

Delegated Report

Planning Ref: 24/00505/FUL

Applicant: Hastings School

Ward: Burbage St Catherines and Lash Hill



Hinckley & Bosworth
Borough Council

Site: Hastings High School, St Catherines Close, Burbage

Proposal: Replace the existing chain linked fencing with mesh security fencing.

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 replace the existing chain linked fencing with mesh security fencing.

3. Description of the site and surrounding area

- 3.1. The site relates to a school accessed off St Catherine's Close within the settlement boundary for Burbage and surrounded predominantly by residential properties. The school currently has an existing chain link fence surrounding the perimeter.

4. Relevant planning history

23/00643/FUL

Proposed replacement of existing 2no classroom blocks and associated landscaping
Planning permission
11/08/2023

2/00899/FUL

Change of use from former school house to additional classroom and school office accommodation.
Planning permission
11/11/2022

20/01376/CONDIT

Removal of condition 1 attached to planning permission 17/00766/CONDIT
Planning permission
04/03/2021

20/00036/FUL

Single Storey Modular Classroom Block to School
Planning permission
05/03/2020

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Two comments have been received raising concerns, one is a formal objection, the other notes queries/concerns. The concerns relate to the existing trees and hedgerow being damaged by the removal and replacement of the fencing. There are concerns that this will impact the visual amenity of the area have been raised. A suggestion was also made to incorporate mammal holes to the fencing.

6. Consultation

- 6.1. Comments have been received from:
- HBBC Environmental Services – pollution – no objection
 - HBBC Drainage – no objection.
 - HBBC Waste Management – no objections.
 - Burbage Parish Council – no objections.
 - LCC Highways – no objections, one condition included.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies
- 7.2. 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
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4. Burbage Neighbourhood Plan (2021)
- Policy 9: Wildlife and green corridors
 - Policy 16: Schools
- 7.5. Other relevant guidance
- Good Design Guide (2020)

8. Appraisal

- 8.1. Key Issues
- Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety

Design and impact upon the character of the area

- 8.2. Policy DM10 of the SADMP requires proposals to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3. Policy 9 of the Burbage Neighbourhood Plan seeks to protect and enhance networks of green spaces including species rich hedgerow. The NP identifies an important hedgerow to the east of the site along Hinckley Road. The hedgerow would not be impacted by the proposals as there are no amendments to the boundary treatments along this boundary.
- 8.4. Policy 16 of the Burbage Neighbourhood Plan states that proposals for the expansion of existing schools within the Parish will be sympathetically supported

where it can be demonstrated that the proposal would not include the loss of land already used for recreation, unless it can be demonstrated that any loss of recreational land is of minimal nature and the benefits out-weigh any loss of this valuable health and educational resource.

- 8.5 The proposal seeks to replace the existing chain link fence with a mesh security fence. The proposal will be visible from public vantage points, however when considering the existing boundary fencing and the newly proposed fencing the difference in visual appearance is minor and is not considered to cause detrimental impacts to the visual amenity of, or character of the area. It is noted that within the neighbour objections, concerns were raised to the potential visual harm cause if any hedgerow or trees are removed or damaged as part of the proposal, the trees/hedgerows are not protected by virtue of a TPO or being located within a Conservation Area therefore could be removed without further consent. However, the shrubs, hedgerows and trees do offer amenity value. There are areas where the fencing has been terminated or is set in from the location of mature trees. A condition has been suggested to confirm that any removal or damage to the planting would be replaced appropriately to ensure that such planting continues to screen the fencing and soften its appearance.
- 8.6 As such it is considered that the proposals are in accordance with Policy 16 of the Burbage NP (2021) and Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities with in the vicinity of the site.
- 8.8 Policy 16 of the Burbage Neighbourhood Plan states that proposals for the expansion of existing schools within the Parish will by sympathetically supported where it can be demonstrated that the development would not result in significant loss of amenity to residents or other adjacent users.
- 8.9 The proposal seeks the replacement of the chain link fence with a mesh security fence, owing to the existing fencing on site, and the similar nature of the proposed fencing, it is considered that the proposal would cause no detrimental impacts to neighbouring amenity in terms of loss of light, loss of privacy, overbearing impacts or overshadowing. As such the proposal is considered to be in accordance with Policy 16 of the Burbage NP (2021) and Policy DM10 of the SADMP.

Impact upon highway safety

- 8.9 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.10 LCC Highways have been consulted as part of the application, no objections were raised however, a condition has been recommended and included relating to the public footpath located within the vicinity of the site. Following further consultation, the condition has been removed and notes to applicant have been included which are found at the end of this report. The proposal is not anticipated to have any material impact upon the highway or parking facilities at the school and therefore the proposal would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Other matters

- 8.11 A suggestion has been made for the inclusion of mammal holes within the fence line, these aid connectivity and the movement of wildlife including hedgerows. Considering the existing site has fencing in place, the development is unlikely to significantly worsen habitat connectivity. With that in mind they aren't judged necessary in order to approve the development, however, an informative note has been added to the recommendation suggesting they are considered by the school.

Equality implications

- 8.12 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.
- 8.13 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 8.14 There are no known equality implications arising directly from this development.
- 8.15 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. Conclusion

- 9.1 The application is considered to be acceptable in terms of its impacts on the character of the area, and have no detrimental impact on neighbouring amenity or highway safety. As a result the proposal is considered to be in accordance with Policies DM10, DM17 and DM18 of the adopted SAMDP and Policy 9 and 16 of the adopted Burbage Neighbourhood Plan, the scheme is therefore recommended for approval subject to conditions.

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:

Site Location Plan

Proposed Site Plan Drg No. 24 4573 02

Proposed Front Entrance Gates Drg No. 24 4573 04

Proposed Euroguard Wield-Mesh Panel Security Fencing Details Drg No. 24 4573 02

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 vegetation, trees and existing hedgerow sited along the north, east and south boundaries, shall be maintained in perpetuity. Any trees, shrubs or hedgerow that die or are damaged or as a result of the development shall be replaced by trees, shrubs or hedgerow of a similar size and species.

Reason: To safeguard the visual amenity of the area in accordance with Policy DM10 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.
2. Please consider the creation of small mammal holes in the base of the fence line to aid movement/connectivity of wildlife to/from the site.
3. The following notes should be drawn to the applicant's attention:
 - a) Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
 - b) The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
 - c) The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
 - d) If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
 - e) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.