

**Planning Committee 6 December 2016  
Report of the Chief Planning and Development Officer**



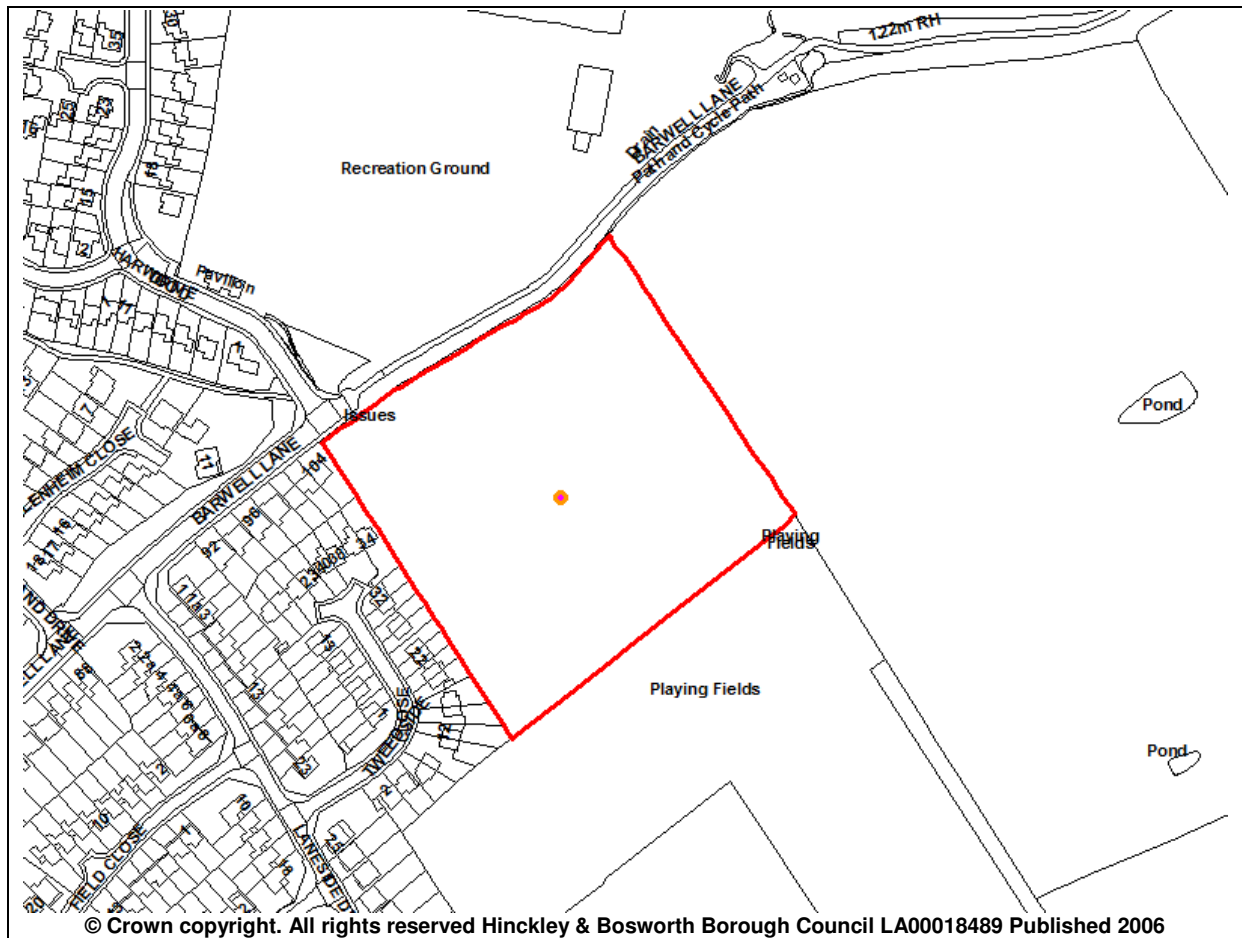
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

**Planning Ref:** 16/00247/FUL  
**Applicant:** Dorothy Goodman School  
**Ward:** Hinckley DeMontfort

**Site:** Land South East Of Junction Of Barwell Lane And  
Harwood Drive Hinckley

**Proposal:** Relocation of Dorothy Goodman School



**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 planning permission for a new school building providing a new facility for the Dorothy Goodman Special Needs School.
- 2.2. The existing school campus is spread across 2 separate sites (Stoke Road and Middlefield Lane, Hinckley) The current Upper school site lacks modern facilities and has no outdoor space or vocational areas. A new school site would allow

expansion of the upper school for pupils between the ages of 11-19 with enhanced facilities. Initially 99 pupils would be relocated to the school.

- 2.3. Access serving the application site is situated along the north west boundary, and would utilise the existing field access.
- 2.4. There would be 55 car parking spaces provided on site for staff and visitors and 14 mini bus spaces, a vehicle turning area is also proposed to the east of the site to allow vehicles to leave the site in a forward gear.
- 2.5. The proposal also seeks to incorporate outdoor space, both formal and informal spaces. A multi-use games facility and formal sport pitch are proposed to be located along the north east side of the application site.
- 2.6. During the course of the application amended plans have been received proposing the relocation of the building towards the eastern edge of the site with the relocation of the internal service road and service area in order to retain the open nature of the site and to move it further away from residential properties. This has allowed for a 35m area of open space to retain the open views from Harwood Drive. It also allows the retention of the existing hedgerows, trees and vegetation that characterise the site.

### **3. Description of the Site and Surrounding Area**

- 3.1. The application site occupies an area of approximately 2.3 hectares, with the boundaries defined by mature hedgerows interspersed with trees. The site slightly falls away to the north east. To the south west are residential dwellings which back onto the application site. A public footpath runs along the north west boundary of the site, and north of this is Swallows Green, a recreation Ground. Fields are located to the north east and south east.
- 3.2. The site is identified as being part of the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge under Policy 6 of the Core Strategy.

### **4. Relevant Planning History**

None relevant.

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents whose properties are bound by the site. A site notice was also posted within the vicinity of the site to allow for wider consultation. Representations of support have been received from 67 members of the public. Representations of objection have been received from 93 members of the public. There have been 3 comments neither objecting nor supporting the application.
- 5.2. The objections are summarised below:

- 1) There are only two access roads into the Stoneygate and Swallows Green Estate: Barwell Lane and Stoneygate Drive. The increase in traffic from development would lead to unacceptable levels of congestion and would be dangerous for road users and pedestrians

- 2) The new school would be out character and scale in relation to the residential character of the area
- 3) A loss of greenspace and associated uses (walking/dog walking/sport)
- 4) Placing the green wedge under threat and opening the way to further development to erode the green wedge further
- 5) Concern for existing wildlife on the site
- 6) The development would result in a loss of light to surrounding residential properties due to tree planting along the boundary between the school and neighbouring homes
- 7) Kitchen and bin stores too near homes with consequent increase of noise/smells causing negative impact on residential amenity
- 8) Risk of flooding
- 9) Harmful impact on river and wildlife
- 10) There would be overlooking upon nearby properties
- 11) Harmful noise impact on residents
- 12) Overbearing due to erection of 1.8m fence around perimeter
- 13) ASDA's application for a new petrol station was rejected and the grounds for its refusal should apply for this application. To support this application would be an example of double standards
- 14) In breach of northern perimeter road agreement which stated that site which is now proposed was not to be developed for 25 years
- 15) Transport assessment made by third party from another county prevents a true understanding of the harm of the impact of development
- 16) Concerns of whether the car park will be secured at night and the potential for it to become a source of anti-social behaviour. Area currently has few shops, pubs and other facilities that attract crime – new development will upset this
- 17) The site on which the proposed school is to be built has been offered to them by HBBC and the planning application is to be considered by the same authority. This cannot be viewed as an impartial process
- 18) Necessary traffic calming measures (speed humps) will lead to damage to vehicles of residents
- 19) Not all residents were consulted
- 20) Negative impact on property prices
- 21) Loss of scenery
- 22) Alternative sites are preferable: Holliers Walk, Old Leisure centre, Albert Road
- 23) Concern about maintenance of newly planted trees
- 24) Concern regarding noise and dirt while building work is undertaken
- 25) Creation open amphitheatre to north within school grounds - would be warmer for school children if it faced south

5.3 Following amended plans dated 6 September 2016, there were a further 12 representations of objection from members of the public. The concerns raised are summarised below:

- 1) Building out of character/scale with residential character of area

- 2) Concerns in regards to increase in traffic, congestion, parking and highway safety, pedestrian safety
- 3) Environmental impact: flood risk, light and carbon pollution
- 4) Contradicts DM4 - safeguarding countryside and settlement separation
- 5) Overshadowing/loss of light
- 6) Car park too close to protected hedgerow. Hedgerow designated as local wildlife site by WYG in survey carried out by for H&B in 2012
- 6) Loss of potential archaeology. Land near site of Roman villa
- 7) No mention of impact of noise from outdoor amphitheatre
- 8) Potential loss of wild cherry tree near entrance
- 9) Removal of substantial trees and shrubs to the right of entrance to school when viewing from Barwell Lane. This will have a significant visual impact from the road
- 10) Loss of views
- 11) A once peaceful residential area will have its peaceful nature eroded

The concerns are addressed within the main body of the report.

## **6. Consultation**

- 6.1. No objections subject to conditions have been received from:

Leicestershire Lead Local Flood Authority  
 Leicestershire County Council (Ecology)  
 Leicestershire County Council (Highways )  
 Leicestershire County Council (Archaeology)  
 Environmental Health (Pollution)  
 HBBC (Drainage)

No comments have been received from Environment Agency.

## **7. Policy**

- 7.1. Local Plan 2006 – 2026: Core Strategy (2009)

- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- Policy 24: Sustainable Design and Technology

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

- DM1: Presumption in Favour of Sustainable Development
- DM2: Delivering Renewable Energy and Low Carbon Development
- DM4: Safeguarding the Countryside and Settlement Separation
- DM6: Enhancement of Biodiversity and Geological Interest
- DM9: Safeguarding Open Space, Sport and Recreational Facilities
- DM10: Development and Design
- DM13: Preserving the Borough's Archaeology
- DM17: Highways and Transportation
- DM18: Vehicle Parking Standards
- DM25: Community Facilities

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Ecology
- Landscaping
- Lighting
- Drainage
- Archaeology

#### Assessment against strategic planning policies

8.2 The proposed site is currently used for agricultural purposes adjacent to dwellings on the east side of Barwell Lane accessed via a field gate and forms part of the green wedge. Barwell Lane becomes a footpath/cycle path beyond the field gate.

8.3 The site, originally identified as a community facility in the 2001 Local Plan, is not allocated for this use within the Site Allocations DPD. The designation of the land is green wedge within Policy 6 of the Core Strategy. The functions of the green wedge are: to prevent the merging of settlements; to guide development form; to act as a green lung and provide a recreational resource. The development for educational purposes would not normally be an acceptable land use as outlined within this policy.

8.4 To help make an assessment on the impact of the development on the green wedge, an assessment (as outlined in the Leicester & Leicestershire Green Wedge Review Joint Methodology) has been carried out. The conclusions of the assessment are as follows:

- In terms of physical separation, the erection of the school would not reduce the gap between Barwell and Hinckley. Swallows Green Recreation Ground abuts the site and as a designated open space (HIN93) provides an additional barrier in preventing the merging of settlements. The playing fields could be further identified as an open space remaining part of the green wedge providing an additional recreational resource.
- In terms of perception of distance between the settlements, the site is surrounded by mature vegetation resulting in it being well screened, therefore the distance between Hinckley and Barwell is sufficient to maintain settlement identity. The building would be single-storey limiting its visual impact.
- The site is currently enclosed with no public access and does not contribute significantly to the function of the green wedge as a green lung helping to

provide communities with access to green infrastructure and the countryside beyond.

- The site does not act as a recreational resource as it is within private ownership. The proposed playing fields would fall within the category of open space and could be allocated as such through the local Plan Review.
- The school is identified as performing the roll of a community facility within Policy DM25 of the SADMP, this seeks to ensure that new community facilities are accessible to the communities which they serve. The transport assessment highlights that 'pupils come from a wider than normal catchment area'. As the site is relatively close to both the Upper and Lower Schools, the proposed location fits the requirement of this policy.

8.5 There are three core strands underpinning the presumption in favour of sustainable development as set out within paragraph 7 of the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable.

8.31 Each of the three dimensions of sustainable development are considered below:

#### Economic

8.6 To help achieve economic growth, local planning authorities should support existing business sectors. In this instance, the existing school requires the site in order to expand to meet the needs of the local community. Paragraph 72 of the NPPF advises that the Government attaches great importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. Local Planning Authorities are advised to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local Planning Authorities are required to give great weight to the need to create, expand or alter schools, and work with school promoters to identify and resolve key planning issues before applications are submitted. In this instance the proposal meets the economic dimension.

#### Social

In order to promote healthy communities, as stated above, the NPPF advises at paragraph 72 to ensure there are a sufficient number of school places available to meet the needs of existing and new communities; and at paragraph 73 that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities. The scheme provides a new school catering for pupils with a broad range of learning difficulties and would contribute towards providing a significant social benefit by offering a high quality learning environment with modern purpose built facilities to cater for pupils with a spectrum of learning difficulties within one site. The site as existing is private land with no public access. The ancillary benefits of the school would be the provision of high quality sports and recreation facilities which could be used not only for the school use but for the wider general public. In this instance the proposal meets the social dimension.

## Environmental

- 8.7 Section 11 of the NPPF discusses the need for conserving and enhancing the natural environment and requires local authorities to set out a strategic approach within the local plan which plan proactively for the creation, protection and enhancement of green infrastructure. The site is designated as green wedge the functions of which are: to prevent the merging of settlements; to guide development form; to act as a green lung and provide a recreational resource. Although the proposal does not meet the criteria for development within the local plan green wedge policy it is considered that the social and economic benefits of the proposal outweigh the limited harm to the green wedge in this location.

## Impact upon the character of the area

- 8.8 DM10 requires that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and which incorporates a high standard of landscaping where this would add to the quality of the design and siting. DM10 also requires the use and application of materials to respect the materials of existing, adjoining/neighbouring buildings and the local area generally.
- 8.9 The site is located in a countryside setting, with a single point of access to the highway. Adjacent to the south-west is residential development with open fields to the east and south, opposite the site to the north is Swallows Green Recreation Ground. A public footpath runs parallel (west-east).
- 8.10 Although concerns have been raised regarding 'loss of scenery', existing views into the site are limited due to the existing hedging, trees and vegetation, the main view into the site is from the access gate at Barwell Road and a key feature of the view into the site at this point is its openness and southerly views towards the wider countryside. When the planning application was submitted, the school building was proposed closer to the western boundary with an internal service road to the refuse area. However, in order to address the impact upon residential properties, the school building has been relocated approximately 33m away from this boundary with the service road on the eastern side of the building. Not only does this move the potential noise source further away from residential dwellings it has also created an open area of approximately 1,250sqm between the western boundary and the side/ rear wall of the school building which retains the current open aspect from Harwood Drive. Although the proposal would result in the loss of some of the existing hedgerow and smaller trees around the access, the plans show several new trees will be planted along with new trees along the western elevation which will provide further screening of the school building from public points of view.
- 8.11 The design of the building and its location approximately 29m from the north (front) boundary creates a low key appearance leaving the majority of the site open and natural. Although it is proposed for a 1.8m high mesh fencing to be erected around the perimeter of the site (including entrance gates) the boundary hedging would be retained and the site would retain its rural appearance from both the site frontage as well as other key vantage points, including the B468 (Leicester Road) and the A47.
- 8.12 The building would be predominantly single-storey in appearance with a raised roof line towards the north-eastern end which internally accommodates the hall. Raised glazed rooflights add interest to the roof line and allow additional light into internal classrooms. A simple palette of materials gives the building uniformity and clear identity. Clay facing brickwork is intended to the external walls, combined with

hardwood cedar boarding to soften the overall appearance. Aluminium and Timber composite windows and doors are proposed for durability. The roof is a low maintenance Aluminium standing seam roof. Both the choice of materials and the single-storey appearance of the building are considered to not have a detrimental impact on the semi-rural character of the area and are considered acceptable.

- 8.13 The positioning of the building away from the residential edge provides an open view through the site towards the surrounding countryside, minimising the impact on the open aspect of the site. The additional tree planting along the western boundary and the western wall of the school building helps further to screen the building from the limited views into the site. The scheme would relate well to the site's setting in the countryside location and therefore complies with policy DM10.

#### Impact upon neighbouring residential amenity

- 8.14 Policy DM10 seeks to ensure that development does not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality, noise and vibration and visual intrusion.
- 8.15 Residents have raised concerns that the scheme would impact on them by increased traffic and vehicle movements, noise nuisance with reference to delivery/service vehicles as well as issues relating to loss of privacy, loss of light and general disruption in the area from the school.
- 8.16 The scheme has been revised significantly to minimise the impact on occupiers of residential properties with reference to noise from service vehicles with the relocation of the service road and service areas to the east side of the school building. The repositioning of the building from 23m to 33m away from the western boundary and the revised internal layout with the office and staff rooms on the western side of the building and noisier activities such as the school hall, amphitheatre to the east will result in a reduction in potential disturbance to the residential dwellings to the west. Increased tree planting along the western boundary will provide a visual barrier between the rear gardens of the residential dwellings on Barwell Lane and Tweedside Close resulting in no loss of privacy into the rear gardens/rooms of the dwellings which share this boundary.
- 8.17 The applicant has provided an indicative timetable of operation hours and would generally operate within normal school opening hours. The school is open to pupils from 8am until 4:30pm for 39 weeks per year. For up to 10 weeks in the school holidays holiday clubs would run from 10:00am until 3:00pm. These clubs typically accommodate up to 20 pupils per day. No activities would normally be held on a Sunday and there would only be occasional activities that take place in the evening – beyond 6:00pm which are seasonal (Christmas, Easter, parents open evening etc.). With the opening of the school it is a consideration that a Saturday morning club may be run for pupils which would typically run from 10:00am until 1:00pm.
- 8.18 Given the typical hours of use described above, and the distances between the facility and residential properties, there would be no loss of amenity to nearby occupiers in the evenings and weekends when the majority of residents would be at home and there would be little disruption to the quiet enjoyment of their homes and rear gardens within these times. With the majority of the outdoor 'play' activity focused on the playing fields and the multi-use sports area ( to the east of the site) and the outside amphitheatre, noise from outdoor activity will disperse across the site rather than contained in the area immediately to the east of the nearby



residential dwellings. As the outdoor activities would also be restricted to normal school opening times, the impact would be minimal.

- 8.19 Objections have been received with regard to loss of light to the houses on Tweedside Close in regard to the additional tree planting. The trees have been included to strengthen the boundary to prevent loss of amenity to neighbouring occupiers. A condition is to be imposed in regard to a landscaping scheme and the species of trees can be restricted to indigenous species which have limited heights /coverage.
- 8.20 The site as proposed would be secured via the 1.8m fencing and gates which would ensure that the school building and associated grounds (including the car park) would be secured once the school was closed. Although concerns have been raised regarding low level anti-social behaviour this would be dealt with by the school administrators and not under planning legislation.

#### Impact upon Highway Safety

- 8.21 Policies DM17 and DM18 relate to highways impacts and vehicle parking standards. DM17 requires all new development to demonstrate, amongst other things, that there would be no significant adverse impacts upon highway safety and the residual cumulative impacts of the development on the transport network are not severe. Policy DM18 requires all new development to provide an appropriate level of parking provision in accordance with Leicestershire County Councils 6C's Design Guide.
- 8.22 The school would provide places for 99 pupils with on average 14 mini buses dropping off/picking up. Currently there are a further 17 pupils brought to the existing lower school site by either parent or taxi. This is forecast at 26 parent/taxi drop offs/pick ups at the new school site. All parking provision for staff and pupils is contained within the school site with the provision of 55 car parking spaces and 14 mini bus spaces. Covered cycle storage for up to 20 cycles is also provided which is likely to be used by staff.
- 8.22 The applicant has provided details of a purpose built on-site pick-up/drop-off facility and staff parking arrangement to allow vehicles to ingress/egress the site efficiently and safely and to prevent pupils needing to be dropped off on adjacent roads.
- 8.23 The provision of a pick-up/drop-off facility and additional staff parking is likely to go a long way towards mitigating the impact trips on the network at peak times. The proposals for car parking provision and pick-up/drop-off will contribute to ensuring all school vehicular movements at peak times, as far as possible, occurs within the school site reducing the potential of network saturation on local roads, particularly on Barwell Lane.
- 8.24 Leicestershire County Council (highways) is satisfied that the impact of development at this junction is not considered severe in accordance with Policies DM17 and DM18 and Paragraph 32 of the National Planning Policy Framework. On this basis, no objections are raised.

#### Ecology

- 8.25 Policy DM6 requires all development proposals to demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term management.

- 8.26 The application included a Preliminary Ecological Appraisal which identified potential for protected species to be present. Further Survey work has been carried out and presented to Leicestershire County Council (Ecology) for comments.
- 8.27 The study states that no protected species were found within the site and further studies for Great Crested Newts were carried out in identified local ponds close by. Further to additional information with regard to these investigations, the County Ecologist is satisfied that the application is unlikely to impact upon protected species or other sensitive habitats and has no outstanding objections subject to conditions.

#### Landscaping

- 8.28 Policy DM10 requires all developments to incorporate a high standard of landscaping where this would add to the quality of the design and siting. The site benefits from hedgerows on all four boundaries, including a species rich hedgerow on the north (front) boundary which is protected. Additional landscaping including indigenous tree screening on the western boundary and along the western side elevation of the school building provides additional buffering for the residential properties on Barwell Road and Tweedside Close. It is considered that, subject to a condition requiring the long term management of the landscaping within the site, the landscaping as proposed is acceptable. Although there have been no specific details of the 1.8m fence and access gates, the submitted artist impressions show the fence as being a close mesh wire fence which is commonly used for additional security purposes. A condition is recommended to ensure that details of the fencing /access gate be agreed before installation.

#### Lighting

- 8.29 Policy DM7 relates to the prevention of pollution and flooding and requires, amongst other things, that 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.
- 8.30 Residents have made representations with regard to potential light pollution. No details have thus far been submitted with regard to lighting within the site and it is considered prudent to ensure that this is subject to a condition to ensure that future lighting solutions do not cause harm to both residential amenity or create disturbance through light spillage to the natural habitats of birds/bats etc.

#### Drainage

- 8.32 Policy DM7 relates to the prevention of pollution and flooding and that development proposals must demonstrate that the proposals would not adversely impact the water quality, ecological value or drainage function of water bodies in the Borough. Policy DM10 requires an appropriate Sustainable Drainage System to be submitted as part of an application. Leicestershire County Council (Drainage) have assessed the scheme with regard to SUDs and Surface Water Management and find it in accordance with the above policies and subject to conditions have no objections to the scheme. The site is within Flood Zone 1 which is the lowest risk area for flooding.
- 8.33 A FRA was undertaken by the applicant which includes a proposals strategy which utilises sustainable drainage techniques. LCC (Drainage) advises that the site is not at risk of flooding and can be developed safely without increasing flood risk

elsewhere, and that the development proposals comply with relevant planning policy concerning flood risk. The FRA demonstrates that suitable provision for the disposal of surface water run-off from the proposed development is capable of being provided and subject to conditions there are no objections to the scheme on flood risk grounds.

### Archaeology

- 8.34 Policy DM13 states that when a proposal has potential to impact a site of archaeological interest, developers should provide an appropriate desk-based assessment.
- 8.35 The site is located within an area of archaeological interest and has the potential to contain below ground archaeological deposits. Cropmarks have been recorded to the north-east of the site which are thought to represent the remains of pre-historic enclosures, in addition to a pair of possible ring ditches. Trial trenching to the south has identified deposits relating to a prehistoric settlement and the site of a Roman villa site is located to the south east. Mapping and aerial photographs indicate that the site has not undergone significant previous ground disturbance since the post medieval period and therefore any below ground archaeological remains that are present are likely to be well preserved and close to the ground surface.
- 8.36 The County Archaeologist has recommended that conditions be included to ensure that a Written Scheme of Investigation (WSI) is submitted prior to the commencement of development which should include the arrangement for the implementation of archaeological work and a timetable for the programme and methodology of the site investigation.

### The Planning Balance

- 8.31 The planning application has been assessed against development plan policies and other material considerations, including the guidance within the NPPF, the views of local residents and responses from consultees regarding those matters highlighted elsewhere within the report. Policy DM4 seeks to safeguard the countryside and offers criteria of the types of development which would be considered sustainable within a countryside location. Policy DM9 requires developments to seek to retain and enhance the accessibility of the space and its recreational value whilst ensuring the biodiversity and conservation value is also retained, where such development is within a green wedge, it should ensure it protects the role and function of the green wedge in line with Core Policy 6. Other relevant policies include DM6 (Enhancement of biodiversity and Geological Interest), DM7 (Preventing Pollution and Flooding), DM10 (Development & Design), DM13 (Preserving the Boroughs Archaeology), DM17 (Highways & Transportation) and DM18 (Vehicle Parking Standards), all of which have been assessed against the proposal.
- 8.32 In weighing up the planning balance, although it is acknowledged that the proposal would result in the loss of part of the green wedge, this part of the green wedge has limited amenity value and the development would provide enhanced environmental benefits including the provision of playing fields and the enhancement of biodiversity within the site with the protection of the species-rich hedgerows and additional tree planting in accordance with Policy DM6. The impact of built form within the open site has been mitigated through the relocation of the school building further away from residential development, its low level design, the proposed materials and finishes and the provision of additional tree planting and this part of the proposal is acceptable under Policy DM10. The site is within Flood Zone 1 and

there would be no increase of flooding within the area in accordance with DM7 and the Highways implications of the development are satisfactory under the requirements of Policies DM17 and DM18.

- 8.33 The site was an allocation in a former plan and was only removed as part of the Site Allocations DPD due to the education authority being unable to commit to the scheme when that plan was renewed. It is considered that Policy DM25, which supports new community benefits across the Borough, outweighs the potential harm to the green wedge and character of the open countryside.

It is concluded that any adverse impacts arising from the development can be mitigated by applying planning conditions and despite the proposal not being strictly in accordance with the local plan designation, this is outweighed by the wider benefits and mitigation measures proposed.

#### Other Matters

- 8.34 There have been a number of concerns arising from the public consultation exercise, the majority have been incorporated into the relevant sections of the report; the following matters are not planning matters and have not been considered within the decision making process:

- There is no loss of public loss of greenspace and associated uses (walking/dog walking/sport); the land is private land with no public access
- The trees have been included to strengthen the boundary to prevent loss of amenity to neighbouring occupiers.
- The ASDA application was allowed on Appeal
- The proposal is not in breach of any previous agreements concerning the northern perimeter road
- The application has been made by a private individual and is not an internal application made by the either Hinckley & Bosworth Borough Council nor by Leicestershire County Council.
- Property prices are not a planning consideration

## **9 Equalities Implications**

- 9.1 Section 149 of the Equalities 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 In determining this application, consideration has been given to the nature of the proposed development and any equality implications arising. The school would

accommodate pupils with learning difficulties for which there is a need to provide additional educational facilities.

## 10 Conclusion

- 10.1 The application site is located outside the of settlement boundary and forms part of the green wedge. However, given the above assessment, it is considered that the provision of a new school and the related community benefits that the proposal will bring forward outweigh the loss of a small section of the green wedge. Although not identified as a community facility, the site was previously allocated for community purposes in the previous plan.
- 10.2 The scheme limits potential impacts on the character and appearance of the scheme within its countryside location and on residential amenity with regard to loss of light, outlook, privacy and potential noise disturbance.
- 10.3 With regard to the *planning balance*, it is considered that overall the proposal is sustainable having regard to all other material planning considerations is therefore recommended for approval.

## 11 Recommendation

### 11.1 Grant planning permission 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 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 Site Plan - PL102 Rev B ( received 18 November 2016); Proposed Elevations – PL120 Rev A (received 6 September /2016); Proposed Ground Floor Plan - PL110 Rev B; (received 18 November 2016) and Parking Plan – Option B –PL131 (received 11 November 2016), proposed Site Access Junction Layout - 4801/23/01 ( received on 21 November 2016).

**Reason:** To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the Site Allocations and Development Management Policies DPD.

- 3 Notwithstanding the details as submitted with the planning application, prior to commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the proposed building shall be deposited with and approved in writing by the local planning authority, and 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 to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. No development, other than site preparation works, shall commence until details of the siting and design of the entrance gates and any additional boundary treatments including walls, fences or any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Such gates, walls, fences and other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.

**Reason:** To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area and to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. Prior to commencement of development, a detailed surface water drainage scheme shall be submitted to and approved in writing by, the Local Planning Authority. 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 event plus an appropriate allowance for climate change, based upon the submission of drainage calculations, and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason:** To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

6. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

**Reason:** To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

7. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development. in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

8. Notwithstanding the submitted details and prior to commencement of development, full details of the proposed site access junction, illustrated on drawing 4801/23/01 shall be submitted to, and approved in writing by, the Local Planning Authority. It shall incorporate further two-dimensional and three dimensional revisions as recommended by a Stage 2 Safety Audit and in accordance with engineering details. Such details to include construction, surface, water drainage, uncontrolled dropped kerb pedestrian crossing, keep-clear road markings and street lighting details. The approved access and traffic calming shall then be implemented in accordance with the approved details and be completed prior to first occupation.

**Reason:** To ensure a satisfactory form of development and in the interests of highway safety in accordance with Policy DM117 and DM18 of the Site Allocations and Development Management Policies DPD.

9. Prior to the first use of the development as a school, a School Travel Plan in accordance with the Framework Travel Plan, shall be submitted to and agreed in writing by the LPA. The measures approved shall thereafter be provided.

**Reason:** To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Policy 17 of the Site Allocations and Development Management Policies DPD.

10. No development works shall commence until existing trees and hedgerows, identified to be retained in the approved layout, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and are of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected.

**Reason:** The hedgerows and trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD.

11. Prior to the first occupation of the development a detailed scheme of both soft and hard landscaping including the type, size and positions of new tree planting shall be submitted to and approved in writing by the Local Planning Authority. The approved additional tree planting shall be completed prior to the first occupation of the school building.

**Reason:** To ensure that a landscaping scheme is provided to enhance the development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building to which it relates to or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a within the first planting season and that initial plant losses are overcome in the interests of the visual amenity of the locality in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

13. The proposed development works should be in compliance with the mitigation and enhancement measures as detailed in Section 6 of the Ecological Assessment & 2012 Updated protected species survey and report, ref. RSE – 356-03-V1 dated October 2016 prepared by Ramm Sanderson.

**Reason:** To avoid any adverse impacts on sensitive habitats within or surrounding the site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

14. No external lighting, shall be installed until a scheme of all external lighting provision related to the development hereby permitted has been submitted to, and approved by the Local Planning Authority. The scheme shall include details of the types and height of lights and/or light columns, their location, technical specification, means of preventing or minimising light spillage and the proposed hours of use. The lights shall be designed, installed, and thereafter maintained in accordance with Institute of Lighting Engineers 'Guidance Notes for the Reduction of Light Pollution'.

**Reason:** In the interests of residential amenity having regard to Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

15. Prior to commencement of development, a programme of archaeological work (Strip, Plan and Record evacuation) including a Written Scheme of Investigation shall be submitted to and approved by the Local Planning Authority in writing.

i) The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording;
- The programme for post investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for the publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;



- Nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation
- ii) No development shall take place other than in accordance with the Written Scheme of Investigation as above;
- iii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out above and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies DPD.

16. The proposed development works should be in compliance with the mitigation and enhancement measures as detailed in Section 6 of the Ecological Assessment & 2012 Updated protected species survey and report, ref. RSE – 356-03-V1 dated October 2016 prepared by Ramm Sanderson.

**Reason:** To avoid any adverse impacts on sensitive habitats within or surrounding the site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

17. No external lighting, shall be installed until a scheme of all external lighting provision related to the development hereby permitted has been submitted to, and approved by the Local Planning Authority. The scheme shall include details of the types and height of lights and/or light columns, their location, technical specification, means of preventing or minimising light spillage and the proposed hours of use. The lights shall be designed, installed, and thereafter maintained in accordance with Institute of Lighting Engineers 'Guidance Notes for the Reduction of Light Pollution'.

**Reason:** In the interests of residential amenity having regard to Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

18. Prior to commencement of development, a programme of archaeological work (Strip, Plan and Record evacuation) including a Written Scheme of Investigation shall be submitted to and approved by the Local Planning Authority in writing.

- i) The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording
  - The programme for post investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for the publication and dissemination of the analysis and records of the site investigation

- Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation
- ii) No development shall take place other than in accordance with the Written Scheme of Investigation as above
- iii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out above and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies DPD.

### 11.3 Notes to Applicant

1. The approved development will 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. If there are any works proposed as part of the application which are likely to affect flows in a watercourse or a ditch, then the applicant may require consent under s23 Land Drainage Act 1991.