

# Hinckley & Bosworth Borough Council

## Town and Country Planning Act 1990

### Planning Permission

#### Name and Address of Applicant

-  
Reds10 UK Ltd (on behalf of the Department for  
Education)  
129-130 Metal Box Factory  
30 Great Guildford Street  
London  
SE1 0HS

#### Name and Address of Agent (if any)

Mr Matthew Blythin  
DHA Planning Ltd  
Eclipse House Eclipse Park  
Sittingbourne Road  
Maidstone  
ME14 3EN

### Part I - Particulars of Application

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**Date of Application**

15 May 2023

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**Application No.**

23/00477/FUL

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**Particulars and location of development :**

Demolition of five school buildings and the construction of a new three-storey school building with associated landscaping, external canopies and external play area, including the construction and siting of a temporary teaching block and temporary staff car park during construction

**The Hinckley School Butt Lane Hinckley Leicestershire LE10 1LE**

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**Part II - Particulars of decision**

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

**In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-**

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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the Drawings Schedule received 26.09.2023.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

**IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT**

3. The materials to be used on the external elevations of the proposed development are to accord with those outlined in the Drawings schedule received 26.09.2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The schedule of hard and soft landscaping works, including boundary treatments, for the site shall be carried out in full accordance with the approved landscaping scheme (MAC Consulting Landscapes - Site Landscaping Sheets 1-3 - Drawing No.'s SPL0001-MAC-XX-XX-D-L-0004, SPL0001-MAC-XX-XX-D-L-0005 and SPL0001-MAC-XX-XX-D-L-0006). The approved landscaping scheme shall be carried out in the first planting season following the first occupation of the site and shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The construction of the development and routing of construction traffic shall be carried out in accordance with the approved Construction Environmental Management Plan dated 13/07/2023 and Reds10 drawing number 2133-R10-XX-00-DR-W-0101 Rev P05.

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 and to ensure that appropriate staff parking remains on-site in accordance with Policy DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The rating level of the noise emitted from external plant located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To ensure that the proposed use does not suffer from annoyance as a result of nearby noise sources in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to the commencement of any development on the site a detailed survey shall be submitted to the local planning authority for their approval in writing of the area of ground to be occupied by the temporary accommodation/car parking as shown on Drw No: SPL001-MAC-XX-XX-D-L-0015 (Sports Pitch Grass Reinstatement Plan). This survey shall include a full investigation into the extent of any field drains present within this land as part of the playing field. These field drains shall be mapped and recorded as part of this work and shall include details of how these field drains would be reinstated. The approved details shall then be completed in full on the site within three months of the removal of the modular unit, temporary car park and associated infrastructure in this area.

Reason: To ensure that the playing field is restored to a condition fit for purpose and to accord with paragraph 99 of the National Planning Policy Framework (2023) and Policy DM8 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Within one month of the temporary building, car park and infrastructure being installed within the area as shown on Drw No: SPL001-MAC-XX-XX-D-L-0015 (Sports Pitch Grass Reinstatement Plan), a scheme for its removal and the reinstatement of this playing field land shall be submitted to and

approved in writing by the local planning authority in consultation with Sport England. The reinstatement scheme shall include a feasibility study, design and specification detailing how the works would be in accordance with Sport England's guidance note (Natural Turf for Sport" (2011). The approved reinstatement scheme shall then be implemented in full in the first planting season following the removal of the temporary building, car park and infrastructure.

Reason: To ensure that the playing field is restored to a condition fit for purpose and to accord with paragraph 99 of the National Planning Policy Framework (2023) and Policy DM8 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Within one month of the temporary building, car park and infrastructure being installed within the area as shown on Drw No: SPL001-MAC-XX-XX-D-L-0015 (Sports Pitch Grass Reinstatement Plan) a community use agreement prepared in consultation with Sport England shall be 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 apply to the football pitch which would form part of the reinstatement scheme hereby approved along with access to car parking and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The playing field shall then be used in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sport facility to ensure sufficient benefit to the development of sport and to accord with the requirements in paragraph 99 of the National Planning Policy Framework (2023) and Policy DM8 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Within 12 months following the date of this approval, further details and clarification regarding the submitted BNG Report as outlined in the red kite ecology response (on behalf of LCC Ecology) dated 08.11.2023 shall be submitted to and approved in writing by the Local Planning Authority. Additionally, within 12 months following the date of this approval, a 30-year Landscape and Ecological Management Plan (LEMP) including requirements for ensuring Biodiversity Net Gain on and/or off site is achieved in accordance with the Environment Act 2021 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016, and to ensure that the development achieves Biodiversity Net Gain in accordance with paragraph 174 of the NPPF (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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
3. 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.
4. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
6. The restoration scheme for the playing field land should be undertaken by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011).

7. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period.



**Christopher Brown MRTPI**  
**Head of Planning**

Date : 14 November 2023

## NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.
3. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/appeal-planning-decision>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice>.
5. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

### **SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS**

- 1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."
- 2 The buildings to which these requirements apply are :-
  - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.
  - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
  - c) Factories as defined by Section 175 of the Factories Act 1961.  
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

### **PPNOTES (02/07/2014)**



Hinckley & Bosworth  
Borough Council

## Start Notice

### **Important Information – Please keep this with your decision notice**

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-commence conditions, can be found on the [planning portal](#).

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to [planning@hinckley-bosworth.gov.uk](mailto:planning@hinckley-bosworth.gov.uk) or complete the form on the reverse.

**Hinckley & Bosworth Borough Council**  
**Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR**  
**TEL: 01455 238141    EMAIL: [planning@hinckley-bosworth.gov.uk](mailto:planning@hinckley-bosworth.gov.uk)**



Hinckley & Bosworth  
Borough Council

**Development Details**

|                                  |                                                                                                                                                                                                                                                                                            |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Planning application ref:</b> | 23/00477/FUL                                                                                                                                                                                                                                                                               |
| <b>Proposal:</b>                 | Demolition of five school buildings and the construction of a new three-storey school building with associated landscaping, external canopies and external play area, including the construction and siting of a temporary teaching block and temporary staff car park during construction |
| <b>Site Location:</b>            | The Hinckley School Butt Lane Hinckley Leicestershire LE10 1LE                                                                                                                                                                                                                             |

|                                                              |                    |
|--------------------------------------------------------------|--------------------|
| <b>Date when work is intended to start:</b>                  |                    |
| <b>Have all pre-commencement conditions been discharged?</b> |                    |
| <b>Signed:</b>                                               | <b>Print Name:</b> |

**Your contact details (or attach letterhead/business card):**

|                   |  |
|-------------------|--|
| <b>Name:</b>      |  |
| <b>Address:</b>   |  |
|                   |  |
|                   |  |
| <b>Telephone:</b> |  |
| <b>Mobile:</b>    |  |
| <b>Email:</b>     |  |

Hinckley & Bosworth Borough Council  
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR  
TEL: 01455 238141 EMAIL: [planning@hinckley-bosworth.gov.uk](mailto:planning@hinckley-bosworth.gov.uk)