



**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**23<sup>rd</sup> July 2020**

**REPORT OF THE CHIEF EXECUTIVE**

**APPLICATION UNDER REGULATION 3 OF THE TOWN AND  
COUNTRY PLANNING GENERAL REGULATIONS**

**PART A – SUMMARY REPORT**

<b>APP.NO. &amp; DATE:</b>	2020/0887/07 (2020/Reg3Ma/0056/LCC) – 27th April 2020.
<b>PROPOSAL:</b>	A proposed new 210 place primary school with associated landscape and external works
<b>LOCATION:</b>	Land formerly known as Holywell Farm, Off Burton Road, Ashby de la Zouch, LE65 2RF.
<b>APPLICANT:</b>	Leicestershire County Council
<b>MAIN ISSUES:</b>	The River Mease Special Area of Conservation
<b>RECOMMENDATION:</b>	Permit subject to the conditions included in Appendix B.

**Circulation Under Local Issues Alert Procedure**

Mr J. Coxon CC. (Ashby-de-la Zouch ED)

**Officer to Contact**

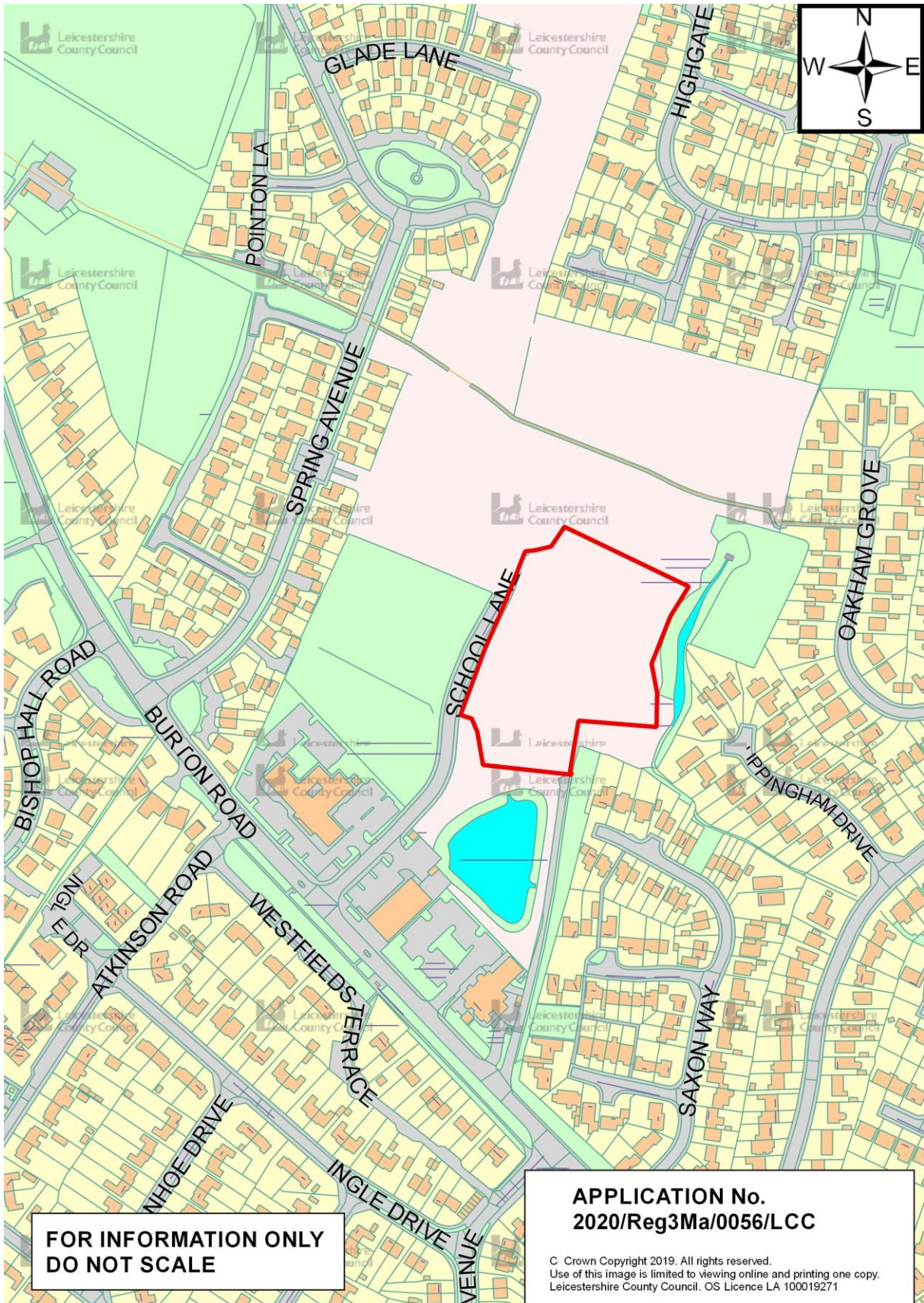
Amelia Mistry

Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

## **PART B – MAIN REPORT**

### **Background and location of the proposed development**

1. It is proposed to construct a 210-place single storey new build primary school to meet the increased demand for school places in the locality. The proposed school was granted outline planning permission by North West Leicestershire District Council in October 2014 under planning reference 13/00486/OUTM as part of a wider scheme. The wider scheme involved the development of 400 dwellings, a shop, medical centre, residential care home and the proposed primary school. The shop, medical centre and the first phase of the permitted dwellings has since been constructed. The location of the proposed school site within the wider development has changed since the original planning permission for the wider scheme was granted, through numerous permissions which have subsequently been granted by North West Leicestershire District Council.
2. The site is located on the former site of Holywell Spring Farm and lies off Burton Road in the town of Ashby de la Zouch. The site area comprises ruderal grass and hard standings which form the compound and storage areas for the adjacent housing construction site. A small number of trees are present on the southern and eastern sides of the site. The site lies within the National Forest.
3. To the south lies a retail development, to the west lies a care facility and to the north lies a partially constructed housing development which sits at a higher level than the application site. Those residential properties which remain to be constructed would lie adjacent to the northern edge of the site boundary.
4. Adjacent to the eastern boundary of the site is a copse of mature trees and a small stream, the Holywell Beck. The Holywell Beck is fed by Holywell Spring, to the north east of the site. Approximately 50 metres east of the site boundary lies a residential area separated from the eastern boundary of the site by the copse and the Holywell Beck. The nearest existing properties to the proposed development lie within this residential area and comprise those properties which are situated on Oakham Grove, Uppingham Drive, Locksley Close, Saxon Way and Knights Close. The copse provides screening between the site and these residential properties.
5. As part of the wider scheme, reserved matters have been approved for a road which would bound the western side of the site. Part of this road has been constructed, although this road has not yet been adopted by the Local Highway Authority as it is required to be finished.
6. The site slopes steeply from west to east, dropping from around 144.6m AOD along the access road frontage to around 138m AOD on the eastern side. To the south and east beyond the site the ground continues to drop away. This is especially the case on the eastern side where the Holywell Beck lies at around 135.7m AOD.



7. The Holywell Beck is a tributary of the River Mease, a designated Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The River Mease SAC is classified on the basis of:
- Floating formations of water crowfoot (*Ranunculus*) of plain and sub-mountainous rivers;
  - Populations of bullhead (*Cottus gobio*);
  - Populations of spined loach (*Cobitis taenia*);
  - Populations of white-clawed crayfish (*Austropotamobius pallipes*).

And the river and adjoining land as habitat for:

- Populations of otter (*Lutra lutra*).
8. The River Mease SSSI is classified for its lowland clay river habitat which supports nationally significant populations of spined loach and bullhead. Although the Holywell Beck is a tributary of the River Mease, the Beck itself is not a designated site.

### **Description of Proposal**

9. It is proposed to construct a 210-place single storey new build primary school with associated landscaping and external works, including site access, car parking, bin store, retaining wall and a sprinkler tank. It is proposed that 15 full time equivalent staff, comprised of 12 full time staff and 6 part-time staff would be employed. The school site would be open between the hours of 08:00 to 18:00 Monday to Friday only.

#### *Internal Accommodation & Building Layout*

10. The external levels immediately around the building ensure that the development would be fully accessible. The school building would comprise a total gross internal floorspace of 1311 square metres. Within the school building, a total of one foundation classroom, one specialist classroom, two infant classrooms and four junior classrooms would be provided. This would be supported by numerous ancillary rooms, including a main hall, offices, washrooms, kitchen and plant room, staff room and a special educational needs therapy room and a special educational needs resource base. All the classrooms would be south facing and would have a view of the external play areas.

#### *Building Materials, Scale & Sustainable Design*

11. The school building would be predominantly clad in timber. The pitched roofs of the classrooms and the administration areas would be finished with aluminium. A 2 metre high black weld mesh anti-climb fence would secure the schools boundary.
12. At its widest, the school building would be 29 metres, with an overall length of 76.5 metres. The building would vary in height, up to a maximum of 7 metres, as measured from the finished floor level, where the school hall would be present. The school hall would have a mono pitched roof.



13. A retaining wall adjacent to the eastern boundary of the site is proposed owing to the change in levels across the site. The height of the retaining wall would vary along its length, from zero metres in the north-east and south, at either end of the wall, to a maximum height of 3.95 metres. A strip of land 2 metres wide would be required to allow for the construction of the wall. The weld mesh boundary fence would be located on the outside of the wall to ensure the site's security. The wall would be a concrete construction, although final details for the facing stone is to be confirmed.
14. In terms of sustainability, the building's location and orientation has been designed so that the primary spaces are facing north or south and that solar gain and natural light are used beneficially. The school would be a steel frame construction with infill wall panels which would be fully insulated, in addition to the roof. The school would be naturally ventilated through openable windows to the south and high-level roof lights and windows to the north. This would reduce the energy demands of the building while maintaining optimum temperatures and CO<sub>2</sub> levels. The building would be heated using gas boilers. The south facing classroom roof is orientated for photo-voltaic panels for electricity generation should the school wish to install them in the future.

#### *Sports Areas & Hard-Surfaced Playground Areas*

15. A netball ball court is proposed on the hard standing to the south of the main school building and would be bound by a low fence. A formal grassed sports pitch would be located to the south-west of the school building. A hard-surfaced play area would be accessible to the south of the classrooms, comprising a total of 890 square metres. Canopies would be provided on the southern boundary of the school to provide shade in the outdoor play area. The canopies would be 3.3 metres in height, when measured from the finished floor level of the school, although the outside ground level varies around the school site.

#### *Waste and Ancillary Development*

16. A sprinkler tank would be located in the north eastern corner of the site. The sprinkler tank and plant would be 4.65 metres in height, 7.35 metres long and 4.8 metres wide. The sprinkler tank and plant would be contained within a natural timber clad housing. Additionally, a bin storage area would be provided in the north-western corner of the site, adjacent to the sites access. Details of the bin store have not been provided by the applicant and it is proposed that a planning condition be imposed to require the submission of these details to the County Planning Authority for later approval.

#### *Landscape & Amenity*

17. Prior to construction, it is proposed that some existing trees on the site would be removed to enable the area to be cleared for the construction works for the school, soft and hard landscaping areas and the retaining wall. The majority of the school site has been cleared and comprises scrub which has re-established.

18. The southern area of the site would be re-landscaped to form a slope down to the surrounding levels. This would replace the need for a retaining wall along the length of the southern boundary. It is proposed that existing small trees and vegetation would be removed to allow construction of the slope. The resulting slope would be seeded and planted with native trees and shrubs. This would comprise the removal of seven trees, two of moderate quality and five of low quality. In order to construct the retaining wall it would be necessary to remove part of a group of trees within the copse along the Holywell Beck. Additionally, it is proposed to coppice the trees within part of this copse to allow them to regenerate. Replacement tree and shrub planting is proposed, which would comprise native species and fruiting plants. Bird and bat boxes would be installed in this area.
19. A variety of soft landscaping is proposed across the school site. It is proposed to screen the bin store in the north of the site with planting. Additionally, a line of trees is proposed to create a native hedge and to help screen the parking from the rest of the school. Shrub planting would be located adjacent to the offices. A series of swales are proposed to provide sustainable urban drainage and to provide biodiversity for the school site.
20. A mixture of external lighting is proposed. The external lighting would comprise columns measuring 6.76 metres in height, to be located primarily in the car park and at the site's vehicular access. Around the school building and along internal footpaths, numerous lighting solutions are proposed, comprising wall mounted and bollard lighting. The external lighting would be time controlled.

#### *Ecology & Invasive Species*

21. A protected species survey was submitted in support of the application. To the north, approximately half of the site temporarily comprises the works compound for the construction of the adjacent housing site. The southern half of the site comprises bare earth as this area has previously been cleared in association with the wider development. Several small patches of vegetation and scrub have re-established.
22. With respect to bats, no trees were found to be suitable for roosting bats. However, the copse is likely to be used by bats as a flight line and foraging habitat and may provide suitable habitat for roosting bats. Therefore, recommendations on the positioning of lighting mid and post construction have been made. If any of the trees along the edge of the woodland during the construction of the retaining wall are removed a survey will need to be undertaken prior to their removal to assess their potential to support roosting bats. If evidence or features with the potential to support roosting bats are found within the trees, bat activity surveys will be required during the May-September activity season to determine whether bats are present. If bats are found to be present, a licence from Natural England will be required before the trees can be removed.
23. The site area is unsuitable for ground nesting birds. The row of trees in the south eastern corner of the site provide potential for nesting birds. Therefore, their removal would be constrained by the bird breeding season. The woodland to the east of the site provides potential for nesting birds. If any of the trees along the edge of the woodland are removed during the nesting bird season, a survey

would need to be undertaken prior to their removal to determine whether there are any nesting birds.

24. The survey area was generally considered to be unsuitable habitat or provide low potential for great crested newts, badger setts, reptiles, water voles, otters and white-clawed crayfish. No further survey work or mitigation for these species is recommended.
25. A series of ecological compensation and enhancement recommendations have been made and included within the proposed landscape scheme. These include the installation of bat boxes and bird boxes. Native tree and shrub planting across the site would include fruiting species to provide an additional food resource and habitat for birds.
26. Japanese knotweed has been recorded to the south-east of the site. The knotweed and its seven-metre exclusion zone lie beyond the application site boundary.

#### *Site Access, Parking and Sustainable Transport*

27. Reserved matter details for a new road into the wider mixed-use development scheme have been approved by North West Leicestershire District Council. This road would form the western boundary of, and provide access to, the school site. Vehicular access would be provided via a single vehicular entrance to the north west. This entrance would be used by all vehicles accessing the school site, including staff, visitors and delivery lorries.
28. Thirteen car parking spaces including two disabled and two electric charging spaces would be located on the northern side of the school building. This car park would be used by both staff and visitors. Secure parking for 10 bicycles and 10 scooters would also be provided. The main pedestrian access, for the majority of pupils, is proposed from the eastern footway of School Lane, separate from and some 40m to the south of the proposed vehicle access. This would enable pupils to directly access the classrooms from the playground. A further, secondary, pedestrian access is provided alongside the vehicle access, however this is only likely to be used by reception class pupils arriving on foot from the north. A northernmost, third, non-vehicle access is proposed which links to the footway of the residential access way. The use of this access would be limited to waste collection operatives accessing the adjacent proposed bin store.
29. To encourage the use of sustainable transport by staff, pupils, parents, carers and visitors, the school would adopt a school travel plan prior to occupation. The school travel plan would review travel options associated with the proposed school and aim to manage the traffic generation associated with the school by including measures to encourage staff to car share or use more sustainable transport modes. Cycle parking for visitors would be provided.
30. It is proposed that 'School Keep Clear' markings would be marked on the carriageway within the vicinity of the school site.

### *Flooding and Drainage*

31. A flood risk assessment and drainage strategy was submitted in support of the application. The site area lies within Flood Zone 1 and has a 1 in 1,000 or less annual probability of fluvial flooding. The eastern boundary of the proposed development is formed by the Holywell Beck. Accounting for climate change, the site was not found to be at risk of fluvial flooding. The implications of climate change have also been considered in relation to surface water drainage on the site. As the site is located within a developed area, there is the potential for surface water runoff affecting adjacent development. Therefore, a flood risk management and drainage scheme has been proposed for the site. The proposed surface water drainage system is designed to be attenuated on site along with a discharge into the Beck.
32. A foul sewer connection is sought for the development which would be subject to agreement with Severn Trent Water.

### *Contaminated Land and ground conditions*

33. An intrusive geotechnical and geo-environmental investigation report was submitted in support of the application. The investigation found that no specific measures are required in the proposed school building to protect against carbon dioxide, methane or radon.

## **Planning Policy**

### **National Policy**

34. *The National Planning Policy Framework* (NPPF) provides the Government's policies for the delivery of sustainable development through the planning system. At paragraph 11 it advocates a presumption in favour of sustainable development, and for decision-taking this means (unless material considerations indicate otherwise):
  - approving development proposals that accord with the development plan without delay; and,
  - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies; or
    - specific policies in the NPPF indicate development should be restricted.
35. Paragraph 94 states the importance of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should; give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications and work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.



36. The National Design Guide (October 2019) forms part of the Government's collection of planning practice guidance. The guidance supports paragraphs 130 and 131 of the NPPF which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

#### Development Plan

#### North West Leicestershire Local Plan (2011-2031)

37. The policies relevant to this proposal include;

- Policy S2 (Settlement Hierarchy);
- Policy D1 (Design of New Development);
- Policy D2 (Amenity);
- Policy IF2 (Community and Cultural Facilities);
- Policy IF4 (Transport Infrastructure and New Development);
- Policy IF7 (Parking Provision and New Development);
- Policy En1 (Nature Conservation);
- Policy En2 (River Mease Special Area of Conservation);
- Policy En3 (The National Forest);
- Policy En6 (Land and Air Quality);
- Policy Cc2 (Water - Flood Risk);
- Policy Cc3 (Water - Sustainable Drainage Systems).

#### Ashby de la Zouch Neighbourhood Plan (Adopted 2018)

- Policy S1 (Presumption in Favour of Sustainable Development);
- Policy S2 (Limits to Development);
- Policy S4 (Design);
- Policy T1 (Traffic Management);
- Policy T2 (Travel Plan);
- Policy T3 (Safer Routes to Schools Schemes);
- Policy NE4 (Nature Conservation);
- Policy NE5 (Trees and Hedgerows);
- Policy CF1 (Important Community Facilities).

#### Other policy and guidance documents

- River Mease Water Quality Management Plan (August 2011);
- The River Mease Developer Contributions Scheme (September 2016);
- Leicestershire Highways Design Guide (Leicestershire County Council);
- Good Design for North West Leicestershire SPD (April 2017).

## **Consultations**

### **Ashby de la Zouch Town Council**

38. No response received.

### **Archaeology (Leicestershire County Council)**

39. No objection. Previous archaeological investigation and recording has adequately addressed the site's heritage interests.

### **Ecology (Leicestershire County Council)**

40. No objection. The habitats on site do not appear to be of significant value and would not meet Local Wildlife Site criteria. However, the spinney to the east of the site is likely to be of some value to local biodiversity. It is therefore recommended that this woodland is retained and buffered from the development. This appears to be the case long-term, although it is proposed to undertake some works. This is considered acceptable given the extent of planting proposed within the landscaping plan. However, concerns are raised regarding the impact of the construction works for the retaining wall on the spinney. It is recommended that the works are undertaken in accordance with the measures set out in the ecology survey.
41. The landscape plan indicates that some areas of native planting are proposed. This is welcomed and will help to compensate for the impact to the edge of the woodland. It is recommended that a condition be imposed requiring detailed landscaping plans to be submitted.

### **Environment Agency**

42. No objection. Whilst the boundary does partially enter flood zone 3 all buildings would be located within flood zone 1 and therefore the Environment Agency has no concerns regarding fluvial flood risk. There are no other environmental constraints associated with the site.

### **Local Highway Authority (LHA) (Leicestershire County Council)**

43. The Local Highway Authority advice is that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report.
44. The LHA previously commented on an application for a school on the site on 13 March 2020, reference 2020/Reg3Mi/0019/LCC (application since withdrawn), when strong concerns over the nature of the proposed site access arrangements were raised. The new application which is the subject of this response includes revised access arrangements.

45. Since the outline planning application was granted, the wider development has commenced, with an initial phase of dwellings, shop and medical centre already constructed. An Extra Care Centre opposite the school site is currently under construction. A number of the internal streets have been constructed up to binder course level, but are pending completion as construction of the wider site is ongoing. Additionally, these have yet to be technically approved and adopted via a legal agreement as publicly maintainable highway by the LHA. This matter is currently under discussion with the developer. Timescales are unknown in this respect and, as is always the case in these matters, there is an inherent risk that the process may not be completed. There is a risk therefore that the school may find itself accessed by a private road in perpetuity should the adoption process not be completed, with associated issues including maintenance liability and rights of access. This matter also affects how the site access arrangements can be brought forward, as set out later in this response.
46. In the context of the Leicestershire Highway Design Guide (LHDG), the majority of the westernmost boundary of the site runs alongside School Lane, recently constructed as a 6.75m wide major residential access road suitable for use as a bus route, and which is the south-easternmost main access road into the wider development site. A short section of the site boundary at the north-western corner, where vehicle site access is to be taken, abuts a 4.8m wide 'residential access way' which will serve a limited number of dwellings in the future.
47. *Pedestrian Access:* The main pedestrian access, for the majority of pupils, is proposed from the eastern footway of School Lane, separate from and some 40m to the south of the proposed vehicle access. This will enable pupils to directly access the classrooms from the playground. A further, secondary, pedestrian access is provided alongside the vehicle access, however this is only likely to be used by those reception class pupils arriving on foot from the north. A northernmost, third, non-vehicle access is proposed which links to the footway of the residential access way. The use of this access will be limited to waste collection operatives accessing the adjacent proposed bin store. If general pedestrian access were to be provided by the northern pedestrian gate, with the bin store in this location, as previously proposed, then the LHA would have had no option but to advise refusal on the grounds that the development would not provide 'safe and suitable access', as required by the National Planning Policy Framework. All pedestrian access points are considered acceptable.
48. *Vehicle Access:* The vehicle access is to be provided from School Lane approximately 15m (centre to centre) from and to the south of the junction with the aforementioned residential access way. The vehicle access proposal can be described as follows:
- A footway crossover, provided from the junction table which is proposed to be provided on the estate road prior to adoption;
  - 5.5m wide access carriageway, with a curved alignment into the site;
  - Provides access to the staff and visitor parking area, as well as the service vehicle turning area outside the proposed kitchens in the site. This is only large enough to accommodate the turning of light goods service vehicles and so it is not proposed that large vehicles would enter the site. It is understood that due to the width of the site and the changing levels across it adjacent to the highway, a larger service area cannot be easily provided;

- The access can accommodate the swept paths of cars, light goods vehicles, and a fire tender, as shown on BSP drawing number HLY-BSP-ZZ-ZZ-DR-C-0190 Revision P07 'Swept Path Analysis';
  - The access has achievable visibility splays of a minimum of 2.4m by 25m, which is satisfactory for the proposed 20mph speed limit of School Lane, given that actual speeds cannot be measures pending completion of School Lane; and
  - The minimal junction spacing between the school access and the residential access way can be considered acceptable in this instance on the basis that conflict is unlikely to result. This is because the accesses are likely to operate with opposing tidal flows and only 13 parking spaces are proposed within the school.
49. The access is considered acceptable in principle, but will need to undergo detailed design and technical approval following planning permission and prior to implementation under an appropriate legal agreement. Whilst a development access such as that proposed would normally be delivered under a Section 278 agreement, this will not be possible until the estate roads are adopted by the LHA. The timescales for adoption, however, are unknown at present.
50. It is therefore understood that the proposed access arrangements are to be provided by incorporating the proposals into the housing developer's Section 38 plans, so that the access arrangements can be implemented under an agreed Section 38 design.
51. The LHA understands that the applicant has entered into discussions with the housing developer on this basis. It is important that the applicant enters into discussions with the LHA's Development Approvals team as soon as planning permission is granted. This will enable the detailed design to be agreed with LCC such that an approved design can be included in the housing developers Section 38 plans.
52. The LHA has a number of relatively minor design concerns that it considers can be incorporated in the proposed Section 38 detailed design. These are as follows, although additional matters may arise during the design and approval process:
53. A school keep clear marking is proposed. Whilst the layout of the proposed school keep clear road markings does not appear to be shown correctly on BSP's plans, the LHA is content that this can be corrected as part of the detailed design process and discussion with the LHA's Development Approvals team. The applicant should also note that the school keep clear markings are required to be mandatory, which requires a Traffic Regulation Order (TRO) and an appropriate road sign. Given that the TRO cannot be pursued until School Lane has been adopted by the LHA, the LHA will secure the TRO and corresponding road sign by planning obligation.
54. The proximity of the southernmost ramp of the junction table to the proposed vehicle access may be problematic as there could be grounding of vehicles, so further consideration is required, which could result in the junction table needing to be lengthened southwards.

### *Servicing*

55. Whilst the submitted documents suggest that, *'The site entrance has been laid out as a turning head for large vehicles e.g. refuse lorry and kitchen deliveries. Deliveries will be timed to avoid busy periods'*, this is understood to be an error. For the avoidance of doubt, this would not be acceptable to the LHA. In any case this would be unlikely to be possible in practice, as the width and curved nature of the access means that it has not been laid out as a turning head, contrary to the statement in the DAS.
56. Light goods vehicles and fire tenders can satisfactorily turn within the site, as shown on BSP drawing number HLY-BSP-ZZ-ZZ-DR-C-0190 Revision P07 'Swept Path Analysis'. Commercial refuse vehicles would serve the site from the residential access way to the north, with waste operatives transporting the bins between the bin storage area and the refuse vehicle via the third non-vehicle access point described above. Whilst the need for commercial waste vehicles to enter the residential cu-de-sac is not ideal, the LHA considers this preferable to refuse vehicles stopping on School Lane in the vicinity of the bend and the junctions with the residential access way and the proposed school, which would raise road safety concerns. Additionally, given that pupils would not be permitted to use the third non-vehicle access point, pupils will be unlikely to cross the residential access way on their journey to or from school in too close a proximity to any commercial waste vehicle that may be temporarily parked, so pedestrian-related road safety issues are unlikely to result. In any case, the LHA hopes that the school will discourage waste collections taking place at school arrival and departure periods. It is understood that any coaches, for trips for example, will pick up and drop off pupils from School Lane in the vicinity of the main pedestrian access to the south. Given that this will only take place infrequently, this is acceptable to the LHA.

### *Highway Safety, Trip Generation and Traffic Impact*

57. The acceptability in principle of the development proposals with respect to these aspects was established as part of the outline planning application for the wider site including the school. The site access arrangements, which are supported by a Road Safety Audit and Designer's Response, are considered acceptable in road safety terms.

### *Off-Site Implications*

58. The principle of the proposed school was established when the wider outline planning application was granted and there are therefore no issues concerning the transport impact of the proposals on the wider highway network. It is, however, appropriate to consider the following matters at this stage:

### *Drop-Off / Pick-Up Provision*

59. As set out earlier in this response, there is no on-site provision for drop-off /pick-up of pupils by car on the site. By the use of a reasonable methodology, the Transport Statement (TS) suggests that the proposed school could generate up to 60 car drop-off and pick-up trips, however before and after school clubs could spread out the impact. The LHA notes that if this is undertaken on the local highway network, this could equate to up to 360m of kerb-space, assuming 6m

per car. The TA suggests that drop-off / pick-up parking could occur on School Lane, Spring Avenue, and the residential access way, all within 250m walk distance, and that there is ample supply on just one side of these roads. Having considered this matter, the LHA confirms that off-site drop-off/pick-up behaviour in this instance is unlikely to result in an unacceptable impact providing that, as suggested in the TS, *'The school will communicate (via emails and newsletters) the importance that those choosing to use on-street parking facilities park considerately; not parking illegally, on footways, blocking driveways of local residents or double parking etc.'*

#### *Highway Status*

60. As indicated earlier in these observations, School Lane in the vicinity of the proposed school has yet to be technically approved and adopted via legal agreement as publicly maintainable highway by the LHA. This matter is currently under discussion with the developer, however timescales are unknown in this respect and, as is always the case in these matters, there is an inherent risk that the process may not be completed. There is a risk therefore that the school may find itself accessed by a private road in perpetuity should the adoption process not be completed. There are a number of implications associated with this, including maintenance liabilities and rights of access, and the applicant is therefore recommended to consider these further with their legal advisors.

#### *Internal Layout*

61. It is proposed to provide 13 staff and visitor parking spaces, including two accessible spaces and two electric charging spaces. The size of the proposed spaces is acceptable. The application form suggests that 18 staff are expected to be employed at the site, equating to 15 full time equivalent staff. The LHA considers that the proposed numbers of spaces would be likely to be sufficient for both staff and visitors. Notwithstanding this, a small shortfall in the supply of spaces below predicted demand would be unlikely to be a matter of concern in this instance.
62. It is proposed to provide 10 cycle parking and 10 scooter spaces. This number of cycle parking spaces is sufficient at the outset, however the applicant should set aside space to ensure that further spaces can be provided should additional demand be identified. Demand will be required to be monitored via the proposed School Travel Plan

#### *Transport Sustainability*

63. The principle of the sustainable accessibility of the proposed primary school site was established as acceptable via the outline planning application for the wider development. Nevertheless, it is worth the stating that the LHA does consider this to be a sustainably accessible site appropriate for a primary school development. The TS sets out that a School Travel Plan will be developed prior to occupation. The LHA is content to secure this by condition in this instance.
64. As set out in the response above, the nature of the proposed site layout means that commercial refuse collections from the school will need to be made from the residential access way, in close proximity to dwellings. The LHA requests the



Local Planning Authority (LPA) to consider the impact of construction on the road network and how this will be managed.

### *Contributions*

65. To comply with Government guidance in the NPPF and commensurate with Leicestershire County Council Planning Obligations Policy, the following contributions are required:

- Travel Packs; to inform new employees from first site use of the available sustainable travel choices in the surrounding area. These can be provided through Leicestershire County Council (LCC) at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.

Justification: To inform new employees from first site use of the available sustainable travel choices available in the surrounding area.

- Six month bus pass per employee (an application form to be included in Travel Packs and funded by the developer); to encourage new employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. These can be supplied through LCC at a current average cost of £360.00 per pass.

Justification: To encourage employees to use bus services as an alternative to the private car.

- Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first use. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures.

Justification: To ensure effective implementation and monitoring of the required Travel Plan.

- A £7,500 contribution toward the consultation process for a Traffic Regulation Order for mandatory School Keep Clear markings to be implemented outside the school.

Justification: To discourage parking in the vicinity of the school in the interests of road safety.

- The installation of the markings and an upright sign to accompany the above markings should the TRO be successful, to be delivered by the applicant.

Justification: To discourage parking in the vicinity of the school in the interests of road safety.

### **Landscape (Leicestershire County Council)**

66. Existing trees should be retained as far as possible and the following are recommended:

- Any remedial works identified such as lopping low branches/ removing dead wood etc. which may improve the health of existing trees to remain should be carried out prior to construction works starting and by a qualified tree work contractor, in accordance with BS 3998: 2010 'Tree Works Recommendations'.
- Furthermore, prior to construction works, any trees to be retained within the extent of works, should be adequately protected with adequate temporary fencing in accordance with the provisions of BS 5837, 2012: 'Trees in Relation to Design, Demolition and Construction - Recommendations'.
- Any trees lost as a result of the proposals, (numbers to be agreed), should be replaced with appropriate species of suitable size and in locations agreed with the Head Teacher and Planning.
- Any works required including excavation within the RPA and within the tree canopy of trees to be retained shall be kept to a minimum and carried out by hand to minimize damage to the tree's vital root system and to avoid compaction of the soil. Furthermore, any tree roots encountered with a diameter of 5 centimetres or more shall be left un-severed.
- Construction should ideally be undertaken in dry weather between May and October when the ground is driest and least prone to compaction.
- Any vegetation removal should be undertaken to avoid the bird nesting season.
- Where possible, it is recommended that all new buildings incorporate integral bird nesting and bat roosting boxes to enhance the site for nesting birds and roosting bats in line with the National Planning Policy Framework.

67. A detailed landscape scheme is required which should incorporate nectar rich plants and shrub species and provide for a net gain in biodiversity across the site. Details should include the proposed ground preparation, plant and seeding specification (if required), plant protection and maintenance and management measures.

### **Lead Local Flood Authority (LLFA) (Leicestershire County Council)**

68. A flood risk assessment has been provided which demonstrates that the site location is wholly within Flood Zone 1 in accordance with the Environment Agency Flood Map for Planning. Surface Water flooding has been identified on the highways surrounding the site. Calculations have been provided for the school, which identifies that the site discharges at 127.3l/s in the 1 in 100 year plus climate change event. Discharge from the site will be attenuated by a pond serving the wider development site. No information on the drainage for the wider site, including calculations demonstrating that the school development can be managed within this basin without exacerbating flood risk elsewhere have been

provided. No consideration of future operation and maintenance of the proposed surface water drainage system on site has been provided. Furthermore, no consideration of overland flow routes in exceedance events or the event of system failure has been provided.

69. The LLFA advises that the proposals are considered acceptable to the LLFA subject to planning conditions requiring the following; a surface water drainage scheme prior to commencement of development, details in relation to the management of surface water on site during construction of the development prior to commencement of development and details relating to the long-term maintenance of the surface water drainage system within the development prior to commencement of development.

### **Natural England**

70. No objection. Natural England considers that the identified impacts on the River Mease SAC can be appropriately mitigated with measures secured via planning conditions or obligations. Natural England notes that the County Planning Authority has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). The appropriate assessment concludes that the County Planning Authority is able to ascertain that the proposal would not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

### **North West Leicestershire District Council - Environmental Health**

71. No objection.

### **North West Leicestershire District Council - Planning**

72. No objections to the proposals subject to the following;
- That a Habitat Regulations Assessment is completed which can demonstrate that the proposed development would not have a detrimental impact on the integrity of the River Mease Special Area of Conservation; either alone or in combination.
  - That a satisfactory sustainable drainage system is secured which would not allow for pollutants to enter the watercourse.
  - Consideration be given to the design of the school and the visual impact of the boundary retaining walls.
  - Residential amenity and noise impacts be considered to surrounding residential properties.
  - Recommend that land contamination conditions are attached in accordance with advice from the District Council's Environmental Protection department.

73. Notwithstanding the above, concerns are raised regarding the siting of the sprinkler tank. This does not seem to offer a very inviting or safe entrance for the north-eastern corner of the site. This could potentially create an area that isn't well overlooked and could encourage antisocial behaviour to take place.

**North West Leicestershire District Council - Environmental Protection**

74. The submitted ground investigation and supplementary gas risk assessment documents are insufficient. It is recommended that planning conditions be imposed to require the applicant to submit a risk-based land contamination assessment and detailed plans of any remedial action, if found to be required, to be approved in writing by the County Planning Authority and undertaken prior to commencement of development. This would ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 178 and 179 of the NPPF.

**Severn Trent Water Ltd**

75. No response received.

**Sport England**

76. No objection.

**Coal Authority**

77. No objection.

**National Forest Company (NFC)**

78. Policy D1 of the adopted North West Leicestershire Local Plan expects all new non-residential development to positively address the Place Making Principles. The first of which is to adopt a National Forest or locally-inspired identity. The Design and Access Statement does not make reference to this policy though elements of the design do reflect the National Forest. The proposed timber cladding is welcomed and it is requested that details of this are agreed by condition. The incorporation of sustainable urban drainage system features are also welcomed. The NFC considers that the proposals should better reflect the County Council's declaration of a climate emergency and its commitment to become climate neutral by 2030. The school will be operational long after 2030 and therefore its design should reflect the low carbon County that the Council are aspiring to. However, the design proposes gas heating and while the Design and Access Statement states that while the roof is ideally positioned for solar panels these are not included in the scheme. The NFC considers that the new school should be designed to incorporate all possible measures to minimise energy use and generate low carbon energy.
79. The proposed Landscape Strategy is broadly supported, further landscaping details should be sought by condition. The NFC welcomes the incorporation of specimen tree planting and woodland creation within the scheme. The proposed areas of tree planting along the eastern boundary indicatively shows areas for

forest school use. The NFC requests that further details of these is also sought by condition.

### **Publicity**

80. The application was advertised by site notice on the 15<sup>th</sup> May and a press notice in the Burton Mail on the 19th May 2020. Neighbour letters were posted on the 18th May 2020. Three letters of representation have been received, comprising two comments and one objection. Comments submitted raised concerns regarding antisocial behaviour in the local area and litter within the Holywell Beck and implications for public safety. Additionally, a query was raised regarding the integrity of the boundaries of adjoining properties. The objection raised the following reasons to refuse the application, which are summarised as follows:

- Tree removal. The impact of this tree removal upon local amenity, the local landscape, wind, flooding, wildlife, conflict against climate policies and damage to the Holywell Spring;
- Site Access. The proposed access pathway from the north eastern corner of the site is unnecessary. The pathway would require further tree removal and was not put forward in the original plans for the Community Woodland. An adequate access route already exists into the Community Woodland at the north end of this green space;
- Lighting. The plans mention additional lighting and any additional lighting should be switched off at night;
- Public Rights of Way. The stile on the public footpath has been removed and this should be replaced;
- Noise. The school would present a noise nuisance to local residents;
- Parking. Parents picking up or dropping off their children may use local roads which would cause local highway issues.

### **Revisions to the Proposals**

81. Following the consultation process the applicant has submitted revised drawings detailing minor amendments to the proposals. These minor amendments include:

- An amended vehicular access which provides a separate pedestrian access adjacent to the roadway and provides a new pedestrian footpath into the site. This would ensure enhanced pedestrian safety around vehicles which access the site. This pedestrian footway replaces that previously proposed adjacent to the bin store in the north-western corner of the site. This minor amendment addressed concerns which had previously been raised by the Local Highway Authority.
- The pedestrian access in the north-eastern corner of the site adjacent to the sprinkler tank is now proposed to be removed. This would allow sufficient turning space for vehicles within the site so that they are able to access and exit the site in a suitable manner. This revision also addresses concerns

raised by North West Leicestershire District Council regarding the siting of the Sprinkler tank and entrance. Concerns were raised that the previous arrangement did not offer a very inviting or safe entrance for the north-eastern corner of the site which may potentially create an area that is not well overlooked and could encourage antisocial behaviour to take place.

- A low retaining wall has been proposed to the south of the vehicular access. This would replace the previous sloped landscaping works and stepped access to the main school building. Instead, pedestrians would follow the new path from the vehicular access for their safety.
- The maintenance access on the eastern boundary would no longer be surfaced.

82. Additionally, the applicant has withdrawn the Drawing titled, 'Visualisation - Proposed View 2', as the visualisation does not reflect the amendments to the proposals. Given the minor nature of the proposed changes to the application, which address consultation comments previously received, it is not considered that an additional consultation period on these changes is required.

### **Assessment of Proposal**

#### Principle and need for the development in the locality

83. It is proposed to construct a 210-place single storey new build primary school to meet the increased demand for school places in the locality. Approval of this development would accord with paragraph 94 of the NPPF which highlights the importance of a sufficient choice of school places being available to meet the needs of existing and new communities and states that in respect of this, local planning authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. The type of development proposed is considered appropriate to the scale and character of Ashby de la Zouch and its place within the settlement hierarchy. The school would provide a new community facility within the locality where there is a demand as a result of nearby residential development. Therefore, the principle and location of the proposed development is found to accord with Policies S2, IF2 and CF1.

#### Visual Impact, Local Amenity and Design

84. To the south is a recently constructed retail development, to the west is a recently constructed care home development, and to the north lies a housing development which is currently in the construction phase. These houses would lie at a higher level than the school site. The rear gardens of these properties would adjoin the school site boundary. Approximately 30 metres east of the site boundary lies a residential area separated from the eastern boundary of the site by a copse of trees and the Holywell Beck. The nearest existing properties to the proposed development lie within this residential area and comprise those properties which are situated within Oakham Grove, Uppingham Drive, Locksley Close, Saxon Way and Knights Close. It is these neighbouring residential properties which may be most immediately impacted upon from the proposed development.



85. A concrete retaining wall is proposed for the eastern boundary. This may be visible from outside of the site boundary, owing to the difference in levels across the site. However, planting along this eastern boundary is proposed. This planting would sit alongside the bottom of the retaining wall and would provide screening and soften its appearance. Final details for the facing stone are yet to be confirmed. Subject to the imposition of a planning condition to control the final materials and facings of the wall, it is not considered that the wall would have an adverse visual impact within the locality.
86. Details of the bin store have not been provided by the applicant. Subject to the imposition of a planning condition to control the final design of the store, it is not considered that the store would have an adverse visual impact within the locality.
87. Details of the low retaining wall which would be located to the south of the vehicular access have not been provided by the applicant. Subject to the imposition of a planning condition to control the final design of the wall, it is not considered that the store would have an adverse visual impact within the locality.
88. Whilst the newly constructed dwellings immediately to the north would lie in close proximity to the development, they would be at a higher ground level than the application site, which would reduce some of the potential for noise and visual impact. Additionally, the immediate area adjoining the rear gardens of these properties would be used as a car park which would result in fewer disturbances than a playground. The proposed single storey building is unlikely to give rise to any significant overbearing, overlooking or overshadowing upon the neighbouring properties, given the distances of the development to the neighbours and the levels of the surrounding land. The proposed sprinkler tank would lie to the south of neighbouring properties to the north, which are yet to be constructed. Given that the houses would lie at a higher level to the school grounds, the sprinkler tank is unlikely to give rise to any significant overbearing, overlooking or overshadowing effects upon those properties. No concerns have been raised by the County Council's Landscape advisor with regards to the scale, mass or location of the proposed buildings. The lighting would be timer controlled which would prevent nuisance lighting affecting local properties. Environmental Health raise no concerns with regards to noise or lighting.
89. The development can be controlled in order to reduce any amenity impact arising from the construction period. The timing for construction work and the delivery and movement of materials could be appropriately controlled by condition to further decrease disruption. Given the above, the proposal is considered to accord with Policy D2 of the Local Plan and Policy S4 of the Ashby Neighbourhood Plan subject to the recommended planning conditions being imposed.

### *Urban Design*

90. Policy D1 of the adopted North West Leicestershire Local Plan expects all new non-residential development to positively address the Place Making Principles as set out in the North West Leicestershire District Council Good Design Supplementary Planning Document. These place making principles include a National Forest or locally-inspired identity; streets and spaces shaped by buildings; a greener footprint; vibrant and mixed-use communities; responsive to

context; connected places; easy to get around; well-designed and well-managed public spaces and architectural quality.

91. The main school building and the sprinkler tank and plant would be clad in timber cladding and the pitched roofs of the classrooms and the administration areas would be finished in aluminium. It is considered that this accords with the principle of a National Forest and local inspired identity and this design is welcomed by the National Forest Company.
92. The National Forest Company have raised concerns that the design proposes gas heating despite the roof being positioned for solar panels which are not included in the scheme. However, the school building would be naturally ventilated facilitated via a combination of openable windows to the south and high-level roof lights and windows to the north, thus reducing the energy demands of the building while maintaining optimum temperatures and healthy CO<sub>2</sub> levels. Due to the building's location and orientation, solar gain and natural light opportunities would be more easily managed. Additionally, the wall panels and roof would be fully insulated to modern standards. Therefore, it is considered that the proposed design would minimise the requirement to utilise heating within the building and is considered energy-efficient. In addition, the integration of water management into the design of the development through the provision of swales and planting, the incorporation of electric car charging points and the provision of sufficient, safe and sheltered cycle and scooter storage close to the front door of the building are considered suitable measures to mitigate and adapt to the effects of climate change. Therefore, the design is considered to meet the principle of a greener footprint. The school would continue to remain suitable for the installation of solar panels in the future and it is considered that these would make a positive contribution towards mitigating against climate change and would be welcomed.
93. As far as possible all site cut material will be reused on site in order to avoid the transportation of waste material off site. With respect to the waste hierarchy, the re-use of materials onsite is welcomed to reduce the impact of the construction phase of the development on the wider environment.
94. With regards to external features, the security fence lines would provide a safe environment for pupils and staff. Behind this line, landscape buffers within the site's perimeter would create an element of privacy for the school site. Therefore, it is considered that the development would respond to the context of the adjacent buildings, streets and spaces. Additionally, the external levels immediately around the building would ensure a fully accessible building. With regards to internal features, the orientation and features of the building have been designed to ensure that all the classrooms have a view out over the external play spaces. With their south facing orientation, the roof overhangs to provide a balance of solar shading in the summer and covered play for times of inclement weather. The roof and building orientation allow for maintaining good natural light levels and promoting natural ventilation. Wheelchair access and ambulant access within the school is afforded to all areas, with the exception of the service areas. Overall, the development would accord with the principles of architectural quality, streets and spaces shaped by buildings and response to context.

95. During the consultation process representations were received regarding anti-social behaviour in the local area and litter within the Holywell Beck. It is considered that the development is well designed and would have a clear public function. In doing so, the development would enhance community safety so far as is practical in accordance with the objectives of the North West Leicestershire District Local Plan (Adopted 2017).
96. Given the above, the proposal is found to accord with Policy D1, Policy S4, the Good Design for North West Leicestershire SPD (April 2017) and the characteristics and guidance as set out in the National Design Guide and paragraphs 130 and 131 of the NPPF.

#### Pollution and Flooding

97. As above, the proposed development can be controlled to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion from external lighting. The Environmental Health team at North West Leicestershire District Council raised no objection to the application and it is not considered that the proposal would cause adverse noise or vibration.
98. Environmental Protection at North West Leicestershire District Council recommend that planning conditions be imposed requiring the applicant to submit a further risk-based land contamination assessment prior to commencement and if required, a verification investigation and remedial scheme. Such conditions would ensure that the land is fit for purpose and accords with paragraphs 170 and 178 of the NPPF.
99. Given the scale of the proposed development, and that building would be located within Flood Zone 1, there are no fluvial flood risk concerns. However, surface water flooding has been identified surrounding the site. Therefore, it is recommended that planning conditions be imposed to require the applicant to submit a surface water drainage scheme, details in relation to the management of surface water on site during construction and details in relation to the long-term maintenance of the surface water drainage system to be submitted for approval. This would ensure that flooding would be prevented through the satisfactory storage and disposal of surface water from the site, the maintenance of surface water run off quality throughout the life of the development, including the construction phase, and the suitable maintenance of the required systems to ensure their long-term performance.
100. Overall, subject to the above controls being imposed, the proposal would not result in adverse impacts from pollution or flooding and the proposal is found to accord with Policies En6, Cc2 and Cc3.

#### Impact on the highway and sustainable transport

##### *Site Access*

101. The proposed vehicle access is considered acceptable in principle, but is required to undergo technical approval under an appropriate legal agreement. Whilst such an access would normally be delivered under a Section 278 agreement, this will not be possible until the estate roads are adopted by the LHA. Therefore, the proposed access arrangements are to be provided by

incorporating the proposals into the housing developer's Section 38 plans. This is considered to be suitable by the LHA.

102. Commercial refuse vehicles would serve the site from the residential access way to the north, with waste operatives transporting the bins between the bin storage area and the refuse vehicle via the non-vehicle access point to the north. All pedestrian access points are considered acceptable. Overall, the site access arrangements are considered acceptable in road safety terms.

*Impacts on the highway network*

103. The principle of the proposed school was established when the wider outline planning application was granted. Therefore, there are no issues concerning the transport impact of the proposals on the wider highway network. Off-site drop-off/pick-up behaviour is unlikely to result in an unacceptable impact providing that the school communicates to parents and visitors the importance that those choosing to use on-street parking facilities park considerately. This can be included within the proposed School Travel Plan, which is considered below.
104. A Traffic Regulation Order for mandatory 'School Keep Clear' markings outside the school and signage to accompany the markings are proposed. These measures would discourage parking in the vicinity of the school and would be in the interests of road safety. It is recommended that a condition be imposed to require the applicant to submit details of the location of road markings and signage for the Traffic Regulation Order and its implementation, prior to the school being brought into use. This would discourage parking in the vicinity of the school, in the interests of road safety.

*Internal Arrangements and Sustainable Transport*

105. The principle of the sustainable accessibility of the proposed primary school site was established as acceptable via the outline planning application for the wider development. Nevertheless, the LHA considers this to be a sustainably accessible site appropriate for a primary school development.
106. It is proposed to provide 13 staff and visitor parking spaces, including two accessible spaces and two electric charging spaces. The size of the proposed spaces is acceptable. The LHA considers that the proposed numbers of spaces would be likely to be sufficient for both staff and visitors.
107. The proposed development includes provision for the storage of scooters and bicycles which would help reduce the reliance on the private car. Additionally, to comply with Government guidance in the NPPF, the following measures are required:
- Travel Packs;
  - Six month bus pass per employee;
  - Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first use.

108. The imposition of a condition to require the site to submit a travel plan which would include the above measures and quantifiable targets, would help to reduce the number of private car journeys to and from the school site and to increase the

opportunities for other forms of transport. The provision of electric charging spaces to encourage those vehicles which are required to access the site to be those which are low emission and have a reduced environmental impact, are welcomed.

109. Subject to the outlined recommended conditions being imposed, the proposal is found to accord with Policies IF4, IF7, T1, T2, T3, paragraph 109 of the National Planning Policy Framework (2019) and the Leicestershire Highways Design Guide.

#### Ecology, Biodiversity and Protection of Designated Sites

110. The habitats on site are not of significant value and do not meet Local Wildlife Site criteria. The copse along the eastern boundary is not a designated site but the area has biodiversity value.
111. The development would comprise the removal of seven trees, two of moderate quality and five of low quality. In order to construct the retaining wall it would be necessary to remove part of a group of trees within the copse along the Holywell Beck. Additionally, it is proposed to coppice the trees within part of this copse to allow them to regenerate. Subject to the works to the copse being undertaken in accordance with the submitted Ecology Survey and the works being undertaken in accordance with respect to controls by Natural England with regards to bats and bird nesting seasons, the proposals would not have an adverse impact upon local ecology or protected species.
112. Replacement tree and shrub planting is proposed, including soft landscaping across the school site which would comprise native species and fruiting plants. Additionally, bird and bat boxes would be installed. These measures would compensate for the proposed tree loss and provide a net gain in biodiversity. It is recommended that conditions be imposed requiring detailed landscaping plans to be submitted to ensure that suitable numbers and species of trees and shrubs are provided and to require the applicant to install bat boxes and bird boxes to enhance the biodiversity value of the site. The NFC welcomes the incorporation of specimen tree planting and woodland creation within the scheme.
113. The revised plans and the provision of a low retaining wall would result in a minor reduction in soft landscaping within the north western corner of the site. It is considered given the scale of the proposed planting on the site to encourage biodiversity and to enhance the visual impact of the development, that on balance this reduction in soft landscaping within this area is suitable given the technical need for the low retaining wall. It is considered that the removal of this vegetation from the proposals would not result in any adverse impacts upon ecology, biodiversity or local amenity.
114. The Holywell Beck is a tributary of the River Mease which is a designated SAC and SSSI. The Holywell Beck is not a designated site. However, the proposals have been assessed in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended) in order to assess whether the proposal is likely to have a significant effect on the River Mease SAC. This assessment is set out in Appendix A of this report.

115. The proposal is unlikely to significantly affect the features for which the site is classified as a SAC. It is considered that there would be no significant cumulative impacts with other developments in the SAC catchment. The proposed development would not have significant adverse impacts on designated sites. Overall, it is considered that subject to the imposition of the proposed conditions, the proposal would not have significant effects on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. Natural England have been consulted on the Appropriate Assessment and consider that the identified impacts on the River Mease SAC can be appropriately mitigated through planning conditions.
116. It is proposed that foul drainage would be discharged to the mains sewer and as such a contribution under the terms of The River Mease Developer Contributions Scheme would typically be payable. However, as detailed within the Appropriate Assessment (Appendix A) the development would not result in an increase in foul drainage from the site and therefore a contribution to the scheme is not required in this instance.
117. Subject to the proposed works being undertaken in accordance with submitted documents and the planning conditions recommended within the Appropriate Assessment as set out in Appendix A, the proposal accords with Policy En1, En2, En3, Policy Cc3, NE4, NE5, the River Mease Water Quality Management Plan August 2011 and The River Mease Developer Contributions Scheme (September 2016).

#### Other considerations

118. During the consultation process, concerns were raised regarding a stile on a nearby public footpath. These concerns have been passed onto Leicestershire County Council's Public Rights of Way Team for investigation and do not fall within the application area for consideration in determination of this application.

#### Conclusions

119. The scale, design and location of the proposed development would not result in significant adverse impacts upon the amenity of residents. The proposed development would provide the community and wider population with a school to meet demand within the locality. The provision of a landscaping scheme which enhances the existing landscaping onsite would compensate for the proposed loss of trees and would provide appropriate soft landscaping around the perimeter of the development and provide for a net gain in biodiversity within the National Forest. The proposed parking and access arrangements for the school are satisfactory to meet expected demands at the site. The provision of a site-specific travel plan and its continual monitoring should help address any parking and traffic issues. Subject to planning controls, the proposed development would not have significant effects on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.



120. Therefore, subject to the conditions as set out in the above assessment it is considered that the proposed development is satisfactory and that the requirements of the development plan have been met, including policies S1 and S2 and the proposed development is therefore considered acceptable.

**Recommendation**

- A. Permit subject to the conditions as set out in Appendix B;
- B. To endorse as required by the Town and Country Planning (Development Management Procedure) Order 2015 (as amended):
- (i) How Leicestershire County Council worked with the applicant in a positive and proactive manner:

In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework.

**Officer to Contact**

Amelia Mistry (Tel: 0116 305 7326)  
E-Mail [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

**Habitats Regulations Assessment Screening**

*Part 6 (Regulations 63 and 64) of The Conservation of Habitats and Species Regulations 2017 (as amended)*

PROJECT: A proposed new 210 place primary school with associated landscape and external works (2020/Reg3Ma/0056/LCC) – Land formerly known as Holywell Farm, Off Burton Road, Ashby de la Zouch, LE65 2RF.

**Location and Description of Proposal**

It is proposed to construct a 210-place single storey new build primary school. The proposed school was granted outline planning permission by North West Leicestershire District Council in October 2014 under planning reference 13/00486/OUTM. The permitted application involved the development of 400 dwellings, a shop, medical centre, residential care home and the proposed primary school. The shop, medical centre and the first phase of the permitted dwellings has since been constructed. The site is located on the former site of Holywell Spring Farm and lies off Burton Road in the town of Ashby de la Zouch.

Beyond the eastern boundary of the site lies a line of mature trees and small stream, the Holywell Beck which is fed by the Holywell Spring. The Holywell Beck is a tributary of the River Mease, a designated Special Area of Conservation (SAC).

**Interest Features**

The River Mease Special Area of Conservation (SAC) is classified on the basis of:

- Floating formations of water crowfoot (*Ranunculus*) of plain and sub-mountainous rivers;
- Populations of bullhead (*Cottus gobio*);
- Populations of spined loach (*Cobitis taenia*);
- Populations of white-clawed crayfish (*Austropotamobius pallipes*);

And the river and adjoining land as habitat for:

- Populations of otter (*Lutra lutra*)

**Is the proposal directly connected with or necessary to management of the site for nature conservation?**

The proposal is not connected with or necessary to the management of the site for nature conservation purposes. Therefore, a Habitats Regulation Assessment Screening has been undertaken to assess the potential implications of the proposal on the SAC.

## Significance Test and Assessment of implications of the proposal on the integrity of the European Site

The site lies within the catchment area of the Holywell Beck which is a tributary of the River Mease SAC.

### *Foul Water Drainage*

It is proposed that foul drainage from the school would be discharged to the mains sewer and there may be an increase in foul drainage to the sewage treatment works from the site. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. The Packington and Measham sewage treatment works within the River Mease Catchment have no further capacity. Severn Trent Water and the Environment Agency are proposing to transfer effluents out of the River Mease catchment as an essential component of an overall strategy to deliver water quality objectives for the River Mease SAC. Until this strategy can be implemented, any additional mains drainage solutions in the Mease catchment will lead to an adverse effect on the River Mease SAC.

When the new school is complete there would be five primary schools in Ashby, all schools would share a joint catchment area that covers the Ashby town and is within the boundary of the River Mease catchment. Given the extent and location of River Mease catchment it is not anticipated that any pupils would attend the school from outside this catchment area. Therefore, there would not be any increase in foul drainage discharge within the SAC as the pupils would be displaced within the same catchment area during the day. This would reduce the foul drainage output in their homes and be accounted for in the school's output. Natural England have advised that the school catchment is within the Mease Catchment, and that any staff travelling from outside the catchment would overall be balanced out by others who live within the catchment and work outside of it. This is in line with approaches taken to non-residential development elsewhere in the country with similar circumstances e.g. the Solent. Therefore, there would be no net increase in phosphate discharge from the sewage treatment works as a result of this proposal and it is not anticipated that the proposal would lead to any adverse effects on the River Mease SAC in terms of foul water drainage.

### *Surface Water Drainage*

It is proposed to manage surface water run-off from the school using Sustainable Urban Drainage Systems (SuDS), as detailed within the surface water drainage strategy section of the Flood Risk Assessment. It is proposed to use two treatment trains, a swale and a surface water attenuation pond, to mitigate the risk of pollution from surface water reaching the River Mease in line with CIRIA Guidance. It is advised by Natural England to consider the effectiveness of this approach in mitigating against any impacts to the River Mease SAC. It is considered that this should be considered and assessed within an Appropriate Assessment, including how any long-term monitoring and maintenance of the surface water drainage system would be secured to ensure that it continues to function as designed and constructed.

It is recommended by Natural England that pollution prevention measures should also be included to prevent substances such as petrol, oil or bankside material from entering the River Mease or its tributaries. These measures could include oil traps or petrol interceptors which are common practice on developments within the River Mease catchment. Such mitigation measures are required to be considered and assessed within an Appropriate Assessment.

#### *Green Infrastructure Provision and Biodiversity Enhancements*

An outline landscape strategy is proposed. The proposed multi-functional green infrastructure would perform a range of functions including improved flood risk management, provision of accessible green space to those using the site, climate change adaptation and biodiversity enhancement. It is considered that this would provide positive impacts on the River Mease SAC as well as the local and wider natural environment, when compared to the site's existing habitats.

#### *Construction*

There may be potential adverse impacts from harmful discharges to the River Mease tributary during the construction phase. These potential impacts must be considered in an Appropriate Assessment, as well as any mitigation measures which may be required.

#### Conclusion

Overall, the proposal may have, either alone or in combination with other plans or projects, significant effects on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI and in this case an Appropriate Assessment is required.

This Screening Assessment has been prepared in accordance with recent case law findings, including most notably the recent *People over Wind, Peter Sweetman v Coillte Teoranta* (April 2018) judgment which ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage. These are to be considered by the Planning Authority at the Appropriate Assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained.

Signed

*A. Heister*

Date: 15<sup>th</sup> June 2020

**Habitats Regulations Assessment Appropriate Assessment**

*Part 6 (Regulations 63 and 64) of The Conservation of Habitats and Species Regulations 2017 (as amended)*

Following the screening stage, if likely significant effects on a protected habitats site (either individually or in combination with other plans or projects) are unable to be ruled out, the County Planning Authority is required under Part 6 of the Conservation of Habitats and Species Regulations 2017 to make an 'Appropriate Assessment' of the implications of the proposed development on European sites, in view of their conservation objectives.

It is considered that this assessment is proportionate and sufficient to support the County Planning Authority in determining whether the proposed development would adversely affect the integrity of the River Mease SAC, or any other features of special scientific interest of the River Mease SSSI. This appropriate assessment considers the indirect effects on the designated features and conservation objectives.

The habitat types and species for which the River Mease SAC is protected

In this assessment, impacts upon all features of European importance (both primary and non-primary) are considered. The River Mease Special Area of Conservation (SAC) is classified on the basis of:

*General site character*

- Inland water bodies (Standing water, Running water) (100%).

*Annex I habitats that are a primary reason for selection of this site*

- Not Applicable

*Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site*

- 3260 Water courses of plain to montane levels (freshwater habitat) with Ranunculus fluitantis and Callitriche-Batrachion vegetation.

*Annex II species that are a primary reason for selection of this site*

- 1149 Spined loach (*Cobitis taenia*): The River Mease is a good example of a riverine population of spined loach. It is a small tributary of the River Trent and has retained a reasonable degree of channel diversity compared to other similar rivers containing spined loach populations. It has extensive beds of submerged plants along much of its length which, together with its relatively sandy sediments (as opposed to cohesive mud) provides good habitat opportunities for the species.

- 1163 Bullhead (*Cottus gobio*): The Mease is an example of bullhead populations in the rivers of central England. Bed sediments are generally not as coarse as other sites selected for the species, reflecting the nature of many rivers in this geographical area, but are suitable in patches due to the river's retained sinuosity. The patchy cover from submerged macrophytes is also important for the species.

*Annex II species present as a qualifying feature, but not a primary reason for site selection*

- 1092 White-clawed (or Atlantic stream) crayfish (*Austropotamobius pallipes*)
- 1355 Otter (*Lutra lutra*)

#### Evaluation of impacts in view of conservation objectives

The following potential impacts were identified at the screening stage:

##### *Foul Water Drainage*

The Packington and Measham sewage treatment works within the River Mease Catchment have no further capacity. Severn Trent Water and the Environment Agency are proposing to transfer effluents out of the River Mease catchment as an essential component of an overall strategy to deliver water quality objectives for the River Mease SAC. Until this strategy can be implemented, any additional mains drainage solutions in the Mease catchment will lead to an adverse effect on the River Mease SAC.

Natural England acknowledge that the primary school catchment will be entirely within the Mease river basin catchment and that the additional foul waste produced during open hours by the school will be offset by a reduction in foul waste from the pupil's houses during those hours. Natural England acknowledge that any staff travelling from outside the catchment would overall be balanced out by others who live within the catchment and work outside of it. It is considered that this is in line with approaches taken to non-residential development elsewhere in the country with similar circumstances e.g. the Solent.

The outcome of this assessment is that there would not be any significant increase in foul drainage loads on the main sewer and there would be no adverse effect on the water volume or quality of the River Mease SAC as a result of the proposed development. Therefore, it is not considered that any mitigation measures are required.

##### *Surface Water Drainage*

This proposal is adjacent to a tributary of the River Mease and the intention is to drain the surface water run-off into the tributary. There is therefore a risk of surface water runoff into the River Mease from the application site. The applicant would manage the surface water run-off using Sustainable Urban Drainage Systems (SuDS) as outlined in the surface water drainage strategy section of the Flood Risk Assessment. The proposal is to use two treatment trains, a swale and a surface water attenuation pond, to mitigate the risk of pollution from surface water reaching the River Mease in line with the CIRIA Guidance.



The applicant proposes to contribute to, and enhance the biodiversity and the local environment, as demonstrated in the outline landscaping scheme. Such planting not only would be beneficial to wildlife but would reduce surface water run-off.

The outcome of this assessment is that suitable measures to avoid adverse impacts on the Mease SAC have been proposed. The effectiveness of these measures would depend upon the final details of such measures and the ongoing management and maintenance of the sustainable drainage systems being appropriately secured, to ensure that they continue to function as designed and constructed. The effectiveness of such measures would also depend on sufficient and appropriate pollution prevention measures to prevent substances such as petrol, oil or bankside material from entering the River Mease or its tributaries. For example, oil traps or petrol interceptors which are common practice on developments within the River Mease catchment. The proposed outline landscaping scheme would have beneficial impacts on the Mease SAC with regards to improved flood risk management.

### *Construction*

Potential impacts from harmful discharges to the River Mease tributary during the construction phase may lead to significant adverse effects to the SAC. It is considered that sufficient mitigation measures should be secured in order to address these possible adverse effects.

### *Green Infrastructure Provision and Biodiversity Enhancements*

An outline landscape strategy is proposed. The proposed multi-functional green infrastructure would perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. It is considered that this would provide positive impacts to the River Mease SAC, when compared to the site's existing habitats.

Since the application proposes a net gain in green infrastructure and biodiversity it is not considered that any mitigation measures are required with respect to environmental enhancement. However, the effectiveness of these positive impacts would be enhanced through the imposition of a planning condition to require the applicant to submit a detailed landscaping scheme for approval, including details on the proportion and species of the native planting and measures for its ongoing maintenance and protection. This would ensure that the positive impacts are secured and delivered onsite.

### Mitigation measures

The mitigation hierarchy as set out in paragraph 175 of the NPPF has been applied. In the first instance effort has been made by the applicant to avoid any potential adverse effects on the site's integrity altogether. As it cannot be concluded that there would be no adverse effects on a site's integrity, potential mitigation measures have been considered to avoid or reduce any direct adverse effects that may be caused by the proposal on the integrity of the site.

### Possible mitigation measures identified

The following are possible sources of adverse impacts which were identified within the Screening Stage; surface water drainage and the construction phase of the proposed development. The following respective possible mitigation measures have been identified, intended to avoid or reduce any direct adverse effects that may be caused by a plan or project, to ensure that it does not have an adverse effect on the integrity of a site(s) habitats. Any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice.

#### *Surface Water Drainage*

It is considered that pre-commencement planning conditions could be imposed to secure the appropriate final details of the surface water drainage scheme and the ongoing management and maintenance of the sustainable drainage systems. This would ensure that they continue to function as designed and constructed. The following conditions are recommended:

- No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.
- No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority. Construction surface water management shall thereafter be implemented in accordance with the approved details.
- No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority. The long term maintenance shall thereafter be implemented in accordance with the approved details.

#### *Construction*

A Construction Method Statement explaining the measures in place to protect the River Mease and its tributaries from any harmful discharges during construction should be submitted and approved by the County Planning Authority before any development commences. The following condition is recommended to ensure that the water quality of the Holywell Brook and the River Mease SAC is protected during the works onsite;

- No development shall commence on site until a detailed method statement for construction works on the site has been submitted to and agreed in writing with the County Planning Authority. The method statement should set out methodologies to remove any risk of fuel, petrol, oil, soils, building materials, bankside material and waste water entering the nearby Beck during construction, including how and where materials, fuel and plant will be stored and contained, containment of waste water on the construction site, use of site

spill kits and briefing to construction staff. All construction works relating to the development hereby approved shall be carried out in accordance with the agreed method statement.

It is considered that the proposed condition would suitably control the construction phase, subject to the required details being submitted prior to commencement of development and consultation with the Environment Agency and Natural England.

#### Overall assessment of mitigation measures

The Authority is satisfied that the proposed conditions are strict enough to guarantee that the identified sources of possible impacts would not adversely affect the integrity of the site. It is considered that the above mitigation measures can be sufficiently secured through pre-commencement planning conditions and would work in practice.

#### *Compensation measures*

Given the above assessment of the proposed development and the mitigation measures which may be posed upon the development should permission be granted, it is found that compensation measures are not required in this instance.

#### *Conclusion*

Subject to the proposed mitigation measures being secured, Leicestershire County Council determine that the proposal **would not adversely affect the integrity of the site(s)**, including the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated.

Signed

*A. history*

Date: 15<sup>th</sup> June 2020

**Conditions****Scope of Permission**

1. The development hereby permitted shall be begun within 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).*

2. Unless otherwise required by this permission, or approved by the County Planning Authority, the development shall be carried out in accordance with the following details:

- a) The planning application 2020/0887/07;

- b) Drawing nos; ARB/4036/Y/200 Rev A dated Feb 2020, TPP/4036/Y/300 Rev A dated Feb 2020, HLY-KAST-XX-XX-DR-A-0301 P07, HLY-DBS-XX-ZZ-DR-E-6302 Rev P4, HLY-KAST-XX-GF-DR-A-0101 P08, HLY-BSP-ZZ-ZZ-DR-C-0241 P06, HLY-BSP-ZZ-ZZ-DR-C-0240 P08, HLY-BSP-ZZ-ZZ-DR-C-0260 P04, HLY-BSP-ZZ-ZZ-DR-C-0261 P04, HLY-BSP-ZZ-ZZ-DR-S-4402 P03, HLY-KAST-XX-RF-DR-A-0102 P06, HLY-KAST-XX-XX-DR-A-0201 P07, HLY-KAST-XX-XX-DR-A-0001 P06, HLY-BSP-ZZ-ZZ-DR-C-0145 P04, HLY-DSA-ZZ-XX-DR-L-0008 P08, HLY-BSP-ZZ-ZZ-DR-C-0230 P08, HLY-KAST-XX-RF-DR-A-0010 P14, HLY-KAST-XX-XX-DR-A-0111 P03.

- c) Key individual documents; Arboricultural Report 4036/DR.19 dated February 2020, Flood Risk Assessment & Drainage Strategy HLY-BSP-ZZ-XX-RP-C-001-P1\_Flood\_Risk\_Assessment dated 17<sup>th</sup> April 2020, the letter dated 8<sup>th</sup> January 2020 and reference MJH/J1833/01, INTRUSIVE GEOTECHNICAL & GEO-ENVIRONMENTAL INVESTIGATION REPORT Ref. No.: MJH/J1833/D1/1, Planning Design and Access Report Revised 23rd April 2020, PROTECTED SPECIES SURVEY AT HOLYWELL PRIMARY SCHOOL Revised April 2020, Transport Statement reference HPPS-BSP-ZZ-XX-RP-D-001-P1\_Transport\_Statement.

*Reason: For the avoidance of doubt and to ensure a satisfactory form of development.*

**Construction Works, Materials and Parking**

3. All site preparation and construction works, deliveries of and movement of materials and machinery, in connection with the approved development, shall take place only between 07:30-17:00 hours Monday to Friday and 08:00-12:00 hours on Saturdays. No such activities shall take place at any time on Sundays or Statutory Public or Bank Holidays.

*Reason: To protect the amenity of local residents.*

4. Prior to first use of the school building, details for the bin store shall be submitted to, and approved in writing by, the County Planning Authority. The bin store shall be constructed as per the approved details.

*Reason: In the interests of visual amenity and to ensure a satisfactory form of development.*

5. Prior to construction, details for the low retaining wall adjacent to the site's vehicular access shall be submitted to, and approved in writing by, the County Planning Authority. The low retaining wall shall be constructed as per the approved details.

*Reason: In the interests of visual amenity and to ensure a satisfactory form of development.*

6. No development shall commence on site until a detailed method statement for construction works on the site has been submitted to, and approved in writing by, the County Planning Authority. The method statement shall set out methodologies to remove any risk of fuel, petrol, oil, soils, building materials, bankside material and waste water entering the nearby Holywell Beck during construction, including how and where materials, fuel and plant will be stored and contained, containment of waste water on the construction site, use of site spill kits and briefing to construction staff. All construction works relating to the development hereby approved shall be carried out in accordance with the agreed method statement.

*Reason: In the interests of the River Mease SAC, to ensure the water quality of the Holywell Beck is protected during the works on site since it is a tributary of the River Mease.*

#### Ground Contamination

7. No development shall commence on site until either:
  - a) A further Risk Based Land Contamination Assessment has been submitted to, and approved in writing by, the County Planning Authority. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
    - BS10175:2011+A2:2017 Investigation of Potentially Contaminated Sites Code of Practice;
    - BS 8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs);
    - BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings;
    - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004;
    - Or any documents which supersede these; and/or;

- b) A Remedial Scheme and a Verification Plan has been submitted to, and approved in writing by, the County Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of: CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004; and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings; or any documents which supersede these.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004;
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings;
- CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014;
- Or any documents which supersede these.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the County Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be implemented in accordance with all approved details and retained as such in perpetuity.

*Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 170 and 178 of the NPPF.*

#### Protection of Existing Vegetation and Replacement Planting

8. Prior to the building coming into use a detailed landscaping scheme in line with the approved outline scheme shown on Drawing Reference 'HLY-DSA-ZZ-XX-DR-L-0008 P08' shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of:

- The species mix for new planting/seeding;
- Ground preparation;
- Planting specification;
- Maintenance/protection and management measures;
- Phasing and timing;
- Trees/other vegetation to be removed;
- Trees/other vegetation to be retained;
- Root protection areas;

The approved landscaping scheme shall be implemented in the first available planting season. All planting shall be suitably maintained and replaced as necessary for a period of not less than 5 years from the date of planting.

*Reason: To enhance the development and bio-diversity and safeguard the appearance of the locality.*

9. The removal of existing trees from the site shall have regard to the submitted tree survey and shall only be undertaken in accordance with the details provided on the Drawings referenced ARB/4036/Y/200 Rev A dated Feb 2020, TPP/4036/Y/300 Rev A dated Feb 2020.

*Reason: To ensure that all trees to be retained on site are protected during the construction works and for environmental protection.*

10. No building works including site works of any kind, shall take place until, all trees in close proximity to the construction works are protected in accordance with BS5837, 2012: 'Trees in Relation to Design, Demolition and Construction – Recommendations', and with reference to the root protection areas shown on the submitted tree survey and Drawing nos; ARB/4036/Y/200 Rev A dated Feb 2020 and TPP/4036/Y/300 Rev A dated Feb 2020. When installed the means of protection shall be maintained in situ throughout the period of construction.

*Reason: To ensure that all trees to be retained on site are protected during the construction works and for environmental protection.*

#### Ecology

11. The mitigation measures recommended in the document titled 'PROTECTED SPECIES SURVEY AT HOLYWELL PRIMARY SCHOOL' Revised April 2020 shall be fully implemented to ensure that the best practicable means are used to control the effects on the ecological interests of the site.

*Reason: For ecological protection, with particular regard to the adjacent woodland.*

#### Biodiversity

12. The development hereby permitted shall not be occupied until a scheme for the installation of bird boxes and bat boxes shall be submitted to the County Planning Authority. Within six months of the date of approval of such a scheme, the scheme shall be implemented.

*Reason: In the interests of biodiversity in accordance with Policy EN1 of the North West Leicestershire Local Plan.*

### Highways and Parking

13. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 6 metres of the highway boundary. Gates or barriers shall be required to open away from the highway.

*Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).*

14. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the vehicle access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

*Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).*

15. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 25 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

*Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2019).*

16. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on BSP Consulting drawing number HLY-BSP-ZZ-ZZ-DR-C-0230 Revision P08 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 the National Planning Policy Framework (2019).*

17. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Kast Architects drawing number HLY-KAST-XX-RF-DR-A-0010 Revision P14. Thereafter the onsite parking provision shall be so maintained 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 the National Planning Policy Framework (2019).*

18. Prior to the school being brought into first use, a scheme for the provision of mandatory 'School Keep Clear' road markings (and associated signage) shall be submitted to and approved in writing by the County Planning Authority. The markings and signage shall be fully implemented prior to the date of the school first opening, unless an alternative timeframe has been agreed in writing with the County Planning Authority.

*Reason: To discourage parking in the vicinity of the school in the interests of road safety.*

#### Sustainable Transport

19. The development hereby permitted shall not be occupied until such time as secure (and under cover) cycle parking has been provided in accordance with details first submitted to, and agreed in writing by, the County Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

*Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2019).*

20. No part of the development hereby permitted shall be first occupied until a full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to, and approved in writing by, the County Planning Authority. The Travel Plan shall include provisions for:
- a) Travel Packs; to inform new employees from first site use of the available sustainable travel choices in the surrounding area;
  - b) A six month bus pass per employee;
  - c) Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first use.

Thereafter the agreed Travel Plan shall be 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 the National Planning Policy Framework (2019).*

#### Surface Water and Drainage

21. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the County Planning Authority.

*Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.*

22. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the County Planning Authority.

*Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.*

23. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to, and approved in writing by, the County Planning Authority.

*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 surface water drainage system (including sustainable drainage systems) within the proposed development.*

### Notes to Applicant

#### *Surface Water Details*

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; evidence that the wider development has the capacity to cater for the surface water run-off from the site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied, including but not limited to, SuDS details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change. Overland flow routing plans should be submitted which include for a blockage/exceedance scenario.

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.

Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system.

#### *Highways*

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 *if School Lane and the Residential Access Way have been adopted*. 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 LHA's Development Approvals team can be contacted at [Road.Adoptions@leics.gov.uk](mailto:Road.Adoptions@leics.gov.uk). 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://resources.leicestershire.gov.uk/lhdg>.

Please be aware that the costs of the Traffic Regulation Order and the measures set out within the required Travel Plan are to be borne by the applicant.

*Coal Authority*

#### Development Low Risk Area - Standing Advice

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 Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority). Standing Advice valid from 1<sup>st</sup> January 2019 until 31<sup>st</sup> December 2020.

## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all the preceding applications.

### **EQUALITY AND HUMAN RIGHTS IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equality and human rights implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

#### **Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

### **COMMUNITY SAFETY IMPLICATIONS**

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

### **BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

### **SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004**

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

- Section 70(2) : determination of applications;
- Section 77(4) : called-in applications (applying s. 70);
- Section 79(4) : planning appeals (applying s. 70);
- Section 81(3) : provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
- Section 91(2) : power to vary period in statutory condition requiring development to be begun;
- Section 92(6) : power to vary applicable period for outline planning permission;
- Section 97(2) : revocation or modification of planning permission;
- Section 102(1) : discontinuance orders;
- Section 172(1) : enforcement notices;
- Section 177(2) : Secretary of State's power to grant planning permission on enforcement appeal;
- Section 226(2) : compulsory acquisition of land for planning purposes;
- Section 294(3) : special enforcement notices in relation to Crown land;
- Sched. 9 para (1) : minerals discontinuance orders.