



**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**12<sup>TH</sup> AUGUST 2004**

**REPORT OF THE DIRECTOR OF COMMUNITY SERVICES**

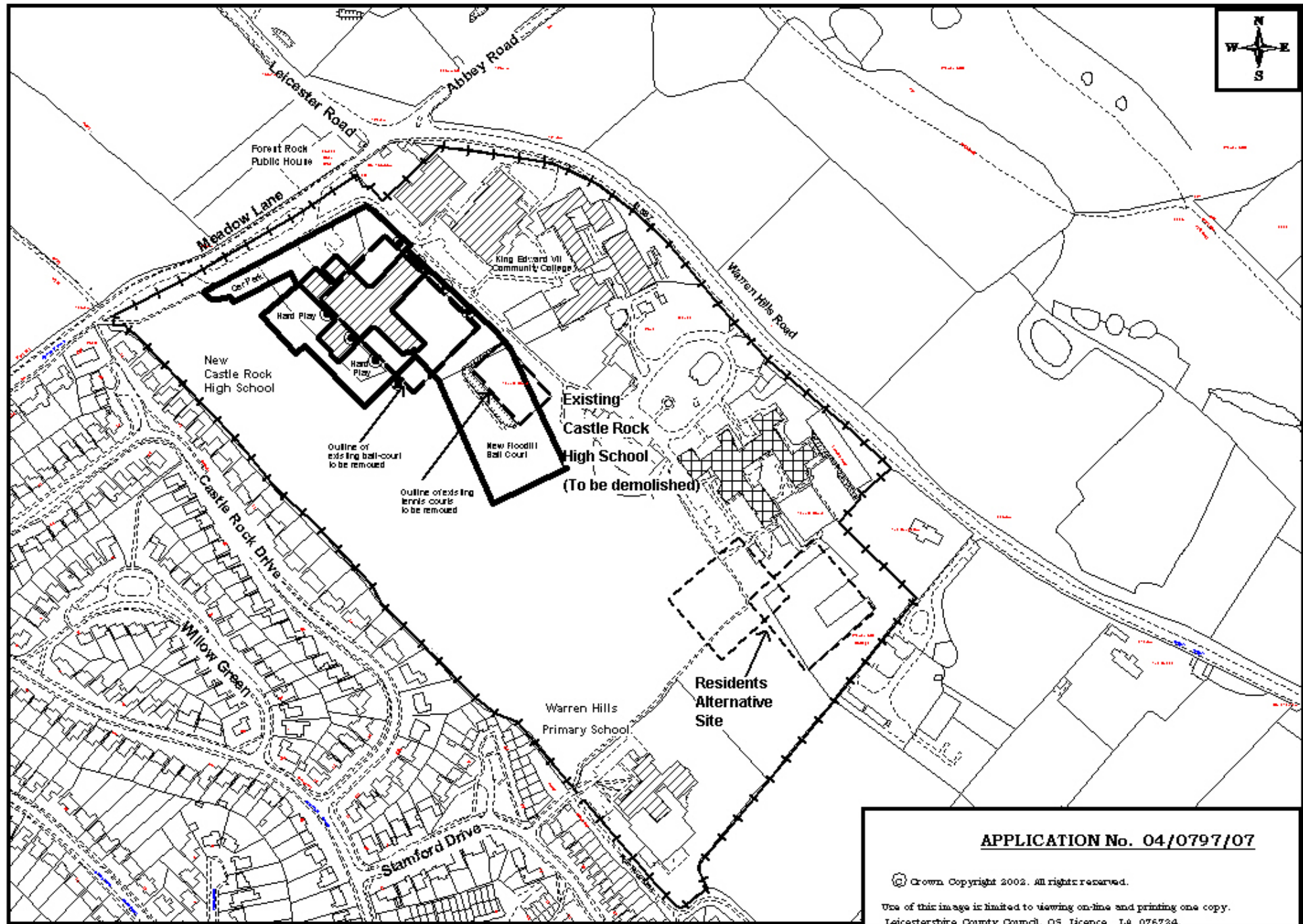
**APPLICATION UNDER REGULATION 3 OF THE TOWN AND  
COUNTRY PLANNING GENERAL REGULATIONS**

**LEICESTERSHIRE COUNTY COUNCIL – ERECTION OF NEW HIGH SCHOOL TO  
REPLACE EXISTING, TOGETHER WITH PROVISION OF ALL-WEATHER  
SPORTS PITCH AND ASSOCIATED WORKS, CASTLE ROCK HIGH SCHOOL,  
WARREN HILLS ROAD, COALVILLE (NORTH WEST LEICESTERSHIRE  
DISTRICT)**

**2004/0797/07 – 17<sup>th</sup> May 2004**

**Background**

1. This application for the construction of a new school at Castle Rock High School, which shares a large campus with King Edward VII Community College and Warren Hills Primary School on the north east side of Coalville. Castle Rock High School is nearing the end of its useful life, it being a system built building dating from the late 1950's using the so-called 'Integrid' construction system. A long-standing Building Research Establishment (BRE) report has forecast that the lifespan of such buildings is no more than 50 years.
2. The High School is one of several in the County that were built in this system at the time, including the Bushloe High School at Wigston. Members received a report on the replacement of that particular school at the previous meeting of the Regulatory Board in July 2004. It is proposed to erect a new school on part of the shared open playing fields attached to the High School and Upper School. The existing Castle Rock High School will continue to operate until the new facilities are available (target date September 2006), after which time these existing buildings will be demolished.
3. Whilst the redevelopment of the school is taking place, it has been decided to take the opportunity to replace and upgrade the existing all-weather pitch on the campus. This development forms part of the current proposals. Additionally, the existing school playing fields are of poor quality and the overall scheme makes provision for the drainage and improvement of these facilities. Indeed, such works are underway already, as they do not require the benefit of planning consent.



**APPLICATION No. 04/0797/07**

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3.

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4. The submitted application is accompanied by a number of supporting documents, including the following:
  - a comprehensive traffic assessment report carried out by appointed consultants and dealing with the likely traffic and transportation impact of the proposed development;
  - an ecological assessment conducted on behalf of the County Education Authority that addresses the likely ecological impacts of the development;
  - a ground conditions investigation report;
  - a comprehensive tree survey that identifies the size, type, location and condition of all the trees on the site;
  - a flood risk assessment that addresses surface water drainage implications; and
  - a sustainability report, showing how sustainable 'drivers' have influenced the new development project, including an assessment using the Building Research Establishment Environmental Assessment Method (BREEAM) for assessing environmental performance of the buildings.
5. At the meeting of the Regulatory Board in July 2004, it was resolved to hold a site visit to the Castle Rock site, in advance of the application being considered at this current Board meeting. Members will have the benefit of this full report on the proposal when the site inspection is carried out. The site visit is arranged for the morning of 9<sup>th</sup> August and a separate information note will be circulated at the meeting itself, setting out details of the actual visit.

### **Site Description**

6. The application site extends to some 6.58ha in total, being sloping land between Warren Hills Road to the north-east, Meadow Lane to the north-west, the edge of adjoining residential development to the south-west (off Castle Rock Drive and Stamford Drive) and large residential curtilages and open countryside to the south-east. This whole site slopes quite steeply from the north-east corner towards the west and south and the existing development is set into terraces on the hill side.
7. The existing Castle Rock School consists of multi-level flat roof buildings to the north-east side of the campus, reaching up to 4 storeys in height. The various buildings of King Edward VII College are situated to the north-west corner, alongside Warren Hills Road as it descends towards the Forest Rock cross-roads junction. There is an artificial sports pitch with floodlighting on the south-west side of the College and a disused tennis court to the east of this pitch. The remainder of the lower parts of the campus provides a wide expanse of playing fields, stretching from the Meadow Lane frontage to the far eastern boundary.
8. Much of the site is wooded at present, including a largely disused area to the south-east of Castle Rock School and a block of woodland between it and the adjacent King Edward VII College. There are blocks of trees (spinneys) along the 'top' edge of the playing field and on a large mound to the Meadow Lane side. The boundary of the campus at the 'bottom' of the site with Castle Rock Drive is formed by a line of mature trees, alongside the intervening brook course.

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9. The existing High School and College buildings are interspersed with access roads, parking areas, hard play areas, tennis courts, and amenity open spaces. Warren Hills School occupies a self-contained plot behind a boundary security fence in the south-east corner of the whole campus, with separate access of Stamford Drive.
10. The King Edward and Castle Rock Schools are served by a private access of Warren Hills Road, about 300m to the east of the Forest Rock cross-roads. This links to a one-way loop road around a central wooded 'island' and provides the principle access to Castle Rock School on this side of the campus. However, there is also vehicular access to the campus from Meadow Lane, where separate entrance and egress junctions serve the bus park and adjacent parking areas.
11. Public footpath O22 links Meadow Lane with Agar Nook Lane to the east, but runs across the rear of the existing residential properties on Castle Rock Drive and on this south-west side of the boundary brook. The footpath does not cross any County Council land. However, the school campus is used currently as an unofficial and unauthorised pedestrian route between Agar Nook/Stamford Drive and Meadow Lane.

#### **Description of Proposal**

12. It is proposed to erect a replacement High School on the site of the existing artificial pitch to the south-west of King Edward VII College and in the area of an existing wooded bank that runs parallel to Meadow Lane. A replacement all-weather pitch is proposed on the site of the adjacent disused tennis courts to the east. In this way the replacement Castle Rock High School can establish an operational relationship with the College, including more effective community use of the facilities (sports hall/all-weather pitch) and existing car and bus park off Meadow Lane.
13. The replacement High School will serve the same number of pupils (approximately 600) and staff as at present, so there should be no increase in school day vehicular or pedestrian traffic as a result of the development. A new 42-space car park is proposed off the existing bus park to serve the replacement High School.
14. The development proposals include the erection of a new 2m high palisade fence around the south-west and south-east perimeters of the campus, providing a secure boundary between Warren Hills Road in the north-east corner and the new school buildings on the Meadow Lane side. The effect of such fence will be to control and monitor access to the Schools and adjacent playing field areas.
15. The new school building would be erected in a cross formation of approximately 100m by 100m in maximum size, with split level accommodation set into the slope of the ground. There would be a main entrance between the two northern wings, leading in at the upper level to a central atrium. At this level the north-

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east wing would contain office and administration facilities, together with teaching rooms. The southern wings would provide technology and arts/music teaching areas. The upper north-west wing would contain the assembly hall, kitchen and upper part of the sports hall.

16. At the lower level the sports hall, changing rooms and store would occupy the north-west wing, with separate access to the outside. The central area would house the school library, whilst the two southern wings would include teaching accommodation and ancillary toilets. There would be no accommodation on the north-east side at this level.
17. The buildings are designed to have a range of curved and shallow pitched roofs in a contemporary appearance, with the highest roof reaching about 14m above finished ground level (i.e. the sports hall). Although the actual colours have not been finalised, the walls are likely to be constructed with a textured cladding and the roof have metal panels.
18. The buildings are intended to have a finished floor level of 184m (upper level) and 181m (lower level), which to the average level of the existing all-weather pitch of about 183m. They would be between 4-7m below the level of the adjacent King Edward VII buildings to the north. New hard play areas would be sited to the south-west side of the proposed school, suitable for games/P.E. and general playground use.
19. The tree survey identifies a spinney of trees on this west side of the campus, which will be lost to the new school buildings. Other trees on the site, including those along the Meadow Lane frontage, are protected by a District Council tree preservation order (TPO), but will not be affected by the development. However, they will need protection during construction works, along with many others on the site.
20. The proposed all-weather sports pitch has been revised since the original submission, to provide for a north-south orientation in accordance with NFPA standards, rather than a more east-west axis. In this way, it would be more suitable for recreational use. There is a group of some 20 trees on the site of the proposed pitch, which would be lost to the new pitch. This playing area measures 62m by 102m and will be surrounded by a high boundary fence.
21. Supporting documentation indicate the provision of 8 lighting columns each mounted with one 2kW luminaire. The submitted lighting contour map shows negligible light spread at about 50m distance from the edge of the new sports pitch. This facility, together with the proposed sports hall in the High School, is intended to be available for community use outside of normal school hours.
22. Once the new High School is ready for occupation, it is intended to demolish the existing building and return the site to landscaping and (National Forest) tree planting area. The existing car park to the High School is likely to be retained for use by community visitors to King Edward VII College, with retained use of the Warren Hills access into the campus.

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23. The submitted application is supplemented by proposed layouts for the retained playing fields on the campus, showing summer and winter arrangements for both the construction period and subsequent, post-development stage. These plans are important for the consideration of the recreation aspects of the development.

### **Planning Policy**

24. The relevant national, strategic and local plan policies are set out below.

#### **National Policy Guidance**

25. Planning Policy Guidance Note 1 (PPG1) deals with General Policy and Principles. It includes advice on the primacy of the development plan in the determination of planning proposals, in the context of Section 54A of the 1990 Act. PPG1 sets out the Government's commitment to sustainable forms of development within urban areas, particularly on previously development land that has good access to a range of transport and other facilities.
26. PPG7 (The Countryside, Environmental Quality and Social Development) advises that 'development of greenfield land, including the best and most versatile agricultural land...should not be permitted unless opportunities have been assessed for accommodating development on previously developed sites and on land within the boundaries of existing urban areas'.
27. PPG 13 (Transport) was very recently revised in April 2001 and sets out the Government's intentions to secure an integrated land use-transportation policy that reduces the growth in use of the private car and encourages alternative means of transport. In particular, schools should be located so as to maximise their accessibility by public transport, cycling and walking. The inclusion of a travel plan is considered necessary in the case of new school developments, especially if they are likely to have an impact of travel patterns in a locality.
28. PPG17 (Planning for Open Space, Sport and Recreation) aims to protect against the loss of existing open space, sports and recreation buildings and land. It states (para 15) that planning permission should not be granted for development of playing fields, unless:
- the development is ancillary to the playing field and does not affect any of the pitches;
  - the land affected is incapable of forming a pitch, or part of one;
  - any loss of a playing field would be replaced by an equivalent or better facility elsewhere; or
  - the proposed development is for an outdoor or indoor sports facility of sufficient benefit to outweigh the loss of the playing field.

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Strategic Policies

29. The approved Structure Plan for Leicestershire sets out the overall strategy for development in the County between 1991 - 2006. *Strategy Policy 1* sets out the overall intentions for development and provides that (inter alia):
  - (i) the majority of new development should take place in locations which are served, or likely to be served by a choice of transport;
  - (ii) built development in the countryside is minimised;
  - (iii) the re-use of vacant land and buildings be maximised; and
  - (iv) the development of the National Forest is successfully pursued.
30. *Strategy Policies 2 and 3* provide that major new development should be allocated within and adjoining built-up areas and in locations which offer a choice of transport along specified corridors. Small scale development within or adjoining existing settlements will normally only be appropriate where it is in keeping with its scale, form and character.
31. *Strategy Policy 4* states that built development and other forms of development in the countryside (i.e. beyond the existing and planned development limits of settlements) will not normally be appropriate. In areas of particularly attractive countryside (APAC's), only small scale employment and leisure development will be appropriate if it has no adverse impact on the appearance and character of the landscape.
32. *Environment Policy 1* seeks to ensure that measures will be taken to maintain and improve the built environment, including a high quality of layout and landscaping, and a sympathetic scale and use of materials.
33. *Environment Policy 12* sets out the intentions for securing the National Forest objectives in the area. Proposals for development will be required to be accompanied by proposals for creating an appropriate woodland setting. All substantial development proposals will be required to reflect the Forest context in their accompanying landscaping and woodland.
34. *Transport Policy 4* provides that development should not be allowed where it would give rise to unacceptable environmental circumstances, or where the local or wider road network cannot accommodate the traffic generated by such development. *Transport Policy 9* sets out the objectives for provision of facilities for pedestrian and cycle routes.
35. The Draft Replacement Structure Plan (1996-2016) has reached a very advanced stage where the three planning authorities have published formal notice of their intention to adopt the Plan and the form of final modifications. The objectives of the Plan (formerly Strategy Policy 1) seeks to promote a sustainable form of development by integrating social, environmental, economic and resource objectives, including patterns of development that (inter alia) minimise the need to travel.

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36. The locational policies of the Plan (as set out in revised *Strategy Policies 2A and 2B*) provide for the vast majority of new development to be concentrated within and adjoining the main urban areas. A sequential approach is set out, whereby priority is given to development in and around the urban centres, with an emphasis on those locations well served by alternative forms of transport. Priority is given to the use of 'previously developed land and buildings' within these locations.
37. *Strategy Policy 3* relates to the development of Greenfield Sites, which should be considered after applying the sequential approach in Policies 2A and 2B above. Such sites should be identified as urban extensions and identified in local plans. Normally, development should be of a form and scale appropriate to the surroundings.
38. *Strategy Policy 4* sets out the overall transport objectives and initiatives and encourages measures to improve road safety, minimise the need to travel and ensure that the population has accessibility to services, etc. It includes provision for alternative forms of travel by cycle, foot and public transport and the implementation of management measures to reduce travel demand.
39. *Strategy Policy 8* states that Development in the Countryside will only be acceptable if the general appearance and character of the landscape and the countryside is safeguarded or enhanced. Built development should be well integrated in relation to existing development and designed sympathetically to fit into the local surroundings. The policy identifies those categories of development that are considered appropriate in the countryside, including some that might be appropriate if no suitable site is available within the built up area. These do not include any references to educational development.
40. *Strategy Policy 14* deals specifically with the Charnwood Forest, in which any appropriate development needs to demonstrate that it conserves and enhances the character of the area. The siting, scale, design and materials of any development should reflect and complement the character of the landscape and minimise any harm. Where development may adversely affect the special qualities of the Forest, it will only be allowed where it can be demonstrated that there is a clear and overriding need for the development and adequate compensatory measures are incorporated.

#### Local Plan Policies

41. The North West Leicestershire Local Plan was adopted with effect from August 2002 and provides the local framework for development up to 2006, in accordance with the currently adopted Leicestershire Structure Plan. *Policy S1* of the Plan reflects the general objectives of Strategy Policy 1 of the Structure Plan, including the location of development; protection of the countryside; and development of the National Forest.

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42. *Policy S3* of the Plan states that new development normally will be strictly limited outside the defined 'limits of development', so as to minimise the impact on the character and appearance of the countryside. It states that development will be permitted only where it relates to a public service or utility that cannot, for operational reasons, be accommodated within the defined limits.
43. There are a number of policies that deal with the environment and conservation matters. *Policy E2* states that development will be permitted only where satisfactory provision is made for landscaped amenity and open space, in order to improve its visual character and appearance. *Policy E3* presumes against development that would be seriously detrimental to the amenities of nearby residents. *Policy E4* seeks to ensure that new development has an appropriate scale, design and appearance for its setting.
44. Part of the site (i.e. the existing playing fields) is subject to *Policy L14*, which seeks to safeguard against the loss of recreation land to other uses. Development will be permitted only where it is in the limits of development and:
  - it will not result in an under provision of open space in the locality; or
  - provision is first made for replacement recreational open space of equivalent community benefit and in a suitable location; or
  - the redevelopment of a small part of the site would assist in the retention or enhancement of the existing recreational facilities.
45. The whole of the site is within the designated Charnwood Forest area of particularly attractive countryside on the Local Plan and therefore subject to *Policy E22*. This re-iterates the intentions of the Structure Plan, so that development will not be permitted which would adversely affect or diminish the present open character and attractive rural landscape, or be detrimental to natural habitats and scientific interest.
46. Other policies in Chapter 5 of the Plan relate to the National Forest. In accordance with *Policy F1*, new development within the Forest should reflect the importance of the Forest context by making appropriate provision for landscaping and tree planting. Built development should demonstrate a high quality of layout, design and appearance.
47. *Policy F2* of the Plan seeks to fulfil the potential for tree planting of individual proposals, including a relevant level of planting in accordance with approved guidelines. There are no specific guidelines for a school development.
48. *Policy T3* sets out an intention that development be permitted only where adequate provision is made for vehicular access and circulation and servicing arrangements. *Policy T8* states that parking provision within new developments will be kept to the necessary minimum, to be considered against criteria of road safety, the character and amenity of the locality and the need to reduce the number of private car journeys.
49. *Policy T12* relates to appropriate provision for pedestrian movements within the layout, serving the movement and desire lines between different land uses and areas.

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Other Material Considerations

50. The Sustainability Report that accompanies this application set out 12 'key principles' for the development, as a means for the County Council to deliver its commitments to sustainable development in the development plan and local agenda 21. It also indicates the framework to ensure that these objectives are delivered through the design, procurement, construction and future occupation.
51. It is the aspiration of the School to deliver the highest quality education in a commendable building that enhances the local environment and landscape and takes advantage of natural features on the site. For example, the scheme is designed to minimise water consumption and incorporates energy efficient techniques. It seeks to ensure that the premises are accessible to all members of the community, through a safe means of transport (including pedestrian and cycle routes). It is intended to provide a valuable asset to the local community, based on shared use.
52. The Traffic Assessment investigates the traffic impact of the new development, including the implications of moving its vehicular access from Warren Hills Road to Meadow Lane. The report addresses highway capacity and safety of the existing and proposed access arrangements and the impact on the cross-road junction on Warren Hills Road/Abbey Road/Leicester Road/Meadow Lane. It incorporates an analysis of personal injury accident data at these points over the last 5 years, of which few can be attributed to traffic movements generated by the schools on this campus.
53. It concludes that the traffic impact of the proposed redevelopment could be accommodated within the local highway network and that benefits would be achieved at the existing vehicular access point onto Warren Hills Road. Road safety will not be compromised by the development, but the report identifies some minor improvements that could be implemented at the cross-roads to enhance driver awareness and complement recent safety improvement works. Minor improvements could also be made at the access/egress points on Meadow Lane.
54. It is calculated that the relocation of the High School will result in about 65% of the turning movements at the Warren Hills entrance being removed in the morning peak hour (i.e. 260 out of 360 vehicles movements) and up to 80% in the afternoon peak hour (160 out of 200 vehicle movements). There will be a corresponding increase in traffic movements at the Meadow Lane entrances, which will more than double. In summary, the assessment concludes that there are no overriding highway objections that should preclude the granting of planning permission for the proposed development.
55. The Ecology Report that accompanies the application identifies the fact that the existing and proposed school sites support a range of habitats and wildlife. Removal of woodland and shrub will reduce the amount of habitat for nesting birds. Where possible the pond, mature trees, plantations and neutral grassland should be retained and managed to promote their nature conservation value.

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56. Further survey work was recommended and, indeed, some has been carried out since the report was prepared. The presence of newts has been proven in the area of the pond and there is a possibility that bats exist on the site. In mitigation, protective measures need to be adopted to prevent disturbance of nesting birds and other protected species.
57. The submitted Flood Risk Assessment has been carried out by consultants in accordance with Government guidance in PPG25, including the probability, extent and type of flooding; the likely impact on other properties and the extent to which the development is designed to deal with flood risk.
58. Reference to the flooding incident of July 2002 confirms the cause of flooding in the Abbotts Oak Drive area as constrictions along the brook course rather than the capacity of the brook itself. As a result improvement works were implemented in December 2003 (see below).
59. The proposed development is outside the limits of any flood plain and surface water drainage from it will discharge into the Grace Dieu Brook via the public sewer. The majority of the new school buildings will sit on an existing hard court area, so will not increase greatly the rate of run-off. Any sustainable drainage regime will reduce the existing flow into the brook.
60. In the short period when both the existing and new school co-exist on site, it may be advisable to attenuate the surface water run-off from one of the sites, pending demolition of the existing buildings. Ground investigations indicate that soakaways are not appropriate, but other techniques such as filtration trenches and valved outfalls are available.
61. Surface water run off from the development will be reduced by the use of 'grey water' and rainwater recycling in the design of the buildings, thereby reducing the amount of water discharged from the site.

### **Consultations**

#### **North West Leicestershire District Council**

62. The District Council has no objection to the proposals in general, subject to National Forest planting being provided on the site of the existing Castle Rock School following its demolition. However, it does object to the proposed palisade fencing adjacent to Meadow Lane and seeks an alternative solution to this part of the scheme.
63. Members have also expressed concern that the development should not result in any reduction in recreation facilities currently available to the local community.

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### **Sport England**

64. Sport England has looked at this particular application in terms of the existing sports facilities on the site and the proposed facilities as part of the new school. Whilst the school is shown to be built on the existing artificial pitch, a new artificial surface is to be created. As part of the proposal, the playing field is to be drained and fenced, which will address the safety issues and will enable the schools to deliver a full PE curriculum.
65. Sport England does not wish to raise objections to this application, and requests the imposition of conditions, as follows:
- to ensure that the new sports facilities are available for use by the wider community, including a management agreement on hours of use and charging;
  - the full drainage of the playing field; and
  - the fencing of the playing field.
66. It has expressed concerns about the internal arrangements of the new sports hall, some of which have been taken up by amendment to the original application. It has no comments on the re-positioning of the all-weather pitch (as amended from the original scheme), provided that the winter and summer layout of pitches remains unaltered.

### **Severn Trent Water**

67. Correspondence submitted with the Flood Risk Assessment confirms that there was an extreme storm event at the end of July 2002, in which extensive flooding did occur, in Coalville and throughout the country. This was due to extreme weather conditions and the impact on watercourses, land drainage, highway drains and sewers.
68. The letter also confirms that a flood prevention scheme was completed in the Abbotts Oak Drive area in December 2003, as a joint venture between the District Council, County Council and Severn Trent Water. The scheme involved considerable upsizing of the public surface water sewer, some new highway drainage and a new outfall and headwall into the Grace Dieu Brook.

### **Environment Agency**

69. Correspondence submitted with the Flood Risk Assessment confirms the same severe flood on 30<sup>th</sup> July 2002, resulting from the deposit of 109mm of rainfall in a 9 hour period. There is no information available on the extent of the flooding in the vicinity of the Schools. The Agency will expect the developer to use sustainable urban drainage techniques (SuDs), with rates of run-off limited to 5l/s/ha, so as to prevent flooding problems up to and including a 100-year event.

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### **Director of Highways, Transportation and Waste Management**

70. On behalf of the Highway Authority the Director generally accepts the findings of the Transport Assessment, which sets out the likely implications of the proposals for traffic movements associated with the scheme. The Highway Authority accepts that the highway network around the campus, including the junctions, has capacity to accommodate the likely redistribution of traffic movements arising from the development and that highway safety will not be compromised.
71. It concurs with the finding of the report that minor improvement works could be carried out to the cross-road junction, to cater for right turning movements and complement recent safety awareness works. These would be at the applicant's expense.
72. The reduction in traffic movements at the existing Warren Hills Road junction into the school is identified as a significant benefit in highway safety terms, because it is considered to be of poor design. Conversely, the Meadow Lane access and circulatory facilities will require improvements to accommodate the transfer of the traffic movements to this point. The entrance, circulation, dropping-off and parking arrangements will need to be re-organised in accordance with an agreed scheme.
73. In addition, it is considered that a Travel Plan should be provided, together with improved pedestrian and cycle links to the new school (including crossing points on Meadow Lane). Secure cycle parking facilities should be provided as part of the new school development.

### **Heritage Services (Archaeology)**

74. The senior archaeologist advises that archaeological issues can be dealt with by way of conditions attached to any planning permission. The applicant should be required to undertake a programme of archaeological investigation and recording, in accordance with the approved specification issued by his consultants. Additional stages will depend on the outcome of the initial investigations.
75. It is recommended that any planning permission be granted subject to a condition that secures the above, in the interests of safeguarding any important archaeological remains. Trial trenching has already commenced on site, as part of the preliminary exploratory works and in conjunction with drainage works on the playing field. These works do not require consent and, in any event, they are required to inform the planning authority of the scope of the programme for archaeological investigations and recording.

### **Heritage Services (Ecology)**

76. The ecological advisor has had the opportunity to examine the applicant's ecology report and notes that further survey work has already been undertaken, particularly in response to the discovery of great crested newts in the pond on the site (not part of the development proposals) and the likely presence of bats.

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77. The report suggests that the habitat with most ecological potential is likely to be lost as a result of the development. It is recommended that:
- the plans are amended to avoid the areas of best habitat wherever possible;
  - replacement planting of native species, common to the area and of local stock, are used in the final landscaping of the site;
  - any habitat to be retained is protected from the construction works by prior protective fencing; and
  - clearance should be scheduled outside of the bird nesting season (i.e. late August-early February).

### **National Forest Company (NFC)**

78. The NFC has no comments to make on the broad planning merits of the proposal but confines its response to the landscaping details. It is noted that a number of trees may be lost as a result of this development, in which case the NFC agrees fully with the assessment by the County Council's forestry officer, namely that replacement tree planting is undertaken to compensate for these losses.
79. The NFC also considers that an overall future landscape scheme should be developed for the site, which should address the broader school environment. There is an ideal opportunity to create exemplary new landscaping that complements and enhances the setting of the new building and also serves as an educational resource. These aspects seem to be lacking in the application and should be address.

### **Publicity**

80. This proposal has been advertised in the local press and by a number of site notices posted on 20<sup>th</sup> May 2004. Individual letters have been delivered to neighbouring residential properties in Meadow Lane, Castle Rock Drive, and Stamford Drive. The amended plans and documentation was advertised by separate site notices posted on 18<sup>th</sup> June 2004 and individual letters delivered to the same nearby dwellings.

### **Representations**

81. Three individual letters have been received from nearby residents of Castle Rock Drive objecting to the proposed development, including its latest amendments. Another six letters provide comments and suggestions on the scheme. The following objections are set out in the various representations from these local residents:
- (i) The relocation of the School will bring the buildings and car parking much closer to residential properties, with increased nuisance from noise, litter, vandalism and trespass.
  - (ii) The proximity of the new school will devalue existing properties.
  - (iii) The proposed floodlighting and all-weather pitch will result in loss of amenity and nuisance because of noise and light pollution;
  - (iv) The development will result in the loss of (approximately 25%) existing school playing fields the new school cannot be located within the defined limits of development on the Local Plan;

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- (v) The relocation of traffic from Warren Hills Road entrance to Meadow Lane entrance/egress will increase highway dangers, especially due to the existing queues of traffic on Meadow Lane in the morning peak period.
  - (vi) The development will result in the loss of green space, trees and include a large increase in hard standing areas;
  - (vii) More traffic will be forced onto the cross-roads junction of Meadow Lane/Warren Hills Road, making it even more dangerous.
  - (viii) Castle Rock Drive will be used for dropping off and picking up pupils, and suffer from increased number of pupils, which will result in nuisance and inconvenience for residents. Adults attending the community activities may well do the same, if on-site parking at the school is inadequate.
  - (ix) The proposal represents an ill-conceived plan that provides the quickest, cheapest and easiest solution, benefiting only the school whilst leaving others with reduced quality of life and local environment.
  - (x) The school should be rebuilt on its present site, which is 'brownfield' rather than result in the loss of 'greenfield' open land. Alternative sites are available within the campus, that are further away from residents.
82. The representations include the following comments and suggestions on the proposed development:
- (i) 20 mph speed zones should be established on Meadow Lane, Warren Hills Road and the Castle Rock Drive area;
  - (ii) 24 hour parking restrictions should be introduced on parts of Castle Rock Drive.
  - (iii) There has been a long-standing problem of motorbikes using the playing field and it is essential that appropriate barriers be introduced as a means of preventing such activity.
  - (iv) The County Council should consider leaving access to the school playing fields as an alternative to public footpath O22 that runs between the brook and residential properties. The existing path is barely used and could be closed as part of the development project.
  - (v) Appropriate public access to use of the playing field for recreation purposes should be retained.
  - (vi) The erection of a security fence is supported (by one household), as it will protect the playing surfaces and equipment from damage, including the dumping of cars and riding of motorcycles.
  - (vii) An assurance is required that previous flooding problems will not re-occur and that adequate surface water drainage measures will be incorporated in the scheme.
83. In additions the CPA has received a separate PETITION signed by the residents of 74 of the dwellings on Castle Rock Drive (representing about 75% of the total number of dwellings on this road. It states:
- “Following consultation with all the residents of Castle Rock Drive we enclose a letter of comments to the planning application for the new school and all-weather playing pitch. The letter highlights the concerns of residents, and also offers some alternative plans and proposals with regard to the application.*

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*There is no objection to the building of a new school, or to the upgrading of the existing all-weather pitch. The primary objection is to the new proposed location of these projects.*

*The current site geography has both the school and sports pitch in positions that are not intrusive to anyone, being 175m & 450m away from the residential areas. Indeed the whole site is ideally positioned to maximise the open space and to minimise disruption to the schools and its neighbours.*

*We believe that alternative sites close to the current school and the other proposals we put forward are constructive and sensible, leaving the geography of the whole site much as it currently exists. These plans offer the least disruption for the schools and the residents.”*

84. The petition goes on to deal with various aspects of the scheme as follows:
- (i) *Location of School and All-Weather pitch:* Two alternative locations close to the existing Castle Rock School are put forward, which will not incur ‘massive disruption and intrusion’ to residents. This will allow for pick-up and dropping-off to occur on the current school site. The all-weather pitch can be upgraded in its present position, the tennis courts made into additional parking for the College and temporary parking for the new school during construction. Such arrangements avoid congestion that will occur if the High School and College are located next to each other.
  - (ii) *Traffic Volumes:* There are existing parking, speeding and traffic problems on Meadow Lane and Castle Rock Drive, and the existing Meadow Lane entrance adds to this congestion by slowing up through traffic towards the cross-roads. Residents are already seeking traffic calming measures and the additional traffic movements will increase dangers. The number of dangerous turning movements will be increased. The noise, congestion and pollution will be even greater in the winter months.
  - (iii) *Pedestrian Traffic and Anti-Social Behaviour:* The playing field has been used for public access and pedestrian through route on a 24hr basis, over many years. To close off the site outside school hours will send all the pedestrian traffic into the adjoining residential area or along footpath O22. This is unsuitable and a cause for concern to residents along Castle Rock Drive, Stamford Drive, Oakham Drive and Willow Green, with likely property damage, rubbish, nuisance and unacceptable behaviour.
  - (iv) *Noise and Light Pollution:* The relocation of playgrounds and all-weather pitch to within 80-100m of residential properties (instead of the present 170m and 500m respectively) will result in unacceptable levels of noise and light pollution.
  - (v) *Property and Vehicle Damage:* The increase in pedestrian flows through the residential area will result in the property damage and anti-social behaviour mentioned above and subsequent devaluation of property.
  - (vi) *Flooding/Sewage and Waste Disposal:* The residential estate has an inadequate sewerage system, exacerbated by flooding from the school field in 2001. The playing fields become water-logged and cause drainage problems. The development of the school on Meadow Lane will overload the inadequate systems, especially if blocked by deposits in the School’s own disposal system.

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Residents' Alternative Proposals

85. The petition concludes by confirming the residents' alternative, preferred option for the new school and all-weather pitch, as set out in the introductory comments of the petition (para 73 above). This takes the following form:
- (i) Retain the geographical layout by building the new school on either of two sites close to the present one (to the south or south-east of it) and upgrade the all-weather pitch in its present position;
  - (ii) Leave a pathway alongside the southern bank of the campus, so that footpath O22 can be diverted between two parallel fences on the edge of the school field;
  - (iii) Include pick-up and drop-off facilities for parents;
  - (iv) Reduce the length of the all-weather pitch and restrict use to daylight hours only;
  - (v) Provide separate sewage and surface water disposal systems for the school; and
  - (vi) Retain all trees along the southern boundary, between the houses and the school campus.

Response to Residents' Proposals

86. As applicant, the Education Authority has responded to the residents' proposals, setting out the reasons for its own preferred scheme and rejection of alternative proposals. These are set out below and will be addressed in the assessment of the application, together with all other representations and consultation replies.
87. *Existing Castle Rock High School location:* It has been accepted by a wide range of consultees, including the DfES and County Council's Cabinet, that the existing school is in urgent need of replacement. However, it will have to remain in occupation throughout the 18 months construction period, making it impossible to built on or close to the existing site. During preliminary meeting to consider possible locations for the new school, a site adjacent to the existing High School was considered impractical because:
- (i) The existing vehicular access off Warren Hills Road (serving both High School and Community College) is a poor standard and dangerous. It would be most unsuitable for large construction traffic and would cut through pedestrian flows within the school site and damage areas of ecological interest;
  - (ii) The alternative route to this site for both construction and future school use (i.e. from Meadow Lane) would result in a severe loss of playing field space; create a health and safety hazard for pupils; would have to be lit; would be difficult to control; and would add significant cost to the project.
  - (iii) The severe changes in level at the 'top' (north-east corner) of the campus would make the provision of a temporary construction access and compound difficult and expensive. Therefore, the compound would be close to Meadow Lane, resulting in significant loss of playing field for 18 months and the 2 years reinstatement thereafter.
  - (iv) The moorland area to the east of the existing School has the greatest ecological interest;

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- (v) A new School in this vicinity, but clear of the moorland area, would require large and costly retaining walls and changes in level; prevent 'inclusive' use; reduce flexibility; be difficult to extend; and would prove difficult to meet the challenges presented by the 'Schools for the future' programme, when a better location is available.
  - (vi) A new School at the lower level (adjacent to the existing car park) would be possible, but would result in the access difficulties from Meadow Lane set out above. It is also close to the listed building of Forest House, leading to greater complications for planning approval.
88. *Site security:* The campus suffers from a high level of persistent and dangerous trespass, at all hours day and night. Pupils and staff are frequently at risk from motorcycles, dog walkers, golfers and horse riders. Land yachts have been seen racing across the field. Stolen and wrecked cars are driven around, dumped and burnt on the site. Staff and pupils are threatened during school lessons. Several initiatives have been employed to curb criminal damage and behaviour.
89. Whilst providing a public (education) service, the site is private land and *not* a public recreation ground. A balance needs to be struck between security and bona fide public use of the community facilities. The provision of a boundary security fence is a first and essential ingredient in removing continued nuisance and vandalism and enabling beneficial use of the playing fields on the campus. It has the full support of the local Police unit.
90. The brook along the south-west boundary suffers from continual problems of fly-tipping and garden rubbish, often from the neighbouring residential properties. *Public footpath O22* is an official right of way, responsibility for which rests with the respective landowners on Castle Rock Drive. There is no proposal to relocate the footpath onto County Council land, which would require a formal diversion order. Members of the public who cross the school campus rather than use the footpath are trespassing on private property.
91. *Drainage matters:* There would be no increase in volumes of foul sewerage from the development, which would flow into the four existing drains on the site. Field drainage and storm water disposal will be subject to agreement by the Environment Agency (EA), taking into account the capacity of the storm water discharge systems and potential for flooding.
92. Poor drainage inhibits the use of the sports pitches on site. On-going land drainage works will ease this situation and has been designed to meet the requirements of the Environment Agency.
93. *Traffic:* A full traffic impact assessment has been undertaken by independent consultant and no significant traffic problem has been identified as a result of the development. Any issues can be addressed by the appropriate measures.
94. *Residential Amenity:* The all-weather pitch will have floodlighting to meet the latest specification, including minimising the effects on neighbouring properties. The size and orientation of the new pitch has been discussed and agreed with Sport England. It will be about 100m away from the nearest dwellings.

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95. The orientation of the proposed new School building has been amended to reflect some of the concerns raised at a public meeting held on 10<sup>th</sup> May 2004. The nearest room in the School will be at least 90m (rather than 80m) away from dwellings. The Education Department can demonstrate that it consulted stakeholders, including residents, on the proposals.
96. The applicant's preferred option for location of the new High School provides the opportunity to design an integrated campus, with opportunities for future expansion, sharing and improving facilities. This would be lost in the more remote north-east corner of the site.

### **Assessment**

#### **Screening Opinion (Environmental Assessment)**

97. The Environmental Impact Assessment (EIA) Regulations set out the circumstances in which a development proposal should be the subject of a 'screening' opinion, the purpose of which is to determine whether it should be the subject of an Environmental Statement (i.e. constitutes 'EIA development'). The current proposals fall within the definition of an 'urban development project' in para 10b of Schedule Two of the Regulations.
98. As the development is considered to be within the above definition, Regulations require the development to be 'screened', as to (i) whether it includes a site within a 'sensitive' location; or (ii) whether it exceeds the threshold(s) set out in the particular category of development- - in this case 0.5ha. On the first issue, the site is neither within, nor does it include, any 'sensitive' location, such as a Site of Special Scientific Interest (SSSI), Scheduled Ancient Monument (SAM), National Park, Area of Outstanding Natural Beauty, or nature conservation site. On the second issue the site exceeds the relevant threshold.
99. It is necessary, therefore, to consider whether the development is likely to give rise to 'significant environmental impacts' by reason of its nature, size, and location. The relevant Circular provides examples (Annex A), which suggests that for 'urban development projects' particular consideration should be given to traffic, emissions and noise. It states that an EIA is more likely to be required on greenfield land if the scheme extends to more than 5ha; provides for more than 10,000m<sup>2</sup> of new commercial floorspace; or exceeds 1000 dwellings.
100. The CPA has the advantage of responses to consultations on the application and other pre-application investigations that were carried out by the agent. It has already been established that there are no significant issues relating to archaeological or ecological matters, adverse ground conditions or landscape impact, protected species of flora and fauna. Neither does there appear to be any adverse impact on the water environment, land drainage, ecology/nature conservation, and agricultural land quality.

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101. The amount of traffic generated by the new school would appear to be acceptable on the local road network, albeit there might be short periods at both ends of the School day when there is likely to be a concentration of journeys to and from the site. The County Highways Authority has no objection to the proposal, subject to specific requirements for on-site servicing and parking facilities and improvements to the local highway network.

#### Policy Considerations

102. The application should be determined in accordance with the policies of the development plan, unless other material considerations indicate otherwise (Section 54A). Furthermore, notwithstanding the preferences of other parties, the applicant is entitled to a decision on the basis of the submitted scheme. It is necessary to decide whether there are good reasons for rejecting the proposals (i.e. whether the development causes 'demonstrable harm to interests of acknowledged importance).
103. As the application site is within an area of 'particularly attractive countryside' on the development plan, there is a presumption against new development of this kind, unless an 'exceptional need' can be shown, including one for a public service. Although the site is outside the existing limits of development, it is well related to the built-up area, in the context of relevant national, strategic and local policies. The proposed location of the new school might not be described as 'previously developed land', especially as recreation land is excluded from this 'brownland' definition, but the existing school site would be described as such.
104. The site does meet policy objectives to provide the opportunity for access by alternative means of transport, because of its relationship to the adjoining built up area. It can be relatively well served by public transport, cycle and pedestrian routes.
105. The relevant national, strategic and local policies require that a sequential approach be adopted to finding a replacement school site. Any 'need' should, if possible, be satisfied within the built up area in the first instance. There does not appear to be an available opportunity to provide for the replacement school and all its ancillary requirements (including playing fields), particularly if a joint High School/Community College scheme is to be contemplated.
106. Given the fact that the campus is already in educational use and that there will be no overall change in the 'planning unit', it is considered that the proposed development is acceptable in principle. Therefore, the policy consideration is a matter of the impact of the development on the character and appearance of the locality. The District Council's own report on the application recognises the fact that there would be landscape benefits in the relocation of the High School, because the proposed site is better related to the edge of the built-up area, creates a more consolidated form of development with King Edward VII School and provides opportunity to return the more remote north-east corner of the campus back to Forest/countryside character.

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### Need

107. There appears to be little doubt about the need for a replacement High School, a fact accepted by consultees and the residents in the immediate locality. Given the unavailability of alternative locations within the built-up limits of Coalville, the proposal might be considered to *accord* with Policy S3 of the Local Plan, as an 'exceptional need' for a public service development. Therefore, the relevant issue is again one of the impact of the development and, if the applicant's preferred site is unacceptable, whether a satisfactory alternative exists on the existing campus.

### Alternative Locations

108. As stated above, notwithstanding the preferences of other parties, the applicant is entitled to a judgement on the acceptability of the submitted proposals, based on all the material planning considerations. The residents' petition points to two options in close proximity to the existing High School, to which the applicant has submitted a detailed response (see paras 86-96 above). This sets out a number of operational reasons why these two alternative sites are not considered appropriate, including the likely impact on temporary and permanent loss of playing fields. Indeed, Sport England would raise a fundamental objection to such a situation, resulting in the proposal being called in by the Secretary of State (ODPM).
109. Members need to consider whether there are any valid planning reasons for requiring the new School and associated development to be agreed along the lines of the submitted representations. This involves a balanced assessment of the environmental, amenity, traffic and land use implications. The decision must be made in the public interest, for the benefit of the community as a whole as well as the immediate neighbours. The applicant's own comparison of the options does appear to identify good reasons for choosing the current form of proposal.

### Residential Amenity

110. The nearest residential curtilages to the proposed School buildings will be at least 90m away, as opposed to 120m distance to the existing all-weather pitch. Most dwellings will be over 100m distance from these buildings. Similarly, they will be no closer than 80m from the proposed hard play areas on this south side of the new school. At this distance it is considered that the development will not have an unacceptable visual or noise impact on the amenities enjoyed by those residents. Furthermore, there is a belt of mature trees along the boundary of the school campus on this side of the development, which will be retained.
111. Given that the replacement school will be for the same number of pupils and staff as existing, there should be no greater overall impact on the locality from the use of the campus, but the emphasis of activity will shift from Warren Hills to Meadow Lane. There is likely to be potential for additional community use of facilities outside of 'normal' school activities, but this should not have a material impact on the nearest residential properties.

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112. Additional traffic movements, both vehicular and pedestrian, will result at the western end of the campus. If adequate provision is made for operational parking requirements, dropping off and collection, then the level of activity should be acceptable for local resident. There is already an extensive lay-by of 350m length on Meadow Lane and the existing circulatory service facilities will be enhanced.
113. The proposed all-weather pitch will be no less than 100m away from residential properties, with the retained playing fields in between. This is some 20m less than the existing pitch. The submitted lighting model indicates that there will be negligible light distribution at a distance of 50m from the proposed floodlights, which should not have any unacceptable adverse impact on dwellings in Castle Rock Drive. It would be unreasonable, indeed inappropriate from a community aspect, to prevent the use of this facility daylight hours only.

#### Security and Fencing

114. There is a catalogue of anti-social, dangerous and unauthorised use of the campus, which affects the educational and personal well-being of the official users of site. Urgent attention to security is required and this situation is recognised in representations made by residents. Furthermore, Sport England has insisted on security of the site, to ensure full and beneficial use of the sports pitches in delivering an acceptable PE curriculum.
115. Whilst a typical security fence might appear somewhat stark, the use of dark green colour (to match the fencing around Warren Hills Primary School) will reduce significantly its visual impact. A less intrusive form of fencing can be provided along the Meadow Lane frontage, to allay the concerns of the District Council for the open ambience of this area.

#### Public Footpath

116. The existing public footpath O22 forms part of the Ivanhoe Way, promoted as a circular recreation route linking Coalville, Ashby, Moira, Measham, Snarestone and Bardon Hill. At this point it runs across the rear of residential properties on Castle Rock Drive and Stamford Drive, although much of the route is narrow, overgrown and restricted by waste vegetation from the adjoining dwellings. Representations have been made to divert this route onto the County Council's playing field, on the opposite side of the brook.
117. If the school campus is secured from unauthorised trespass, as proposed, then the public footpath would once again become the principle means of traversing this section. Some works would be advisable to bring it back to reasonable condition, including clearance of surface vegetation (at the expense of the highway Authority) and cutting back of overhanging hedges, etc (at the expense of landowners). The removal of the garden waste and cuttings that obstruct the path would be appropriate, probably falling to the highway Authority in the absence of identifying the culprits.

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118. The current official route may still prove unattractive to users because of its 'enclosed' character and tendency to remain boggy in wet weather. There are security implications for adjoining properties. The suggested diversion onto the 'open' side of the brook (playing field) does offer the opportunity for a more desirable route, *but* it would have to be pursued through the formal democratic process that would take at least 12 months (without a guaranteed outcome). There are design and cost implications in such a solution.
119. It is recommended that, in order to achieve a safe, attractive route, any diversion should require a minimum width of 4m on the playing field site, to incorporate a 1.8m wide path and 1.1m grass verges. The Highway Authority would be responsible for maintaining the surface of the path and the Education Authority for cutting the verges. The overall width would facilitate maintenance of the brook itself.
120. The value of the residential properties would likely be significantly enhanced by the diversion order, so it would be considered reasonable for the owners of those properties to meet the costs in implementing the Order (i.e. legal, administrative, advertising). This has been estimated to be in the region of £700 per dwelling.
121. However, the Education Authority has already indicated that it is unwilling to agree to such diversion, because of the implication for site security, loss of operational land, maintenance implications and delay in implementation. It considers that pedestrian movements from Meadow Lane to Agar Nook should be contained to the long-established official route, properly maintained as the responsibility of Highway authority and respective owners. In the circumstances it would be unreasonable to accede to the residents' wishes, especially as the existing route can be significantly improved through the appropriate channels.

#### Visual Impact

122. The scale and form of the proposed development should complement the existing King Edward VII buildings on higher ground to the north. It is considered that the proposed one- and two-storey buildings, set into the general slope of the site and at this lower level, will blend into the surrounding landscape, especially if suitably subdued external colours of materials are used. The building will have a modern, contemporary appearance appropriate to its function and location.
123. The impact of the proposed all-weather pitch should be little more than the existing pitch with its 4 floodlight columns. Again, it will be necessary to secure a suitable dark colour fencing and colour treatment to the lighting columns, to reduce the visual impact on the surrounding campus. However, both the pitch and the school itself will have the backcloth of rising land and wooded areas.

#### Loss of playing fields/recreation facilities

124. Sport England has indicated that it is satisfied with the overall impact of the development on the amount and quality of recreation facilities resulting from the scheme. Indeed, it confirms that there should be beneficial improvements in the

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sporting and recreation facilities available both the schools and the wider community. It is essential that conditions be attached to ensure the security of the playing pitches, their proper drainage, and availability of sports hall and all-weather pitch to wider community use.

#### Landscaping and National Forest Planting

125. The campus is within the designated Charnwood Forest area and the National Forest. It is essential that the development be accompanied by an integrated landscape solution that fulfils the objectives for National Forest planting. There is an opportunity to return vacated parts of the site to woodland planting, thereby enhancing the overall character of this 'fringe of town' location. Such a solution will reduce the visual impact of existing and proposed development on the campus.
126. Some significant groups of trees will be lost, albeit the main spinney on the site of the proposed school is less mature. The majority of mature trees on the site will be retained and supplemented by significant new tree planting. Protected trees along Meadow Lane frontage will not be affected adversely by the scheme.

#### Archaeology/Ecology

127. Consultees confirm that there are no grounds for opposing the scheme, so long as suitable safeguarding reasons are incorporated into any planning consent.

#### Drainage

128. There is evidence on particular flooding problems in the recent past, related to country-wide exceptional storm events. Naturally, local residents are concerned that the development should not give rise to similar occurrences in the future. However, a significant surface water drainage improvement scheme has been implemented in the last year (December 2003), which should prevent any such recurrence of that situation.
129. Moreover, the new school would be erected on the site of an existing hard surfaced area, resulting in little extra surface water run-off for that part of the scheme. In any event, the scheme will incorporate drainage solutions that restrain any discharge from the site at acceptable levels, with storm detention tanks and controlled outlets.

#### Traffic and Access

130. The traffic implications of relocating Castle Rock High School revolve around the redistribution of certain 'peak hour' traffic movements from the Warren Hills Road entrance to Meadow Lane entrance of the campus. As reported above, the assessment identifies an almost identical displacement of turning movements from the former to the latter. This producing significant benefits in highway safety at the more dangerous of the two access points (i.e. Warren Hills access).

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131. The consequential increase in use of the Meadow Lane entrance/egress points is not considered to be unacceptable, so long as the internal circulation and stopping/parking arrangements within the site are made adequate. On this highway, there is the added benefit that entrance and exit movements can be segregated.
132. The redistribution of movements at the crossroads is less easy to predict. However, the Transport Assessment concludes that the most significant change will be an increase in the number of right turning movements from Leicester Road into Meadow Lane (i.e. from Whitwick direction) and a corresponding increase in return journey from Meadow Lane into Leicester Road. The number of movements is not considered to compromise road safety, although there is an opportunity to improve safety awareness at the junction itself.
133. Notwithstanding any of the predictions, it would be pertinent to seek a School Travel Plan that seeks to reduce the overall reliance on private car journeys associated with both schools, in co-operation with King Edward VII College. Indeed the schools are committed to such a Plan.
134. The prospect of parents using the nearest residential streets to drop-off and collect pupils is not easy to predict, and could depend on the on-site facilities at the Meadow Lane entrance/exit. However, the introduction of traffic management orders and '24 hour' restrictions on the surrounding estate roads would not appear to be justified at present, and depend on the necessary statutory procedures. The situation might need to be monitored
135. In the circumstances, there would appear to be reasonable grounds for assuming that, on balance, there will be overall benefits to highway safety arising from the development proposals.

### **Conclusions**

136. The need for a replacement high school, to replace deteriorating buildings at Castle Rock, is established for sound reasons. Its relocation on the existing campus does not conflict with the relevant policies for this location, given the absence of a suitable site within the built-up area. There appear to be environmental benefits in siting the school in a closer relationship to the existing limits of development and on the lower part of the campus, whilst returning the current school site to a more rural character.
137. Notwithstanding the preferences of some parties, the determination of the application depends on whether the proposals results in unacceptable harm, based on all the material planning considerations. There do not appear to be any overriding reasons for refusal on grounds of traffic, highway safety, visual intrusion, residential amenity, landscape, National Forest planting, or drainage issues.
138. In all the circumstances and on balancing all the relevant material considerations, it is considered that the development should be allowed subject to appropriate conditions.

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**Recommendation**

- A. Permit subject to the conditions as set out in the appendix.
- B. To endorse, as required by the Town and Country Planning (General Development Procedure) Order 1995 (as amended) a summary of the:
  - (i) Policies and proposals in the development plan which are relevant to the decision, as follows:

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant circulars, together with the relevant Development Plan policies, including the following, and those referred to under the specific conditions, as set out in the appendix:

Leicestershire Structure Plan (1994):

Strategy Policies 1-4; Environment Policies 1 and 12; Transport Policies 4 and 9

North West Leicestershire Local Plan (2002)

Policies S1; S3; E2; E3; E4; E22; F1; F2; L14; T3; T8; and T12

- (ii) Reasons for the grant of planning permission as follows:

The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any impacts on the amenities of the area that may arise from the development can reasonably be mitigated by the imposition of the conditions as set out in the appendix.

**Circulation Under Sensitive Issues Procedures**

Mr. C.A. Stanley, CC

**Officers to Contact**

Mr. C. J. Noakes (Tel: 0116 265 7053)  
E-Mail: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

**Permit**, subject to the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this permission.
2. This consent relates to the application as amended by revised plans no. 2004/0797A/07, (drawing nos. 810639/PL01(A); PL02(A); PL5(B); PL6(B); PL11a(A); PL11b(A); PL12a(A); PL12b(A)); submitted on 17<sup>th</sup> June 2004.
3. A written schedule and/or representative samples of the materials and colours to be used externally in the construction of the proposed building shall be deposited with and approved in writing by the Director of Community Services before development commences.

Landscaping and Planting:

4. Except as indicated on the approved plans, none of the existing trees, shrubs or hedges on the site shall be topped, lopped, uprooted or felled without the prior express consent in writing of the Director of Community Services.
5. Before the development hereby permitted is commenced, including site works of any kind, existing trees, shrubs or hedges indicated on the submitted plan shall be protected by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with details to be agreed by the Director of Community Services. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written consent of the Director of Community Services. No tree shall be used as an anchorage, nor shall any item whatsoever be affixed to any retained tree. If any trenches for services are required in the fenced off area(s), they/it shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5 cms. or more shall be left unsevered.
6. Before the development authorised by the permission is commenced including site works of any kind, a detailed landscaping and planting scheme showing the treatment of all parts of the site (to remain unbuilt upon) shall be submitted to and agreed in writing by the Director of Community Services. The scheme shall include details of:
  - (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
  - (ii) new tree and shrub planting, including plant type, size, quantities and locations;
  - (iii) means of planting, staking and tying of trees, including tree guards;
  - (iv) other surface treatments;
  - (v) fencing and boundary treatments;
  - (vi) any change in levels;
  - (vii) the position and depth of services and/or drainage runs which may affect root trees.

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7. The planting scheme required by condition no 6 above shall include provision to carry out a National Forest woodland planting scheme within the overall school campus, restoration of the existing High School site following demolition and clearance of the site and use of native species.
8. Both the approved landscape scheme and approved woodland planting scheme shall be carried out in accordance with a programme of implementation to be first agreed in writing by the Director of Community Services. All planted material shall be suitably maintained and replaced as necessary by the applicant(s) or owners of the land at the time for a period of not less than 10 years from the date of planting.
9. Details of siting, design and appearance of all fencing to be erected on the site shall be submitted to and agreed by the Director of Community Services before development commences. Notwithstanding the submitted details, the siting and appearance of fencing on the Meadow Lane frontage of the site shall provide for a suitably attractive design of fencing that maintains the open aspect of this part of the site.

Lighting:

10. Details of the siting, design, luminance, direction of light distribution and the shielding of all means of external lighting shall be submitted to and agreed by the Director of Community Services before any such provision is made within the development.
11. Before the floodlights to the proposed all-weather pitch are brought into use, details of the means of shielding the distribution of light shall be agreed with the Director of Community Services. The beam axes of the proposed floodlights shall not exceed 55° to the "downward vertical" and light distribution shall be controlled to achieve the light spread indicated on the submitted document CalcuLuX Area 6.0 dated 12<sup>th</sup> May 2004.

Ecology:

12. No development shall take place within the application area, including sites works of any kind, until the applicant (or their agent or successors in title) has secured the implementation of a scheme for ecological survey and appropriate mitigation and compensation measures, especially in regard to protected species, unless it has been shown conclusively in any previous survey that none are likely to be adversely affected.
13. Any necessary mitigation measures referred to in condition 12 above shall set out the detailed design, methods statement and timetable of works to mitigate for harm to any protected species discovered and shall be approved in writing by the Director of Community Services and carried out as part of the development. No development shall take place except in accordance with the agreed details.

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Archaeology

14. No development shall take place within the area on the approved plan until the applicant (or its agents or successors in title) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved in writing by the planning authority.

Transportation and Access:

15. The development hereby permitted shall not be brought into use until such time as highway improvement works have been carried out on the local highway network, in accordance with details of such works that shall be first approved in writing by the Director of Community Services. Such measures shall include:
  - (i) minor improvements to the cross-roads junction of Leicester Road/Meadow Lane/Warren Hills Road/Abbey Road
  - (ii) pedestrian and cycle crossing facilities on Meadow Lane; and
  - (iii) improved pedestrian and cycle links to the new school site.
16. Before development commences, details of the proposed access and egress arrangements between the service road and junctions with Meadow Lane, together with, shall be submitted to and agreed in writing by the Director of Community Services. The submitted details shall provide for:
  - (i) improvements to directional signage and markings;
  - (ii) the additional and revised circulatory facilities;
  - (iii) traffic calming facilities within the circulation area; and
  - (iv) additional dropping-off and pick-up facilities.
17. The development hereby permitted will not be brought into use until such time as the approved access and circulation facilities have been provided in accordance with the requirements of condition no 16 above. Thereafter, the approved area shall be kept free from obstruction and remain available for such use at all times.
18. The car parking, access and servicing facilities indicated on the approved plan shall be suitably hard surfaced and marked out to the satisfaction of the Director of Community Services and made available before the proposed development is brought into use. Thereafter, these areas shall be kept free from obstruction and remain available for such use at all times.
19. No development shall commence until details of secure cycle parking arrangements at the new school have been submitted to and agreed in writing by the Director of Community Services. The approved cycle parking provision shall be provided prior to the development being first brought into use and shall thereafter be so maintained and remain available for use at all times.

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Travel Plan:

20. A School Travel Plan which seeks to reduce the number of car journeys to the High School shall be submitted to and approved in writing by the Director of Community Services and adopted prior to the first occupation of the proposed replacement school, or to a timescale as may otherwise be agreed in writing by the Director of Community Services.
21. The Travel Plan referred to in condition 19 above shall, amongst other things, set out:
  - (a) the details of the measures to be adopted;
  - (b) the mechanisms and time scales of implementing those measures;
  - (c) the details of how the Travel Plan shall be kept under review to achieve continual improvement in the reduction in the number of car journeys to the College. This shall include a monitoring report to be submitted annually, on the anniversary of the approval of the Travel Plan, to the Director of Community Services, which shall set out:
    - i) details of progress in implementing the plan;
    - ii) details of any enhancement or additional measures or other amendments to be implemented in the light of the monitoring report;
    - iii) details of how failures to implement the measures in the approved Travel Plan are to be remedied.

Any enhancements, additions or remedies as referred to in ii) and iii) above shall have first been approved by the Director of Community Services before being implemented and thereafter shall form part of the approved Travel Plan.

Drainage:

22. Before development commences, including site works of any kind, a scheme for the provision of surface water and foul water disposal shall be submitted to and agreed in writing by the Director of Community Services, in conjunction with the Environment Agency.
23. The details required by condition no. 22 above shall include a scheme for the provision and implementation of a surface water run-off limitation facility. The approved scheme shall be implemented in accordance with an agreed programme of provision.

Sports Hall and Playing Fields:

24. Before the proposed sports hall is brought into use, details of a scheme for the use of this facility by the educational users on site and the wider community shall be submitted to and agreed by the Director of Community Services. Such scheme shall include details of the management arrangements, hours of use and charging policy. Thereafter, the use of

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the sports hall shall accord with the agreed scheme, unless otherwise first agreed in writing by the Director of Community Services by way of variation.

25. The layout and use of the existing and retained playing fields shall accord with the details set out in approved revised plans referred to in condition no 2 above {PL11a(A); PL11b(A); PL12a(A); PL12b(A)}, or any amendment that will first be agreed in writing by the Director of Community Services.

Restrictions on Use:

26. Unless first agreed in writing by the Director of Community Services, the development hereby permitted shall only be occupied for purposes in connection with, or ancillary to, educational and community educational activities on the site and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any other Order revoking or re-enacting that order).
27. Unless specified otherwise in any other condition appended to this planning permission the sports hall hereby permitted shall only be used for such purpose and for no other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any other Order revoking or re-enacting that order).

Hours of Use:

28. Unless otherwise first agreed in writing by the Director of Community Services, the use of the all-weather pitch hereby permitted shall be confined to the period between 0800 and 2130 hours (Mondays to Saturdays), and 0930 and 1700 hours (Sundays and Public/Bank Holidays). The proposed floodlights shall not be switched on outside of these permitted hours or when the play area is not in use.
29. The use of the proposed sports hall hereby permitted shall be confined to the period between 08.00 – 22.00 hours (Mondays to Saturdays); 09.00 – 2130 hours (Sundays, Public or Bank Holidays), unless otherwise first agreed in writing by the Director of Community Services.
30. The use of the playing field area shall be confined to the period between 08.00 – 2130 hours (Mondays to Fridays); 09.30 – 1700 hours (Saturdays, Sundays and Public or Bank Holidays), unless otherwise first agreed in writing by the Director of Community Services.

Construction Works:

31. Unless otherwise agreed in writing with the Director of Community Services, all site preparation, movement of materials and machinery and construction and demolition works within the site in connection with the

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approved development, shall only take place between 0730 – 1900 hours Monday to Friday. No such activities shall take place at any time on Saturday, Sundays or Statutory Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site unless otherwise in writing with the Director of Community Services.

32. Within the context of condition no 29 above, and unless otherwise agreed in writing with the Director of Community Services, all deliveries of and movement of materials and machinery by HGV's, including the removal of spoil and demolition material on and off the site, shall only take place between 9.00 – 15.00; 16.00 – 18.00 hours (Monday to Friday).
33. Before any development commences on site, the developer shall make provision at any access from the site for the wheels of vehicles to be cleaned before leaving the site to prevent the deposit of mud and detritus on the public highway. Such provision shall be in accordance with details of location and specifications to be first agreed in writing by the Director of Community Services.
34. No loaded lorries carrying excavated or demolition materials shall leave the site unsheeted.
35. The existing school buildings shall be demolished and the demolition materials removed from the site to a recognised disposal point within 6 months of the occupation of the new school.

### **Reasons**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, and to enable the County Planning Authority to review the position at the end of this period.
2. For the avoidance of doubt and to ensure a satisfactory form of development in the context of the existing development on the site.
3. To ensure a satisfactory appearance and grouping of materials.  
(Policy E4 of the North West Leicestershire Local Plan)
4. To enhance the appearance of the development in the interests of visual amenity.  
(Policy E2 of the North West Leicestershire Local Plan)
5. To ensure that proper steps are taken to safeguard the existing vegetation during the course of construction.
6. To enhance the appearance of the development in the interests of visual amenity.  
(Policy E2 of the North West Leicestershire Local Plan)

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7. To ensure that a suitable woodland setting is established for both the proposed development and the surrounding area, in accordance with the policy objectives relating to this particular location.  
(Policy F1 of the North West Leicestershire Local Plan)
8. To ensure that the work is carried out within a reasonable period and is properly maintained.  
(Policy E2 of the North West Leicestershire Local Plan)
9. To enhance the appearance of the development in the interests of visual amenity.  
(Policy E2 of the North West Leicestershire Local Plan)
10. To ensure the proposed use remains compatible with the surrounding  
&11 locality and to safeguard the visual and residential amenities of the locality.  
(Policy E3 of the North West Leicestershire Local Plan)
12. To ensure that appropriate measures are taken to protect features of  
&13 importance to nature conservation, including protected species and their habitats, and reduce ecological impacts of the development
14. To ensure satisfactory provision is made for archaeological investigation and recording
15. In the interest of highway safety and to ensure that appropriate measures are taken to mitigate the impacts of revised pedestrian and vehicular traffic of the local highway network.  
(Policy T4 of the approved Leicester and Leicestershire Structure Plan)
16. To ensure a satisfactory and safe form of development of the site, in the interests of highway and personal safety.  
(Policy T3 of the North West Leicestershire Local Plan)
17. In the interests of highway safety and to ensure satisfactory access, servicing and entrance facilities will be available to serve the premises when they are brought into operation and thereafter.  
(Policy T3 of the North West Leicestershire Local Plan)
18. In the interests of road safety and to ensure that suitable parking and servicing facilities will be available to serve the premises when they are brought into operation.  
(Policy T3 of the North West Leicestershire Local Plan)
19. To ensure that adequate provision is made for cyclists using the new development.  
(Policy T9 of the approved Leicester and Leicestershire Structure Plan)
20. To ensure that appropriate measures are taken towards seeking a  
&21 reduction in the number of private car trips generated by the existing and proposed development on the School site, with the objective of promoting alternative modes of travel by users of the facilities on site (as recommended by Planning Policy Guidance Note 13).

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22. To ensure that provision is made for the satisfactory drainage of the site.
23. To ensure that appropriate measures are included in the surface water drainage facilities to meet sustainable drainage systems (SuDS) objectives.
24. To ensure that satisfactory beneficial use of the sports hall facility is provided for educational users and the wider community, in accordance with local and national objectives for such development.  
(Policy L14 of the North West Leicestershire Local Plan)
25. To ensure that the optimum beneficial use of retained playing field facilities, in accordance with the objectives of Planning Policy Guidance Note 17.  
(Policy L14 of the North West Leicestershire Local Plan)
26. To ensure that the use of the premises remains compatible with the  
&27 existing development in this locality and to enable the County Planning Authority to assess the impact of any alternative or additional uses.
- 28, 29& 30 To ensure the proposed use remains compatible with the surrounding locality and does not give rise to loss of amenity for occupants of nearby residential properties.  
(Policy E3 of the North West Leicestershire Local Plan)
31. To minimise the impact of the construction works on the surrounding area,  
&32 and to safeguard the amenities of nearby residents.
33. To avoid the deposit of loose material on the highway and in the interests  
&34 of highway safety.
35. For the avoidance of doubt and to ensure a satisfactory overall form of development and restoration, in the context of the existing policies affecting the school campus on the site.  
(Policies E2; E4; E22 of the North West Leicestershire Local Plan)

Notes to Applicant:

- (i) Your attention is bought to the contents of the letter dated 7<sup>th</sup> March 2003 from the Environment Agency, and the advice on sustainable drainage systems (SuDS) techniques.
  - (ii) The approval of external materials required by condition no 3 above should be selected from the range identified in the letter dated 6<sup>th</sup> August 2004 from the Head of Property Services, or appropriate alternatives of similar character and appearance.
  - (iii) You are reminded that nesting birds are protected by law under the Wildlife and Countryside Act 1981. Therefore, any disturbance of nesting birds occurring on planning application sites would constitute an offence under the law. The bird nesting season occurs between early February – late August.
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## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all preceding applications.

### **EQUAL OPPORTUNITIES IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equal opportunities implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Education and the Director of 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.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

### **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 54A OF TOWN AND COUNTRY PLANNING ACT 1990**

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or 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:

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 (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
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.

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