

Delegated Report

Planning Ref: 23/00477/FUL
Applicant: Reds10 UK Ltd on behalf of the department for Education
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: The Hinckley School, Butt Lane, Hinckley, Leicestershire

Proposal: 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.

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 proposed development comprises the demolition of two existing school buildings (six blocks) in the eastern part of the site, and the construction of a new three-storey school building. Hinckley Academy has been identified as in need of improvements through the DfE's Schools Rebuilding Programme. Blocks B, C, D and E and two further blocks adjacent to block K are to be demolished and replaced with a new STEM building. The new building will be constructed via a Modern Methods of Construction (MMC) approach.

2.2. The new school building will comprise the following key facilities:

- Food Classrooms
- Technology Classrooms
- Design Technology Classrooms
- Art Classrooms
- Science Classrooms
- Photography Classrooms (including Dark Room)
- General Teaching Rooms
- Staff Office Space
- Storage and Equipment Rooms
- External Play space
- Green Roof
- Temporary Teaching Block

2.3. The design is complemented by a landscaping scheme including new planting and trees, particularly with a focus of the northern boundary to mitigate any perceived overlooking to the existing residential properties. A new temporary teaching block will be temporarily situated on a portion of the existing playing field, alongside a temporary staff carpark during the construction phase.

3. Description of the Site and Surrounding Area

- 3.1. The application site comprises the Hinckley School, which also includes the John Cleveland Sixth Form Centre. The school site includes a number of existing buildings which are a mixture of styles and storeys. The school also features several staff and visitor car parking areas, external play areas and a MUGA. The site features a large playing field situated to the south west of the site.
- 3.2. The school is located within the settlement boundary of Hinckley and is accessed via Butt Lane, to the west of the school with a pedestrian access from Woodland Road to the south. To the south and the east of the school is Hinckley Golf Course, and immediately to the north is residential dwellings. The site is allocated in the SADMP as a community facility (HIN188) and falls wholly within Flood Zone 1.

4. Relevant Planning History

20/01373/CLP	New perimeter fence to part of the school boundary for safeguarding	Approved
20/01157/FUL	New perimeter fence to part of the school boundary for safeguarding	Withdrawn
18/01018/FUL	Erection of a single storey modular classroom	Approved
18/00282/FUL	Single Storey front extension including external ramped/stepped access to Sixth Form reception	Approved
17/00527/FUL	Installation of external ramp, steps and associated railing and exterior alterations and cladding on corporate services centre	Approved
17/00323/FUL	Double mobile classroom block (retrospective)	Approved

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. One response has been received as a result of public consultation raising objections on the following grounds:-
- a) Overlooking/loss of privacy

6. Consultation

- 6.1. No objections, some subject to condition, have been received from:-
- Sport England
HBBC Waste

HBBC Drainage
Leicestershire County Council (Ecology)
LCC Tree Officer
Environmental Health (Pollution)
LCC Drainage

6.2. Leicestershire County Council (Highways) refers to standing highway advice.

6.3. No responses have been received from:-

Leicestershire County Council (Children & Young People's Services)
Leicestershire & Rutland Playing Fields Association
Ramblers Association
Stanton under Bardon Parish Council
Arboricultural Officer

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Drainage and Technology

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- 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

- Open Space, Sports and Recreation Facilities Study (PPG17)
- Sport England Planning Policy Statement on Playing Fields
- Sport England Design Guidance Note on Artificial Grass Pitches (2015)

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
- Impact on biodiversity
- Other issues

Assessment against strategic planning policies

8.2. Paragraph 11 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. Paragraphs 12 and 13 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.

- 8.3. 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).
- 8.4. The school is located within the settlement boundary of Hinckley and is allocated as a Community Facility under SADMP Policy DM25 (HIN188). Policy DM25 states that the Borough will seek to support the formation of new community facilities across the Borough. The supporting text to the policy sets out that educational facilities are included with in the supported community facilities in the Borough. Furthermore, the site is an existing educational facility where the principle of development is already established.
- 8.5. Additionally, there is national policy support for the improvement of schools. The NPPF highlights that local planning authorities should plan to support strong, vibrant, and healthy communities with accessible local services that reflect the needs and its health, social and cultural well-being, that therefore contributes to sustainable development.
- 8.6. The proposal would result in the temporary loss of an area of playing fields through the provision of the temporary two-storey classroom building and temporary car parking area during the construction phase.
- 8.7. Sport England were consulted on this application and sought the views of the Football Foundation as the area of playing field concerned is primarily used for football. Both parties have considered the period of time that the temporary use is being required for, whilst acknowledging that no community use is being lost. The application submission confirms that the remaining playing field would have some recreational capacity whilst the temporary use is in place.
- 8.8. With all the above considered, Sport England have concluded that whilst the proposal would not meet any exceptions in Sport England's playing field policy or paragraph 99 of the NPPF, the temporary development proposed is considered acceptable in principle subject to conditions outlined below.
- 8.9. To summarise, the proposed development would provide improvements to the existing school via a new purpose-built modern school building which will provide high-quality teaching spaces. Therefore, for the reasons set out above the proposed development is considered acceptable in principle and would be in accordance with Policies DM1, DM2, DM8 and DM25 in this regard.

Design and impact upon the character of the area

- 8.10. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.11. The applicant has stated that the existing buildings to be demolished have extended beyond their design life and are no longer functioning for their purpose due to outdated services and poor thermal performance. The design of the buildings to be demolished are predominantly single storey with some two-storey development and are of a mid-century/utilitarian design with a combination of materials and design styles.

- 8.12. The submitted planning statement indicates that an extensive design process was undertaken, along with pre-application engagement with the Council. The new building will comprise of a three-storey, contemporary building which would become the largest on the site but occupy a significantly smaller footprint than the buildings to be demolished. The applicant has used much of the resultant open space for landscaping, areas for storage, recreation, and improved permeability through the site.
- 8.13. In terms of the siting and massing of the building, although it would be slightly taller than the existing and neighbouring school buildings, the additional height will have limited negative visual impact from the public vantage points and neighbouring dwellings. This is due to the positioning of the building away from the northern boundary where site levels are slightly lower, whilst also increasing the separation distance to the dwellings to the north.
- 8.14. The proposed footprint for the new building is broadly 'L' shaped and demonstrates a contemporary but functional design. The elevation treatment is split between the ground and upper floors which provides some architectural interest, and the panels/cladding are modern and robust and would not be at risk of staining over time due to their design quality. There is extensive glazing across all floors of the building which is a feature which accords with the general modern design.
- 8.15. In terms of landscaping, the proposal would result in an increase in planting of vegetation and strategic tree planting, particularly in the areas where the buildings to be demolished are located. There will also be canopy shelters in the outdoor spaces to provide shade for pupils and staff, as well as additional space for solar panels. These proposals are considered to contribute positively to the character and appearance of the site, as well as the amenity and comfort of pupils and staff.
- 8.16. By virtue of the proposed scale, layout, design, materials, and appearance, the proposal is considered to have no adverse visual impact and would enhance the character and appearance of the site and surrounding area in accordance with Policy DM10 of the SADMP and the Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.17. 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.
- 8.18. Objections have been received on the grounds of adverse impacts on residential amenity from overlooking and loss of privacy due to the increased height of the proposed building.
- 8.19. The northern elevation of the building would have the potential to adversely impact neighbouring amenity of the dwellings to the north on Bradgate Gardens and Olympic Way, specifically 11 Bradgate Gardens and 108 Olympic Way, by loss of privacy/overlooking.
- 8.20. Although the proposed building is taller than the existing, it is set back further from the properties, with the two-storey element separated by 34 metres from the rear elevation of 11 Bradgate Gardens (currently 27m), and the three-storey element now 30m from the south (side) elevation of 108 Olympic Way (previously 18m). Whilst it is acknowledged that the proposed building may be more visible from these properties, it is not considered that there will be an unacceptable amenity relationship between them primarily due to the distance separation. Furthermore, there is a mature tree belt between the buildings which will further mitigate any visual impact.

- 8.21. Similarly, it is not considered that any overbearing impacts will arise due to the increased height of the building due to the separation distance and screening between the proposed building and residential dwellings.
- 8.22. By virtue of separation distances, the proposal would not result in any significant adverse impacts on the privacy or amenity of any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.23. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.24. The proposal would not result in the expansion of the school nor the increase in pupil or staff numbers. It is therefore accepted that there would not be an intensification of use on the site, and increased trip generation or a requirement for additional parking is not a consideration in this case. The LHA has accepted this stance.
- 8.25. During the construction phase, it is acknowledged that the site welfare unit will be situated on the existing staff car park. The existing 42 parking spaces will therefore be temporarily displaced to the playing field with no increase in parking numbers.
- 8.26. The proposed submission includes a Construction Environmental Management Plan detailing the construction of the temporary car park ensuring no overspill onto the surrounding highway network and proposing construction traffic route to and from the site. The LHA has accepted this, and it has been included as a condition.
- 8.27. It is considered that the site has satisfactory access and parking facilities to serve the development and that the proposal would not result in traffic generation that would result in any severe impacts on highway safety or on-street parking. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Impact on biodiversity and ecology

- 8.28. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features. Policy DM9 of the adopted SADMP seeks to protect the biodiversity and conservation value of natural and semi-natural open spaces.
- 8.29. Following the initial consultation with LCC Ecology, a Biodiversity Net Gain (BNG) assessment was requested on the basis that the proposed site exceeded the current small site exemption of the Environment Act 2021. A BNG report was provided with accompanying BNG Metric, and whilst LCC Ecology have requested further clarification on some of the findings of the assessment, they have no objection to the scheme on this basis. LCC Ecology have also requested the submission of a 30-year management plan for ensuring BNG is achieved.
- 8.30. The LPA have proposed a condition which covers both the request for additional clarification and the 30-year management plan, which the applicant has agreed to. The proposal would therefore be in accordance with Policy DM6 of the adopted SADMP.

Drainage and flooding

- 8.31. Policy DM7: Preventing Pollution and Flooding states that adverse impacts from pollution and flooding will be prevented by ensuring that development proposals demonstrate that: drainage function of water bodies in the borough; provided;
- (a) It will not adversely impact the water quality, ecological value or

- (b) Appropriate containment solutions for oils, fuels and chemicals are
- (c) All reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion;
- (d) It would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity;
- (e) Appropriate remediation of contaminated land in line with minimum national standards is undertaken; (f) It will not contribute to poor air quality; unstable land; and
- (g) It will not result in land instability or further intensify existing
- (h) The development doesn't create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy.

8.32. Other issues

- 8.33. Policy DM2 of the SADMP states that planning applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial scales will be supported where:
- a) All reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts; and plan, with specific regard to DM11 and DM12. scheme will also be assessed.
 - b) The proposed development accords with other policies of the plan
- 8.34. The proposal includes the provision of solar panels, EV charging points, along with an energy efficient and low carbon contemporary building, which makes efficient use of the site and allows for additional landscaping within the site. The proposal is therefore considered to accord with Policy DM2 in this regard.

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.

10. Conclusion

- 10.1. The demolition of school buildings and the construction of a new three-storey school building, along with the other associated works would be acceptable in principle. The proposed development would enhance the character and appearance

of the site, whilst creating a modern, energy efficient and practicable facility which would benefit staff and pupils alike. In addition, the proposals demonstrate that there would be no adverse impact on residential amenity, highway safety, drainage, or biodiversity.

- 10.2. The proposals are therefore considered to be in accordance with Policies 1, 20 and 24 of the adopted Core Strategy, Policies DM1, DM2, DM4, DM6, DM7, DM8, DM10, DM17, DM18 and DM25 of the adopted SADMP and the overarching principles of the NPPF and are therefore recommended for approval subject to conditions.

11. 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 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).

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 policy 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 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
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.