptable in principle and is in accordance with Policies DM1, DM8 and DM25 of the SADMP,

Design and impact upon the character of the area

- 8.8. 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.
- 8.9. The proposal is for a sports hall and class room block measuring 8.15m in height at the highest point. The design includes a cladding effect on the exterior, with a number of windows included on the rear element which serves the classroom. Additional associated landscaping has been included to soften the visual impact of the development.
- 8.10. The introduction of the sports hall, which is located between the existing academy buildings and Wykin Road will have a degree of visual impact owing to the scale and massing of the structure. However, it is considered that through the additional landscaping and tree planting that the visual impact has been softened and is not considered to cause significant detrimental impacts given the nature of the setting being a school/academy.
- 8.11. Amended plans have been received throughout the application process which have included introducing a range of materials on the elevation facing Wykin Road to lessen the visual impact and break up the massing of the grey cladding.
- 8.12. Overall it is considered that the proposal would not have significant detrimental impacts on the character of the area and the visual amenity of the street scene when viewed in conjunction with the additional proposed landscaping. As such it is considered in general accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.13. 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.
- 8.14. The proposed location of the sports hall is forward of the existing cluster of academy buildings. The proposal is not considered to have detrimental impacts on neighbouring residential amenity in terms of loss of light, loss of privacy or overlooking impacts due to the distance between the proposed location and residential properties and due to the location and design of the windows and openings.
- 8.15. The proposal has taken consideration of noise impacts through the submission of a noise analysis report which following a consultation with HBBC Environmental Health, has been confirmed as acceptable. Similarly Environmental Health have requested a light overspill plan to ensure that impact from lighting would not cause detrimental impacts on neighbouring amenity. Whilst this has been requested within the application process, this has not been submitted and as such will be secured by way of condition.
- 8.16. Through the additional planting and retention of the existing boundary treatments, including the mature trees on site, it is considered that the proposal would not have a significant detrimental impact on neighbouring residential amenity in terms of overbearing impacts, specifically to the residential dwellings adjacent to the development site on Wykin Lane.
- 8.17. As such it is considered that the proposal is in general accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.18. 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.
- 8.19. The proposal intends to increase and improve the existing number of car parking spaces at the site and will lead to an increase in pupil numbers attending the school. Following discussions between the applicant and LCC Highways, sufficient information has now been submitted to satisfy LCC's requirements and they have confirmed they are happy to proceed with the approved planning permission subject to planning conditions included at the end of this report. It is considered that the proposal would not cause detrimental impacts to highway safety as a result it is considered to be in accordance with Policies DM17 and DM18 of the SADMP.

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).

9.5 Conclusion

- 10.1. It is considered that the proposal has limited impacts on the character of the area, neighbouring amenity and highways safety. The proposal therefore complies with Policies DM1, DM7, DM8, 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:

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
Proposed Elevations Drg No. 300 Rev P3
Drainage Strategy Drg No. 2023_237_301c
Travel Plan
PIA Analysis
Proposed Landscape Plan Drg No. 105 Rev P3

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 hereby approved by this permission shall not begin until a scheme to provide a sustainable surface water drainage system in accordance with the Drainage Strategy drawing dated August 2023 has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details

before the development is completed. Full details of the drainage scheme to include hydraulic calculations and SuDS construction details.

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. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

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.

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. No development shall commence above foundation level until a plan detailing the light spill of the proposed lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be

installed and maintained in accordance with the approved details 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 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).

11. 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).

12. 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).

13. 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).

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).