

Item No. 3

Application Reference Number P/18/1251/2

Application Type:	Full Planning Permission	Date Valid:	26th June 2018
Applicant:	Kier Construction Central		
Proposal:	Erection of new school building (D1), demolition of existing building, the installation of new hard surfacing, games court, landscaping and associated works.		
Location:	Bishop Ellis Roman Catholic Primary School Barkby Thorpe Lane Thurmaston LE4 8GP		
Parish:	Thurmaston	Ward:	Thurmaston
Case Officer:	Jacqueline Jackson	Tel No:	01509 634740

The application has been brought to Plans Committee as in the opinion of the Head of Planning and Regeneration it is an application of significant public interest.

Description of the Site and Surrounding Areas

Bishop Ellis Primary school is located on Barkby Thorpe Road. Immediately to the west of the site is Thurmaston Shopping Centre and bordering the site to the east, south and south-west are residential properties.

The site currently consists of two distinct areas; the school buildings to the front of the site (north) and the playing fields to the rear (south). Mobile classrooms are currently located in the centre of the site and divide the main building from playing fields. Trees generally line all boundaries and the site is relatively flat, with the vehicular and pedestrian access on the north of the site.

Description of the Application

The proposed scheme seeks to demolish the school buildings and redevelop the site. The proposed scheme consists of the new two storey school building being located to the south of the site along with a hard surfaced games court. The playing fields, running track and 5-a-side football pitch will be located to the front of the school to the north of the site. The car park and access point will remain as existing, but there will be a new internal access drive which will run along the east of the site to the school building.

The development will be phased to allow the school to remain operational during the construction works.

The application is supported by the following documents:

- Design and Access Statement
- Site investigations and ground contamination report
- Transport Assessment including Travel Plan

- Tree survey / agricultural assessment
- Acoustic survey
- Geo-environmental assessment
- Remediation strategy
- Statement of community involvement
- Contractor phasing plan
- Contractor traffic management plan
- Phase 2 site investigation
- External Lighting Drawing
- Civil drawings
- Services site plan.

Development Plan Policies

Charnwood Local Plan Core Strategy 2011-2028 (Adopted 9th November 2015)

Policy CS1 – Development Strategy sets out the development strategy for the Borough. This focuses housing development in locations around the Leicester Principal Urban Area and Loughborough and Shepshed with three Sustainable Urban Extensions.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS12 – Green infrastructure seeks to protect and enhance our Urban Green Infrastructure Enhancement Areas by enhancing our network of green infrastructure assets through our strategic developments, addressing the identified needs in open space provision and supporting development.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS15 – Open Space, Sports and Recreation deals with open space and requires all new development to meet the standards in the open space Strategy.

Policy CS16 – Sustainable Construction and Energy supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS17 – Sustainable Transport seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS18 – The Local and Strategic Highway Network seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.

Policy CS24 – Delivering Infrastructure seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.

Policy CS25 – Presumption in Favour of Sustainable Development sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Borough of Charnwood Local Plan 1991-2026 (adopted 12th January 2004) (saved policies)

The policies relevant to this proposal include:

Policy EV/1 – Design seeks to ensure a high standard of design for developments which respect the character of the area, nearby occupiers, and is compatible in mass, scale, layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

Policy TR/18 – Parking in New Development seeks to set the maximum standards by which development should provide for off street car parking dependent on floorspace or dwelling numbers.

Other material considerations

The National Planning Policy Framework 2018 (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this;

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation;
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

The NPPF promotes sustainable modes of transport which reduce congestion and give consideration to highway implications together with the use of smarter technologies which

reduce the need to travel. Where development results in a severe impact it should be refused.

The NPPF requires development to achieve high quality design that respects local distinctiveness and poor design should be refused. However planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

The NPPF also advises that planning decisions should plan positively for the provision and use of shared spaces, community facilities and local services to enhance the sustainability of communities and residential environment. Planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the communities ability to meet its day-to-day needs and ensure that established shops, facilities and services are able to develop and modernise and are retained for the benefit of the community.

The NPPF requires planning decisions to ensure a site is suitable for its proposed use taking account of ground conditions and any risk arising from land instability and contamination. Where a site is affected by contamination and land stability issues, responsibility for securing a safe development rest with the developer and/or landlord. Planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Planning Practice Guidance

This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The guidance also sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

Leicestershire Highways Design Guide

This guidance deals with highways and transportation infrastructure for new developments include the level of access required for a development of this size.

Relevant Planning History

The original school was granted outline permission in 1966 by Leicestershire County Council (1506/66) and reserved matters were approved in 1967 (1281/67).

Response of Statutory Consultees

Thurmaston Parish Council

Support the application, but would like assurance of safeguarding measures in place for the protection of school children, staff and local residents during construction. They have also requested the applicants communicate with the Parish Council throughout the project.

Leicestershire County Council Highway Authority

The Local Highway Authority advises that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2018 (NPPF), subject to the conditions as outlined in this report. Accordingly they raise no objections.

Lead Local Flood Authority

The Lead Local Flood Authority has confirmed the proposed development would be considered acceptable subject to conditions being imposed on any grant of planning permission.

Environment Agency

The Environment Agency has confirmed that they have previously reviewed environmental risk assessment reports for this site and expressed concerns about proposals involving drainage solutions which infiltrate water into the ground given the presence of historic landfill materials in the area. They confirm that the current application will largely direct surface water to the surface water sewer in the area, thus reducing the likelihood of pollution to controlled waters, and providing betterment to the historic drainage solution for this site. They therefore have no objections to the proposals in principle. A condition is requested which relates to remediation if any unidentified contamination is found during construction.

Sport England

Although Sport England has identified that there is to be a loss of grass playing field area, they confirm that there is no loss in playing field capacity and it is understood that the proposals will provide greater opportunities for a wider range of sports. Therefore, Sport England does not wish to raise an objection to this application as it is considered to

broadly meet exception 4 of the relevant policy. The absence of an objection is subject to the conditions requested being attached to any approval.

Charnwood Borough Council - Environmental Health

Environmental Health officers have raised no objection to the application and have requested a number of conditions relating to soil borne contamination, asbestos, ground gasses and vapours, noise and dust controls and piling.

Third Party Representations

We have received 4 letters of objections from local residents, their concerns have been summarised below;

- The brick wall of the proposed school will face properties causing an overbearing impact
- The proposal will result in loss of sunlight to existing properties
- The development will result in noise and dust during construction
- The strip of land between the school and properties on Highway Road is not owned by the school. These trees should be retained
- The design of the school is unsafe as all doors open into the same space
- The development will cause disruption to the current and future students during construction
- The proposal would result in a lack of outside facilities during construction
- The proposed plans are unimaginative and limit future growth of the school i.e. no open learning spaces, small library and hall, fixed walls etc.
- Current site suffers from a lack of parking and the current proposal does not increase the number of parking spaces, as such parking will continue to be an issue.

Consideration of the Planning Issues

This application is for full planning permission as explained at the beginning of this report and the key considerations are therefore the following:

- Principle of development
- Design and layout
- Landscaping and ecology
- Relationship to neighbouring properties
- Flooding and drainage
- Highway safety, servicing and parking
- Contamination and public safety issues

Principle of development

The application site is located within the limits to development for Thurmaston. The site is sustainable in terms of its location and relationship to public transport including buses and other facilities.

Policy CS1 clarifies Thurmaston's role as part of the Principal Urban Area and a key focus for services, facilities and sustainable development.

The current school has been identified by the Education and Skills Funding Agency as a top priority for re-development due to the poor quality outdated building stock and local requirements to maintain the current pupil numbers of the school. Surveys of the building and site buildings, structures and facilities confirm that they have reached or are due to reach the end of their lifecycle and do not offer suitable learning environments for the pupils.

Given the existing use of the site and its location it is considered the proposal to replace the school building and outdoor play facilities accords with development plan policies CS1 and ST2 and the intentions of paragraphs 92-94 of the NPPF which states facilities and services should be able to develop and modernise and are retained for the benefit of the community and that great weight should be given to the need to create, expand or alter schools.

Design and Layout

Saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy are material considerations in this respect alongside the Leading in Design SPD and guidance contained in the NPPF.

The proposed scheme seeks to demolish the school buildings and redevelop the site. The application proposes a two storey school building being located to the south of the site along with a hard surfaced games court. The playing fields, running track and 5-a-side football pitch will be located to the front of the school to the north of the site. The car park and access point will remain as existing. The main building has been developed as a single block as opposed to the fragmented nature of the existing school. The proposed design allows for all teaching spaces to be situated off a central corridor running east to west between the main hall and the second staircase. Infant classrooms are proposed on the ground floor, with junior classrooms, science, design and technology, special education needs and other facilities on the first floor. It is argued by the applicant that this will allow similar aged children to be located together.

The building would be of a contemporary design with a simple pallet of materials. The proposed building would be approximate 26.3 m by 53.7m (at the widest and deepest points), which will have a maximum height of 7.7m (excluding safety railings). Its flat roof design and contemporary natural tone proposed for the exterior will help the proposed building to not appear overly imposing in the landscape. Contrasting materials and louvre details will also add interest to the building.

The proposal will result in the loss of the existing playing fields, however once the existing buildings are demolished the area to the north of the proposed building will be fenced off

securely and the proposal will provide a grass area to provide a football pitch, and a hardstanding, lined for sports and games. A separate fenced area immediately adjacent to the school building will form an outdoor play space for early years pupils.

Sport England has considered the application in light of the National Planning Policy Framework and against its own playing fields policy, which states:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *and allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’

This application relates to the loss of existing playing fields and the provision of replacement playing fields. It therefore needs to be considered against exception 4 of the above policy, which states:

‘The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.’*

The existing playing fields provide 0.37ha usable space. Sport England has advised this equates to a Mini Soccer U7/U8 pitch to recommended FA guidelines. The playing fields also provide a 45m running track and a rounder’s pitch. In addition the site also has a netball court and what appear to be 3 tennis courts. The proposed playing fields provide 0.2ha usable space. Sport England has confirmed this is equates to a Mini Soccer U7/U8 pitch to recommended FA guidelines. The playing fields also provide a rounder’s pitch. The proposed plan also shows the provision of a 50m porous asphalt running track, a 5-a-side porous asphalt football pitch with 3 tennis courts over marked and a hard surfaced games court. The proposals also include reference to community use.

Although it is recognised there is a loss of grass playing field area, it is considered that there would be no loss in playing field capacity and it is understood that the proposals will provide greater opportunities for a wider range of sports. On this basis it is considered the proposal would be acceptable with regards to the outside sports and playing field provision and Sport England has confirmed they raise no objection to the application, as it is considered to broadly meet exception 4 of the policy summarised above.

Concerns have been raised regarding the internal layout of the proposed building. Although it is recognised the building has a functional design, it is considered that the internal arrangement and facilities would provide a significant improvement to the teaching facilities currently provided on the site. As identified above, the external fenestration detail is considered acceptable and accordingly it is considered the proposal would comply with

policies CS2 and EV1 of the development plan and the advice contained within the NPPF regarding design.

Landscape and Ecology

Policy CS13 of the Core Strategy seeks to ensure protected species are not harmed as a result of development proposals and wherever possible enhance the potential through landscaping and drainage solutions to provide development that promotes ecological benefit. Saved Policy EV/1 of the Local Plan and Policies CS2, CS11, CS12 and CS15 of the Core Strategy seek to ensure that appropriate designs and layout are provided which delivers high quality design and the provision of appropriate green infrastructure is also a relevant consideration in this context.

Many of the existing trees have been integrated within the proposed landscape scheme, with many of them giving privacy to neighbouring properties. Furthermore the use of the existing trees gives instant maturity to the landscape. The arboricultural assessment submitted in support of the application indicates the proposal would result in the loss of 31 trees along with boundary hedges. The removal of these existing landscape features is necessary for the current proposal. The trees being removed are considered to be low value trees and there are no Category A trees and only 1 Category B tree. To compensate for this loss, the trees will be replaced by amenity trees within the scheme. The Design and Access Statement states that species will be chosen based on the ones removed, and ones which will thrive in the environment. A number of these replacement trees will be located on the boundary of the site to provide additional screening, whilst others will be planted in close proximity to the removed trees. In total 44 trees will be planted around the site, along with screen planting, and this is illustrated on the submitted plans. On this basis it is considered the loss of trees and other landscape features would be appropriately mitigated through the development and the proposal would not have a significantly detrimental impact on the landscape character or appearance of the area.

With regards to ecology, a Preliminary Ecological Assessment has been submitted in support of the application. This report makes a number of suggestions to ensure the development conserves and enhances existing habitats on the site. It is considered these recommendations have been considered and appropriately reflected in the submitted scheme. It is not considered the proposal would have any significant ecological impact.

Overall subject to appropriate planning conditions regarding the implementation of the landscape scheme, the proposals would be considered to accord with policy CS12, CS13, CS15 and EV1 of the Development Plan and relevant guidance within the National Planning Policy Framework.

Relationship to neighbouring properties

Saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy are material considerations in this respect. The supporting letters from local businesses, residents and those in objection have all been balanced and carefully considered.

The key relationships are with local residents adjacent to the site. The proposed building would be situated 7.1 metres from the west boundary and 7m to the eastern boundary. The adopted space between buildings guidance advises that a distance of 12.5m should

be maintained between elevations containing main habitable room windows and 2 storey flank gable walls to avoid over dominance. The properties located to the east of the application site on Checkland Road are the closest properties and the proposed school would be located approximately 13.5m from the main habitable windows. Residential dwellings on the west of the site, on Highway Road would have main habitable room windows located in excess of 28m from the proposed school. Residential properties to the south are located in excess of 60 metres from the proposed school.

Whilst it is accepted that the school building will be moving considerably closer to existing properties, especially those located on Checkland Road, given the school will have a flat roof and the proposal would result in separation distances in excess of those advised by the Supplementary Planning Document, it is not considered a refusal on overbearing impact could be supported.

Given the orientation of the proposed building, the relationship to neighbouring residential properties, and its position and scale, it is not considered the proposal would result in a significant loss of either sunlight or daylight.

With regards to overlooking and loss of privacy, windows in both the east and west elevations have been kept to a minimum. The only window on the east elevation at first floor level lights a stairwell, and those on the west elevation provide high-level windows into the double height hall. Accordingly it is not considered the proposal would result in a significant loss in privacy or overlooking.

With regards to noise and disturbance, the site is already being used as a school and this lawful use of the site must be considered. The application is supported by an acoustic survey and construction method statement and although it is recognised that there will be some degree of noise and disturbance during the construction phase, this will be temporary. Given the finding of the submitted acoustic noise report and proposed mitigation, it is not considered the proposed school will cause any significant increase in the level of noise and disturbance when compared with the existing school facility.

Issues regarding contamination and ground conditions are considered later in this report.

Overall it is considered that the local amenity impacts of the proposals have been addressed by the design of the proposals. It is not considered the proposals would result in a significant adverse impact on neighbouring and nearby residential amenity and the proposed development would be in accordance with saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy.

Flooding and Drainage

Policy CS16 of the Core Strategy encourages sustainable design and construction and directing development to locations within the Borough at the lowest risk of flooding, supporting developments which reduce flood risk elsewhere, and requiring new developments to manage surface water run off with no net increase in the rate of surface water runoff for Greenfield sites.

Paragraph 103 of the Framework requires local planning authorities to ensure that, when determining planning applications, flood risk is not increased elsewhere and to only

consider development in areas of flood risk where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.

The application site is located wholly with Flood Zone 1. There is an area at medium risk, with an associated area of low risk, from surface water flooding located in the southern half of the site. Flood risk from all other sources is considered to be low.

The applicant has submitted a 'Drainage Strategy' report and drawing (Cundall, June 2018) in support of the application. This identifies that the site will drain via a network of surface water sewers and below ground attenuation to outfall to a Severn Trent Water surface water sewer at 10l/s, as agreed through consultation. After a review of these documents the Local Lead Flood Authority initially raised concerns about surface water flood risk at the site. Further information has been submitted and the LLFA have confirmed that their previous concerns regarding the surface water drainage of the site have been addressed by the applicant and that the development proposals are deemed acceptable subject to conditions being imposed on any approval of planning permission. The LLFA has also advised that because the proposed development is on a historic landfill site, infiltration drainage should not be utilised as part of the drainage strategy for the proposed development.

The Environment Agency has also confirmed that they have previously reviewed environmental risk assessment reports for this site, and expressed concerns about proposals involving drainage solutions which infiltrate water into the ground given the presence of historic landfill materials in the area. They confirm that the current application will largely direct surface water to the surface water sewer in the area, thus reducing the likelihood of pollution to controlled waters, and providing betterment to the historic drainage solution for this site. They therefore have no objections to the proposals in principle.

Based on the submitted information and advice of both the Local Lead Flood Authority and Environment Agency it is considered that the proposals are in accordance with Policy CS 16 of the Core Strategy and the NPPF.

Highway Safety, Servicing and Parking

Policy CS17 of the Core Strategy seeks to provide a genuine choice for our community to walk, cycle or take longer trips on public transport. Development is expected to be managed in ways which secure improvements or results in an efficient and effective transport network. Policy CS18 of the Core Strategy seeks to maximise the efficiency of the local and strategic road network by 2028 by requiring new developments (including this application) to deliver an appropriate and comprehensive package of transport improvements.

The proposals are a direct replacement of the existing school buildings, with no increase in staff or pupil numbers. As such it is accepted that a Transport Assessment will not be required as the proposals would generate a similar volume of traffic.

The Applicant has submitted drawing number 1015531-SK-CL-015 demonstrating that a refuse lorry is able to enter the site along with 2.4 x 43 metre vehicular visibility splays. Pedestrian visibility splays have been shown on drawing number 1015531-SK-CL-016,

however it should be noted that these have been measured incorrectly as they should be either side of the site access. Notwithstanding this detail, given this access is the existing access to the school and the quantum of development remains the same as what is currently present, the local highway authority has confirmed that they would not seek to resist the proposals on this basis.

With regards to highway safety, the local highway authority has confirmed that there have been three Personal Injury Collisions (PIC) recorded within the vicinity site over the last five years, all of which were recorded as slight and occurred on weekdays during school term time. Two of these PICs occurred in December 2013. One involved a single vehicle losing control at around 15:05 and colliding with railings, while the other involved a vehicle reversing into a pedestrian at the pedestrian crossing at 14:30. The third involved a vehicle colliding with a pedestrian at the crossing at around 07:50. The local highway authority has confirmed that there does not appear to be a trend or any year on year increase in PIC's in the vicinity of the site access and there were no PICs recorded specifically detailing vehicles entering or exiting the existing site access. Furthermore the proposals would not increase the number of staff or pupils using site, thus the proposals would not lead to road safety concerns.

In terms of the internal layout the applicant has proposed 24 car parking spaces on the site and advised the car parking arrangement does not form part of the works on site. While the proposed parking provisions are not in line with the Leicestershire Highways Design Guide, it is accepted that the proposals would not generate an increase in the demand for off-site parking within the highway.

With regards to transport sustainability, cycle parking is being proposed within the site and should be available for both staff and pupils. This should be secure and undercover. The local highway authority considers that the proposals present an opportunity for the school to submit an up-to date travel plan and a condition is recommended in this regard.

In light of the above it is considered the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2018 (NPPF), as such the proposal is in general accordance with policies CS17 and CS18 of the core strategy.

Contamination and public safety issues

Documentation submitted with the application indicates that there is a significant level of contamination within the site, which was most likely a result of the historic use of the site as a landfill site. As a result of this contamination, extensive investigation and assessment reports have been submitted in support of the application. These include: site investigations and ground contamination report; Geo-environmental assessment; Remediation strategy; Contractor phasing plan; and Phase 2 site investigation.

The Phase 2 site investigation assessment recommends:

- 1) The presence of elevated concentrations of pollutants in the made ground soils presents a potential risk to site end users. It is therefore recommended that on a site wide basis, 600mm clean and inert capping is installed to break the source-pathway-receptor (SPR) linkage with a geotextile demarcation membrane

geotextile no dig marker membrane to denote separation between clean capping soils and underlying contaminated strata. For the remainder of the site, the building footprint and areas of hardstanding will break the SPR.

- 2) Foundation design will be based on the need for Piling methods.
- 3) Allowance for a materials management plan for all site soils to be removed from the site.
- 4) It is recommended that construction workers are provided with appropriate PPE and sanitary facilities.
- 5) Allowance for CS2 grade gas protection measures upgraded to be hydrocarbon resistant.
- 6) Allowances for resistant concrete as per the AC-3 and DS3 classifications for made ground, residual and bedrock.
- 7) New water supply pipes will be required to be upgraded to barrier pipe.
- 8) Allowance for a Remediation Strategy of the site to detail gas protection measures.
- 9) Allowance for a Verification Report will be required to record the installation of gas protection measures and independent verification works.

Given the level of contamination within the site the application provides an opportunity to mitigate the contamination across the whole site for the benefit of current and future users and local residents, providing it is appropriately mitigated.

The Borough Council's Environmental Health Officer has considered the submitted information and has confirmed the information and recommended mitigation is acceptable and has raised no objection in this regard subject to the proposed mitigation being secured via condition.

Accordingly it is considered that, based on the submitted information and advice obtained from the Borough Council's Environmental Health Officer, the contamination within the site can be appropriately mitigated. As such the proposal is considered to accord with policies CS2 and EV1 of the development plan and the guidance contained within the National Planning Policy Framework.

Conclusion

It is considered that the proposal would not have any significant adverse impact upon either the amenities of neighbours or the character and appearance of the area. The new school proposed would provide a significant improvement to the existing facilities to the benefit of both current and future pupils, staff and nearby residents. The applicant has also demonstrated that the contamination issues within the site can be satisfactorily mitigated.

Overall, there is no objection to the principle of development in terms of Policies CS1 and the proposal would comply with policies CS2, CS12, CS13, CS15, CS16, CS17, CS18, CS24, CS25 and EV/1 and TR/18 with regard to the impact on the character and appearance of the area, ecology, drainage, highways, landscape and the amenity of occupiers of nearby residential properties.

For these reasons the application is recommended for approval subject to the following conditions;

RECOMMENDATION:

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan 0468-PLI-L-00-DR-0110, Plinke, RevP01
 - Colour Render Plan 0468-PLI-L-00-DR-0120, Plinke, Rev P01
 - General Arrangement Plan/Hard Landscape Plan 0468-PLI-L-00-DR-0131, Plink, Rev P01
 - Site Sections 0468-PLI-L-00-DR-0140, Plinke, RevP01
 - Tree Retention and Removal Plan 0468-PLI-L-00-DR-0300, Plinke, Rev P01
 - Soft Work Strategy 0468-PLI-L-00-DR-0310, Plinke,Rev P01
 - Proposed Levels 0468-PLI-L-00-DR-0400, Plinke, Rev P01
 - Design and Access Statement 2873/Design & Access Statement/S2-P01/2018 – Maber, Rev P01
 - Site Location Plan 2873-MA-00-00-DR-A-00101-S2-P01 Maber, Rev 01
 - Site Plans 2873-MA-00-00-DR-A-00102-S2-P01, Maber, Rev P01
 - Ground Floor Plan 2873-MA-00-00-DR-A-00104-S2-P01, Maber, Rev P01
 - First Floor Plan 2873-MA-00-01-DR-A-00105-S2-P01, Maber , Rev P01
 - Roof Plan 2873-MA-00-R1-DR-A-00106-S2-P01, Maber, Rev P01
 - Typical Sections 2873-MA-00-ZZ-DR-A-00109-S2-P01, Maber, Rev P01
 - Elevations (Sheet 1 of 2) 2873-MA-00-ZZ-DR-A-00107-S2-P01, Maber, Rev P01
 - Elevations (Sheet 2 of 2) 2873-MA-01-ZZ-DR-A-00108-S2-P01, Maber, Rev P01
 - Visual 01 2873-MA-01-ZZ-DR-A-00110-S2-P01, Maber, Rev P01
 - Visual 02 2873-MA-01-ZZ-DR-A-00111-S2-P01, Maber, Rev P01
 - Phase 2 Site Investigation 066401-CUR-00-XX-RP-GE-00001, Curtins, V02
 - Drainage Strategy - Foul Water 1.2.6.0, Cundall D
 - Drainage Strategy - Surface Water - Phase 1 & 2 1.2.6.1.B, Cundall A
 - Roof Level Services and External Plant 1015531 - 1.4.5.21, Cundall
 - Proposed External Services 1015531-BSXX(40)1001, Cundall, Rev P2
 - Drainage Strategy for New School 1015531-RPT-CL-001, Cundall
 - Remediation Strategy S2455-001, Sanctus B
 - Preliminary Ecological Appraisal WIE10720-102-R-32-1-3-PEA, Waterman
 - Additional Ground Investigation & Environmental Assessment WIE10720-

102-R-46.3.1-GeoEnv, Waterman

- Human Health Detailed Quantitative Risk Assessment WIE10720-102-R-49.2.1-DQRA, Waterman
- Visibility Splay Sketch – Pedestrian 1015531-SK-CL-016, Cundall
- Visibility Splay Sketch 1015531-SK-CL-015, Cundall
- Acoustic Design Report, Mach Acoustic, 03
- Preliminary flood Risk Appraisal WIE10720-102-R 2-1-2 FRA, Waterman
- Hydraulic Modelling Calculations, Storm Sewer Design, Cundall, Johnston
- Exceedance Routes 1015531-sk-cl-017, Cundall, Johnston

REASON: To define the terms of the planning permission.

- 3 Only those materials specified in the application shall be used in carrying out the development hereby permitted.

REASON: To ensure the satisfactory appearance of the completed development.

- 4 The landscaping scheme as illustrated on drawings number 0468-PLI-00-GF-DR-L-0300 shall be fully completed, in the first planting and seeding seasons following the first use of the playing fields to the north of the site. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

- 5 During the construction works the existing visibility splays shall be maintained and not compromised. No part of the play fields or outside play court to the north of the school hereby permitted shall be used until such time as the access arrangements shown on drawing number 1015531-SK-CL-015 have been implemented in full. Once provided, the visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, 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 (2018).

- 6 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Plincke drawing number 0468-PLI-00-GF-DR-L-0131 Revision P01. Thereafter, unless otherwise agreed in writing by the local planning authority, 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 (2018).

- 7 No development shall commence on the site (including any demolition/site clearance works) until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
- 8 The development hereby permitted shall not be occupied until such time as cycle parking has been provided in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for its intended use.
REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2018).
- 9 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 agreed in writing by the Local Planning Authority. 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 (2018).
- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
REASON: To prevent pollution of controlled waters and comply with the National Planning Policy Framework.
- 11 The playing fields, pitches and other sports facilities shall be constructed and laid out in accordance with drawing 0468-PLI-00-GF-DR-L-0131 General Arrangement Plan and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011) and Artificial Surfaces for Outdoor Sports (2013) (with the exception of the drainage requirements), and shall be made available for use before the end of August 2021, except for the hard play area to the south of the school which shall be completed and made available for use before the occupation of the school building hereby approved.
REASON: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Development Plan Policy

- 12 The development hereby permitted shall not be brought into use until the hard surface games court to the south of the proposed school building has been laid out in accordance with the approved details and made available for use. The area shown hatched in green on drawing 0468-PLI-00-GF-DR-L-0131 General Arrangement Plan shall be cleared and laid out in accordance with this plan so that it is available for use as a playing field by the end of August 2021, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order amending, revoking or re-enacting that order) these area shall not thereafter be used for any purpose other than as a playing field or outdoor games area.
REASON: To secure the provision and use of playing field before the occupation of the building and to accord with Development Plan Policy
- 13 Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.
Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.
- 14 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 Local Planning Authority.
REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
- 15 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.
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 though the entire development construction phase.
- 16 No development approved by this planning permission, shall take place until such time as details in relation to the long-term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority. The sustainable surface water drainage system shall be maintained in accordance with the agreed details in perpetuity.
REASON: To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.
- 17 The Remediation Strategy (S2455-001, Sanctus, version B) shall be fully implemented prior to the commencement of the development or as otherwise prescribed in the implementation programme set out within this Strategy.

REASON: In the interest of public health and safety

- 18 Upon completion of the approved remedial measures, as set out within the Remediation Strategy (S2455-001, Sanctus, version B), a site verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include conclusive evidence that the works have been carried out in full accordance with the approved methodology. The verification report can be submitted in line with the two phases of development, but each shall be submitted prior to that phase of development being brought into use. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: In the interest of public health and safety

- 19 Prior to commencement a full works method statement shall be developed by the appointed remediation contractor and submitted to and approved in writing by the local planning authority. This method statement shall set out the asbestos control measures, air monitoring and measures to be adopted to protect human health. The approved measures shall thereafter be fully implemented.

REASON: In the interest of public health and safety

- 20 A ground gas remediation scheme shall be submitted to and approved in writing by the local planning authority. This ground gas remediation strategy shall be fully implemented and a verification report submitted to the local planning authority, prior to the occupation of the school building hereby permitted.

REASON: In the interest of public health and safety

- 21 The approved noise mitigation measures detailed in the submitted Mach Acoustic Report shall be incorporated into the final building design and the identified plant noise limits shall be used in the selection criteria and installation of mechanical and air handling plant installed within the development.

REASON: To prevent nuisance and annoyance to nearby neighbours

- 22 Prior to the commencement of the development hereby permitted, a detailed dust management plan shall be submitted to, and approved in writing by the local planning authority. Once agreed the scheme shall be implemented in full so as to ensure dust does not adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment.

REASON: In the interest of public health and safety

- 23 Once completed and in use the playing fields and multi-use games facilities shall only be used between 0730 hours and 2030 hours Monday to Friday, 0800 hours and 1700 Saturdays and 1000 and 1300 on Sundays and recognised Bank Holidays.

REASON: The premises are close to residential property and a limited on use is needed to prevent a nuisance to nearby residents.

- 24 The playing fields and multi-use games areas hereby permitted shall be effectively secured to prevent unauthorised access outside of the permitted

operating hours.

REASON: The premises are close to residential property and a limit on use is needed to prevent a nuisance to nearby residents.

25 No development hereby permitted shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan should include, but is not limited to;

- detail good practice measures for site working to mitigate potential impacts from construction including protection of noise sensitive receptors on or adjacent to the site
- control of run-off
- application of design controls for construction equipment and construction vehicles,
- provision of water supply for dust suppression and waste disposal.
- Piling methods.

This approved Construction Management Plan should be fully adhered to throughout the construction period on site.

REASON: In the interest of public health and safety, and to prevent a nuisance to nearby residents

The following advice notes will be attached to a decision

- 1 The Local Planning Authority has acted pro-actively through early engagement with the applicant at the pre-application stage. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS3, CS12, CS13, CS15, CS17, CS18, and CS25 of the Charnwood Local Plan 2011-2028 Core Strategy (adopted 9th November 2018 and saved policies EV/1 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and The National Planning Policy Framework have been taken into account in the determination of this application. The proposed development complies with the requirements of these Development Plan Policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
- 3 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policy/ies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.

- 4 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- 5 To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 6 The Environment Agency has advised, contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010
 - The Waste (England and Wales) Regulations 2011Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.
- 7 With regards to condition 13 - A model Community Use Scheme is available on the Sport England website www.sportengland.org
- 8 With regards to condition 14 – The lead local flood authority has provided the following advice; The scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to the agreed discharge rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. Full details for the drainage proposal should be supplied, including but not limited to, headwall 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 return periods.
- 9 With regards to condition 15 – The lead local flood authority has provided the

following advice. 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.

- 10 With regards to condition 16 – The lead local flood authority has provided the following advice: details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.



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