

Delegated Report

Planning Ref: 24/01013/CLP

Applicant: Matt Nicole

Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

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

Proposal: The proposal is to construct a single storey extension to the north-west corner of the existing school premises.

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 development of a single storey extension to north west corner of existing school premises at Redmoor High School Academy Trust, Wykin Road, Hinckley.

2.2. The proposed extension to would measure 9.9 metres in length, 3.65 metres in width and would be 3.4 metres in height.

2.3. The extension would comprise two rooms predominantly intended for storage. The larger room would accommodate the storage of sixteen trolleys, while the smaller room would contain exam storage cupboards and space for a desk.

3. Description of the site and surrounding area

3.1. The site of Redmoor Academy is located within the settlement boundary of Hinckley and comprises a cluster of school buildings with associated car parking areas, surrounded by green space predominantly comprising sporting facilities and fields associated with the school. The development site is situated north-west of an existing school building and is a semi-circular piece of land bounded by the school building on one side and all other sides by an existing internal driveway. To the east of Redmoor Academy is the Dorothy Goodman School. The school site is otherwise generally surrounded by residential properties, with established boundary treatments to the north, west and south.

4. Relevant planning history

24/01014/FUL

- Relocation of existing storage containers and erection of 2 high fenced enclosure for bike storage
- Pending Consideration

24/00992/DISCON

- Application to discharge Condition 6 (Community Use Agreement) from planning application 23/01164/FUL
- Pending Consideration

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

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/Consultation

- 5.1 This is an application for a certificate of proposed lawful use and no publicity or consultation is required.

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 extension has a floor area of 36.1 square metres and therefore does not exceed this parameter.

- (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 site is over 70 metres from the curtilage of the nearest residential use.

- (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 would 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 building has a height of 3.4 metres and therefore does not exceed the maximum permitted height.

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

There are no rooftop structures proposed.

- (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 building has a height less than 5 metres and less than that of the building that it being extended.

- (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 extension is to be used for storage and an additional desk space that is incidental to the use of the school.

- (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 building is an extension 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 planning statement accompanying the application states that the proposal will not increase the school's published administration 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
- Site Location Plan, Drg No. 23216-700 P1
- Existing Elevations, Drg No. 702
- Proposed Block Plan, Drg No. 23216-701 P1

as received by the Local Planning Authority on the 4th November 2024.

- 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.