

Planning Committee 2nd December 2025
Report of the Assistant Director Planning and Regeneration



Hinckley & Bosworth
Borough Council

Planning Ref: 25/00566/FUL
Applicant: Mrs Sarah Deaville
Ward: Hinckley Clarendon

Site: Westfield Community Centre, Rosemary Way, Hinckley

Proposal: Change of use from a community facility (Use Class F2) to a Special Educational Needs (SEN) School falling within Use Class F1 (Learning and Non-Residential Institutions)



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1. Recommendations

1.1. Grant planning permission subject to:

- The planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. The application seeks full planning permission for the change of use of the existing community facility (Use Class F2) to a Special Educational Needs School (Use Class F1).

- 2.2. The proposal includes formalisation of the parking arrangement and landscaping within the site; however only internal alterations are proposed to the building.
- 2.3. The applicant is leading provider of specialist education for children with additional complex needs. The organisation currently operates six schools in the country, typically accommodating between 60 and 120 pupils.
- 2.4. The proposed The SEN school would accommodate 75 pupils and 40 staff on site over a three-year staged intake period. The incremental increase would occur over three years, starting with 30 pupils in the first year, rising to 75 pupils in year three, allowing operational procedures to be properly applied to the site.
- 2.5. A formalised parking plan providing 40 spaces (including 3 disabled) for staff and taxi collections is proposed. The existing vehicular and pedestrian access from Rosemary Way would be retained as the principal entrance, and the established one-way traffic flow system within the site would be maintained.

3. Description of the site and surrounding area

- 3.1. Westfield Community Centre is located on Rosemary Way in the Westfield area of Hinckley, approximately one mile west of Hinckley town centre. The site is positioned within a mixed residential and educational area and is accessible via Coventry Road and Rosemary Way.
- 3.2. Public transport connections are available nearby, with local amenities within walking distance. The site comprises two main structures within a plot of 0.87 acres (0.35 hectares), with tarmac-surfaced car parking to the front, side, and rear.
- 3.3. The Main Building (Front) was originally constructed in the 1930s as a school and is a two-storey brick structure with a basement, pitched roof, and later single-storey flat-roofed extensions. It includes a range of flexible internal spaces used for adult education, community functions, and training provision. The building also features a timber annex and a brick-built workshop area.
- 3.4. The Nursery Building located at the rear of the site is a detached single-storey building that previously operated as a nursery. It includes dedicated external play space, secure fencing, and is accessed via the main entrance drive. The centre is set within a well-established residential suburb, characterised by family homes and local schools, notably Westfield Infant and Junior Schools.
- 3.5. Westfield Community Centre is recognised as a community facility within the Site Allocations and Development Management Policies DPD.

4. Relevant planning history

21/01505/FUL

- Replacement of existing floodlight with new floodlight to the rear of community centre
- Permitted
- 17.05.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to 25 neighbouring properties.

5.2. 1 neutral representation has been received making the following comments:

- Concern regarding potential noise and disturbance.
- Question regarding the location of a smoking area
- Clarification regarding external lighting
- Clarification regarding collection and drop off points
- Query regarding dedicated delivery areas
- Question whether parking provision is sufficient

6. Consultation

6.1. No objection has been received from:

- LCC Highways:

“After reviewing the information submitted by the applicant, the LHA is satisfied that there would be no material impact on the public highway and therefore has no comments to make.”

- HBBC Environmental Health (Pollution)

Additional information requested regarding the kitchen ventilation to ensure that noise/smell is not a problem for neighbouring residents.

Officer comment: a condition has been included to ensure that details of the kitchen ventilation are submitted to and approved by the LPA prior to first use of the facility.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- 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) (2024)
- Planning Practice Guidance (PPG)

7.4. Other relevant policies and guidance

- Hinckley Town Centre Area Action Plan (2011)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area and impact on heritage assets

- Impact upon neighbouring residential amenity
- Impact upon highway safety

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF, 2024) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. 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.
- 8.3. Paragraph 11 of the NPPF and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) and the Site Allocations and Development Management Policies DPD (2016) (SADMP), and the Hinckley Town Centre Area Action Plan (2011) (AAP).
- 8.4. The proposed change of use from a community facility (F2) to a SEN School (Use Class F1). Such uses include betting offices/shops, theatres, larger houses in multiple occupation, nightclubs, laundrettes, taxi businesses, as well as homeless shelters.
- 8.5. The application site falls within the settlement boundary of Hinckley as defined by the SADMP (2016). The town centre location of the site would be appropriate for the proposed use as SEN school as there is a full range of services and facilities within walking distance.
- 8.6. Policy DM25 of the SADMP seeks to resist the loss of community facilities including ancillary areas. The policy goes on to state that the redevelopment or loss of community facilities will only be appropriate where it can be demonstrated that:
 - a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community; or
 - b) There is a surplus of the facility type within the immediate locality exceeding the needs of the community; or
 - c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site
- 8.7. The existing community facility provides a range of indoor recreational/sport activities as well as a daily nursery/pre-school. The proposed change of use from F2 (Local Community) to F1 (Learning and non-residential institutions) would result in the loss of some of the local community provisions currently available at the Centre. However, officers consider that the provision of education, specifically SEN for up to 75 pupils, would deliver a range of replacement facilities, albeit under a different Class F criterion.
- 8.8. According to the submitted Planning Statement, as of 2023, Leicestershire had over 300 children on waiting lists for special school placements, a reflection of the growing shortage of suitable local provisions.

- 8.9. Furthermore, Leicestershire was rated as "Requires Improvement" overall by OFSTED, with Inspectors finding that children with SEND often faced delays in receiving the support they needed, particularly those with autism spectrum disorder (ASD). The report noted concerns about insufficient specialist provision and challenges in meeting the needs of children in rural areas.

Officers therefore acknowledge that the need and demand for SEN school services in Leicestershire is clear, and the public benefit of this proposal is significant.

- 8.10. Therefore, whilst the new use of the building may not specifically provide an equivalent range of community facilities, Officers consider that the benefits of providing a SEN school in a sustainable location would appropriately mitigate the loss of the community facility.
- 8.11. Whilst not explicitly outlined in the Applicant's planning statement, there is a possibility that some of the existing community centre activities could be retained at the site outside of school hours. Whilst this is not confirmed, it is important to consider when applying the relevant development plan Policy DM25.
- 8.12. Overall, it is accepted that the proposal would result in the loss of some community facility provisions, however the establishment of a SEN on the site is considered to represent an equivalent range of replacement facilities which would provide significant social and economic benefits to the community, thus complying with Policy DM25 of the SADMP.

Design and impact upon the character of the area

- 8.13. Policy DM10(c), (d) and (e) 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.
- 8.14. There are no external alterations proposed to the existing building, therefore, the proposal would have a neutral impact upon the character and appearance of the street scene.
- 8.15. Consequently, the proposal complies with Policy DM10 of the Site Allocations and Development Management Policies DPD in this regard.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.17. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 8.18. The site is located within a mixed residential and community setting, with established residential properties to the east and south, and a primary school (Westfield Junior School) in close proximity to the west. The wider area is characterised by residential housing, educational uses, and community facilities.
- 8.19. The proposed change of use to a Special Educational Needs (SEN) school would not introduce any built form or external alterations that could result in visual dominance, overlooking, or overshadowing. The proposed use would accommodate modest pupil numbers, with supervised arrival and departure routines, and no anticipated evening or weekend activity that would generate excessive noise or disturbance to neighbouring dwellings.
- 8.20. Given the site's historic use as a school, the surrounding uses are already well-adapted to education-related activity. The proposal therefore sits comfortably within its context and is unlikely to generate any material amenity impacts on neighbouring occupiers.
- 8.21. HBBC Environmental Health requested details regarding details of the ventilation to gauge impact from noise/odour from the kitchen facilities upon neighbouring dwellings. The Applicant has confirmed that the oven and hobs have been removed, but the stainless steel extractor hood vented to external air remains. At this stage, it is not known whether the end user will require an extraction system. Therefore, a condition has been included requesting details of the ventilation unit prior to first use.
- 8.22. In conclusion, the application is considered to be acceptable in amenity terms and in compliance with Policy DM10 of the SADMP and the requirements of the NPPF.

Impact upon highway safety

- 8.23. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)). DM18 states that developments within Hinckley Twon Centre should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking.
- 8.24. Paragraph 116 of the NPPF (2024) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.25. The Local Highway Authority (LHA) initially queried the submitted Transport Statement on the basis that the swept path analysis demonstrates that two-way movements of minibuses at the site access is not achievable. Subsequently, a swept path analysis of a minibus and a taxi at the site access, demonstrating that this is suitable for two-way movements, has been submitted for approval. This information has been accompanied by a drawing showing access gates and details of the one-way system within the site.
- 8.26. The LHAs re-consultation response confirms that the level of trip generation intensification compared to the existing use would not be significant and would not result in a severe impact on the local highway network.

- 8.27. Regarding the site access, whilst the proposed access width is less than guidance within Table 15 of the LHDG, a width of 5.4m would still allow for two-way vehicle movements and allows for the largest vehicle to access the site. Therefore, the LHA are satisfied that the existing access is safe and suitable access in terms of the NPPF.
- 8.28. On the matter of Highway Safety, the Personal Injury Collision data shows a total of three PICs were recorded in close proximity (500m) of the site including two 'slight' and one 'serious'. None of the three PICs took place in the same location, and none occurred directly at the existing site access. the LHA therefore concludes that there are no patterns/trends within the PIC data and consider that there are no known highway safety concerns that would be exacerbated by the development.
- 8.29. In terms of the internal layout, the revised layout would provide 38 car parking spaces, of which two will be disabled accessible, and an additional space for mini-buses. This represents a minor shortfall from Table 29(d) of the LHDG which would require 43 spaces. However, the LHA note that three Sheffield stands, providing six cycle parking spaces, will be provided for staff and visitors. This is more than the required cycle parking standards of one space per 20 staff as per Table 27 of the LHDG. The LHA therefore consider that, on balance, parking is provided in general accordance with the LHDG and would not lead to overspill into the highway nor any indiscriminate parking therefore the LHA would not seek to resist the development proposals.
- 8.30. On the matter of transport sustainability, the Applicant has submitted a Travel Plan which provides an initial interim target of 10% reduction in single occupancy vehicle trips, which is in accordance with Good Practice Guidelines. Alongside this, the LHA have also requested contributions in the form of Travel Packs and Bus Passes for Staff to ensure that sustainable travel choices are available to staff, and to encourage them to use alternative modes of transport to private cars.
- 8.31. In this case, as the Applicant has demonstrated that sufficient parking and cycle spaces are available to employees, whilst also evidencing that there would not be a significant increase in employee numbers when compared to the existing use. The sustainability of the location is also noted by Officers, with a wide range of sustainable travel modes being available to employees. Officers therefore consider that the contribution requests would not meet the statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and policy tests in the National Planning Policy Framework (2024), as it is not considered that these contributions are necessary to make the development acceptable in planning terms.
- 8.32. The LHA also requested a Construction Traffic Management to be submitted and approved prior to the commencement of development via condition. As the existing building would remain unaltered and the proposed works would be limited to internal modifications and minor alterations to the parking area, Officers do not consider that this condition is reasonably necessary in this instance.
- 8.33. Therefore, the existing access and parking provision is acceptable, and the site is located in a sustainable location, with good access to bus stops, shops and other services. As such, the proposal will satisfy policies DM10(g), DM17, DM18 of the SADMP and the relevant policies in the NPPF.

Conclusion

- 8.34. The site is located in a sustainable location with good access to facilities, and the principle of the change of use is acceptable in accordance with Policy DM25 of the SADMP. There are no changes proposed to the design or appearance of the building,

therefore the impact upon the character of the area is neutral. There are no adverse impacts upon highway safety or neighbouring amenity subject to the condition imposed.

- 8.35. In conclusion, the proposal is considered to accord with Policies DM1, DM10, DM17, DM18, and DM25 of the SADMP, Policy 1 of the Core Strategy, The Hinckley Town Centre AAP, and the requirements of the NPPF.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration of this application.

- 9.3 There are no known equality implications arising directly from this development.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

- 10.1 **Grant planning permission subject to planning conditions.**

11. 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:

- Site Location Plan (received 10th July 2025)
- Existing elevations and floor plans (drawing ARM 2509/EX/01) (received 3rd July 2025)

- Existing elevations and floor plan timber outbuilding (ARM 2509/EX/02) (received 9th July 2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing 2025-5484-TR07 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Drawing 2025-5484-002 Rev. B. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) the National Planning Policy Framework (2024).

5. No part of the development hereby permitted shall be first occupied until TTP Consulting Travel Plan dated October 2025 which sets out actions and measures with quantifiable outputs and outcome targets has been implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

6. Prior to the first occupation of the development hereby permitted, full details of the kitchen ventilation system shall be submitted to and approved by the Local Planning Authority. The approved system shall be installed prior to the first occupation of the development hereby permitted and thereafter maintained in accordance with the approved details.

Reason: To ensure that the change of use does not result in unacceptable odour or noise issues which would cause unacceptable harm to amenity in accordance with Policy DM10(a) of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. The development hereby permitted shall not be used other than for purposes falling within Use Class F1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument

revoking and re-enacting that Order with or without modification and in strict accordance with the Proposed Parameters Plan (210A) (submitted: 18.08.2025).

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to applicant

1. All businesses have a duty of care to ensure that any waste produced is handled safely and within the law.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the residential service.

Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells, and should be stored correctly in a suitable container which needs to be closed or lidded.

Operators should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely

Please contact us via email waste.officers@hinckley-bosworth.gov.uk for any further advice.

2. 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.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>
4. The existing boundary hedge/tree line directly bordering the development is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with the public highway (whether or not a fence is installed in front of it).
5. Planning Permission is required for any construction access onto a classified road, unless it is in strict accordance with the development access planning approval. To carry out off-site works associated with a construction access onto a classified road, separate approval must first be obtained from Leicestershire County Council as Local

Highway Authority. This will take the form of a major section 184 permit. However, if planning consent has not been secured in respect of the construction access, the section 184 application will be refused.