



**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**3rd October 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:** 2024/00898/03 (2024/VOCRMa/0079/LCC) –  
04/07/2024
- PROPOSAL:** Variation of Condition 12 (Highways) of application  
2023/Reg3Ma/0043/LCC - For the removal of the  
proposed zebra crossing, associated road markings  
and to the link path between the crossing and the  
public footpath and guard rail from Airfield Road.
- LOCATION:** Land between Airfield Road and Owen Way, Market  
Harborough
- APPLICANT:** Leicestershire County Council
- MAIN ISSUES:** Highway safety
- RECOMMENDATION:** PERMIT subject to the conditions set out in Appendix  
A.

**Circulation Under Local Issues Alert Procedure**

Mr. P. King CC

**Officer to Contact**

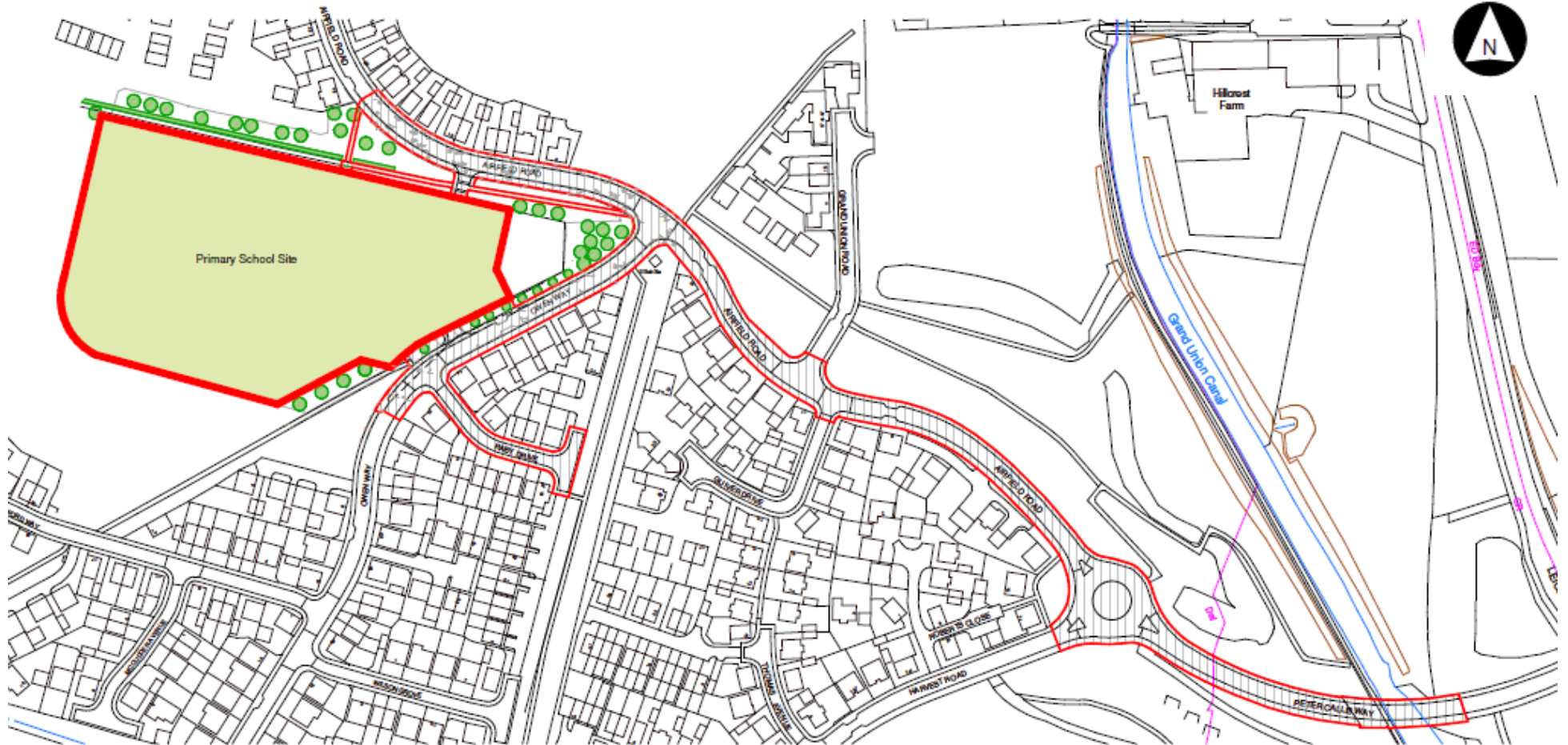
Oliver Meek – Team Manager - Planning

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## **PART B – MAIN REPORT**

### **The Site and Surroundings**

1. The application site is located approximately 2 km northwest of Market Harborough and approximately 2.5 km northwest of Market Harborough Railway Station within the North West Market Harborough Strategic Development Area (SDA). The SDA is being developed by William Davis and Taylor Wimpey and is referred to as Wellington Place. The location of the school is approximately 250 m west of the Grand Union Canal.
2. The northern edge of the primary school site is bound by Airfield Road, the southern boundary by Owen Way and to the west by the rear gardens of dwellings on Stafford Way. The main pedestrian entrance for the school is located via footpath from Airfield Road, and a secondary pedestrian access is located to the south via Owen Way.
3. The application site is in a newly built residential setting. There is some new housing under construction on Stafford Way adjacent the school site. The masterplan for the SDA shows a 'Local Centre' planned to be located northeast of the application site, on the eastern side of Airfield Road.
4. The application site is roughly triangular in shape and generally flat. The site is not located within, or adjacent to any statutory environmental designations. However, it does sit within an Impact Risk Zone for the Great Bowden Borrowpit Site of Special Scientific Interest (SSSI) but the proposed development does not trigger the requirement to consult Natural England. The application site is located wholly in Flood Zone 1 (which has a low probability of flooding from rivers and the sea).
5. The primary school opened in 2024, in time for the September term.



### **Planning History**

6. In August 2023, planning permission reference 2023/Reg3Ma/0043/LCC (2023/0651/03) was granted subject to conditions for the construction of a 210-place primary school with associated access, drainage, infrastructure, playing areas, parking, ancillary facilities and landscaping.  
[https://democracy.leics.gov.uk/documents/s178070/Report%20for%202023\\_Reg3Ma\\_0043\\_LCC%20Airfield%20Farm%20Primary%20School.pdf](https://democracy.leics.gov.uk/documents/s178070/Report%20for%202023_Reg3Ma_0043_LCC%20Airfield%20Farm%20Primary%20School.pdf)
7. The discharge of planning conditions 8 and 9 – Landscaping scheme and Landscape and Ecological Plan, 10 – Scheme for bird and bat boxes and 11- Scheme of external lighting and CCTV were approved on 15<sup>th</sup> January 2024, reference 2023/0651/03/CS/08,09,10,11.
8. The discharge of planning condition 13, Sprinkler tank, Air Source Heat Pumps (ASHP) and Bin Store details, was approved on 29<sup>th</sup> August 2024, reference 2023/0651/03/CS/13.
9. A Non-Material Amendment for the relocation of the ASHP was approved on 20<sup>th</sup> August 2024, reference 2023-NMA-0141-LCC.

### **Description of Proposal**

10. The application seeks to vary, in part, Condition 12 of planning application reference 2023/0651/03.
11. Condition 12 of the existing planning permission currently states;
 

*Prior to the first use of the school hereby permitted, a scheme of highways alterations, in line with Drawing No. M00504-BWB-XX-XX-DR-T-0018 Rev. S2-P13 titled Proposed Access Points and dated 8th August 2023 (and comprising staggered pedestrian guard rails/fencing, Traffic Regulations Orders (single yellow line road markings, 'school – keep clear' road markings and associated zig zags, 'ahead only' road markings with arrow, one way signage and no entry road markings), a zebra crossing (linking the north side of Airfield Road to the south side) and connections between the footways and PRowS), which has been submitted to and agreed in writing by the County Planning Authority will be implemented and retained in perpetuity.*
12. The proposal seeks to vary Condition 12 to remove the zebra crossing, any associated road markings and the short section of footpath proposed to link the zebra crossing to the public footpath which runs from east to west just outside the northern boundary of the school site.
13. Footpath changes are proposed to revise the alignment to avoid drainage covers and trees, and to simplify the pedestrian guarding arrangement to a single barrier on the back of the kerb, to provide an effective arrangement. These changes have been proposed following discussions and agreed with the Leicestershire County Council Highways Engineer. The path now curves to the east as it approaches Airfield Road (as illustrated on the revised plans M00504-

BWB-XX-XX-DR-TR-0018-Proposed Access Points\_P15 and M00054-HSP-XX-XX-DR-C-SK06-P01).

14. The existing timber knee rail between back of the pavement and the grassed area will be retained to each side of the new footpath.

*Details and reasons for the removal of the zebra crossing and associated works.*

15. The approved application was supported by a Transport Statement produced by BWD Consulting. This set out the basis of the highway works which were originally proposed and subsequently approved. Following a request by LCC Highways for a PV2 assessment (the degree of conflict between pedestrians and vehicles is determined by PV2, where V is the 2-way total hourly flow of vehicles and P is the 2-way hourly flow of pedestrians crossing the road), an assessment was undertaken. Given the levels of peak pedestrian crossing volume and two-way vehicle volume movement calculated, it was concluded that an informal crossing would be sufficient at the school location.
16. A formal crossing was subsequently included on the submitted and approved drawings, as at the time, the Local Highway Authority were concerned that future developments in the vicinity of the school site may require additional provision. This included outline proposals to construct a local centre on the north side of Airfield Road and a community facility directly to the east of the school site.
17. However, initial proposals now indicate that a new access will be required off Airfield Road to the Local Centre site, in the location where the zebra crossing is currently approved. The proposed zebra crossing position is now unworkable and no acceptable alternative location for the crossing has been identified.
18. Completion of design and works to the highway relating to these adjacent developments is out of the control of the applicant. For example, locations of proposed bus stops may also clash with the proposed zebra crossing position.
19. As above, calculations have shown that a formal crossing is not required for the school development. It is proposed that pedestrian crossing requirements can be fulfilled satisfactorily by use of the existing fixed pavement build-outs along Airfield Road and that the zebra crossing and associated works be omitted from Condition 12 as described above. It is considered that this would allow a safe highways arrangement to be approved.

## **Planning Policy**

### The Development Plan

*Harborough Local Plan 2011-2031 (adopted April 2019)*

- GD1 Achieving Sustainable Development
- GD5 Landscape character
- IN2 Sustainable transport

### National Policy

*National Planning Policy Framework (December 2023)*

20. Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

**Consultations**

21. **Harborough District Council (Planning)** – No objection.
22. **Local Highway Authority** (Leicestershire County Council) – No objection to the variation of condition 12. Local Highway Authority having reviewed the traffic flows and number of pedestrians stated following final analysis stated that there was no requirement for a formal crossing on Airfield Road and that informal crossing provision be provided by way of kerb crossings.
23. **Active Travel England** – No objection, standing advice provided.
24. **Leicestershire County Council Landscape** – No objection.

**Publicity and Representations**

25. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
26. No representations were received from the public.
27. Mr Phil King CC has objected to the non-provision of the zebra crossing and requested that the application be referred to Development Control and Regulatory Board for determination.

**Assessment of Proposal**

Principle of development

28. The principle of the school development was established in August 2023 when planning permission was granted for the construction a 210-place primary school with associated works. The school site has been built and is operational, occupied by one class of pupils plus staff.
29. The assessment below considers the development proposed here which is the amendment of Condition 12 of the approved highway works.

Landscape and Visual Impact

30. The proposed footpath alterations from Airfield Road are sought to avoid onsite drain covers and trees, this also required the redesign and relocation of the pedestrian guardrail adjacent the footpath entrance. The proposed alterations would have a positive impact on the trees, safeguarding the root protection areas and canopy from future maintenance requirement. A larger pedestrian guardrail is proposed which would provide safeguard for users interacting with highway traffic.

31. Therefore, the proposed development is considered to respect the local landscape, in accordance with Policy GD5 (Landscape character) of the Harborough Local Plan.

#### Traffic, Access and Parking

32. Policy IN2 (Sustainable transport) of the Harborough Local Plan sets out the policy expectations relating to access, highways impacts, parking and safety for vehicles and non-motorised users.
33. The LHA officer has confirmed that their final comments relating to the approval for the school in 2023 had concluded that based on traffic flows and number of pedestrians that modelling results indicated that there was no requirement for a formal crossing on Airfield Road, while noting that an informal crossing provision would be required by way of dropped kerb crossings.
34. During the application assessment there had been concern with future developments in the vicinity of the proposed school site which may require the provision of a formal crossing. However, it is now considered that the pedestrian crossing requirements at the school site can be fulfilled satisfactorily by the use of existing fixed pavement build-outs along Airfield Road. These elements have now been constructed and the school is occupied by one class of pupils plus staff.
35. The LHA has confirmed that the proposed amendments to omit the zebra crossing and associated road markings would not cause a severe impact on the highway or have a significant impact on pedestrian safety and on transport sustainability in the locality. Therefore, the LHA have no objection to the variation of condition and raise no concerns with the technical aspects of removing the zebra crossing or any impacts upon highway safety. Given that the proposals for the Local Centre now make the approved zebra crossing unworkable and that no acceptably alternative location for the crossing can be found and that the LHA do not object to the development, the proposal, whilst not ideal, is considered acceptable with regards to access, highways impacts, parking and safety for vehicles and non-motorised users.
36. The currently approved Condition 12 requires the delivery of formal line painting prior to first use of the school building. This timescale has now passed given the need to open the school. However, the required painting has been provided on the sub-base of the road on a temporary basis and is considered suitable by highways. It is recognised that the line painting cannot be delivered until the road has been completed and then it can be adopted as publicly maintainable highway by Leicestershire County Council. Therefore, it is recommended that if approval is granted, Condition 12 ensures that the required line painting continues to be provided on a temporary basis upon the sub-base layer of the road, until the road surfacing gets finalised and then at that time, the lines shall be re-painted and made permanent.
37. Therefore, the proposed development is considered to comply with the requirements of Policy IN2 (Sustainable transport) of the Harborough Local Plan and paragraph 115 of the National Planning Policy Framework (NPPF) subject to the recommended conditions being imposed.

### Public Rights of Way

38. The application site is located in close proximity to Public Rights of Way (PRoW), footpaths to the north and east of the site.
39. The PRoWs would be located beyond the boundaries of the proposed primary school. Pedestrian and vehicular access and egress to the site would cross footpaths.
40. The proposed development is not considered to undermine the integrity of the PRoWs within the vicinity of the site, in accordance with the NPPF and Harborough Local Plan.

### Amenity

41. Policy GD8 (Good design in new development) of the Harborough Local Plan requires development to be designed to minimise impact on the amenity of existing and future residents.
42. The nature of the proposed alterations to omit the zebra crossing and alter the pedestrian footpath to the main school entrance is not considered to result in any significant loss of amenity for neighbouring residential occupiers.
43. Therefore, the proposed variations comply with Policy GD8 (Good design in new development) of the Harborough Local Plan as well as relevant national policy and guidance with regard to issues of amenity.

### Sustainability

44. Policy GD1 (Achieving sustainable development) of the Harborough Local Plan sets out Harborough District Council's commitment to promoting sustainable development in line with the 'presumption in favour of sustainable development' in the NPPF. This presumption is at the heart of the NPPF so as to ensure that sustainable development is pursued in a positive way. Policy GD1 confirms that the presumption will be applied locally and reflects the NPPF in making it clear that development which is considered sustainable will be approved without delay.
45. The proposed alterations would continue to provide safe access to and egress from the school site for all pedestrian users. Therefore, the proposed development is considered to contribute to sustainable development, as defined by the NPPF and captured by the Harborough Local Plan, in accordance with the development plan.

### **Conclusion**

46. The planning application seeks to vary condition 12 of Planning Permission 2023/0651/03 to allow the removal of the zebra crossing, associated road markings and the path between the crossing and the public footpath from the approved scheme.



47. The proposed alterations would continue to provide safe access to and egress from the site for all pedestrian users.
48. Planning condition 12 would continue to secure the necessary highway works through an appropriate scheme. Such a scheme would need to be submitted to the Authority and approved only when the details are considered suitable by the Local Highway Authority and the County Planning Authority. The variation of Condition 12 would manage the impacts of the development on the local highway network, the amenity of the area, the proposed development accords with the development plan and should be granted planning permission subject to conditions.

### **Statement of Positive and Proactive Engagement**

49. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and all 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**

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

### **Officer to Contact**

Oliver Meek

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### Conditions

1. The development hereby permitted shall be begun 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. The development hereby permitted shall be carried out in accordance with the submitted application (as amended) and the following plans:

- Drawing No. M00504-A&G-XX-XX-DR-A-0010 Rev. S1-P03 titled 'Proposed Red Line Boundary' dated 3<sup>rd</sup> August 2023
- Drawing No. M00504-A&G-XX-XX-DR-A-0104 Rev. S1-C12 titled 'Proposed Site Plan' dated 13<sup>th</sup> September 2024.
- Drawing No. M00504-A&G-XX-00-DR-A-0110 Rev. S1-P07 titled 'Ground Floor Plan – General Arrangement 1FE (Extendable)' dated 19<sup>th</sup> April 2023
- Drawing No. M00504-A&G-XX-RF-DR-A-0111 Rev. S1-P07 titled 'Roof Plan – General Arrangement 1FE (Extendable)' dated 19<sup>th</sup> April 2023
- Drawing No. M00504-A&G-XX-XX-DR-A-0150 Rev. S4-C05 titled 'External Elevations 1FE (Extendable)' dated 6<sup>th</sup> July 2023
- Drawing No. M00504-A&G-XX-XX-DR-A-0125 Rev. S1-P07 titled 'Key Sections 1FE (Extendable)' dated 19<sup>th</sup> April 2023
- Drawing No. M00504-A&G-XX-XX-DR-A-0155 Rev. S1-P02 titled 'Materials' dated 8<sup>th</sup> August 2023
- Drawing No. M00504-BWB-XX-XX-DR-C-0600 Rev. S3-P02 titled 'Stage 3 External Levels' dated 17<sup>th</sup> April 2023
- Drawing No. M00504-BWB-XX-XX-DR-C-0610 Rev. S3-P02 titled 'Stage 3 Site Sections' dated 17<sup>th</sup> April 2023
- Drawing No. M00504-BWB-XX-XX-DR-C-0630 Rev. S3-P02 titled 'Stage 3 Cut and Fill' dated 17<sup>th</sup> April 2023
- Drawing No. M00504-BWB-XX-XX-DR-C-0700 Rev. S4-C03 titled 'Stage 4 Kerbing and Surfacing Plan' dated 23<sup>rd</sup> June 2023
- Drawing No. M00504-A&G-XX-XX-DR-A-0104-CO7, titled 'Proposed Site Plan', C07, dated 15<sup>th</sup> March 2024.
- Drawing No. M00504-A&G-XX-XX-DR-A-0451-CO5, titled 'Air source heat pump enclosure drawings', dated 21<sup>st</sup> March 2024.
- Drawing No. M00504-DSA-XX-XX-DR-L-0103\_CO8, titled 'Landscape hardworks for the east of the site', dated 27<sup>th</sup> March 2024.
- Drawing No. M00504-DBS-ZZ-ZZ-DR-N-9030 P01, titled 'ASHP Compound Layout', dated 25<sup>th</sup> March 2024.

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

3. The development hereby permitted shall primarily be used as a school, and for no other purposes than use classes F1(a), F2(b) and F2(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

4. The use of the multi-use games area hereby approved shall not be used, nor shall the lighting be on, between the hours of 20:30-9:00 Monday to Sunday.

*Reason: In the interests of good design, visual amenity and to ensure a satisfactory form of development in accordance with Policy GD8 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

5. All site preparation or construction works, deliveries of and movement of materials and machinery associated with the development hereby permitted shall be limited to taking place only between the following hours:

- Monday to Friday between 07:30 and 18:00
- Saturday between 08:00 and 13:00.

No such works shall take place at any other times or on Sundays or bank or public holidays.

*Reason: To manage to amenity impacts of the construction phase in accordance with Policy GD8 and IN2 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

6. The development hereby permitted shall be carried out in accordance with the submitted Construction Environmental Management Plan by Willmott Dixon Construction Ltd Rev. B dated 17<sup>th</sup> April 2023.

*Reason: To manage to amenity impacts of the construction phase in accordance with Policy GD8 and IN2 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

7. All (HGV) construction traffic associated with the development hereby permitted shall follow the routing plan shown on Airfield Farm Traffic Management Plan Revision B.

*Reason: To ensure that construction traffic does not use unsatisfactory roads.*

8. The detailed landscaping scheme shall be implemented in accordance with approved details on drawing no. M00504-DAS-XX-XX-DR-L-0200-CO4 titled 'Landscape Softworks' dated 29<sup>th</sup> September 2023, M00504-DAS-XX-XX-DR-L-0201-C05 titled 'Landscape Softworks' dated 23<sup>rd</sup> October 2023, M00504-DAS-XX-XX-DR-L-0202-C05 titled 'Landscape Softworks' dated 23<sup>rd</sup> October 2023, M00504-DAS-XX-XX-DR-L-0203-C06 titled 'Landscape Softworks' dated 23<sup>rd</sup> October 2023, M00504-DAS-XX-XX-DR-L-0204-C07 titled 'Landscape Softworks' dated 04<sup>th</sup> November 2023, M00504-DAS-XX-XX-DR-L-0205-C05 titled 'Landscape Softworks' dated 23<sup>rd</sup> October 2023 and Biodiversity Net Gain Report reference SQ-1235-Revision 3 dated 19<sup>th</sup> December 2023, of approved application 2023/0651/03/CS/08,09,10,11.

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

*Reason: In the interests of good design, to safeguard the appearance of the locality and to enhance biodiversity and ecology within the site in accordance*

*with Policy GD8 and GI5 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

9. The 30-year Landscape and Ecological Management Plan (LEMP) shall be implemented in accordance with approved details on management plan report SQ-1235.A Revision 3 dated 19<sup>th</sup> December 2023, of approved application 2023/0651/03/CS/08,09,10,11.

*Reason: In the interests of good design, to safeguard the appearance of the locality and to enhance biodiversity and ecology within the site in accordance with Policy GD8 and GI5 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

10. The scheme for the installation of bird boxes and bat boxes shall be implemented in accordance with approved details on drawing no. M00504-DSA-XX-XX-DR-L-0302-C02 titled Bird Box 25mm Blue TIT dated 29<sup>th</sup> September 2023, M00504-DSA-XX-XX-DR-L-0303-C02 titled Bird Box 32mm House Sparrow dated 23<sup>rd</sup> September 2023 and M00504-DSA-XX-XX-DR-L-0304-C02 Bat Box Kent Style dated 29<sup>th</sup> September 2023, of approved application 2023/0651/03/CS/08,09,10,11.

*Reason: In the interests of good design, to safeguard the appearance of the locality and to enhance biodiversity and ecology within the site in accordance with Policy GD8 and GI5 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

11. The scheme of external lighting and CCTV shall be implemented in accordance with approved details on drawing no. M00504-DBS-ZZ-XX-DR-E-9021-P03 titled External Electrical Services Layout dated 06<sup>th</sup> October 2023, M00504-DBS-ZZ-XX-DR-E-9022-P02 titled External Lighting Lux Plot dated 06<sup>th</sup> October 2023 and M00504-DBS-ZZ-XX-DR-E-9020-P04 titled External M & E Services dated 06<sup>th</sup> October 2023, of approved application 2023/0651/03/CS/08,09,10,11.

*Reason: In the interests of good design, visual amenity and to ensure a satisfactory form of development in accordance with Policy GD8 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

12. Within six months from the date of this permission, a temporary scheme of highways alterations shall be implemented, in line with details which shall be submitted to, and approved in writing by, the County Planning Authority, and based on Drawing No. M00504-BWB-XX-XX-DR-TR-0018-Proposed Access \_P15 and dated 04.07.24. The scheme shall comprise staggered pedestrian guard rails/fencing, Traffic Regulations Orders, single yellow line road markings, 'school – keep clear' road markings and associated zig zags, 'ahead only' road markings with arrow, one way signage and no entry road markings. Prior to the opening of the link road a scheme of permanent highways alterations, in line with above approved temporary scheme shall be submitted to, and approved in writing by, the County Planning Authority and will be implemented. The permanent highway alterations shall thereafter be retained in perpetuity.

*Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and in the interests*

*of general highway safety and in accordance with policy IN2 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

13. The sprinkler tank, air source heat pump enclosure and bin store shall be implemented in accordance with approved details on drawings no. M00504-A&G-XX-XX-DR-A-0104-C10 dated June 2024, M00504-A&G-XX-XX-DR-A-0451-C06 dated May 2024, M00504-A&G-XX-XX-DR-A-0452-C01 dated May 2024 and M00504-A&G-XX-XX-DR-A-0453-C02 dated June 2024, of approved application reference no. 2023/0651/03/CS/13.

*Reason: In the interests of good design, visual amenity and to ensure a satisfactory form of development in accordance with Policy GD8 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

14. Within six months from the date of this permission, a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the County Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

*Reason: To ensure that the land is fit for purpose in accordance with Policy IN4 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

15. Vehicular visibility splays of 2.4 metres by 43 m shall be provided at the site egress and these shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

*Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, in accordance with policy IN2 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

16. The cycle/scooter parking shall have been implemented in accordance with Drawing No. M00504-A&G-XX-XX-DR-A-0104 Rev. S1-P14 titled 'Proposed Site Plan' dated 3<sup>rd</sup> August 2023. Thereafter, cycle parking shall be so maintained in perpetuity. Monitoring the use of, and demand for, the cycle/scooter parking will be undertaken as per the Framework Travel Plan Rev. P2 by BWB dated July 2023 and provision increased as required.

*Reason: To promote travel by sustainable modes in accordance with policy IN2 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

17. The staff car park and drop off area shall have been implemented in accordance with Drawing No. M00504-A&G-XX-XX-DR-A-0104 Rev. S1-P14 titled 'Proposed Site Plan' dated 3<sup>rd</sup> August 2023. Thereafter, the onsite vehicle parking provision shall be so maintained in perpetuity.

*Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety in accordance with policy IN2 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

18. The surface water drainage strategy, as detailed on the following documents and plans, must be implemented and maintained in perpetuity:

- Document No. M00504-BWB-XX-XX-RP-C-0002 Rev. P02 titled 'Drainage Strategy Report' dated 23<sup>rd</sup> May 2023
- Document No. M00504-BCB-XX-XX-CA-0590 titled 'Storm Simulations' dated 5<sup>th</sup> July 2023
- Drawing No. M00504-BWB-XX-XX-DR-C-0500 Rev. S4-C03 titled 'Stage 4 Drainage Layout' dated 5<sup>th</sup> July 2023
- Drawing No. M00504-BWB-XX-XX-DR-C-0510 Rev. S4-C02 titled 'Stage 4 Drainage Details Sheet 1' dated 5<sup>th</sup> July 2023
- Drawing No. M00504-BWB-XX-XX-DR-C-0511 Rev. S4-C01 titled 'Stage 4 Drainage Details Sheet 2' dated 13<sup>th</sup> May 2023
- Drawing No. M00504-BWB-XX-XX-DR-C-0530 Rev. S4-C01 titled 'Stage 4 Water Flow Exceedance Plan' dated 13<sup>th</sup> May 2023
- Drawing No. M00504-BWB-XX-XX-DR-C-0531 Rev. S4-C01 titled 'Stage 4 Impermeable Area Plan' dated 13<sup>th</sup> May 2023
- Drawing No. M00504-BWB-XX-XX-DR-C-0700 Rev. S4-C03 titled 'Stage 4 Kerbing and Surfacing Plan' dated 23<sup>rd</sup> June 2023

*Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy CC4 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

19. The vehicle access (from Airfield Road) and egress (onto Owen Way) should be available for use Monday - Friday during school terms between 08:30 and 16:00 to prevent vehicles waiting on Airfield Road.

*Reason: In the interests of general highway safety and in accordance with policy IN2 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

20. The external finishes of the school building hereby permitted shall be finished in accordance with Drawing No. M00504-A&G-XX-XX-DR-A-0155 Rev. S1-P02 titled 'Materials' dated 8<sup>th</sup> August 2023 and the following details:

- Elevations:
  - a. Equitone Linea ribbed fibre cement cladding, colour 'chalk' at high level, 'hessian' at low level and inset panels

- b. Equitone Tectiva textured fibre cement cladding, colour 'linen'
- c. Through-colour render with 2 mm aggregate, colour 'off-white'
- d. Ibstock Brick, Mellow Regent Stock 3010
- Roof
  - a. Metal cladding ES400 PVDF RAL 7000 Alaska Grey
- Fenestration
  - a. Aluminium windows, doors and rooflights, powder coated, colour 'graphite grey' RAL 7024.

*Reason: In the interests of good design, visual amenity and to ensure a satisfactory form of development in accordance with Policy GD8 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

21. The development shall be undertaken in line with the agreed Remediation Scheme and Verification Plan:

- BWB report Wilmott Dixon Airfield Farm Primary School Market Harborough Remediation Strategy Report Document Number: M00504-BWB-ZZ-XX-RP-YE-0004\_RS BWB Reference: 221841 April 2023

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the County Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remediation Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.

The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011+A2:2017 Investigation Of Potentially Contaminated Sites Code of Practice; and
- BS8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs); and
- Gov.uk Land contamination risk management (LCRM) website <https://www.gov.uk/government/publications/land-contamination-riskmanagement-lcrm>;
- Or any documents which supersede these.

The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004; and
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings; and
- Or any documents which supersede these.

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

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010; and
- Gov.uk Land contamination risk management (LCRM) website <https://www.gov.uk/government/publications/land-contamination-riskmanagement-lcrm>.; and
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings; and
- CIRIA C735, “Good practice on the testing and verification of protection systems for buildings against hazardous ground gases” CIRIA, 2014; and
- Or any documents which supersede these.

Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

*Reason: To ensure that the land is fit for purpose in accordance with Policy IN4 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

22. The Framework Travel Plan (Document No. M00504-BWB-XX-XX-RP-H-0002 Rev. P2 by BWB dated July 2023) shall be made available to all users of the primary school site upon the first use of the site as such, and the measures and incentives implemented, monitored and reviewed as detailed.

*Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with policy GD1 and IN2 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

23. The hard surfaced areas within the site shall be constructed in accordance with the plans and particulars submitted with the planning application.

*Reason: In the interests of good design and safeguard the appearance of the locality in accordance with Policy GD8 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

24. The drop off spaces shown on Drawing No. M00504-A&G-XX-XX-DR-A-0104 Rev. S1-P14 titled ‘Proposed Site Plan’ dated 3<sup>rd</sup> August 2023 will have a strict no-waiting policy and will be monitored by CCTV to ensure they are not misused outside of the key morning and evening drop off periods (08:30-09:30, 15:00-16:00).

*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 policy IN2 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

25. Refuse collections/deliveries will be arranged by the operators of the primary school to take place outside of the key morning and evening drop off periods (08:30-09:30, 15:00-16:00).

*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 policy IN2 of the Harborough Local Plan (2011-2031) and requirements of the NPPF.*

### **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](http://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. The Environment Agency advises that all building work should be in compliance 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](http://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](mailto:EastMidWaterQuality@environment-agency.gov.uk) for further information and advice.

## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

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

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

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

### **IMPLICATIONS FOR DISABLED PERSONS**

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

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

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

### **COMMUNITY SAFETY IMPLICATIONS**

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

### **BACKGROUND PAPERS**

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

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

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

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

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

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

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

Section 294(3) : special enforcement notices in relation to Crown land;  
Sched. 9 para (1) : minerals discontinuance orders.

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