Delegated Report

Planning Ref: 25/00598/FUL
Applicant: Verity Blair
Ward: Markfield Stanton & Fieldhead

Hinckley & Bosworth Borough Council

Site: Stanton Under Bardon Community Primary School Main Street Stanton Under Bardon

Proposal: Construction of a new classroom

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 application seeks full planning consent for the construction of a new classroom at Stanton Under Bardon Community Primary School, Main Street, Stanton Under Bardon.

2.2. The proposed classroom would measure 7.74 metres for a width of 10.94 metres. It would have a hipped form which would measure 2.56 metres to the eaves and 5.62 metres to the ridge. The proposed external materials would consist of blue engineering brick below DCP level, red brick slip cladding, grey aluminium fascias and soffits, grey tiles, white aluminium double glazed openings, rainwater goods, gutters and downpipes. A glazed door, sidelight and two high level windows are proposed to elevation A, three single pane windows are proposed to elevation B and D, and a glazed door and sidelight are proposed to elevation C.

2.3. Additional works include the demolition of the existing temporary classroom, however this has already been undertaken.

2.4. During the application process amendments have been sought seeing the removal of the flat roof form alongside changing the scale and external materials.

3. Description of the site and surrounding area

3.1. The application site is situated within the settlement boundary of Stanton Under Bardon and specifically designated as a community facility. Stanton under Bardon Primary School is housed within a traditionally designed building constructed of red brick under a grey slate roof. It is located approximately 50.00 metres south-east of the junction of Everard Way and Main Street on the eastern side of the village. The school is largely enclosed by residential development with St Mary and All Saints Church to the west of the site, a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework). There is a public footpath to the north of the site. To the south of the site is the recreation ground.

3.2. Planning permission was granted in 2015 (Application Reference; 15/00335/CONDIT) allowing for the continued retention of a mobile classroom that has been sited within the school grounds for a circa of 12 years. This approval was, however, only given for a temporary period only and expired on 10th June 2020, with the classroom being used unlawfully since until it was recently demolished.

3.3. The school was originally run under the jurisdiction of the County Council. However, it has since become an academy which is why the most recent applications have been submitted to the Borough Council for determination.

4. Relevant planning history

80/00590/4C

- Standing of temporary mobile toilet block
- Planning Permission
- 11.06.1980

95/00444/C

- Siting of temporary mobile classroom
- County Recommendation
- 26.07.1995

98/01012/C

- Erection of storage building
- County Recommendation
- 03.02.1999

00/01053/C

- Retention of single mobile classroom
- County Recommendation
- 15.11.2000

02/01429/C

- Extension to side of school
- County Recommendation
- 08.01.2003

05/00743/FUL

- Siting container on the school playground adjacent to perimeter fence
- Planning Permission
- 08.09.2005

06/00522/C

- Continued standing of a mobile classroom
- County Recommendation
- 25.05.2006

06/01174/C

- Extension and alterations to primary school
- County Recommendation
- 06.11.2006

08/00198/C

- Removal of small brick porch and installation of raised timber decking and steel framed canopy
- County Recommendation
- 14.03.2008

09/00537/C

- Retention of mobile classroom for a period of one year (2009/L096/04)
- Planning Permission
- 05.08.2009

13/00604/C

- Provision of a re-allocated single mobile to site at Stanton Under Bardon (2013/REG3Mi/0183/LCC)
- County Recommendation
- 05.08.2013

13/00836/C

- Retrospective application for the retention of a 1 classroom mobile building located on site (2013/REG3Mi/0292/LCC)
- County Recommendation
- 18.10.2013

15/00335/CONDIT

- Variation of condition 1 of planning permission (2013/REG3Mi/0292/LCC) for the retention of a mobile classroom for an additional 5 years.
- Planning Permission
- 10.06.2015

18/00544/FUL

- To retain the existing mobile classroom approved under planning permission 13/00604/C for an additional 5 years
- Planning Permission
- 24.08.2018

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. Following the publication, no comments have been received.

6. Consultation

6.1. East Midlands Airport;

'We have no objection to this development. The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see:

https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/'

6.2. Friends of Charnwood Forest;

- No comments have been received.

6.3. HBBC Environmental Health – Pollution;

'No objection'

6.4. LCC Ecology;

'Holding Objection – Further information required (European Protected Species – Bats)

REASON FOR RECCOMENDATION:

- *We have reviewed the documents supplied by the applicant and we are not satisfied that there is sufficient ecological information available for determination of this application.*
- *No ecological information has been supplied in relation to relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation, we have carried out a desktop study to help assess this.*
- *Due to the wider landscape offering potential roosting and good foraging and commuting habitat for bats, and the nature of the works involving the demolition of a temporary building which has been in place for at least 20 years and is described as being in poor condition, a Preliminary Roost Assessment (PRA) is required on the existing building The results of this survey is required prior to determination because Government Standing Advice indicates that you should "Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby"*
- *In addition, Paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*
- *We also note that a section of the site is highlighted on the GCN alert map for Leicestershire. However, no suitable habitat for GCN is present on the site and therefore the proposed development is unlikely to impact GCN and no further information is required.*

Additional comments – Biodiversity Net Gains

- *With regard to mandatory biodiversity net gains, it is highlighted that we have reviewed the submitted application form. Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Therefore, we are satisfied that the submitted documents provide sufficient information that the development meets the de-minimis exemption. As a result, we are satisfied that the development is exempt from the statutory requirement of mandatory biodiversity net gains.*
- *However, reasonable biodiversity enhancement measures should be detailed within a separate Biodiversity Enhancement Strategy and secured by a*

condition of any consent. This is necessary to provide net gains for Priority and threatened species in line with paragraph 187d of the NPPF.'

6.5. LCC Minerals;

'The development site is located within a mineral safeguarding area for igneous rock. However, given the nature, scale and context of the proposal it does not raise significant mineral safeguarding concern. Thus, the Mineral Planning Authority would not require a Minerals Assessment for this application and would have no objections. Furthermore, there are no concerns from a waste safeguarding perspective.'

6.6. National Forest;

'Due to the scale of the application, we have no comment to make.'

6.7. Stanton Under Bardon Parish Council;

'Stanton under Bardon Parish Council would like to express its full support for the planning application submitted by Stanton under Bardon Primary School for the construction of a new classroom.

The Council recognises the importance of ensuring that the school has adequate and modern facilities to meet the needs of its growing pupil population. The proposed classroom will provide essential additional teaching space, helping to maintain manageable class sizes and enhance the overall learning environment.

This development will support the continued delivery of high-quality education for local children and reflects the long-term needs of the community. The proposal is considered to be appropriately scaled, well-designed, and in keeping with the character of the existing school site.

Stanton under Bardon Primary School plays a vital role in the life of our village, and the Parish Council welcomes this investment into its future. We therefore put forward our support to Hinckley and Bosworth Borough Council for this application.'

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 21: National Forest
- Policy 22: Charnwood Forest

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 DM7: Preventing Flooding and Pollution
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- 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 and heritage assets
- Impact upon neighbouring residential amenity
- Impact upon ecology

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

8.4 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

7.5. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy.

8.5 The Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.

8.6 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP polices and refers to the NPPF and notes any inconsistencies between them.

8.7 Policy DM25 of the SADMP states that the Borough will resist the loss of community facilities and will only be acceptable where it can be demonstrated that an equivalent range of replacement facilities can be provided in an appropriate location.

8.8 This proposal whilst relating to the school, does not negatively impact any of the existing facilities on the site and would be a positive expansion of the school by way of the replacement of the temporary structure with a permanent one. The proposal can therefore be considered to be in accordance Policy 25 of the SADMP.

8.9 As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP and the wider policies of the NPPF. Therefore, the development is considered to be acceptable in principle, subject to all other material planning matters being appropriately addressed.

Design and impact upon the character of the area and heritage assets

8.10 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.

8.11 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.12 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

8.13 The proposed building is to be located within an educational facility sitting in place of the existing temporary building (now demolished) and will be used for educational/community purposes. A replacement building is essential as the existing building was only a temporary measure approved back in 2013 to resolve a capacity issue that the school was facing which without the structure would have not enabled the school to retain their year 6 pupils.

8.14 The proposed building would measure 7.74 metres for a width of 10.94 metres. It would have a hipped form which would complement the form of the existing main school building and would be a significant visual improvement when compared to the existing flat roof temporary structure. It would be set in 2.00 metres from the north-west boundary facing Main Street, a 2.10 metre decrease from the existing temporary structure and would be set in 1.40 metres from the north-east boundary facing Horsepool Avenue, a 0.39 increase from the existing temporary structure.

8.15 The siting of the permanent structure is somewhat regrettable as it will lead to a permanent structure forward of the attractive traditional school building. That being said space is restricted at the site and extensions/buildings to the rear would impact on play space/outdoor activity space for the school. Furthermore whilst the previous building has been approved only on a temporary basis in the past, it has been in situ for a significant length of time and the current proposal offers a more visually permanent and in keeping design as set out fully below.

8.16 The proposed external materials would consist of blue engineering brick below DCP level, red brick slip cladding, grey aluminium fascias and soffits, grey tiles, white aluminium double glazed openings, rainwater goods, gutters and downpipes. The proposed wall and roof materials will require samples prior to the commencement of development to ensure they are suitable materials. The fenestration details are considered to be appropriate subject to the W.C. window being obscure glazed and non-openable for privacy reasons.

8.17 St Mary and All Saints Church to the west of the site, is a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework). The proposal would have no direct impact upon the aesthetic value and integrity of St Mary and All Saints Church, by virtue of the proposal being a

permanent replacement of an unsympathetic flat roofed structure improving the overall appearance of the street scene, it is considered that the proposal will have no adverse impacts upon the significance of St Mary and All Saints Church.

8.18 As a result of its scale, design and appearance the proposed building does not have any adverse impact on the appearance of the site or the surrounding area and is therefore in accordance with Policies DM10, DM11 and DM12 of the SADMP.

Impact upon neighbouring residential amenity

8.19 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.

8.20 The nearest residential property, 195 Main Street would be situated approximately 14.77 metres from the classroom. Due to the single storey nature of the proposal, the fact that a temporary structure (to be demolished) has been on site for a circa of 12 years in the proposed position and given the separation distance it is considered that there would be no adverse impact upon the residential amenity of the occupiers of this this residential dwelling.

8.21 Overall, it is considered that the proposal would not have a detrimental impact on the residential amenity of the occupiers of any of the neighbouring dwellings in terms of loss of light, overlooking or overbearing nature.

Impact upon ecology

8.22 Policy DM6 of the adopted Site Allocations and Development Management Plan (2016) states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.

On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:

e) The need and benefits of the development in that location clearly

f) It has been adequately demonstrated that the irreplaceable habitat

g) Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible.

If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

8.23 In reference to Paragraph 99 of Part IV of the ODPM Circular 06/2005 *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may have not been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances."*

8.24 Within the relevant mandatory Biodiversity Net Gain (BNG) requirements developments are exempt if they are below the relevant threshold. The development threshold for this application relates to a development that does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and/or 5 metres of on-site linear habitats such as hedgerows. Policy DM6 supports biodiversity gains but specifically refers to major development in particular, for which this application is not.

8.25 The application relates to the demolition and replacement of an existing building. The proposal is contained within the existing hardstanding. The development does not impact a priority habitat and impacts less than 25m2 and as such it is exempt from BNG requirements.

8.26 Notwithstanding the above, the proposed development consists of the demolition of an existing poorly described structure that has been in situ for a circa of 12 years, surrounded by good habitat connectivity. As such, this habitat could provide suitable foraging and good connectivity routes for bats, and the submission of a Preliminary Roost Assessment (PRA) and a Biodiversity Enhancement Strategy was requested by LCC Ecology.

8.27 The agent has been unable to submit a PRA as the existing structure was demolished prior to submission of LCC Ecology's comments, voiding its necessity. Moreover, the requested Biodiversity Enhancement Strategy has not been submitted for consideration. LCC Ecology have referenced paragraph 187d of the NPPF within their justification for requesting the strategy, however due to the scale of the proposal alongside its exemption from BNG the submission is not considered a requirement by the LPA as it is deemed unnecessary in order for the development to comply with the Development Plan.

8.28 Notwithstanding, LCC Ecology's holding objection the proposal is judged to comply with Policy DM6 of the adopted Site Allocations and Development Management Plan (2016), and Paragraph 99 of Part IV of the ODPM Circular 06/2005 on balance the proposed scheme is considered to be acceptable given the circumstances.

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 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. As a result, the proposal is considered to be in accordance with Policies DM10, DM11, DM12 of the SAMDP and the scheme is 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 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:

   - Proposed Block Plan, Drg No. P22703 200 Rev P4 as received by the Local Planning Authority on the 21st August 2025.
   - Proposed Floor Plan, Elevations, Site Location Plan, Drg No. P22703 100 Rev P9 as received by the Local Planning Authority on the 28th August 2025.

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

3. Notwithstanding the approved plans no development above foundation level shall commence on site until representative samples of the types and colours of materials to be used to the roof/walls of the building hereby permitted have been deposited with and approved in writing by the local planning authority, thereafter the scheme shall be implemented in accordance with those approved materials.

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

4. The window to elevation A hosting the W.C. shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the window shall be permanently maintained as such at all times thereafter.

   Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site

Allocations and Development Management Policies Development Plan Document (2016).

11.3 **Notes to applicant**

a) 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.

b) Rainwater from the detached building's roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and highway.

c) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

d) The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/'