



DEVELOPMENT CONTROL AND REGULATORY BOARD

4TH APRIL 2024

REPORT OF THE CHIEF EXECUTIVE

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

PART A – SUMMARY REPORT

- APP.NO. & DATE:** 2023/Reg3Mi/0122/LCC (2023/01645/07)
24th November 2023
- PROPOSAL:** Provision of a single storey, three classroom block including re-siting of existing timber play equipment and reading canopy.
- LOCATION:** Hugglescote County Primary School, Ashburton Road, Hugglescote, Leicestershire, LE67 2HA (North West Leicestershire District)
- APPLICANT:** Leicestershire County Council – Children and Family Services Department
- MAIN ISSUES:** Impact on highway safety and parking, improving community facilities
- RECOMMENDATION:** **PERMIT** – subject to conditions

Circulation Under the Local Issues Alert Procedure

Mr. Keith Merrie MBE CC

Officer to Contact

Rob Tollyfield (Tel. 0116 305 2733).
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PART B – MAIN REPORT

The Site and Surroundings

1. Hugglescote County Primary School is located on Ashburton Road within the village of Hugglescote. The existing buildings on the school site are located in the north, with extensive playing fields to the south. To the east of the site is a new building, granted permission in 2019 to provide increased capacity (ref. 2018/REG3Mi/0200/LCC).
2. The school is on the edge of a residential area with dwellinghouses on Ashburton Road and Station Road to the north and east respectively. To the south of the school is a wooded area and to the west is Ashburton Road Recreation Ground. A public right of way (PROW ref. N74 & N76) is located along the western and southern boundaries of the site.

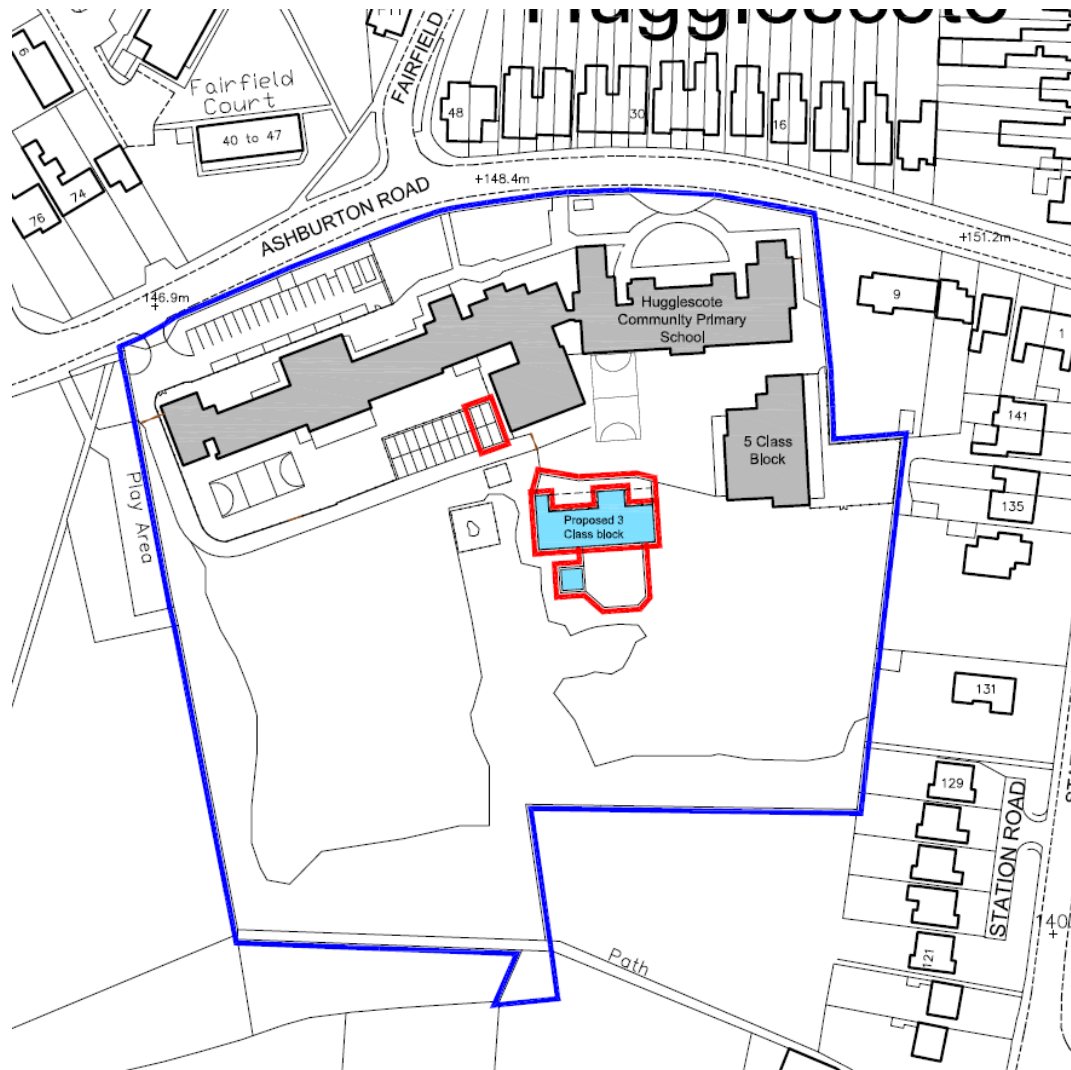


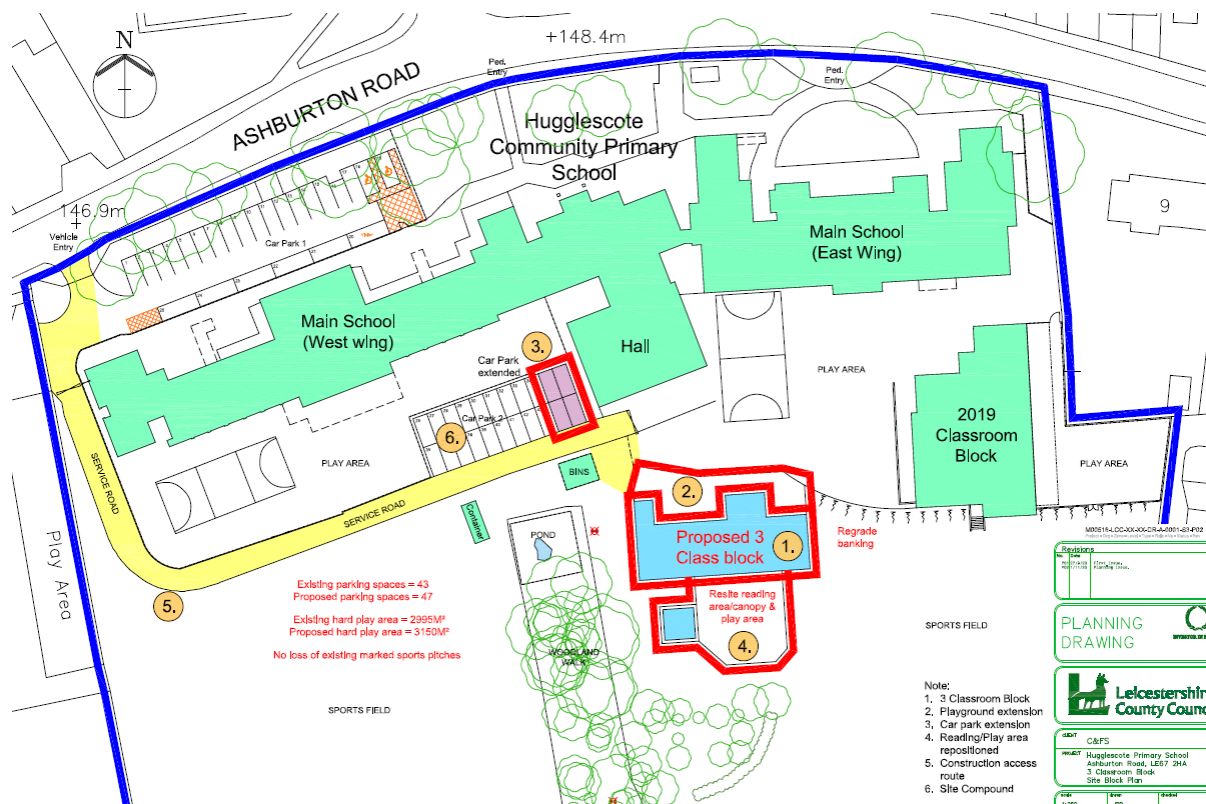
Figure 1. Site Location

Planning History

3. 2018/REG3Mi/0200/LCC (2018/2016/07) – New 5 Classroom Single storey block. Re-configure class sizes internally. Refuse compound. Increased size of hard play area. Provision of additional car park spaces at rear. Approved 05/03/19.

Description of Proposal

4. Hugglescote County Primary School is a two-form entry primary school and had 468 pupils on roll for 2023/2024 academic year. The existing school has a total capacity of 525 pupils, with a published admission number (PAN) of 75. Pupil forecasts, which includes the consideration of new housing development in the area, shows that by January 2025 there will be a deficit of places at the school. As such, the total capacity of the school needs to be increased by 105 pupils to 630 to accommodate anticipated pupil growth. An additional block to accommodate this surplus in expected pupil numbers, is the applicant's preferred option for the school.
5. The proposed new single storey building is rectangular in shape, with two off-shoots to the northern elevation. The building measures 12.893 metres (m) (L) by 27.8m (W), giving a total gross floor area of 252 square metres (m²). The proposed building would be single storey with a mono-pitch roof that has a height of 2.875m at the south elevation and 3.95m at the north elevation.
6. The building would be of modular construction with the external finish made up of Equitone Tectiva cladding panels in Calico and Western cedar timber feature panels to match the 2019 classroom block to the east. The roof would consist of an EDPM (a type of synthetic rubber) single ply membrane. The doors and windows would be aluminium with a Dusty Grey (RAL 7037) and Gentian Blue (RAL 5010) powder-coated finish, respectively. The canopy frame is proposed in the same Gentian blue as the doors, opaque roof panels, with contrast mixed colour panels over the doors.
7. The development would be located on an existing play area and a covered reading area. These would be relocated to the southern elevation of the new classroom. Four new car parking spaces are proposed.



Planning Policy

The Development Plan

8. *North West Leicestershire District Council (NWLDC) Local Plan (adopted November 2017)*

- Policy D1 Design of New Development
- Policy D2 Amenity
- Policy EN1 Nature Conservation
- Policy IF2 Community and Cultural Facilities
- Policy IF4 Transport Infrastructure and new development
- Policy IF7 Parking provision

9. *Hugglescote and Donington le Heath (HDH) Neighbourhood Plan*

- Policy G1 Limits to Development
- Policy G3 Design
- Policy CF2 Schools

National Policy

10. *National Planning Policy Framework (NPPF) – December 2023*

- The NPPF provides the Government’s policies for the delivery of sustainable development through the planning system. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.
- Paragraph 99 of the NPPF states the importance availability of sufficient choice of school places to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
 - a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Other Policy Considerations

11. North West Leicestershire District Council is in the process of preparing a new Local Plan, which is subject to a public consultation under Regulation 18 of the Town and Country Planning (Local Development) (England) Regulations 2012. The public consultation period closed on 17th March 2024.

The following emerging polices are considered relevant to this development:

- Policy AP1 Design of New Development (Strategic Policy)
- Policy AP2 Amenity
- Policy IF2 Community Facilities (Strategic Policy)
- Policy EN1 Nature Conservation/Biodiversity Net Gain (Strategic Policy)

As the emerging Local Plan is at the Regulation 18 stage, the polices listed above are afforded limited weight in the determination of this application.

Consultations

12. **North West Leicestershire District Council** – No objections.
13. **North West Leicestershire District Council (Environmental Health Officer)** – No objections.
14. **Hugglescote and Donington le Heath Parish Council** – Concerns raised that proposed new schools, that were included as part of the new housing developments currently under construction, will not be built, in contravention of relevant conditions included with the planning permissions.

Further concerns were raised about increase in traffic and the air quality issues that may arise from vehicle movements along Ashburton Road, particularly when it is being used to bypass the A511. Furthermore, parking occurs all along the highway, causing obstructions and hazards to other vehicles and pedestrians.

Query if the parking provision will be sufficient for the additional staff.

15. **Environment Agency** – No comments.
16. **Local Lead Flood Authority (Leicestershire County Council)** – No objections, standing advice recommended
17. **Highway Authority** – The Local Highway Authority (LHA) considers that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the NPPF (December 2023), subject to conditions relating to parking provision, construction management, the school Travel Plan and proposed improvements to the traffic signals at Hugglescote crossroads.
18. **Leicestershire County Council Ecology** – No objections.
19. **Leicestershire County Council Landscape** – No objections, subject to conditions.
20. **Public Rights of Way** – No comments received.
21. **Coal Authority** – Application site is located within a Development Low Risk Area. Coal Mining Risk Assessment not required, and the Coal Authority's standing advice should be included with any permission granted.
22. **Sport England** – raise no objection to this application as it is considered to meet exception 3 of our Playing Fields Policy and to accord with Paragraph 103 of the National Planning Policy Framework.

23. **Active Travel England** – determined that Active Travel England’s standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.
24. **National Grid** – No comments.

Publicity and Representations

25. The application has been publicised by means of four site notices, posted on 12th December 2023, a press notice in the (Leicester Mercury and neighbour notification letters sent to the nearest occupiers in accordance with the County Council’s adopted Statement of Community Involvement.
26. Six letters of representation been received raising objections on the following grounds:
- a) Impact of the development on traffic in the surrounding area, increasing congestion and exacerbating parking issues along Ashburton Road.
 - b) The proposed development will not adequately address increasing demand for school places from the new housing developments.
 - c) The new schools proposed as part of wider housing development have not been erected.
 - d) The application misrepresents the parking situation for staff at the school.
 - e) Impact of the school expansion on existing pupils through loss of playground space and wooded area.
27. The issues raised are considered in the Assessment of Proposal section of this report.

Assessment of Proposal

Principle of Development

28. The application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance, the key issues for consideration relate to the principle of development, highways considerations including highway safety and traffic generation, impact on amenity, landscape, and ecology.
29. Paragraph 99a of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- a) great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

30. Policy IF2 (b) of the NWLDC Local Plan states that Community and cultural services and facilities should be retained and wherever possible improvements facilitated to the quality, accessibility, and levels of provision by allowing the expansion or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities.
31. Policy G1: Limits to Development of the HDH Neighbourhood Plan states that development proposals within the Plan area will be supported within the Limits to Development (LtD) boundary where the proposal complies with the policies in this Plan including the need to achieve positive design and amenity standards. The application site is located within the LtD boundary and so does not conflict with this policy.
32. Policy CF2 Schools states that Proposals for the expansion of existing schools in the Plan area will be supported where it can be demonstrated that:
- a) Expansion would not exacerbate existing access related or traffic circulation problems, or that suitable mitigation measures are brought forward as part of the proposal;
 - b) there is no loss of land already used for recreation by the schools; and
 - c) the development would not result in a significant loss of amenity to residents or other adjacent users.
33. The proposal is for a single storey, three no. classroom block to facilitate an increase in pupil numbers of 105. Pupil forecasts, which includes the consideration of new housing development in the area, shows that by January 2025 there will be a deficit of places at the school. As such, the school needs to be increased to a capacity of 630 to accommodate anticipated pupil growth.
34. The proposed development is located within the existing school site and supports its existing function as a community facility. As such, the development is considered acceptable in principle, subject to compliance with other relevant policies.

Materials and Design

35. Policy D1 Design of New Development sets out the Council's standards for design having regard to its Place Making and general sustainable development principles. Policy G3 Design of the HDH neighbourhood plan
36. The classroom block would have a flat roof central corridor with a mono-pitch roof. The proposed external finish of the building would be a combination of a blue engineering brick plinth with timber panels in Calico and Cedar wood feature panels above. The doors and windows are powder coated aluminium in Dusty Grey (RAL 7037) and Gentian Blue (RAL 5010) respectively. The roof of the

proposed building would consist of Basalt Grey power coated aluminium fascias and rainwater system and Firestone Single Layer EPDM Roof System in Grey.

37. The proposed building would be located to the rear of the main school building, set in from the boundaries of the site and would not be highly visible from public vantage points.
38. Subject to the control of the above design, materials, and finishes, it is considered that the proposed development would be in accordance with the design criteria requirements included in Policy D1 of the NWLDC Local Plan.

Amenity

39. Policy D2 Amenity states that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. Policy CF2 (c) of the HDH Neighbourhood Plan states that the expansion of schools will be supported where the development would not result in a significant loss of amenity to residents or other adjacent users.
40. The proposed new building would be located centrally within the wider school site and situated approximately 60m from the boundary of the nearest residential property.
41. Given the scale and siting of the proposed school building within the site, the proposed development is not considered to result in a loss of sunlight or loss of privacy for neighbouring residential occupiers.
42. Should planning permission be approved for the proposed development, the construction phase of the development could give rise to adverse impacts on the occupiers of neighbouring residential properties and users of the surrounding PRow (Public Rights of Way) network. Therefore, a Construction Environmental Management Plan (CEMP), which addresses potential environmental impacts of the construction and methods to mitigate the specific environmental disturbances such as noise, vibration, and dust, has been submitted alongside the planning application. The measures included therein are considered acceptable and a suitably worded planning condition should be imposed on any planning permission requiring the developer to adhere to the CEMP for the duration of the construction period.
43. Taking the above into account, the proposed development is considered to comply with Policy D2 Amenity of the NWLDC Local Plan, Policy CF2 (c) of the HDH Neighbourhood Plan and relevant national policy and guidance regarding issues of amenity during construction and operation. It would be appropriate to impose planning conditions to ensure that the construction and operation of the proposed development is acceptable.

Highway Safety and Parking Provision

44. Policy IF4 Transport Infrastructure and new development seeks to ensure that development proposals take account of the impact upon the highway networks.
45. Policy IF7 Parking provision and new development states that proposals for development should incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems, having regard to the County Highway Authority parking standards.
46. Policy CF2 (a) of the HDH Neighbourhood Plan states that the expansion of schools will be supported where the development would not exacerbate existing access related or traffic circulation problems, or that suitable mitigation measures are brought forward as part of the proposal.
47. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
48. The traffic and parking issues at the school are the main concerns that have been raised by local residents and representatives, including the potential for the proposed extension to add to the busy periods at the start and end of the school day. They have also raised more general concerns about the safety of the local highway network in the vicinity of the school.
49. The proposals include the increase of pupil places from 525 to 630 and associated additional staff, as such a transport assessment has been submitted in support of the application. A survey of the travel methods for the school's existing pupils has been undertaken and the assessment indicates 37% of pupils travel by car or other private vehicle. The report applies this same modal split to the proposed additional pupils and assumes that all the 3 additional staff would drive and additional parking places have been provided to reflect this.
50. The proposed increase in pupils and the percentage which would travel by private vehicle means that the predicted increase in car trips would be 39 at both AM and PM drop-offs, 78 additional trips in total per school day. A study of the capacity of the nearby crossroads was undertaken to assess the impact of the increase in car trips combined with the committed developments in the local area and their trip generation up to 2028.
51. The LHA has examined the data provided and concluded that the Hugglescote crossroads has sufficient capacity to accommodate the predicted increase in vehicle movements arising from the development. The LHA has suggested signal improvements that can be made to the crossroads to mitigate the impact of the development. These improvements would be secured via an appropriate planning condition.

52. An additional parking survey was provided to assess the impact on available car parking on the surrounding streets. The LHA is satisfied the survey has demonstrated that the roads within 300m walking distance of the application site have spare capacity to serve the anticipated additional demand for 39 extra vehicles during the school drop off and pick up period. The LHA therefore does not consider that the development proposal would result in severe harm to the highway network in the context of Paragraph 115 of the NPPF (December 2023).
53. An updated travel plan, setting out the ambitions to raise awareness amongst staff and pupils of alternative methods of transport has been provided. However, the travel plan lacks specific detail and it is recommended that an amended document is submitted prior to the first occupation of the new building, secured via condition.
54. Taking all the above into account, the proposals are considered acceptable in terms of highways impact and parking provision in accordance with the Leicestershire Highways Design Guide and Policies IF4 and IF7 of the North West Leicestershire Local Plan and Paragraph 115 of the NPPF.

Landscape, Ecology and Biodiversity

55. Policy EN1 Nature Conservation of the NWLDC Local Plan states that proposals for development will be supported which conserve, restore, or enhance the biodiversity in the district. Additionally, it details the types of protected sites which would be significantly harmed by proposals, and where planning permission will be refused.
56. Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)
[...]
 - d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
57. Paragraph 186 of the NPPF states that, when determining planning applications, local planning authorities should apply the following principles:
- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
[...]

- d) Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
58. To facilitate the development, the removal of some trees and shrubs is required. The trees and shrubs formed part of an allotment, which is no longer in use. They would be replaced by tree planting to the east of the relocated play area and along the eastern boundary.
59. An ecological assessment has been submitted with the application, which identified that the site is of moderate ecological value due to the presence of woodland, hedgerows, scrub, orchard, open water, and grassland habitats. Most of the impact associated with the proposal would result in the loss of modified grassland, considered to be low quality with little amenity value, with higher value ecological features retained.
60. Due to the removal of trees and shrubbery at the site to facilitate the development, the new landscaping scheme would incorporate biodiversity enhancement features to mitigate the impact of the new building.
61. Four bat boxes and six birdboxes are proposed to be installed within the woodland adjacent to the site. The proposed new planting and biodiversity measures are considered acceptable mitigation for what would be lost, and the landscaping scheme will be secured via condition.
62. From 12 February 2024, it is mandatory for all new development to achieve a minimum biodiversity net gain (BNG) of 10%. The application was submitted prior to 12 February 2024 and is therefore not subject to this mandatory requirement. However, the proposed implementation of biodiversity measure and the landscaping scheme will result in 'no net loss' and where possible measurable net gains to biodiversity on site, in accordance with the provisions of paragraph 186 of the NPPF.
63. As such, the landscaping proposals are in accordance with the provisions of Policy EN1 of the North West Leicestershire Local Plan and emerging new Local Plan and paragraphs 180 and 186 of the NPPF.

Public Rights of Way (PROW)

64. Two public footpaths (refs. N74 and N76) run along the western and southern boundaries of the site but will not be directly affected by the proposed new building. N76 sits immediately adjacent to the site entrance and may be affected by the use; however, it is not proposed to widen the access or close/divert the

footpath as part of the development. As such, PRow will not be detrimentally affected by the proposed new building.

Flood Risk

65. Policy CC2 Flood Risk, in accordance with the NPPF, seeks to direct development to areas at the lowest risk of flooding. The application site is located within Flood Zone 1 (less than 0.1% annual probability of flooding), in accordance with this planning policy.
66. The site is larger than 1 hectare (ha) and, accordingly, a site-specific Flood Risk Assessment (FRA), has been submitted alongside the planning application. The FRA concludes that the site, and proposed development, are not subject to significant flood risk. It also concludes that the proposed development would not increase flood risk within the wider catchment area.
67. The Environment Agency and LLFA were consulted on the development, both parties have not raised any objections to the proposal, due to the site being within Flood Zone 1. As such, the proposed development is considered to comply with Policy CC2 and the NPPF with respect to flood risk.

Sustainability

68. The NPPF defines sustainable as 'meeting the needs of the present generation without compromising the ability of future generations to meet their own needs'. It emphasises that three dimensions need to be considered in achieving sustainable development, namely economic, social, and environmental. The NWLDC Local Plan does not have any specific policies related to sustainable development however, the policies contained within the plan – and listed in paragraph 8 of this report – align with the aims and objectives of the NPPF in achieving sustainable development.
69. The proposed development contributes to sustainable development by providing employment (both during construction and for staff during operation), a community facility (for the education of pupils and community use of shared facilities) and various environmental opportunities (including the use of sustainable building materials and biodiversity and ecology mitigation and enhancements).
70. It is noted that the proposal does not currently incorporate solar photo voltaic (PV) panels as a means of renewable energy generation. However, the roof of the proposed new building has been designed in such a manner to be capable of accommodating solar PV panels once the building regulations approval process has determined the required amount of PV panels required. Notwithstanding this, the school benefits from permitted development rights and solar PV panels could

be installed under Class J (b) of Schedule 2, Part 14 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

71. The proposed development is considered to contribute to sustainable development, as defined by paragraph 8 of the NPPF in accordance with the Development Plan.

Other Issues

72. Representations have been received which raised concern over the proposed construction of a new primary school within Hugglescote.
73. Education Capital Projects were contacted to clarify this issue. A new primary school is expected to open in Coalville in time for the 2024-25 academic year, with funding secured through S106 monies from the following two applications:
- 2013/0802/07 Land to the East of Forest Road, Coalville
 - 2015/0951/07, Land South of the Green, Donington Le Heath, Coalville.

A further school is proposed to be built in Lower Bardon nearby, however, this is not expected to be delivered until 2028. The new classroom at Hugglescote County Primary School is therefore necessary to meet the forecast deficit in pupil places.

74. Furthermore, the timing of the need for additional school places and new school delivery is regularly reviewed to ensure that projects are delivered at the optimum time to meet demand.

Conclusion

75. The proposed extension to the local primary school in this location complies with the development plan and the strategic development area of Hugglescote.
76. The proposed design and landscaping of the development would soften the appearance of the building's functional form. The landscaping on this site also offers the benefit of enhancing biodiversity, which alongside sustainable building materials would result in the school meeting environmental standards supported by local policy.
77. The proposed development includes safe access to and egress from the site for all users. It would not have an unacceptable impact on the local and wider highway network and further, would be supported by a Travel Plan to reduce impacts further and promote sustainable modes of transport. Improvement works to the nearby crossroads will be included and capable of being secured via Grampian condition. Parking proposed complies with policy requirements.

78. With the imposition of conditions to secure the proposed design and landscaping scheme and manage the impacts of the development on the local highway network, and the amenity of the area, the proposed development accords with the development plan and it is recommended that planning permission is granted subject to conditions.

Statement of Positive and Proactive Engagement

79. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and the valid representations received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

1. PERMIT subject to the conditions set out in Appendix A.

Officer to Contact

Rob Tollyfield (Tel: 0116 305 2733)

E-Mail planningcontrol@leics.gov.uk

Conditions

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: *To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application documents and the following plans:
 - Drawing No. M00516-LCC-XX-XX-DR-A-0001-S3-P02 'Site Block Plan', 1/11/23
 - Drawing No. M00516-LCC-XX-XX-DR-A-0002-S3-P02 'Site Plan', 1/11/23
 - Drawing No. M00516-LCC-XX-XX-DR-A-0003-S3-P02 'Location Plan', 1/11/23
 - Drawing No. M00516-LCC-XX-XX-DR-A-0004-S3-P01 'Site Plan – Demolition & Removals', 1st November 2023
 - Drawing No. M00516-LCC-XX-00-DR-A-0010-S3-P02 'General Layout – Ground Floor Plan', 9/11/23
 - Drawing No. M00516-LCC-XX-XX-DR-A-0020-S3-P02 '3 Class Block Layout – Elevations', 9/11/23
 - Drawing No. M00516-LCC-XX-RF-DR-A-0030-S3-P02 'Roof Layout' 9/11/23
 - Drawing No. M00516HSP-XX-XX-DR-C-10101-P07 'Initial Drainage and Levels Strategy', 24th Sept 2023
 - Document Ref. M00516-HSP-XX-XX-RA-C-00001 'Flood Risk Assessment' November 2023
 - Drawing No. M00516-LCC-XX-XX-DR-LA-0001-S3-P01 'Landscape Proposals' Dec 2023
 - Drawing Titled 'Hugglescote Logistics Plan Rev. B' 20th Feb 2024
 - Document Titled 'Hugglescote CEMP Rev. D' 26th Feb 2024

Reason: *For the avoidance of doubt as to the development that is permitted.*

3. The development hereby permitted shall primarily be used for purposes in connection with, or ancillary to, educational and community activities, and for no other purposes than use classes F1(a), F2(b) and F2(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: *For the avoidance of doubt as to the development that is permitted.*

4. The external finishes of the school building hereby permitted shall be finished in accordance with Drawing No. M00516-LCC-XX-XX-DR-A-0020-S3-P02 '3 Class Block Layout – Elevations', dated 9/11/23.

Reason: *In the interests of good design, visual amenity and to ensure a satisfactory form of development in accordance with Policy D1 of the North West Leicestershire District Council Local Plan (2011-2031) and requirements of the NPPF.*

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Site Block Plan drawing number M00516-LCC-XX-XX-DR-A-0001-S3-P01. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

Reason: *To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).*

6. The agreed Construction Environmental Management Plan (CEMP) by Willmott Dixon (Rev D) dated 26th February 2024, shall be implemented in accordance with the approved details.

Reason: *To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.*

7. No part of the development hereby permitted shall be first occupied until an amended School Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to, and approved in writing by, the County Planning Authority. Thereafter, the Travel Plan shall be implemented in accordance with the approved details.

Reason: *To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2023).*

8. The development hereby permitted shall not be occupied until such time as MOVA signal control has been installed at the junction of Ashburton Road / Grange Road / Station Road / Central Road, known as Hugglescote Crossroads, with details first submitted to, and approved in writing by, the County Planning Authority.

Reason: *To mitigate the impact of the development, in line with the National Planning Policy Framework (December 2023).*

9. All site preparation and construction works, and movement of materials and machinery, in connection with the approved development, shall only take place between 0730-1800 hours Monday to Friday and 0800-1300 hours on Saturdays. No such activities shall take place at any time on Sundays, Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site.

Reason: *To protect the amenity of local residents in accordance with Policy D2 of the North West Leicestershire District Council Local Plan (2011-2031) and requirements of the NPPF.*

10. Notwithstanding the provisions of condition number 9 above, vehicles associated with the construction of the development hereby permitted, including deliveries and the export of materials, shall not enter or exit the site between 0800-0930 hours or 1430-1600 hours on any school day.

Reason: *To reduce the potential for conflict arising from deliveries to the site during school drop-off and pick-up times.*

11. No development including site works of any kind shall take place until all trees to be retained, as identified in Document Ref. TS-HugglescoteSch/01 'Tree Survey', dated October 2023, are protected in accordance with BS5837: 2010 'Trees in Relation to Design, Demolition and Construction Recommendations'. The means of protection shall be maintained in situ throughout the construction period of the development. Should any excavation works be required in the vicinity of the Root Protection Areas of the retained trees, then this work shall be hand dug.

Reason: *To ensure that all trees to be retained on site are protected during construction works.*

12. All habitat removal and felling operations must be undertaken outside of the bird breeding season (March to September) unless an appropriately qualified ecologist has surveyed the trees and confirmed absence of breeding birds. Confirmation of the absence of breeding birds shall be submitted to, and approved in writing by, the County Planning Authority prior to any such works commencing.

Reason: *In the interest of achieving 'no net loss' in on-site biodiversity, in accordance with Policy EN1 of North West Leicestershire District Council Local Plan (2011-2031) and paragraph 180 & 186 of the NPPF*

13. The approved landscaping scheme, as detailed in Drawing No. M00516-LCC-XX-XX-DR-LA-0001-S3-P01 'Landscape Proposals', dated December 2023, shall be implemented in the first available planting season following construction of the development hereby permitted. All planted material shall be suitably maintained and replaced as necessary for a period of not less than 5 years from the date of planting.

Reason: *To ensure the landscaping scheme is implemented in an appropriate timeframe and that the planting becomes established.*

Notes to the Applicant

1. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at www.stwater.co.uk or by contacting Severn Trent Water New Connections Team (01332 683369).
2. Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

5. The Environment Agency advises that all building work should comply with best working practices and in particular Government guidance on 'Construction, inspection, and maintenance' www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance.

You are advised to contact the Environment Agency to arrange a site meeting to agree necessary measures to prevent pollution of the water environment during the construction phase of the development. The Environment Agency can carry out pollution prevention visits. Please contact EastMidWaterQuality@environment-agency.gov.uk for further information and advice.

6. Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website:
www.leicestershire.gov.uk/flood-risk-management

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice. This consent does not consider local watercourse bylaws. It is the responsibility of the applicant to check if the local borough or district council has their own bylaws which the proposals will also need to consider.

7. It is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.
8. If a proposed building/wall or other construction appears to sit astride an indicated surface water flow route, the new build may deflect floodwater onto another person's property or raise flood levels by a significant amount locally. In these circumstances, the planning officer should contact the County Council to discuss whether consultation is necessary in that particular case.
9. For greenfield sites, the peak runoff rate from the development to any drain, sewer, or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

The runoff volume from the development in the 1 in 100 year, 6 hour rainfall event should not exceed the greenfield runoff volume for the same event. Where an increase in discharge volume is unavoidable, the proposals should discharge at QBar or provide alternative mitigation in line with CIRIA C753.

10. Where a drainage or waste disposal system is to be constructed or altered that is not proposed to be adopted by either the WASC (Water and Sewerage Company) or the County Council as highway authority then the system should be constructed in accordance with Part H of Building Regulations 2010.
11. To prevent an increase in the discharge rate or volume due to development of external surfaces, permeable surface material should be utilised where possible, without an impermeable lining unless required to prevent mobilisation of contaminants or groundwater flooding.

DEVELOPMENT CONTROL AND REGULATORY BOARD

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

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

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

IMPLICATIONS FOR DISABLED PERSONS

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

Note to Applicant Department

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

COMMUNITY SAFETY IMPLICATIONS

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

BACKGROUND PAPERS

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

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

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

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

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

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

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

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