

**DEVELOPMENT CONTROL AND REGULATORY BOARD****30 May 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/Reg3PSI/0133/LCC (2023/2353/02)

Valid: 15 December 2023

PROPOSAL: Construction of a 2-storey teaching block comprising of 10 classrooms, 3 seminar rooms, 1 library, a post 16 study centre and associated staff and student facilities. The works include the provision of a lock up container for the storage of PE equipment and male and female changing facilities on the perimeter of the playing fields.

LOCATION: Iveshead School, Forest Street, Shepshed,
Leicestershire, LE12 9DB (Charnwood Borough)

APPLICANT: Leicestershire County Council – Children and Family Services Department

MAIN ISSUES: Impact on existing sport pitch provision; highway safety, access and parking; improving community facilities.

RECOMMENDATION: **PERMIT** – subject to the conditions set out in Appendix A and subject to the application being referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 and the Secretary of State deciding not to call in the application for his own determination.

Circulation Under the Local Issues Alert Procedure

Mrs Christine Radford CC

Officer to Contact

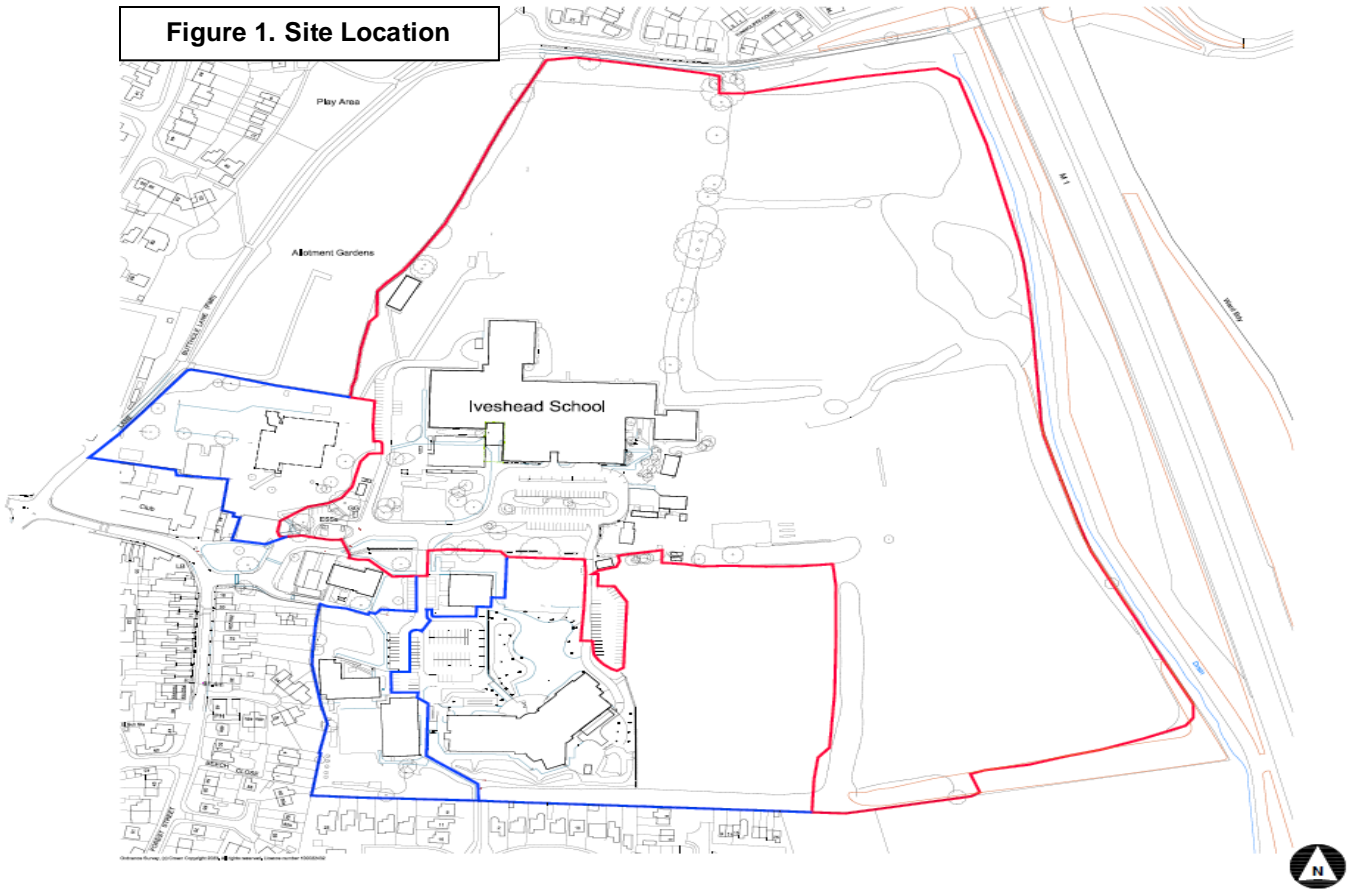
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PART B – MAIN REPORT

The Site and Surroundings

1. Iveshead School is located within the town of Shepshed in the borough of Charnwood. The existing buildings of Iveshead School are located centrally within a wider 'campus' of educational and community uses which is accessed off Forest Street. The school was formed after the merger of Shepshed High School and Hind Leys College in 2017.
2. The application site is made up of extensive areas of playing fields in the north and east with the Iveshead school buildings situated towards the south-west. Directly to the south-east of the existing school buildings are Shepshed Toy Library and Hind Leys Pre-School. The application site is accessed by a short section of service road which connects to Forest Street to the south-west. Existing parking and drop off provision are also situated to the south of the existing school buildings. To the west of the site is the new Bowman Academy, a specialist all-through school for pupils aged 5-16 with Social, Emotional and Mental Health (SEMH) needs, which is currently under construction and due to open in September 2024. These features are separated by parcels of soft and hard landscaping.
3. The site forms the easternmost extent of Shepshed and is bordered to the north by new residential development, and by well-established residential properties and commercial uses to the south-west along Forest Street and Loughborough Road. An area of allotments is located immediately to the north-west. The M1 motorway is to the east of the playing fields. A public right of way (PROW ref. K68/1) & Byway Open to All Traffic (BOTAT - Byway ref. L17) runs along the western and northern boundaries of the site respectively. Within the southern region of the wider campus sits a range of educational, sport and community uses including but not limited to, Saint Botolph's Church of England Primary School, The Oak Treehouse Nursery School, and Shepshed Swimming Club.

Figure 1. Site Location



Planning History

4. The site has been occupied for education and community uses since at least 1957. The most recent planning history relating to the site is set out below.
5. Planning permission ref: 2020/Reg3Mi/0174/LCC (2020/2421/02) was granted by this authority in 2021 for an extension, internal reconfiguration and refurbishment to the original Hind Leys College School building to provide all facilities for Iveshead Secondary School including associated hard and soft landscaping. The permission also allowed for the internal reconfiguration and refurbishment of the original Shepshed High School building to provide all facilities for St Botolph's Primary School, also with associated hard and soft landscaping.
6. Planning permission ref: P/21/2567/2 was granted by Charnwood Borough Council in 2022 for a new SEMH school (now referred to as Bowman Academy) and associated facilities at the former St Botolph's Church of England Primary School site.

Description of Proposal

Need for Development

7. Iveshead School is an 11-18 secondary school which as of September 2023 had 943 pupils on roll. The net capacity of the existing school is 950 pupils, with an approved published admission number (PAN) of 150 pupils per academic year. The school already had to increase its admission number to 210 for the current academic year. Pupil forecasts, which include the consideration of new housing development in the area, indicate that as of January 2024 the school had a deficit of pupil places. The applicant has indicated that, in order to provide for the existing and anticipated shortfall, the total capacity of the school needs to be expanded to accommodate an increase in pupil admissions to 240 by 2025/2026.
8. The applicant indicates that the proposed development is designed to support an increase in capacity at Iveshead School to allow for up to 1,400 pupils. The increase in the school intake numbers is in response to the ongoing residential development proposed by The Garendon Park Development (also referred to as the West of Loughborough Sustainable Urban Extension within the Charnwood Local Plan 2011 to 2028 Core Strategy adopted November 2015 and the emerging Charnwood Local Plan 2021-2037 pre-submission version) of which around 3,200 new houses are intended to be delivered within the area. The applicant has also stated that it is hoped the introduction of the proposed new post 16 study centre would increase the amount of students who stay at the school as post 16 students.

External and Internal Design

9. The application proposes the construction of a new two-storey building to the south-east of the existing school buildings, and approximately 30 metres (m) east of Shepshed Toy

Library and 25m east of Hind Leys Pre School respectively. The proposed building would be rectangular in shape, with two off-shoots to the northern and southern elevation. The ground floor of the building would have a gross internal floor area of 874.86m², whilst the first floor would have a gross internal floor area of 834.83m². The proposed building would be two storey with a flat roof to accommodate roof mounted PV panels, this would give the building a height of approximately 9.1m at its highest elevation. Externally, the width of the proposed extension measures approximately 50.6m, whilst the length measures approximately 20.4m.

10. The proposed building would be of volumetric modular construction. The east and west faces of the block would use a textured warm grey cladding (Hessian LT60), with the top frieze in differing orientations. The south and north facades would use a non-textured light brown cladding (Hessian TE60).
11. The corners of the building would be in a textured dark graphite cladding (Graphite LT85) and the central recessed module faces would be in a non-textured light graphite cladding (Graphite TE85), cut vertically and orientated to balance out the horizontal building mass. The corners on the western side would protrude upwards and the top would be cut at a slight angle to mirror a saw-tooth design on the frieze.
12. The doors and windows would be powder coated spectus aluminum framed in an off black colour (RAL 7024) with double glazed panels. The main entrance on the west face, the main exit on the south face, and the exit through the library on the east face would have curtain walls with dark grey mullions, matching the design of the window frames.
13. The building would be supported by a brick plinth 4 courses high (300mm) using engineering bricks in a dark blue colour. The louvres on the external faces of the building would be in colours that match the cladding they sit on.
14. The proposed two storey teaching block would consist of the following teaching and welfare accommodation: 10 classrooms; a library; three seminar rooms; a media studies classroom and audio-visual suite; a post-16 study centre and WCs including accessible WCs. It would also provide for an additional four staff offices; a staff room and staff WCs; storage; stairs and lift; corridors; cleaner stores; server room; roof access.
15. The applicant has indicated that some internal modifications to existing classroom spaces within the existing school building would be required, however, as the building is not a listed building, these would not require planning permission and are not given further consideration within this report. These revised internal spaces will still be used as teaching spaces.

External Proposals

16. The proposed new teaching block would be accessed from the west by a new access road and pedestrian footpaths (one which runs parallel to the new access road and

another to the south east of the existing school buildings). Externally, there would be a plant compound and bin store to the south of the proposed teaching block that would accommodate air source heat pumps and waste provision respectively. A hard play area measuring 1018m² is proposed to the east. Nineteen parking spaces are proposed to the west of the new building.

17. The development would be located on an existing area of playing field and amenity grassland. To accommodate the loss of playing field, the redundant ashlar play area would be brought back into use providing a mini 7v7 football (soccer) pitch including run-off and spectator area. The remainder of the ashlar would be removed, topsoiled and seeded. It is noted that the applicant would be happy to enter into a Community Use Agreement for the local community to also benefit from the new mini 7v7 football pitch and changing room facilities.
18. A sports equipment store and changing rooms facilities are proposed to the north of the proposed teaching block. It is understood that due to funding restrictions it would not be possible to facilitate the implementation of such at present. However, the applicant continues to seek permission for these within this planning application, so that they would have the benefit of planning permission should the financial situation change in the future.



Figure 2. Proposed Site Layout Plan.

Planning Policy

The Development Plan

19. *Charnwood Local Plan 2011 to 2028 - Core Strategy (adopted November 2015)* (CLPCS)

- Policy CS 1: Development Strategy
- Policy CS 2: High Quality Design
- Policy CS 8: Regeneration of Shepshed
- Policy CS 11: Landscape and Countryside
- Policy CS 13: Biodiversity and Geodiversity
- Policy CS 14: Heritage
- Policy CS 15: Open Spaces, Sports and Recreation
- Policy CS 16: Sustainable Construction and Energy
- Policy CS 17: Sustainable Travel
- Policy CS 18: The Local and Strategic Road Network
- Policy CS 22: West of Loughborough Sustainable Urban Extension
- Policy CS 25: Presumption in Favour of Sustainable Development

20. *Borough of Charnwood Local Plan policies (adopted January 2004): (BCLP)*

- EV/1 – Design
- TR/18 – Parking Provision

National Policy

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

- Paragraph 8: Sets out the three overarching objectives required to achieve sustainable development, namely economic, social and environmental objectives.
- Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development;
- Paragraph 97(a): Decisions should plan positively for the provision and use of shared spaces including sports venues and open spaces to enhance the sustainability of communities and residential environments;
- Paragraph 99: States the importance of the 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;
- Paragraph 103: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- Paragraph 104: Planning policies and decisions should protect and enhance public rights of way and access.
- Paragraph 115: Advises 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';
- Paragraph 135(b): Planning decisions should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Paragraph 135(f): Planning decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users;
- Paragraph 136: Planning decisions should ensure that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places;
- Paragraph 165: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
- Paragraph 186(a): If significant harm to biodiversity cannot be avoided then the development should be refused;

- Paragraph 191(a): Planning decisions should mitigate, and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- Paragraph 191(c): Planning decisions should limit the impact of light pollution from artificial light on local amenity.
- Paragraph 201: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Other Policy Considerations

22. Charnwood Borough Council Open Space Strategy 2018-2036 (CBCOSS)

- Policy Statement 1- Open Space General
- Policy Statement 6- Outdoor Sports Facilities

23. Emerging New Charnwood Local Plan 2021-2037 (pre-submission version) (NCLP)

The emerging NCLP was submitted to the Planning Inspectorate in 2021 and was subject to Examination in Public in February 2024. It is therefore sufficiently advanced within the examination phase to be a material consideration afforded significant weight. The following draft policies are relevant to the determination of this application:

- Policy DS1: Development Strategy
- Policy DS5: High Quality Design
- Policy LUC2: West of Loughborough Sustainable Urban Extension
- Policy SUA1: Shepshed Urban Area
- Policy C1: Countryside
- Policy T2: Protection of Community Facilities
- Policy T3: Car Parking Standards
- Policy CC1: Flood Risk Management
- Policy CC2: Sustainable Drainage Systems (SuDS)
- Policy CC4: Sustainable Construction
- Policy CC5: Sustainable Transport
- Policy CC6: Electric Vehicle Charging Points
- Policy EV1: Landscape
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity

- Policy EV7: Tree Planting
- Policy EV8: Heritage
- Policy EV9: Open Spaces, Sport and Recreation
- Policy INF2: Local and Strategic Road Networks

Consultations

24. This application has been subject to two separate rounds of consultation. This is because amendments have been made to the application in order to respond to an objection from a statutory consultee (Sport England). The proposed amendments (in this instance bringing a disused sports pitch back into use) involved changes to a part of the application site which was previously unaffected.
25. **Charnwood Borough Council** – No objection
26. **Charnwood Borough Council (Environmental Health Officer)** – No objection subject to conditions including details set out within the submitted Environmental Noise Assessment; the full implementation of the submitted Construction Management Plan; and protective measures for if unidentified contamination is found at the site.
27. **Shepshed Town Council** – Comments – Stated “Having considered this planning application, Shepshed Town Council wishes to express concern at the access/entrance into the school, which gets very congested and, therefore, could do with investigating from a highways safety point of view”.
28. The Town Council provided a second consultation response emphasising concerns regarding access to the school complex. It added, “There is also a need for a one way system to be implemented to make the traffic management easier, therefore, can you please reconsider this”.
29. A final response was received reiterating concern over the current road network into the school complex and the safety of such. The Town Council also raised an issue regarding vehicles parking on double yellow lines and that the overspill car park is not safe for pedestrians as there is no provision of a footpath to enable pupils to be able to walk safely into the school.
30. **Mrs Christine Radford CC** – Comments – *“I have no objections to these proposals, but ask that County look at the access to the site as it is at the top of a hill with a narrow entrance into the campus which serves not just this school but others as well.*

I would also ask that you look at providing a foot path to enable children who are dropped off at the rear car park to gain access into the school via a path rather than having to cross either over wet grass or mud, or the worse case is via the road which does not have a footpath leaving the children to gain access into the school via a dangerous route. Residents have said this is one reason why they do not use this car park”.

31. **Environment Agency (EA)** – No comment – The development falls within flood zone 1 and therefore there are no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the EA.
32. **Leicestershire County Council Local Lead Flood Authority (LLFA)** – No objection, subject to conditions including a surface water drainage scheme; management of surface water during construction; details in relation to the long-term maintenance of the surface water drainage system.
33. **Leicestershire County Council Highways Authority (LHA)** – No objection. Subject to conditions, 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 and accord with relevant policies within the NPPF. Recommended conditions include compliance with submitted documentation and plans, and improved visibility splays at the sites access.
34. **National Highways** – No objection – The proposed development would not have an adverse impact on the operation of the Strategic Road Network, either in terms of additional traffic movements or physical impact. National Highways therefore has no objection to this application.
35. **Leicestershire County Council Ecology** – Comments – Recommended that a detailed landscaping scheme, using native species only, is made a condition of any permission. Due to the overall low ecological value of the site and the minimal losses, net gain was not requested to be demonstrated with an updated metric based on the landscaping scheme.
36. **Leicestershire County Council Landscape** – No objection.
37. Provided an initial response stating the proposed extension reflects the scale and design of the existing buildings and will not have a major adverse visual impact on the surrounding landscape but added that a detailed landscaping scheme should be conditioned. Also requested that informatives are added to any decision notice to ensure the protection of birds during the nesting season.
38. The applicant has also submitted a tree removal and landscape plan to which the Landscape Officer was re-consulted, providing no objection to the planting proposals.
39. **Leicestershire County Council Public Rights of Way** – No comments.
40. **Coal Authority** – No comment – The application site is not located within the defined coalfield.
41. **Cadent Gas Limited** – No objection – Recommended an informative be attached to any decision notice issued to prevent damage to Cadent Gas infrastructure within the

vicinity of the proposed development.

42. **Sport England** – Object. The proposal is not considered to accord with the exceptions to Sport England’s playing field policy or with Paragraph 103 (a) or (b) of the NPPF in that the proposal would lead to the loss of playing field land in an area where there is a deficiency in the provision of playing fields.
43. In its initial response, Sports England noted that the proposed development had the potential to fall within two of its playing field policy exceptions: Exception 1, which allows the loss of playing fields where a robust and up-to-date assessment has demonstrated that there is an excess of playing field provision in the catchment which would remain the case should the development be permitted, and Exception 4, where replacement provision is proposed of equivalent or better quality; of equivalent or greater quantity, in a suitable location and subject to better accessibility and management arrangements.
44. With regard to Exception 1, Sport England noted that in the absence of an up-to-date playing assessment it had to rely on the information set out in the Charnwood Playing Pitch Strategy (2018) (PPS). Sport England concluded that, as the PPS could not demonstrate a surplus of playing field provision in the area and because the playing field is well used by the community, Exception 1 could not be met. With regard to Exception 4, whilst Sport England noted and welcomed the proposed provision of the storage container and changing room facilities, in the absence of proposals to replace the playing field land to be lost with new provision of equivalent quality and quantity, Exception 4 could not be met.
45. Following the submission of additional information including a Multi-Site Assessment of Playing Fields at Iveshead School, a draft community use agreement and proposals to provide 2,630m² replacement playing field on an area of existing but disused ashlar pitch, Sport England responded to say that it maintained its objection as it required further clarification on issues relating to the following: the extent and location of the proposed replacement playing field as well as details of the treatment of the land surrounding it and the risks of using this land; details of the proposed lock-up PE storage facility and changing rooms; and information regarding the other parties who would need to be involved in the community use agreement. Sport England stated that without this information it was unable to assess the proposal under exception 4 of its playing fields policy and paragraph 103(b) of the NPPF.
46. The applicant has responded to Sport England’s request for clarification and increased the size of the proposed replacement pitch to 3,640m². Sport England has been consulted on this further submission, although no response has been received at the time of writing. Any further response will be reported verbally to Members during the meeting.
47. **Active Travel England** – No comment - Active Travel England’s standing advice should be issued and the local planning authority is encouraged to consider this as part

of its assessment of the application.

48. **National Grid** – No comment – There are no National Grid Electricity Transmission Assets affected in this area.
49. **National Gas** – No comment – There are no National Gas Transmission assets affected in this area.
50. **Charnwood Open Space Team; Leicestershire County Council Archaeology; and Severn Trent Water Ltd.** – No comments received at the time of writing this report.

Publicity and Representations

51. The application has been subject to two rounds of publicity. It has been publicised by site notice, press notice (Loughborough Echo) and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
52. Four representations been received (from two individuals) objecting and raising comments on the following grounds:
 - a) Concerns surrounding traffic and congestion and the dangers of such, in particular around the Forest Street/Loughborough Road access and Forest Street itself.
 - b) Consideration for better and safer access to the school.
 - c) Concerning a potential increase of parking on Forest Street and/or Loughborough Road.
 - d) Concerns that the assumption that the proportion of pupils and staff travelling by car will remain the same is not justified, considering in the same report it is predicting an increase of an additional 400 pupils.
 - e) No lollipop people to help children cross the road safely, and no pelican crossing or zig-zag lines outside the school.
 - f) Concerns regarding emergency service vehicles being able to access the school premises during peak traffic periods.
 - g) Lack of reference to the School Streets Initiative.
 - h) Concern about the increased possibility of flooding.
 - i) Criticism of the dates on which background traffic surveys were undertaken.
 - j) The lack of consideration of other sites for building a new school.
53. The issues raised are considered in the Assessment of Proposal section of this report.

Assessment of Proposal

54. 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, materials and design, amenity, loss of playing fields, highways considerations including highway safety and access, landscape, and ecology.

Principle of Development

55. The proposal is for a two-storey 10 classroom block to facilitate an increase in pupil admission numbers at Iveshead School from 150 to 240. Pupil forecasts, which include the consideration of new housing development in the area, show that as of January 2024 the had a deficit of pupil places. As such, the school needs to increase its capacity to accommodate the current deficit in pupil places as well as the anticipated growth in pupil numbers associated with nearby new development.
56. 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 *“give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”*.
57. The CLPCS identifies Shepshed as a district centre within the settlement hierarchy of Charnwood Borough. Policy CS8 of the CLPCS outlines that there is policy support for developments which contribute to the vitality and viability of Shepshed and that improve access to community facilities. It is further noted that draft Policy SUA1 of the emerging NCLP is supportive of development proposals where there is a timely and coordinated delivery of infrastructure to support sustainable communities.
58. The existing school buildings are located within the designated settlement boundary of the district centre of Shepshed and it is considered in a sustainable location in accordance with policies CS1 and draft policy DS1 of the CLPCS and emerging NCLP respectively. In relation to development proposed by the West of Loughborough Sustainable Urban Extension of which approximately 3,200 homes are to be delivered by 2037, both Policy CS22 of the CLPCS and draft policy LUC2 of the emerging NCLP state that there will be policy support for development which contributes to the provision of secondary school places if necessary to meet the need for school places. Furthermore, draft policy T2 of the emerging NCLP states that community facilities will be protected, and their enhancement supported.
59. The proposal would see a significant increase in the number of secondary school places, for which there is pressing need in the area to mitigate the impacts ongoing and future residential development. Located within an existing educational site, the proposed development would not result in any net loss of educational facilities across the site and supports its existing function as a community facility, accounting for existing educational placing needs. Therefore, the proposal is considered to adhere to Policies: CS1, CS8, CS22 of the CLPCS; draft policies DS1, LUC2, SUA1 of the emerging NCLP; and Paragraph 99(a) of the NPPF.

Location of Development

60. The site of the proposed new building would be located within open countryside as set out on the BCLP Proposals Map. However, the site directly borders the settlement boundary of Shepshed to the west. Furthermore, it is noted that designations for open space/outdoor sports pitches are situated directly to the north, east and south of the proposed development site, but the site of the proposed building itself is not situated within such. As previously referenced, the current development site consists of amenity grassland and marked out playing field as part of a wider educational use. Therefore, whilst the site is technically classed as open countryside and subject to the associated policies within the local plan, the application will also be assessed against the relevant policies relating to Shepshed due to its adjacency to the boundary and the potential wider impact on the existing Iveshead School buildings and 'campus' within the settlement boundary.
61. Policy CS11 of the CLPCS states that support will be provided for the provision of community services and facilities in countryside locations that meet proven local needs as identified by a neighbourhood plan or other community led plan. This approach is replicated in draft Policy C1 of the emerging NCLP. It is noted that Shepshed currently does not have an adopted neighbourhood plan. However, there are multiple policies within both the CLP and the emerging NCLP which cover Shepshed as a district centre. Therefore, whilst there is not an identified neighbourhood or community led plan, the proposed development provides a community facility in support of a proven local need as previously highlighted and the principle and location of development is considered to be acceptable subject to the below considerations.

Materials and Design

62. Policy CS2 of the CLPCS and draft policy DS5 of the emerging NCLP seek to ensure high quality design where people would wish to live through design that responds positively to its context and requires that new development respects and enhances the character of the area in terms of scale, density, massing, height, landscape, layout, materials and access arrangements. Furthermore, paragraph 135(b) of the NPPF emphasises that decisions should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
63. The wider 'campus' contains a variety of built form, predominantly for educational uses and ancillary features. There is significant variation in design approach across the site. The built form is situated to the west of the application site, punctuated by pockets of soft landscaping, whilst almost the entire eastern section of the site is playing field. Adjacent to the eastern boundary of the application site is the M1, whilst established residential development is located adjacent to the far south and west of the site, and new residential development to the north. The site is accessed via a single point on Forest Street/Loughborough Road and the majority of the built form on the site is set-back substantially from the main streetscene, creating a self-contained application

site.

64. The proposed new teaching block would be a two-storey addition to the south-east of the existing Iveshead school buildings, and set back to the east of the Shepshed Toy library and Hind Leys Pre School. The block would measure 50.6m wide, 20.4m and 9.1m at its highest elevation. The building would be of mostly rectilinear form and modulates to the north, south and central areas for efficiency of space. The external design of the proposed building uses both textured and non-textured cladding in a variation of grey, brown and graphite tones to allow for a variation in the façade. The juxtaposition of dark and light cladding aims to create a visually appealing contrast whilst the continuity of materials aims to integrate the colours together. It is considered that the proposed external cladding and suite of colours would be appropriate in the context of existing school buildings.
65. The proposed new hardstanding, play area, sports equipment store, changing facilities and playing field improvements would not have a detrimental impact upon the character and appearance of the site or surrounding area.
66. Therefore, given that the proposed building would be located to the south-east of the main school building, set back from the boundaries of the site away from highly visible public vantage points, and of a scale and massing appropriate in the context of the wider 'campus', subject to the control of the above design, materials, and finishes, it is considered that the proposed development would accord with the design criteria requirements included in policy CS2 of the CLPCS, draft policy DS5 of the emerging NCLP, and paragraph 135(b) of the NPPF.

Residential Amenity

67. Policy CS2 of the CLPCS and draft policy DS5 of the emerging NCLP state that new development should protect the amenity of those who work or live nearby. Paragraph 135(f) of the NPPF states that new development should have a high standard of amenity for existing and future users. The proposed new building would be located at a substantial distance from any neighbouring property within the confines of the self-contained site. The nearest residential receptors to the north are approximately 270m, south approximately 215m, and west approximately 300m. There are no nearby residential receptors to the east with uses in the immediate vicinity being playing fields and the M1 motorway. The new building would also be set back at a reasonable distance from other facilities at the site and in consideration of the existing uses, would not expect to significantly impede current amenity levels. Therefore, it is considered that the proposed new building would not create any unacceptable impact in relation to sunlight/daylight, privacy and in terms of being overbearing.
68. Paragraph 191(a) of the NPPF states that planning decisions should mitigate, and reduce to a minimum, potential adverse impacts resulting from noise from new development, whilst paragraph 191(c) of the NPPF states that planning decisions should limit the impact of light pollution from artificial light on local amenity. Issues

caused by illumination and noise from the proposed new building would be negligible when viewed in the context of its placement in the wider educational 'campus' and its distance from sensitive residential receptors. The ashlar pitch would require the use of flood lighting. However, it is noted that the proposals for this part of the site are for refurbishment of an existing sports pitch which already benefits from flood lighting. Whilst this part of the site is not currently used by the school, it would be possible to do so at any time irrespective of the current proposals and without the benefit of planning permission or specific controls relating to hours of use. Notwithstanding this, it is noted that new housing development has taken place immediately to the north of this part of the application site. The recommencement of use of the flood lights could therefore potentially result in impacts associated with light pollution. In order to keep such impacts to a minimum as well as those relating to noise, it is recommended that a condition be imposed on any planning permission restricting the hours of use and lighting at the ashlar pitch in line with the timings proposed in the community use agreement. The use of baffles to direct light down onto the pitch would also assist in reducing impacts associated with light pollution. It is therefore also recommended that a condition be imposed requiring an assessment of the existing lighting fixtures and what measures could be retrofitted to minimise light spill.

69. The Environmental Noise Assessment submitted with this application concluded that the indoor ambient noise levels can be met in all areas with appropriate specification of the building envelope, glazing and ventilation strategy. These specifications have been attached as a condition to ensure appropriate noise levels are met.
70. It is also noted that the CBC Environmental Health Officer has no objections in relation to local amenity impacts. Thus, the proposed development is considered to give rise to no unacceptable harm to the existing characteristics of the application site and surrounding area. Therefore, the proposal accords with policy CS2 of the CLPCS, draft policy DS5 of the emerging NCLP, and paragraphs 135(f), 191(a) and 191(c) of the NPPF.

Loss of Playing Fields

71. Policy CS15 of the CLPCS seeks to meet the strategic open space requirements of the local community by, amongst other things, requiring new development to meet the standards set out in Charnwood's Open Spaces Strategy (having regard to local provision and viability); retaining open space, sport and recreation facilities unless they are clearly surplus to requirements or replacement provision of at least equal quantity and quality will be made in a suitable location; and securing long-term management and investment plans for existing and new facilities.
72. Draft policy EV9 of the emerging NCLP seeks to meet the open space, sport and recreation facilities needs of the community to support their health, well-being and cohesion. Open space, sport and recreation provision identified on the Policies Map, and any future provision made as part of new development will be protected unless it can be satisfactorily demonstrated that the proposed development is ancillary to the

existing recreational use of the site; the provision is surplus to requirements as evidenced by assessment of need or alternative provision of an equivalent or greater standard will be provided in an accessible location nearby.

73. Policy Statement 1: Open Space General of the CBOSS provides an overarching policy statement for all types of open space which seeks to protect and preserve public open space in the Borough. Specifically with regard to playing fields it states, at paragraph (1a) that this will be done by ensuring the identification and protection of playing fields through the Local Plan and consulting Sport England in certain cases where development affects the use of land as playing fields. Policy Statement 6: Outdoor Sports Facilities of the document states that its vision is for a Borough where there is an adequate supply of good quality facilities to accommodate a range of sports and physical activities in order to meet current and future levels of demand and to provide enhanced opportunities so as to increase the number of people participating in sport and physical activity. Policy 6(a) of the CBOSS encourages school recreation facilities to be made available to the wider community. Policy 6(c) seeks to improve accessibility to playing fields across the borough and allow a full range of sports to be made available.
74. Paragraph 97(a) of the NPPF states that decisions should plan positively for the provision and use of shared spaces including sports venues and open spaces to enhance the sustainability of communities and residential environments. Paragraph 103 of the NPPF includes a presumption against development on playing fields unless a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
75. The proposed development would result in the loss of 3,690m² of land which is either in use as playing field or is capable of being laid out for that use. The revised proposal includes the provision of a lock up container for the storage of PE equipment as well as new male and female changing facilities located adjacent to the playing fields. A draft community use agreement has also been provided. It is also proposed to provide 3,640m² of replacement grassed playing field (suitable for use as a 7v7 junior soccer pitch) on the site of an existing, but disused, ashlar pitch within the school site.
76. The loss of any playing field is of concern and should be avoided where possible. As part of the design process, the applicant assessed alternative locations for the proposed classroom block. These were located east of the school buildings (Site 1), north of the existing building (Site 2), on the existing car park (Site 3) and to the south on the tennis courts associated with St Botolph's school (Site 4). To varying extents, each of the options would have directly or indirectly resulted in the loss of playing field and open space within the school site either as a result of the development itself, or in the case of Site 3, through the relocation of existing car parking within the site. Site 1

was identified as the preferred option, despite the most significant loss of playing fields, because it offered greatest connectivity with existing teaching accommodation and the construction works and traffic could be managed without impacting on the pupils' learning experience. It is therefore accepted that, in order for the applicant to meet the objectives of this project at this time and in this location (e.g. at Iveshead School), the loss of playing field is unavoidable.

77. The playing fields at Iveshead School not only provide pitches for PE and school matches but are also a well-used community facility, providing grass pitches for rugby, football and cricket as well as hard courts for netball and sand based AGPs (small-sided) for football. The Charnwood Sports Pitch Strategy (2018) indicates that within the Shepshed-Hathern sub-area there is a shortfall in playing field provision generally, with specific capacity issues at the Iveshead school site for adult and youth 11v11 football teams. The PSS also assesses the condition of the pitches at the school as poor and notes that they are currently unsecured for community use. The applicant has provided an up-to-date Playing Pitch and Sport England E4 Exceptions Assessment in support of the application. The Exceptions Assessment supports the conclusions of the PPS and predicts that future demand for football will grow significantly as a result of population growth in the Borough. It is clear, therefore, that a surplus of playing field provision cannot be demonstrated in the Shepshed area. The development would therefore not meet the requirements of NPPF paragraph 103(a) or Sport England playing field Exception E1.
78. The Exceptions Assessment has also undertaken an assessment of the likely future demand for playing field provision in the Shepshed-Hathern sub-area. This concludes that the projected increase in demand is for 2 additional teams (mens 11v11 and youth boys 11v11). This is reiterated by the PSS which highlights an upward trend for mini soccer and a significant increase in youth soccer, both of which are likely to place some strain on mini and youth pitches. Furthermore, the Assessment also identifies that none of the existing Mini 7v7 or Mini 5v5 pitches in the sub area are securely available for use by the community. The proposed provision of a 7v7 pitch as well as a Community Use Agreement for the entire site would therefore meet an existing identified need.
79. The applicant has provided a condition assessment of the playing fields at Iveshead School. The assessment focused on the playing field to be lost (Site A) and the disused ashlar pitch on which it is proposed to provide replacement playing field (Site B). Site A was assessed as being undrained and was classified as a Sport England Type 1 pitch, capable of withstanding less than two hours of adult use each week. At present Site B is currently in a state of disrepair and not fit for use as a playing field. Due to its existing construction and following works to improve it, Site B would be of a type akin to a Sport England Type 6 pitch, capable of withstanding 3-6 hours of adult use per week. This would represent an improvement in terms of quality on the playing fields that are to be lost. The provision of this facility within a school with existing vehicular access and close to other pitches is considered to be a suitable location for such provision. It is further noted that the proposed Community Use Agreement would

ensure that existing unaffected pitches at the site as well as the proposed replacement facility would benefit from having a secured community use.

80. The revised scheme now proposes the creation of 3640m² of replacement playing field which represents a shortfall of 50m² of playing field of equivalent or greater quality compared to that which is proposed to be lost. This is considered to be a significant improvement. Sport England's maintained objection to the proposal is based on earlier iterations of the scheme which involved either no replacement of playing field or replacement with a shortfall in excess of 1,000m² neither of which are considered acceptable in policy terms. The shortfall is considered minimal in the context of the wider development but technically would not accord with the requirements of the development plan or the NPPF as it cannot be demonstrated that replacement provision is of equivalent or greater quantity.
81. In conclusion, it is considered that the proposed development would provide a replacement playing field of an equivalent or better quality than that which would be lost. The location of this replacement facility within the school site is also considered acceptable. The proposed Community Use Agreement would serve to secure this facility for non-school community uses which would accord with the aims of the PSS and the CBOSS. Likewise, the proposed new PE storage locker and changing facilities would represent an overall enhancement in the facilities at the site. It is considered that the proposal would meet the requirements of policy CS15 of the CLPCS, draft policy EV9 of the NCLP, the requirements of the CBOSS as well as NPPF paragraph 103(b) in respect of all matters except that of equivalent quantity. Whilst the proposal does not comply with the requirements of the development plan or the NPPF in respect of quantity of replacement playing field provision, it is considered that the shortfall would be minimal. Whilst this is disappointing, it is a matter which needs to be balanced against the wider benefits of the scheme in terms of education provision.

Highways Safety, Access and Parking Provision

82. Policy CS 18 of the CLPCS and draft policy INF2 of the emerging NCLP seek to maximise the efficiency of the local and strategic road network and mitigate impacts of new development on local road networks, including cumulative impacts. Paragraph 115 of the NPPF advises 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.
83. The traffic, access and parking issues at the school are the main concerns that have been raised by local residents and the Town Council, 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.
84. It is noted that the school capacity as a result of the proposed new building would be 1,400 pupils, which is the figure used for traffic generation assessment submitted with

the application. Given the proposed West of Loughborough Sustainable Urban Extension, as well as a number of other emerging housing allocations forming part of the emerging NCLP, it is considered the vast majority of pupils would access the school from within a 4km distance.

85. The LHA has reviewed the proposal providing comments on multiple highways concerns.
86. Paragraph 104 of the NPPF states that planning decisions should protect and enhance accesses. The LHA have stated that, on balance, any amendments to the site access may be detrimental to pedestrian and cycle movements due to the increased exposure to live traffic over the additional width of the access which would be required. Furthermore, to alleviate delays within the site, it would be expected that designated left and right turn lanes would be required leaving the site; this could therefore also introduce simultaneous left and right out manoeuvres at the site access. Given the high volume of pedestrian activity in this location, this may be detrimental to pedestrian safety. In accordance with Paragraph 96 of the NPPF, 'decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which...encourage walking and cycling'. The LHA therefore considered that such mitigation measure would not necessarily offer an overall improvement.
87. Signalisation of the site access junction was considered to be complex given the number of dropped kerb crossover accesses in the immediate vicinity. The LHA also consider that the required infrastructure would restrict footway space and therefore may also deter walking and cycling movements. A suitable design may also detrimentally affect existing on-street parking provision on Forest Street. The LHA therefore also consider that such mitigation measure would not necessarily offer an overall improvement. The LHA therefore considered that, in this instance, no amendments should be made to the site access.
88. However, the applicant submitted a drawing demonstrating that 2.4 x 25.0m vehicle visibility splays are achievable in either direction when measured to a 1.0m offset at the sites access. Furthermore, the LHA has reviewed the characteristics of Loughborough Road (north of the site access); and consider that the presence of a bend and the uphill gradient would restrict speeds on the approach to the access and; Forest Street (south of the site access) and consider that the build-out and presence of on-street parking narrowing the available carriageway would also restrict speeds. The LHA therefore concluded that, in this instance, using engineering judgement, the 2.4 x 25.0m visibility splays are acceptable, safe and suitable.
89. A vehicular dropped kerb access is proposed from the existing Iveshead School car park to serve the proposed teaching block. This is shown to measure 4.5m, which is suitable for two-way flows. The LHA had no concerns with this element.
90. Regarding highway safety, Personal Injury Collision (PIC) data from within 500m of the site and all of the junctions modelled show 6 PICs. The LHA has reviewed the PIC

data and consider that there are no patterns/trends discernible within the data that would suggest that the proposed development would exacerbate any known highway safety concerns.

91. The applicant has undertaken surveys of existing travel modes for both pupils and staff. This proportional split of travel modes has been applied to the proposed increase in pupils and staff, and it is predicted that the development would result in the following trip generations:

Table 1 – Trip Generation

Car Trips	AM (08:00-09:00)			PM (15:00 – 16:00)		
	Arrivals	Departures	Two-way	Arrivals	Departures	Two-way
Baseline (925 Pupils)	211	173	383	129	156	286
Current (1000 Pupils)	241	187	427	140	178	318
Future (1400 Pupils)	336	261	597	196	248	444
Increase from Baseline	125	89	214	66	92	159
Increase from Current	96	75	170	56	71	127

92. Using the predicated trip generation, capacity assessments have been undertaken at a series of junctions including:
- a) The site access;
 - b) Brook Street / Loughborough Road Junction;
 - c) Leicester Road / Forest Street / Kirkhill Mini Roundabout;
 - d) Field Street / Queen Street / Kirkhill / Charnwood Road Mini Roundabout (Bull Ring); and
 - e) Butthole Lane / Loughborough Road / Church Gate Junction.
93. The LHA are satisfied that the majority of junctions operate within capacity in a 2028 scenario, inclusive of background traffic growth. The exception is the site access which would be worsened by the proposed development. However, the 'delay increase' caused by the development only affects the campus access (i.e. not the public highway). In addition, any mitigation for the site access would involve widening the

exit and/or signalling the junction – mitigation measures which the LHA consider would not necessarily offer an overall improvement and are not therefore proportionate or reasonable.

94. It is noted that a public representation raises concern about the dates on which background traffic data was collected. However, the LGA has reviewed the survey information and note that classified turning counts were undertaken on Thursday 25th April 2024 for the hours of 07:30-09:30 and 14:30-16:30. The date and times are key periods on a neutral day and are accepted by the LHA.
95. During the assessment of the application the LHA asked the applicant to explore the creation of new and improved pedestrian links and consider whether cycle infrastructure could be provided along these routes. However, the applicant indicated that there were challenges due to geometric constraints and this was accepted by the LHA.
96. Across the wider Iveshead site there are 79 existing staff parking spaces and this would increase to 98 spaces with the proposed development. Parking provision is in accordance with Local Highways Design Guide (LHDG) standards. In addition to parking, there is a dedicated location off Church Site for pupil drop-off and pick-up. It should be noted this is outside of the site campus and would not impact upon the site proposals.
97. Whilst the parking on site complies with LHDG standards, the LHA has also conducted its own review of parking on the local highway network, both via a desktop survey and a site visit. Whilst the LHA considered that footway improvements along Loughborough Road would be ideal, the land ownership constraints and the presence of large retaining walls make any suitable schemes undeliverable at present.
98. The Town Council has raised the question of a one-way system being put in place. The LHA has noted the interest in the implementation of a one-way system, but note that it is not proposed as part of the development and the results of the junction modelling showed that there were no recorded capacity concerns on Loughborough Road or Forest Street, therefore, requiring this proposal to explore implementing a one-way route would not be reasonable.
99. The school currently benefits from 64 cycle parking spaces, with survey data highlighting that they are at approximately 50% occupancy. Therefore, it is accepted that additional provision is not required. However, cycle parking will be reviewed through the School Travel Plan, which it is recommended is subject to a condition.
100. It is recognised that there would be traffic associated with the construction of the proposed development. As such, the applicant has prepared a Construction Environment Management Plan (CEMP) and additional Iveshead School Construction Mitigation Measures document. The LHA have reviewed the details and is satisfied with their content. Construction operations will be subject to a condition to ensure it

takes place in accordance with the mitigation measures detailed in the documents.

101. The local Member, Mrs Radford CC, has asked that the access to the site is looked at, as well as the provision of a foot path. However, as assessed by the LHA, improvements to the access and new/improved pedestrian linked were either not possible and/or not reasonable.
102. A range of highways related concerns have been raised by residents, as detailed in the publicity and representations section of the report. They related to congestion; increased parking; the methodology of trip generation assessment; safety and mitigation measures (e.g. pelican crossing and lollipop person). The LHA has comprehensively reviewed the assessments, is satisfied with their content, and that the development would not have an unacceptable impact on the highway network.
103. Public representation has raised concern about the lack of reference to the Schools Streets Initiative (an initiative to place temporary restrictions on motorised traffic outside school drop-off and pick up times). Such an initiative is not considered necessary to make the proposed development acceptable.
104. Public representation has also raised concerns about the emergency service vehicles being able to access the school premises during peak traffic periods. Whilst it is recognised that there is inevitably a higher concentration of traffic during peak periods, the surrounding roads are used by other large vehicles (e.g. school bus and refuse collection vehicles). It is not envisaged that the expansion of the school would place a significant risk to emergency vehicles accessing the site over the current situation.
105. With regard to internal movements, the LHA has undertaken a review of the internal road widths and notes they are in excess of 3.7m throughout the site which would allow a fire tender to reach the furthest-most extent of a building within 30.0m, in accordance with national guidance. A representation from the public has questioned this assessment and notes that there does not appear to have been any fire drill to provide factual evidence of safety drills having taken place or Charnwood Borough Council's Street Management Team having been informed. However, the County Planning Authority remains of the view that the assessment undertaken by the LHA is appropriate, proportionate, and in line with national guidance.
106. As such, in consideration of the above points, the proposed development is adjudged to adhere to policy CS18 of the CLPCS, draft policy INF2 of the emerging NCLP, and paragraphs 96, 104 and 115 of the NPPF.

Landscape

107. Policy CS11 of the CLPCS and draft policy EV1 of the emerging NCLP seek to protect the character of the landscape and countryside by requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of local Landscape Character Assessments (LCA). Furthermore,

paragraph 135(b) of the NPPF states that development should be visually attractive as a result of effective landscaping.

108. The application site is located within the Langley Lowlands LCA. Key characteristics include rolling landform with gentle slopes, large arable fields, low hedges with few hedgerow trees and open views from ridgeline roads. The playing fields at the development site are highlighted as an area of leisure and recreation within the Langley Lowlands. Development in this area should look to integrate new development and provide a setting by planting woodland edges and trees within and around the built form to break up roof line horizons and soften urban edges, and conserve existing vegetation and tree cover.
109. The proposal would see the creation of some additional features on the application site and the loss of some amenity grassland and playing pitch. However as has been noted above, the development has been designed to ensure that the new building would be located as close to existing structures within the school site as possible to retain the open character of this part of the site. In addition, the overall proposed development reflects and is sympathetic to the design of the existing and surrounding buildings, it is well screened from the adjacent properties and thus, it will not have an unacceptable visual impact on the surrounding landscape or harm the landscape character of the area.
110. Paragraph 136 of the NPPF states appropriate measure should be in place to secure the long-term maintenance of newly-planted trees (in the right places), and that existing trees are retained wherever possible. Draft policy EV7 of emerging NCLP provides support for development that provides new tree planting on site. To facilitate the development, the removal of some trees and vegetation is required. However, these would be replaced by seven new heavy standard trees to the south of the new building, and three new heavy standard trees to the north of the new building. It is also noted that existing trees to be retained shall be adequately protected for the duration of the construction works in accordance with 'BS5837:2012 Trees in relation to design, demolition and construction – Recommendations'.
111. The LCC Landscape Officer has reviewed the proposal, stating that the proposed extensions would reflect the scale and design of the existing buildings and would not have any major adverse visual impacts on the surrounding landscape. They also indicated that they are satisfied with the proposed landscape and planting proposals.
112. Therefore, the proposed new planting measures are considered acceptable mitigation for what would be lost. These documents will also be conditioned to ensure compliance. As such, the landscaping proposals are in accordance with the provisions of policy CS11 of CLPCS, draft policy EV1 and EV7 of the emerging NCLP, and paragraphs 135(b) and 136 of the NPPF.

Ecology and Biodiversity

113. Policy CS13 of the CLPCS and draft policy EV6 of the emerging NCLP seeks to conserve, restore and enhance the natural environment with regard to biodiversity and ecological habitats. Paragraph 186(a) of the NPPF states that if significant harm to biodiversity cannot be avoided then the development should be refused.
114. The application was supported by a Preliminary Ecological Appraisal which concluded no important or protected habitats are likely to be significantly affected by this proposal.
115. Three Statutory Designated Sites are recorded within the 2km (kilometres) search radius, the closest being approximately 1.266km from the site. Thirty-two Non-Statutory Designated Sites are recorded within the 2km search radius, the closest being approximately 470m from the site. However, no direct or indirect impacts are predicted via encroachment towards any designated site. Due to the site of the development, no physical encroachment on terrestrial habitats is predicted.
116. To enhance the site for bird and bat roosting, four bat boxes and six bird boxes are proposed to be installed within the woodland at the site.
117. LCC Ecology has reviewed the proposal and states that due to the overall low ecological value of the site and the minimal losses, net gain would not be required to be demonstrated with an updated metric. However, it was recommended that detailed landscaping scheme be submitted. The applicant has subsequently provided such a landscaping scheme and its implementation is subject to condition.
118. 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 measures 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.
119. Therefore, the proposal is considered to accord with policy CS13 of the CLPCS, draft policy EV6 of the emerging NCLP and paragraph 186(a) of the NPPF.

Flood Risk and Surface Water Drainage

120. Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided. Draft policy CC1 of the emerging NCLP seeks to ensure major development proposals within Flood Zone 1 are accompanied by a flood risk assessment and that the highest vulnerability development should be located within the lowest flood risk zone.
121. The entire site is situated within Flood Zone 1, indicating a low probability of flooding

from rivers. Furthermore, table 2 of Planning Practice Guidance (PPG) categorises the development as 'More Vulnerable'. However, table 3 of PPG indicates that 'More Vulnerable' end uses are compatible with Flood Zone 1. The application is supported by a Flood Risk Assessment which concluded the development is at low risk for a variety of flood types.

122. The EA were consulted as part of the application process and provided no formal comments because they had no fluvial flood risk concerns associated with the site. Therefore, the proposal is considered compliant with paragraph 165 of the NPPF.
123. It is noted that a public representation raised concerns about flooding. However, in light of the above the proposed development is not at significant risk from flooding, or likely to exacerbate flooding issues elsewhere.
124. Draft policy CC1 and CC2 of the NCLP also highlight that new development should secure a reduction in surface water run-off and incorporate, where appropriate, sustainable drainage systems. The LLFA were consulted as part of the application and advised that the proposal is considered acceptable subject to a number of surface water conditions. Subject to these conditions being appropriately satisfied and discharged, the proposed development is considered to accord with draft policies CC1 and CC2 of the emerging NCLP.

Heritage

125. Policy CS14 of the CLPCS and draft policy EV8 of the emerging NCLP seek to conserve heritage assets and their settings. Paragraph 201 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
126. In the case of determining planning applications, Section 66 of the Town and Country Planning (Listed building and Conservation areas) Act 1990 requires that special regard shall be had for preserving and enhancing Listed buildings and their settings. Section 72 requires that special attention shall be had for preserving or enhancing the character and/or appearance of the conservation area.
127. In relation to heritage considerations, Shepshed Conservation Area is located approximately 270m to the west of the site of the proposed new building. The closest listed buildings to the development site are the Grade II listed Bethesda Chapel and Grade II listed 42-44 Loughborough Road situated approximately 220m and 250m to the south-west respectively, close to the vehicular access off Forest Road. Therefore, the proposed development is located a substantial distance from the surrounding designated heritage assets and is located within the backdrop of a relatively modern school campus. As has been outlined in the above design considerations, the proposal would integrate within the self-contained site and would respect the prevailing

characteristics of the site and surrounding area. Therefore, it is considered that the proposal would not result in impacts to the significance of the designated heritage assets over and above those currently experienced.

128. As such, the proposal is considered to preserve the special characteristics of the surrounding Conservation Area and Listed Buildings and adhere to policy CS14 of the CLPCS, draft policy EV8 of the emerging NCLP, paragraph 201 of the NPPF and Sections 66 and 72 of the Town and Country Planning (Listed building and Conservation areas) Act 1990.

Public Rights of Way (PROW)

129. Two public footpaths (PROW ref. K68/1, and Byway ref. L17) run along the western and northern boundaries of the site respectively but would not be directly affected by the proposed new development. K68/1 runs immediately parallel to the site entrance and may be indirectly affected by the proposed intensification of use of the site. However, there are no proposals to close/divert the footpath as part of the development. Furthermore, Leicestershire County Council's Public Rights of Way team were consulted as part of the application and raised no concerns in this respect. Therefore, it is considered that the proposal accords with paragraph 104 of the NPPF as there would be no significant impact to PROWs as part of the development.

Sustainability

130. Policy CS25 of the CLPCS and Paragraph 11 of the NPPF require planning decisions to apply a presumption in favour of sustainable development. The NPPF defines sustainability as, 'meeting the needs of the present generation without compromising the ability of future generations to meet their own needs'. Paragraph 8 expands upon this providing the three key objectives that are required to achieve sustainable development, namely economic, social and environmental.
131. The proposed development contributes to sustainable development by providing employment (both during construction and for staff during operation), an essential 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 ecological mitigation and enhancements).
132. Policy CS16 of the CLPCS and draft policy CC4 of the emerging NCLP encourage sustainable design, construction and the provision of renewable energy. The building is proposed to be heated by air source heat pumps and LED lighting is proposed throughout the building. It is noted that the proposal would incorporate solar photovoltaic (PV) panels as a means of renewable energy generation, but the final layout of such is to be revised. 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 final detailed layout of PV panels. 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.

133. Policy CS17 of the CLPCS and draft policy CC5 of the emerging NCLP require new major development to provide walking, cycling and public transport access to key facilities and for streets and routes to be well-lit and safe for such. It is noted, due to the location of the proposed new building, it would benefit from the existing walking, cycling and public transport access and services which the existing site already benefits from. The new paths which are proposed would be well illuminated with external lighting on the perimeter of the new building. An amended School Travel Plan has also been conditioned to ensure the use of sustainable modes of transport are promoted.
134. Draft policy CC6 of the emerging NCLP provides support for development which provides at least 1 charging point or cable routing per 5 car parking spaces for new non-residential developments with more than 10 parking spaces. It is noted that electric vehicle charging points were considered at an earlier stage of the development, although the applicant has indicated that the existing charging point at the school were not being used. However, it is noted that the school benefits from permitted development rights and electrical outlet or upstands for recharging vehicles could be installed under Class D or Class E of Schedule 2, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.
135. As such, the proposed development is considered to accord with policies CS16, CS17, CS25 of the CLPCS, draft policies CC4 and CC5 of the emerging NCLP, and paragraphs 8 and 11 of the NPPF.

Other Material Considerations

136. The Local Member, Mrs Radford CC, has suggested the provision of a footpath to enable children dropped off at the rear car park to gain access into the school via a path, rather than having to cross grass/mud. This suggestion has been put to the applicant, however, they have noted that a tree would need to be removed to achieve such a footpath and children would still have to walk across a road to the lower car park, reducing any benefits. Such a footpath does not form part of this application. The absence of such a footpath is of negligible weight and does not form a reason for refusal.
137. A public representation has highlighted the emerging Charnwood Local Plan 2021-2037 and the emerging housing allocations within it. Noting that Shepshed is growing and expanding, it is questioned why other locations to build a school have not been looked at. The County Planning Authority recognises that there are infrastructure requirements associated with the Growth of Charnwood and nearby areas through housing allocation in the emerging plan. However, the proposed development subject to this application is to cater for an immediate need, with there already being a deficit

of pupil places at the school and a need to increase pupil admissions to 240 by 2025/26.

Conclusion

138. The NPPF places great weight on the creation, expansion or alteration of schools where this would meet the needs of existing and new communities. Local planning authorities are encouraged to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The proposed expansion of the school to meet an identified shortfall in pupil places at Iveshead School would accord with the requirements of the development plan and the NPPF in this regard. It is noted that the proposal would result in the loss of 50m² playing field provision at the site, which is located in an area with an identified shortfall in playing field provision. In all other matters the proposals would result in the provision of playing fields of equivalent or greater quality than that which is to be lost on a site which would be suitable for that purpose. Viewed collectively with the proposed introduction of a community use agreement as well as the enhancements to equipment storage and on-site changing room facilities, it is considered that the proposal would bring benefits to the school as well as to the wider community. On balance, it is considered that the benefits to the local community delivered through the provision of additional pupil places would outweigh the shortfall in playing provision in this instance. It is noted that Sport England has maintained its objection to the proposal. In such circumstances, and where they are minded to approve a development against Sport England's advice local planning authorities are required to refer the application to the Secretary of State to seek a view as to whether he wishes to call it in for his own determination.
139. The proposed extension to the local secondary school complies with the relevant development plan policies when considering its multifaceted location as part of countryside, within a wider educational complex on the edge of Shepshed urban settlement.
140. 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.
141. The proposed development includes adequate 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 would be supported by a Travel Plan to reduce impacts further and promote sustainable modes of transport. Improved visibility splays are proposed and have been conditioned to ensure safety for the expected volume of traffic joining the existing highway network. The parking proposed complies with policy requirements.
142. 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, and to ensure no adverse surface water issues, 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

143. 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. PEMRIT subject to the conditions set out in Appendix A and subject to the application being referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 and the Secretary of State deciding not to call in the application for his own determination.

Officer to Contact

Charlie Cookson (Tel: 0116 305 5658)

E-Mail: planningcontrol@leics.gov.uk

Conditions

Commencement

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:
 - a) Drawing no. M00515-A&A-XX-XX-DR-A-0101 Rev S2-P01, titled 'Site Location Plan', dated 07/09/23;
 - b) Drawing no. M00515-AGA-01-ZZ-DR-A-0103 Rev S1-P11 titled 'Site Plan – Relocated Plan Room' dated 27/10/23;
 - c) Drawing no. M00515-AGA-01-00-DR-A-0117 Rev S4-P07 titled 'Ground Floor Plan', dated 27/10/23;
 - d) Drawing no. M00515-AGA-01-01-DR-A-0118 Rev S4-P08 titled 'First Floor Plan', dated 27.10.23;
 - e) Drawing no. M00515-AGA-01-ZZ-DR-A-0150 Rev S4-P011, titled 'Proposed Elevations', dated 08/03/24;
 - f) Drawing no. M00515-AGA-ZZ-ZZ-DR-A-0104 Rev S1-P016, titled 'Existing Sport Pitch Area Lost', dated 16/05/24;
 - g) Drawing no. M00515-AGA-01-ZZ-DR-A-0109 Rev S1-P03, titled 'PE Store and Changing Room', dated 17/05/24;
 - h) Drawing no. M00515-AGA-01-ZZ-DR-A-0172 Rev S2-P01, titled 'Partial Elevation Library Exit', dated 23/11/23;
 - i) Drawing no. M00515-AGA-01-ZZ-DR-A-0171 Rev S2-PO1 titled 'Partial Elevation Main Entrance', dated 23/11/23;
 - j) Drawing no. M00515-AGA-ZZ-ZZ-DR-A-0102 Rev S1-P05, titled 'Sports Pitch Layout', dated 25/10/23;
 - k) Drawing no. M00515-AGA-ZZ-ZZ-DR-A-0107 Rev S1-P02, titled 'External Areas', dated 28/11/23;
 - l) Document Ref: M00515-AGA-XX-XX-RP-A-1003-P01 titled 'Design and Access Statement', dated 05/09/23.

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

Use Class

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.

Design

4. The external finishes of the school building hereby permitted shall be finished in accordance with Drawing No. M00515-AGA-01-ZZ-DR-A-0150 Rev S4-P11-Proposed Elevations, titled Proposed Elevations, dated 08/03/24, submitted under cover of email dated 07/05/24.

Reason: In the interests of good design, visual amenity and to ensure a satisfactory form of development in accordance with policy CS 2 of the Charnwood Local Plan 2011 to 2028 - Core Strategy (adopted November 2015), draft policy DS5 of the Emerging New Charnwood Local Plan 2021-2037 (pre-submission version), and requirements of the NPPF.

Construction Works

5. All site preparation and construction works, deliveries of and movement of materials and machinery, in connection with the approved development, shall only take place between 0730-1800 hours Monday to Friday and 0730-1300 hours on Saturdays. No such activities shall take place at any time on Sundays or Statutory Public or Bank Holidays.

Reason: To minimise the impact of the construction works on the surrounding area, and to minimise the impact on the amenities of nearby residents in accordance with Policy CS 2 of the Charnwood Local Plan 2011 to 2028 - Core Strategy.

6. Notwithstanding the provisions of condition number 5 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 1400-1600 hours on any school day.

Reason: In the interests of highway safety and to avoid conflicts of movements at times when pupils are arriving at, or departing from, the school premises

Highways

7. No part of the development hereby permitted shall be occupied until such time as the internal access arrangements shown on A +G Architects 'Site Plan Relocated Plant Room' drawing (reference M00515-AGA-01-ZZ-DR-A-0103 Rev. P011) have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

8. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 25.0 metres have been provided at the site access on to Loughborough Road / Forest Street. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in line with drawing no. M00515-HSP-XX-XX-DR-H-5000 Rev P01 titled 'Forest Street Vehicle Visibility', dated 26/04/2024.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with A+G Architects 'Site Plan Relocated Plant Room' drawing (reference M00515-AGA-01-ZZ-DR-A-0103 Rev. P011). Thereafter the onsite parking and turning provision shall be kept available for such use(s) 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).

10. 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 agreed School 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).

11. The construction of the development shall be carried out in accordance with the submitted Willmott Dixon document titled 'Construction Environmental Management Plan' Rev B, dated 22/11/23; and additional 'Iveshead School -

Construction Mitigation and Management Measures' document.

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.

Landscape and Ecology

12. The removal of trees, shrubs and vegetation hereby permitted shall be carried out in full accordance with Drawing No. M00515-AGA-ZZ-ZZ-DR-A-0108 Rev S1-P02, titled Tree Removal Plan, revised 23/02/24.

Reason: For the avoidance of doubt as to the tree, shrub and vegetation removal that is permitted.

13. At all times, the development shall only be carried out in full accordance with the provisions and requirements of the approved landscaping scheme as detailed in Drawing No. 2/23/181/1, titled Iveshead School Proposed Teaching Block Landscape Proposals, dated February 2024.

Reason: To ensure that the landscaping scheme as permitted is implemented in full, in an appropriate timeframe, and that planting becomes established in line with paragraph 136 of the NPPF.

14. No development including site works of any kind shall take place until all trees to be retained, as identified in Drawing No. M00515-AGA-ZZ-ZZ-DR-A-0108 Rev S1-P02, titled Tree Removal Plan, revised 23/02/24, are protected in accordance with BS5837: 2012 '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 the protection of existing trees in line with paragraph 136 of the NPPF.

15. 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 ensuring compliance with the Wildlife and Countryside Act 1981 (as amended).

Contamination

16. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to, and approved in writing by, the County Planning Authority. The scheme shall include details of how the unsuspected contamination shall be dealt with which shall then be carried out prior to the site being first occupied.

Reason: To ensure that the development does not contribute to, or risk unacceptable levels of soil or water pollution and to accord with the aims and objectives of paragraph 189 of the NPPF.

Noise

17. The development hereby permitted shall be undertaken in accordance with paragraph 6.3 of report ref. OP-A009 NC 1v1, titled Planning Stage Environmental Noise Assessment, dated 27/10/2023.

Reason: To minimise the adverse impact of noise generated by the new development on the local community and environment and to comply with paragraph 191(a) of the NPPF.

18. At all times, the design criteria to limit noise for new sources of building services plant, as set out in Table 3 of report ref. OP-A009 NC 1v1, titled Planning Stage Environmental Noise Assessment, dated 27/10/2023, shall be adhered to.

Reason: To minimise the adverse impact of noise generated by the operations on the local community and environment and to comply with paragraph 191(a) of the NPPF.

Surface Water

19. No development shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, County Planning Authority. The development must be carried out in accordance with the approved details and completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in line with paragraph 175 of the NPPF.

20. No development shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the County Planning Authority. The construction of the development must be carried out in accordance with the approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in line with paragraph 175 of the NPPF.

21. No occupation of the development shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to, and approved in writing by, the County Planning Authority. The surface water drainage system shall then be maintained in accordance with the approved details in perpetuity.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in line with paragraph 175 of the NPPF.

Sport Pitch

22. Within three months of the date of this permission, a scheme providing full details of the method of construction of the proposed upgraded ashlar playing field shall be submitted to the County Planning Authority for its prior written approval. The scheme, which shall include details of the top soils and surface dressing materials to be used as well as provision for its long-term management and maintenance, shall then be implemented as approved and maintained thereafter for the duration of the development.

Reason: To ensure that the replacement playing field is constructed to an appropriate standard and to ensure its long term maintenance in accordance with Policy CS15 of the CLPCS.

23. Prior to occupation, a final Community Use Agreement (CUA) shall be submitted to, and approved in writing by, the County Planning Authority. The CUA shall apply to the upgraded ashlar playing field and changing room facilities, shall include details of pricing policy; hours of use; access by non-educational establishment users; management responsibilities; and a mechanism for review. The development shall not be used otherwise than in strict accordance with the approved agreement.

Reason: To secure a well-managed safe community access to the sports facility,

to ensure sufficient benefit to the development of sport and to accord with Policy CS15 of the CLPCS.

24. An assessment of the existing lighting fixtures and measures to minimise light spill shall be submitted to, and approved in writing by, the Local Planning Authority. The measures shall be implemented in line with the approved details prior to first use of the upgraded ashlar playing field.

Reason: To minimise the adverse impacts associated with light pollution associated with the proposed development on nearby receptors in line with paragraph 191(c) of the NPPF.

25. In addition to the hours of use set out in the Community Use Agreement to be approved under condition 23 above, use of the replacement playing field for educational establishment users shall only take place between 07:00 – 22:00 hours.

Reason: To minimise the adverse impact of noise and light generated by the new development on the local community and environment and to comply with paragraph 191(a) of the NPPF and Policy CS 2 of the CLPCS.

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 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.

5. 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.

6. 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.
7. Construction should ideally be undertaken in dry weather between May and October when the ground is driest and least prone to compaction.
8. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
9. 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.
10. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
11. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions.

Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Cadent may have a Deed of Easement on the pipeline, which provides them with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the

terms of the easement. Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise.

This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements. If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588.

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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