

DEVELOPMENT CONTROL AND REGULATORY BOARD**23RD AUGUST 2012****REPORT OF THE CHIEF EXECUTIVE****APPLICATION UNDER REGULATION 3 OF THE TOWN AND
COUNTRY PLANNING GENERAL REGULATIONS****PART A – SUMMARY REPORT**

APP. NO. & DATE:	2012/1268/02 (2012/REG3Ma/0173/LCC) – 11 th May 2012
PROPOSAL:	Erection of replacement Ashmount Special Educational Needs School, with associated external teaching areas, hydrotherapy pool, car parking and new access road.
LOCATION:	Land to the rear of Burleigh Community College, Thorpe Hill, Loughborough (Charnwood Borough).
APPLICANT:	Leicestershire County Council
MAIN ISSUES:	Impacts upon residential amenity, impacts on existing sports facilities, highways and educational need.
RECOMMENDATION:	PERMIT subject to 21 no. conditions as set out in the appendix to the main report.

Circulation Under the Local Issues Alert Procedure

Mr. Max Hunt CC

Officer to Contact

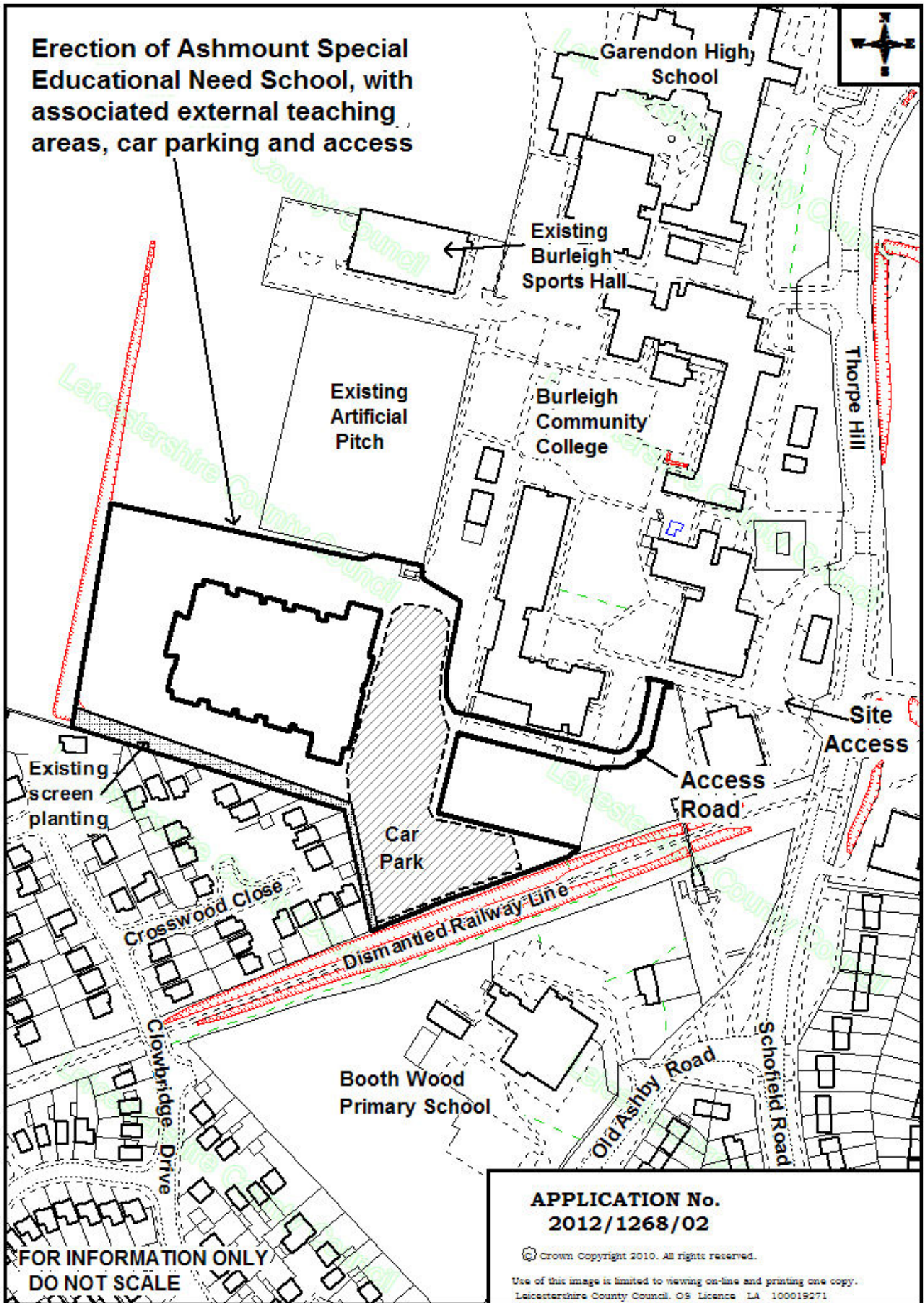
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Location of Proposed Development

1. Burleigh Community College and Garendon High School share the same campus site and are located in the northwest part of Loughborough. The site is bound to the east by Thorpe Hill Road, a dismantled railway line to the south, open playing fields to the west and residential properties along Althorpe Drive to the north. Access to the College is via Thorpe Hill Road to the east. The site is identified as educational land in the Charnwood Local Plan.
2. Beyond the playing fields to the west is the Garendon registered park and garden and adjoining the south west corner of the wider campus is Booth Wood, which is designated as a Local Wildlife Site (LWS). On the opposite side of Thorpe Hill is the De Lisle Catholic Science College and Booth Wood Primary School is to the south of the site beyond the dismantled railway yard.
3. The application site is to the south west of the existing school buildings and is currently used as playing fields, with a slope of about one metre north west to east. The proposed new school and ancillary car parking would be located close to the rear gardens of several properties along Clowbridge Drive and Crosswood Close.

Background

4. In January 2004, following extensive consultation with head teachers, SEN coordinators, governors, parents, voluntary sector agencies and other agencies, the strategy for special educational needs endorsed the creation of five area special schools in:
 - Melton
 - Hinckley and Bosworth
 - North West Leicestershire
 - Charnwood
 - South LeicestershireIntegral to the development of the area special schools is their location on the same sites as mainstream schools serving as near as possible the same age range of pupils. Three area special schools have been completed since the adoption of the strategy:
 - Melton – Birch Wood School
 - Hinckley and Bosworth – Dorothy Goodman School
 - North West Leicestershire – Forest Way School
5. Ashmount School is currently on a site which is wholly inadequate to function as an area special school. The site is in a residential area and, whilst there is a primary school next door, there are no secondary schools within the vicinity. Access and parking on the existing site is poor, there are no playing fields and also no room for expansion. The site comprises of a number of permanent buildings and temporary classrooms and is considered unsuitable for its use as a special school.



Description of Proposed Development

6. It is proposed to erect a new special educational needs school, to be known as Ashmount School, on land constituting part of the Burleigh College campus. The new school would provide 16 classrooms including specific art and food technology rooms, sports and dining hall, changing rooms, kitchen, offices and storage facilities and a hydrotherapy pool to cater for up to 120 pupils. There would also be around 120 members of staff employed at the site. These new facilities have been designed around two centrally located courtyards. It is also proposed to erect a garage adjacent to the northern façade of the new school and an area for waste collections to the south.
7. The school would be split into two wings either side of the central courtyards, with primary education to the south and secondary to the north. The external appearance of the school has been designed in line with the overall concept for the school, to read as two distinct elements, the public and the private. The public wing which houses the hall, hydrotherapy pool and conference facility would be slightly taller in scale than the private wing of the school. The hall would be clad in a varied red facing brick to tie in with the varied bricks on the existing campus.
8. The hydrotherapy pool would be clad in a buff coloured block in stretcher bond, which will be broken down into a mixture of glazed and textured blocks in horizontal bands. Varying the finish of this block work will help to reduce the visual impact of what is potentially a large scale mass, and through its colour, tie it in with the sports centre currently on the campus. A large metal school logo will further help to break up the external appearance of the pool and provide a feature to the front elevation.
9. A large canopy would stretch across the front elevation to provide a sheltered area for students to be dropped off. The centre of the elevation is finished in a plain white render to offset the colours and textures of the hall and the pool.
10. The north and south elevations of the school would consist of a series of varied brick pods, which would form the smaller scale areas to the front of each classroom and would be set on a white rendered elevation. Doors from each classroom would lead out onto the external areas and be finished in different colours to allow the students to be able to identify their classrooms from the external areas. Large overhangs at eaves level aim to provide a sleek linear aesthetic, as well as providing an element of solar shading from direct sunlight through the proposed high level windows.
11. The kitchen, garage, bin store and sprinkler tank enclosure would be finished in a grey render to appear as being secondary to the main building. The roof to the school will be finished in a single ply roofing membrane, with powder coated metal eaves details.
12. In terms of scale, the proposed building is single story with the highest part of the building being the sports hall at 7.8m high. The rest of the school building would be no higher than 6.3m high.

13. In terms of sustainability, the classrooms have been designed to maximise natural daylight and ventilation by being dual aspect, with high level glazing towards the front and back of the classrooms. Fabric heat loss will be limited by providing insulation u-values to the current building regulations requirements and cold bridging will be limited through efficient design detailing. The new classroom block will comprise low energy materials selected using the Green Guide for Specification rating system to ensure that the use of materials with high embodied energy and environmental impact is limited. Both externally and internally, materials will be selected for their robustness and low maintenance. External materials will be purchased from local sources wherever possible.
14. It is also proposed to provide outdoor play areas including a small grass pitch, a hard-surfaced ball court with 3-metre high fencing and a sensory garden. The whole of the Ashmount school would be fenced off from the rest of the Burleigh site and those properties along Crosswood Close by a 2 metre high black weld mesh anti-climb fence (note: this has been reduced from the originally proposed 2.4 metre high fence).
15. To service the school it is proposed to improve the general site access from Thorpe Hill and provide 125 car parking spaces and drop-off zone.
16. The applicant states various factors that influenced the choice of the proposed site, including:
 - The location of mainstream schools for 3-19 year olds on the campus and immediately adjacent to it;
 - A close relationship between the current Ashmount school and Burleigh College;
 - The campus site is substantially larger than is actually required for the current schools on site and can accommodate this particular proposal.
17. The applicant goes on to state that the inclusion of the area special school on the Thorpe Hill Campus will give opportunities for all the local schools to work together and allow increased sharing of facilities and inclusion opportunities. It is also envisaged that the area special school will act as a valuable resource for local mainstream schools with the opportunity to share specialist knowledge and facilities.

Landscaping

18. A detailed landscaping scheme has been submitted to mitigate against impacts upon local residents, protected species and important ecological assets and to compensate for the loss of 19 trees that would be removed as part of this development. Following consultation with local residents and statutory consultees, the landscaping scheme has evolved to provide a 7m wide separation distance between the local residents rear gardens and the fencing around the proposed school and car park. This distance is sufficient to ensure that, save for some very minor trimming works, the existing screen planting around the residents' gardens will be maintained. An area of scrub would need to be removed from the very southern boundary of the site with the dismantled railway to allow for the car park to be created.

19. It is also proposed to plant areas of shrubs and native trees within the school grounds to further increase the width of the buffer between the school and local residents and to enhance the outdoor learning and play environment for the pupils. It is also proposed to landscape the car parking area, including a distinctive large feature tree close to the main entrance to the school.
20. As stated above, the development will lead to the loss of 19 trees, mainly due to the improved access road and additional car parking areas. To compensate for this loss, over and above the trees that will form part of the general landscaping of the site, 18 large trees will be planted to create two avenues, one along the main entrance road in to the site and one along a footpath linking the proposed school with the existing Burleigh campus.

Sports Fields

21. The proposed development will lead to the loss of formal sports playing fields, currently used as a running track and a long jump pit. The running track and long jump will be relocated to the top of the playing fields, in an area which is currently not marked out as sports pitches.
22. The applicant goes on to state that, in order to offset the loss of the playing fields, the development would provide the following benefits to sport and special needs sports:
 - The opportunity to promote disability and special needs sports on the campus and in the Loughborough area. As a leading sporting town, Loughborough is presently lacking in any quality provision for this group of people. This will add to the Thorpe Hill campus's existing sports offer.
 - Easy access to the existing deep water pool (with hoist) for Ashmount students and other young people and adults using the Ashmount facilities. The same will be true of the Sports Hall and all weather pitch.
 - The two schools currently run inclusive sports sessions. These will be considerably easier to organise and facilitate in the future.
 - The many gym spaces at the existing schools will provide excellent opportunities for Ashmount students and the wider disabled and special needs sports community to use facilities such as Re-Bound (trampolines) and large open sports spaces for specialist sports such as Boccia.
 - The facilities at the new Ashmount School will be available for students at Burleigh and the wider Loughborough community out of school hours. These will include a hydrotherapy pool, hall and low level climbing/traversing wall.
 - By having a co-located special school the sports college specialism at Thorp Hill Campus will be greatly enhanced and it will be able to offer a venue for local and regional disability and special needs sports events and competitions.
23. To further offset the loss of playing field, trees and scrub land will be removed from the area to the north of the site adjacent to Garendon School, to allow for more sports pitches to be marked out.

Access

24. It is proposed that the development would make use of the existing access from Thorpe Hill, subject to some minor amendments to improve visibility and general highway safety at this busy location. The minor amendments to the site entrance include the provision of a new pedestrian crossing within the site and widening the footway into the site to 3m. The majority of students at the new school would arrive by minibus and be dropped off under the protection of the proposed large entrance canopy.

Lighting

25. External lighting of the school and car park is proposed, including the erection of 15 no. 6m high columns around the car park and pedestrian routes with 150w bulbs. There would also be a number of wall-mounted lights on the proposed school building.

Ecology

26. The applicant has provided an ecological study of the application site and surrounding areas. Although there are no records of badger setts within one kilometre of the site, evidence of badger in the area was noted which suggests that a sett could be located close by.
27. There are also no records of bats within 500m of the proposed site and the ecology report considers that there are no buildings or trees within or adjacent to the proposed site which could be considered to present features suitable for roosting bats or which would be adversely affected as a result of this proposal. Notwithstanding this, the ecology report also notes that the linear habitat formed by the dense scrub, trees and defunct hedgerow along the southern boundary of the campus is likely to provide suitable foraging and commuting habitats for bats, in particular due to its connectivity with the wooded habitat corridor formed by the disused railway line to the south and the large area of broadleaved woodland across the playing fields to the west (which includes Booth Wood LWS). The dense scrub and trees along the southern boundary provide suitable habitats for nesting birds and is considered likely to support active nests during the breeding season (March to August).

Drainage

28. The Flood Risk Assessment for the site advises a maximum flow of 8.26l/sec at a return period of 1 in 100 with climate change allowance from the development area, which matches the existing flow from the existing hardstanding areas. In order to limit flows from the school site it is proposed to erect underground storm water tanks to the north and south of the school, providing a total of 390 cubic metres of storm water attenuation. The car park area would also drain to an underground storage tank designed to accommodate up to a 1 in 30 years storm event. On the occasion of a storm event between 1 in 30 and 1 in 100 plus climate change, then the south eastern corner of the car park has been designed to store water above ground to a depth of 300mm.

Planning Policy**National Planning Policy Framework (NPPF)**

29. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through when making decisions on planning applications. The NPPF identifies the three interdependent dimensions of sustainable development, namely the economic, social and environmental roles, and the need to balance economic growth with the protection and enhancement of the environment (including the minimisation of waste and pollution).
30. Paragraph 72 states that ‘the Government attaches great importance to ensuring 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; and
 - work with schools promoters to identify and resolve key planning issues before applications are submitted.’
31. Paragraph 73 states that ‘access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
32. Paragraph 74 states that ‘existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - 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
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.’
33. Paragraph 118 states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: (inter alia)
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'

Regional Plan Policies

34. Policy 2 of the East Midlands Regional Plan (adopted March 2009) seeks to continuously improve the layout, design and construction of new development.
35. Policy 35 sets out a regional approach to managing flood risk and sets out criteria that new development should avoid if it is to be granted planning permission.
36. Policy 41 of the Regional Plan states (inter alia) 'Local Authorities should also work with County based Sport Partnerships, Sport England and other relevant bodies to ensure that there is adequate provision of sports and recreational facilities consistent with the priorities for urban and rural areas outline in Policy 3.'

Local Plan Policies

37. Saved Policy EV/1 of the Charnwood Borough Local Plan (adopted January 2004) seeks to ensure that new development achieves a high standard of design and safeguards residential amenity.
38. Saved Policy TR/6 seeks to ensure that traffic generated by proposed development on non-allocated sites would not result in unsafe and unsatisfactory operation of the highway system or have a significant adverse impact upon the environment. Where permission is granted, measures should be included to mitigate any harm caused and help reduce car use to and from development.
39. Saved Policy ST/3 seeks to ensure (inter alia) that, where appropriate, on or off site facilities will be sought from developers to meet the recreational needs of the community.

Consultations

Charnwood Borough Council – Planning

40. Following the submission of amended plans remain concerned regards the potential for loss of vegetation along the dismantled railway and the impact of lighting on the wildlife corridor. If Members are minded to grant permission, CBC request a number of conditions be attached covering retention and protection of vegetation, no change of ground levels in the wildlife corridor and a landscape management plan for the longer term management of the boundary vegetation

Charnwood Borough Council – Environmental Health

41. Raise no objection in principle but note that the development is proposed in close proximity to a number of residential dwellings and there is the potential for noise nuisance to neighbouring residents. To minimise such impacts, where possible, simultaneous use of external areas should be avoided. Also note that that additional artificial lighting is proposed and state that floodlighting should be designed so that it only illuminates the surface intended and does not throw light on neighbouring properties and that floodlighting should be fitted with timers so they do not stay on at night.

Environment Agency

42. No objection subject to the imposition of a condition requiring the submission and subsequent approval of a surface water management scheme.

English Heritage

43. No objection.

Central Networks

44. No objection.

Leicestershire County Council – Landscape

45. Note that the proposed development is situated next to the historic landscape of Garendon Park and is in close proximity to the Ashby Road Conservation area. Recommend that every effort is made to retain screen planting between the proposed site and local residential properties as this planting provides a good quality screen and a valuable wildlife corridor link to Booth Wood. Furthermore, it is vital that all individual trees and planting blocks that are to be retained are protected in accordance with the recommendations set out in the tree survey report.
46. Note that a gas and water main crosses the site in the vicinity of the existing trees T1-T10. Providing this information is accurate, the service lines may well have an impact on the siting of the proposed avenue of trees in Area J referred to as 'Ashmount Entrance'. Question whether Area T, referred to as 'Enclosed Quiet Area' intended for quiet contemplation, should be located next to Area U 'Ball Court' intended for active and probably noisy ball sports and games. Overall, subject to the retention of the aforementioned vegetation, the single storey profile of the proposed building will have minimal visual intrusion on the surrounding residential properties.

Leicestershire County Council – Ecology

47. Subject to the existing vegetation on the southern boundary of the site being retained in a wildlife corridor at least 7 metres wide, no objection is raised. The ecologist would like to see the proposal for 'nature study activities' within this

corridor being removed as there is a concern that, in order to facilitate such activities, there would need to be vegetation removal and ground clearance to create a pathway. Wish to see a condition requiring the submission of a detailed light spill plan to ensure that the wildlife corridor is illuminated at a level no greater than 1 lux.

Leicestershire County Council – Highways Authority

48. Initially raised concerns regarding the entrance off Thorpe Hill and recommended improvements be made to improve visibility and pedestrian safety. The applicant has provided a revised access scheme and subject to conditions, the Highway Authority raises no objection.

Leicestershire County Council – Archaeology

49. Raise no objection and recommend that no further archaeological involvement with the scheme is warranted.

Sport England

50. Object to the proposal. Sport England considers that there are potential benefits to sport for the existing and proposed schools and the community and acknowledge the following proposed mitigation measures for the loss of existing formal playing fields:
- relocating the running track and long jump pit;
 - regrading unused scrub land to playing field area;
 - increased community use of the site; and
 - using the proposed development to support an application by Burleigh College to the FA to upgrade the existing artificial pitch on the site.
51. Notwithstanding the above, some of the potential mitigation benefits such as formal community use and the upgrading of the artificial sports pitch cannot be secured by the applicant as it is not the landowner and does not have control over the management of Burleigh College. Sport England advise that, as the proposed mitigation for the loss of the playing field cannot be entirely secured as part of this application, the proposal does not meet any of the exceptions to the playing field policy. Sport England has consequently no option but to raise an objection to the application, unless appropriate mechanisms can be put in place which secures the formalisation of community use on the school site and the upgrade of the Artificial Grass Pitch prior to the loss of the playing field area which results from this development.

Local Member

52. Raises concerns regarding the use of the Thorpe Hill campus as the roads are already congested and at school times, with 3,500 young people attending school each day, there is intense competition between pedestrians, cyclists, cars, buses and public transport. The positioning of the proposed school on playing fields behind local residents' properties is also a matter of concern. The local Member also wishes to see the existing screen planting retained and is

concerned that the location of the bins and parking may have detrimental impacts upon local residents. Wishes to ensure pedestrian routes in to the wider campus improved and a School Travel Plan.

Publicity

53. The application was originally advertised by means of three site notices on 29th May 2012 and neighbour notification letters sent to 34 local properties on Rowbank Way, Clowbridge Drive and Crosswood Drive. A press notice was also placed in the Loughborough Echo on 1st June 2012. Following the submission of additional information, a further round of consultation took place on 19th July 2012.
54. In response to the original publicity, nine letters of representation were received. One was in support of the project as it would provide a great opportunity for children with special educational needs within a mainstream campus and the location is a perfect choice for the school with minimal disruption to neighbouring properties. The other eight letters either objected or raised concerns on the following grounds:
- Impacts upon existing screen planting/hedgerow adjacent to residential gardens and the important ecological assets that utilise this area;
 - Location of perimeter fencing should be school side rather than on the residents side to minimise impacts on the screen planting;
 - Proposed bin store and garage are located close to properties and should be relocated on the other side of the school building to minimise impacts of noise, odour and pests on local residents;
 - Eight metre high lighting columns too high;
 - Car park design not as efficient as it could be;
 - The mass of the building is very large compared to the other buildings on the site, dwarfing the recent additions of the sports hall and the maths block and would be overbearing;
 - Building too close to residents – should be moved further away;
 - The traffic in the morning outside the schools is awful already, with children being dropped off at Burleigh, Booth Wood, De Lisle, Thorpe Acre and Garendon and commuters using Thorpe Hill as a short cut.
 - Mini bus and waste vehicle movements should be limited to 8am to 8pm weekdays and 9am to 5pm at weekends;
 - Music therapy room should be sound-proofed;
 - Colours of bricks chosen do not blend with existing school buildings;
 - Loss of view from adjacent properties over school playing fields;
 - Loss of playing fields;
 - Traffic survey inadequate given other local schools;
 - Impacts on bats through additional lighting;
 - Storage of construction materials too close to residents;
55. Following re-consultation on the additional information, a further three letters have been received. Whilst accepting that some of their original concerns have been addressed, the letters still raise some concerns relating to matters including highway safety, access to the existing screen planting for nature studies, floodlighting, location of waste bins close to residents' gardens and loss of privacy due to the scale of the proposed school.

Assessment of Proposal

56. The starting point for the assessment of this application is the Development Plan and other relevant planning policies. In this case the constituent parts of the development plan are detailed in paragraphs 32 to 37 above.
57. This application is for a new special educational needs school on the existing Burleigh College campus in order to replace the existing Ashmount School, located on Beacon Road, Loughborough. The school would provide specialist education for 120 pupils and involve around 120 teachers and ancillary staff.
58. The location of the proposed school is on an existing school campus on land currently used as playing fields on the Burleigh campus. The development would take school buildings much closer to local residents than that currently on site and has the potential to impact detrimentally upon residents and ecological interests. The development would also impact upon the current playing fields at the site.

Design and Layout

59. It is considered that the proposed design of the school is acceptable and is in conformity with Policy 2 and EV/1 of the Regional Plan and Charnwood Local Plan respectively. It has been raised in several representations that the proposed building, by nature of its scale, would be out of keeping with the existing school buildings on the campus and be overbearing. It is considered that the proposed building would be much lower than the majority of buildings on the school site and that, whilst the new school would be closer to local residents than current buildings, the height of the building would be no higher than 7.8 metre high and would not have an unacceptable overbearing impact.
60. The external elements of the proposal have evolved during the consultation period, with changes being made to the car park layout, garage and landscaping of the site. The car park layout has been amended slightly to ensure the minimum amount of disruption to the existing vegetation on the site. This would ensure that there is a 7 metre buffer of existing vegetation between the school and car park areas and the rear of the local residential gardens. This then ensures that the potential for impacts upon protected species, including badger, are minimised and that the screening and security effects of the vegetation remain. The garage proposed for the school has been moved to the far side of the school to minimise noise disruption upon local properties.
61. The applicant has investigated the possibility of moving the bin storage area also to the far side of the building. However, due to the kitchens being designed on the south side of the building, the applicant considers it impractical to move the bins. It is considered that, subject to appropriate cleaning standards being maintained and the prompt emptying of the bins, this should not cause an unacceptable impact upon local residents. The Environmental Health Officer has raised no concerns in this regard.

62. A landscaping masterplan for the application site has been submitted and sets out a clear strategy for how the external areas of the school site would be surfaced and planted and how each area would be used. Within the school there would be a small grass pitch, ball court, hard-surfaced play grounds and areas of planting. The car parking area would also be landscaped with planted areas.
63. The development would lead to the loss of 19 trees and a tree survey and assessment has been completed. To mitigate this loss a series of large replacement cherry trees are proposed for along the new access road and between the new school and existing school buildings. In the light of the mitigation measures proposed, no objection has been raised to the loss of the trees. It is considered that a condition requiring full tree and planting specifications would be essential to ensure that the proposed mitigation measures have the maximum impact.

Lighting

64. The height of the floodlights has been limited to 6 metres rather than the 8 metres originally proposed. This would have the impact of reducing light pollution affecting local residents. Notwithstanding this, to further reduce any impacts upon local residents and wildlife utilising the wildlife corridor on the southern fringe of the site, in the event that planning permission is granted, conditions should be imposed seeking to restrict the nature and scope of the external lighting and the times that they can be switched on.

Surface Water Management

65. To minimise run-off rates from the site it is proposed to erect underground storage tanks that would accept rain water. A Flood Risk Assessment was completed which guided the design of the mitigation measures and the Environment Agency is satisfied that, subject to a condition requiring a formal Surface Water Drainage Scheme, the development would have no unacceptable impact on local drainage. It is considered that the development conforms to the requirements of Policy 35 of the Regional Plan.

Highway Impacts

66. The development would share the current access from Thorpe Hill with the Burleigh College. It would lead to the creation of 125 car parking spaces and therefore it is clear that there would be a significant increase in the number of vehicles, particularly at peak times, utilising the site access. The issue of highway safety at the access and along Thorpe Hill has been raised by several representors and the Highway Authority has considered the application in detail. The Highway Authority has advised the applicant on improvements that would be necessary at the site access to make the development acceptable. The applicant has subsequently revised site access arrangements and the Highway Authority raises no objection to the proposal subject to the imposition of appropriate conditions. The applicant states that the majority of pupils would arrive by minibus and, in the light of the above, it is considered that the proposal would not conflict with Policy TR/6 of the Local Plan.

Noise

67. Noise from the site has been raised as an area for concern by several local residents, in particular that from reversing vehicles. Vehicular access around the site provides a loop such that minibuses pulling into the site should have no need to reverse and the garage has been moved to the far side of the building which should further mitigate this issue. The waste bins store is still proposed on the southern flank of the building and there would be potential noise impacts from reversing waste collection vehicles, although it is considered that this would be infrequent, short lived and not pose an unacceptable impact upon local residents. There would of course be noise from pupils at break time, which Members should take into consideration when determining the application. The Environmental Health Officer has raised no objection in terms of noise.

Playing Field Impacts

68. The development would involve the loss of formal playing fields currently used for athletics by students at Burleigh College and it is necessary to consider this impact in detail. To mitigate this loss the applicant states that the existing playing fields can be remarked in a manner that provides additional pitches and the long jump pit and running track area to be lost can be replaced elsewhere on the campus. To further mitigate the loss, the applicant is actively supporting a proposal by Burleigh College to upgrade the existing all-weather pitch to a 3G artificial pitch and to formalise wider community use of the site through a Community Use Agreement (CUA). The new school would also allow SEN students the opportunity to use the adjacent facilities at Burleigh College and for the community to use the new hydrotherapy pool.
69. Burleigh College are intending to enter into a formal CUA with Loughborough Dynamo Football Club to allow greater community use of the campus pitches and facilities. Allied to this is a proposed application to the Football Federation for a grant to improve the current all-weather pitch to a high specification 3G artificial pitch, which is linked to the formal CUA.
70. Sport England has raised a formal objection on the grounds of unacceptable loss of playing pitches given that there is an identified shortfall in the Charnwood Playing Pitch Strategy (PPS) for the area, contrary to Policy 41 of the Regional Plan. However, the methodology used to identify playing fields in the borough for the PPS did not take account of the current pitches at Burleigh College due to the fact that there was, at the time, no defined community use. Sport England is of the opinion that the formalisation of community use would overcome its objection as the pitches on site would make up the deficit identified in the PPS. Unfortunately the County Council is not in control of the land and is restricted by the timescales set by Burleigh College for the signing of such an agreement with Loughborough Dynamo.
71. In the light of the objection from Sport England, should Members be minded to grant planning permission, it is important to note the requirements of the Town and Country Planning (consultation) (England) Direction 2009. The Direction sets out the circumstances and criteria that, if met, require the authority to refer

the application to the Secretary of State (SoS) if it is minded to grant permission in the light of an objection from Sport England. Upon referring the application to the SoS, he then has a 21 day period in which to consider the proposal and determine whether or not to 'call in' the proposal for his determination or to raise no objection to the authority granting permission.

72. The relevant section of the Direction is section 7, which states that '...where
- (a) the land (or any part of the land) which is the subject of the application -
 - (i) is land of a local authority; or
 - (ii) is currently used by an educational institution as a playing field; or
 - (iii) has at any time in the five years before the application is received been used by an educational institution as a playing field; and
 - (b) Sport England has been consulted and has made representations objecting to the whole or part of the development on one or more of the following grounds:
 - (i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
 - (ii) that the proposed development would result in such a deficiency; or
 - (iii) that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.
73. With regard to section 'a', it is clear that the development meets the criteria of sub sections 'ii' and 'iii'. However, the current situation is that the development falls within all three criteria of section 'b', although should a formal community use agreement be signed and a grant provided for the improvement to the artificial pitch, then Sport England state that this could be considered sufficient to address the deficiencies.
74. Sport England goes on to state that, 'if the authority (LCC) is happy that the community use can be secured, then you could argue that non (sic) of the referral grounds are valid. A further support to this would be if Charnwood BC can advise that the inclusion of these pitches secured by a formal agreement addresses the identified shortfall and that the community use is in accordance with one of the objectives of the PPS. As I understand the FA will require formal community use before they will release the fund towards the upgrade of the Artificial Grass Pitch.'
75. LCC cannot presently provide a CUA or a guarantee that the artificial pitch will be improved. As the applicant is very confident that a CUA will be signed in the very near future and Sport England supports this improvement, it is considered that some weight can be afforded to the 'potential' mitigation measures. In the light of the above issues it is considered that Members should give the impacts upon playing fields significant weight when determining the application.
76. Notwithstanding the comments from Sport England and the applicant regarding future community use of the site, should Members be minded to grant permission, it is considered that, in the light of the 2009 Direction, the Secretary of State would have to be offered the opportunity to call the decision in for his own determination.

Conclusions

77. The existing Ashmount School on Beacon Road, Loughborough is very dated and there is an identified need to improve the facilities for teaching special educational needs students. The proposed site at Burleigh College is on existing educational land which currently forms part of a large playing field area.
78. The design of the school is considered acceptable and the scale of the building would not have an unacceptable impact on the visual amenities of local residents. Only minor landscaping works would be necessary for the existing boundary planting which provides a valuable wildlife corridor linking the old railway line with Booth Wood and screening and security benefits in this area for local residents. There would be a loss of 19 existing trees although a landscaping scheme would compensate for this loss and create defined avenues of cherry trees linking the new school to the existing Burleigh campus. Subject to the imposition of conditions it is considered that the development would not have unacceptable impacts on local amenity, ecological interests and protected species.
79. Whilst the majority of students would be bussed in to the site, there would be a significant increase in the number of vehicles utilising the existing school access and there are proposals for 125 car parking spaces. The Highway Authority is satisfied that there would not be an unacceptable impact on highway safety subject to access improvements and a number of conditions.
80. It is considered that the development would not have an unacceptable impact by way of noise, flood risk or loss of local amenity.
81. Although it is considered that all other impacts would be acceptable or could be made so by planning conditions, the loss of playing fields and the objection from Sport England remain an unresolved issue. Notwithstanding the potential future community use agreement and the artificial pitch improvements at Burleigh College, in the light of the other mitigation measures proposed that can be subject to planning conditions, it is considered that, on balance, the wider benefits of the proposed special educational needs school development outweigh the impact upon the playing fields at Burleigh College and the conflict with Policy 41 of the Regional Plan. It is therefore recommended that Members should be minded to grant permission and this decision be forwarded to the Secretary of State for his deliberation as to whether to call the application in.

Recommendation

- A. That it be resolved to grant planning permission subject to the conditions and reasons nos. 1 to 21 set out in the appendix and subject to the Application for Planning Permission ref. no. 2012/1268/03 (2012/REG3MA/0173/LCC) together with the views of the County Planning Authority and the responses received as a result of consultations and publicity for the proposal being forwarded to the Secretary of State in accordance with Section 7 of the Town and Country Planning (Consultation) (England) Direction 2009.

B. To endorse as required by the Town and Country Planning (Development Management Procedure) Order 2010 (as amended) a summary of the:

(i) Policies and proposals in the development plan which are relevant to the decision, as follows:

Policies 2, 35 and 41 of the East Midlands Regional Plan; and Saved Policies EV/1, TR/6 and ST3 of the Charnwood Borough Local Plan.

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

The development would provide much needed new facilities to provide specialist education to children with learning difficulties from the surrounding area. The design and scale of the proposed school would not have an unacceptable impact upon local residents.

The landscaping scheme would protect the wildlife corridor that exists between the proposed site and adjacent local properties and there would no identified significant impact upon local ecological interests. Some trees would be removed from the site but there would be compensatory tree planting.

The development would take the built part of the existing school campus closer to local residents and there would be an increase in general noise for those residents. Notwithstanding this, it is considered that the development would not lead to unacceptable noise impacts upon local residents and the EHO has raised no objection.

There would be an impact upon playing fields on the existing campus. However, this impact would be partly mitigated by amending the current pitch layout on the site and by bringing current areas of scrub into use as playing field. Whilst this is a significant issue, it is considered that the overall benefits from locating the new SEN school at this site outweigh the impacts upon the playing fields.

Conditions

1. The development hereby permitted shall be commenced within three years of the date of this permission.
2. The development hereby permitted shall only be carried out in accordance with the details contained in the documents accompanying planning application no. 2012/1268/03 and drawing nos.
 - L1132 03 Rev. B dated 26th March 2012;
 - L1132 05 Rev. N dated 29th February 2012;
 - L1132 06 dated 10th May 2012;
 - L1132 10 Rev. J dated 1st March 2012;
 - L1132 15 Rev. A dated 11th April 2012;
 - L1132 20 Rev. B dated 14th March 2012;
 - L1132 21 Rev. A dated 21st March 2012;
 - L1132 SK-31 Rev. B dated 5th July 2012;
 - 0863 001A dated July 2012;
 - 0863 002C dated July 2012;
 - 0863 004C dated July 2012;
 - 0863 005A dated July 2012;
 - 2509-E-600 Rev. D dated April 2012;
 - JN1228-NWK-SK0300 Rev. A dated April 2012; and
 - JN1228-NWK-SK0301 Rev. A dated April 2012.
3. Prior to the commencement of the development, representative samples of the materials and colours to be used externally in the construction of the proposed buildings shall be deposited with and approved in writing by the County Solicitor. The development hereby permitted shall be carried out and thereafter maintained strictly in accordance with the materials and colours approved.

Landscaping and trees

4. Before the development authorised by the permission is commenced including site works of any kind, a detailed landscaping scheme showing the treatment of all parts of the site (to remain un-built upon) shall be submitted to and agreed in writing by the County Solicitor. The scheme shall include details of:
 - i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
 - ii) new tree and shrub planting, including plant type, size, quantities and locations;
 - iii) means of planting, staking and tying of trees, including tree guards;
 - iv) other surface treatments;
 - v) fencing and boundary treatments;
 - vi) any changes in levels;
 - vii) the provision to be made for the management and maintenance of existing vegetation on the application site.
5. The approved landscape scheme approved under condition 4 shall be carried out in accordance with a programme of implementation to be first agreed in

writing by the County Solicitor. All planted material shall be suitably maintained and replaced as necessary by the applicant or owners of the land at the time for a period of not less than 10 years from the date of planting.

6. Before the development hereby permitted is commenced, including site works of any kind, existing trees, shrubs or hedges to be retained under the provisions of condition no 4 above shall be protected by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with details to be agreed by the County Solicitor. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written consent of the County Solicitor. If any trenches for services are required in the fenced off area(s), they/it shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5 cms. or more shall be left un-severed.
7. Details of siting, design and appearance of all fencing to be erected on the site shall be submitted to and agreed in writing by the County Solicitor before development commences. All fencing erected on site shall be in accordance with the agreed scheme.

Lighting

8. Details of the siting, timing devices, hours of use, design, luminance, direction of light distribution, shielding of all means of external lighting and a light spill drawing indicating lux levels at a level no greater than 1 lux within Zone 14 identified on plan no. 0863 005A shall be submitted to and agreed by the County Solicitor before any such provision is made within the development.

Transportation and Access

9. Prior to the development hereby permitted being first brought into use, the existing vehicular access off Thorpe Hill (Gate 1) into the Burleigh College campus shall be upgraded in accordance with the details contained within drawing no. L1132 SK-31 Rev B. Once the access has been improved it shall be thereafter permanently maintained in accordance with the approved details.
10. Prior to the commencement of the development, the applicant shall have submitted to and had approved by the County Solicitor a traffic management plan for the construction phase of the development, particularly aimed to protect the safety of school children at both Burleigh College and the neighbouring schools. The development shall then be operated in line with the approved traffic management plan.
11. Before the development is first brought into use, the existing school travel plan for the Burleigh College campus shall have been reviewed to include the Special School hereby permitted and shall have been submitted to and approved by the County Solicitor. The reviewed travel plan should seek to reduce the number of car journeys to the school/College and shall be submitted to and approved in writing by the County Solicitor and adopted prior to the first

occupation of the proposed classrooms/facilities or to a timescale as may otherwise be agreed in writing by the County Solicitor. The Travel Plan shall, amongst other things, set out:

- (a) the details of the measures to be adopted;
- (b) the mechanisms and time scales for implementing those measures;
- (c) the details of how the Travel Plan shall be kept under review to achieve continual improvement in the reduction in the number of car journeys to the College. This shall include a monitoring report to be submitted annually, on the anniversary of the approval of the Travel Plan, to the County Solicitor, which shall set out:
 - i) details of progress in implementing the plan;
 - ii) details of any enhancement or additional measures or other amendments to be implemented in the light of the monitoring report;
 - iii) details of how failures to implement the measures in the approved Travel Plan are to be remedied.

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

12. The car parking, access and servicing facilities indicated on drawing no. L1132 05 Rev N shall be suitably hard surfaced and marked out to the satisfaction of the County Solicitor and made available before the proposed development is brought into use. Thereafter, these areas shall be kept free from obstruction and remain available for such use at all times.
13. Prior to the first use of the site secure cycle provision shall be provided in accordance with that identified on drawing no. L1132 05 Rev N. Such cycle provision shall be maintained for the life of the development.

Ecology

14. Other than maintenance and additional planting required in accordance with the scheme approved under condition 4, no use whatsoever shall be made of Zone 14 identified on plan no. 0863 005A.

Drainage

15. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Solicitor. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm plus an appropriate allowance for climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

Playing Fields

16. Prior to the first occupation of the school hereby permitted, the playing fields on the Burleigh site shall be marked out and available for use in accordance with drawing number L1132 03 Rev. B dated 26th March 2012.

Limitations on Use

17. The development hereby permitted, including the car parking area, shall only be occupied for purposes in connection with, or ancillary to, educational activities on the site and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any other Order revoking or re-enacting that order) and only between the hours of 07:30 to 20:00 Monday to Friday and 09:00 to 16:00 on Saturdays. There shall be no use of the site on Sundays and Public and Bank Holidays.
18. The use of the vehicular servicing area for the proposed kitchen area shall be confined to the period between 07.30 – 16:30 hours (Mondays to Fridays).

Construction Works

19. All site preparation, movement of materials and machinery and construction and demolition works within the site in connection with the approved development, shall only take place between 07:30 – 19:00 hours (Monday to Friday) and 08:00 – 14:00 hrs on Saturdays. No such activities shall take place at any time on Sundays or Statutory Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site unless otherwise agreed in writing with the County Solicitor.
20. All site cabins to be placed on the site during the construction period shall be single storey only and all cabins shall be removed from the site prior to the first use of the new school.
21. Before any development commences on site, the developer shall make provision at any access from the site for the wheels of vehicles to be cleaned before leaving the site to prevent the deposit of mud and detritus on the public highway.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990.
2. For the avoidance of doubt and to ensure the development is carried out in accordance with the approved scheme.
3. To safeguard the appearance of the new school and appearance of the locality. (Policy EV/1 of the Charnwood Local Plan)
- 4&5. To enhance the development and safeguard the appearance of the locality. (Policy EV/1 of the Charnwood Borough Local Plan)
6. To ensure that proper steps are taken to safeguard the existing vegetation during the course of construction. (Policy EV/1 of the Charnwood Borough Local Plan)

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7. In the interests of local amenity and ensure minimise potential impacts upon existing vegetation and protected species. (Policy EV/1 of the Charnwood Borough Local Plan)
8. To minimise the impact of artificial lighting on local residents and protected species. (Policy EV/1 of the Charnwood Borough Local Plan)
- 9&21. In the general interests of highway safety. (Policy TR/6 of the Charnwood Borough Local Plan)
10. In the interests of the safety of school children. (Policy TR/6 of the Charnwood Borough Local Plan)
11. To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site. (Policy TR/6 of the Charnwood Borough Local Plan)
12. To ensure adequate parking facilities are provided within the site, so that the proposal does not lead to indiscriminate parking within the site or on the surrounding highways to the detriment of highway safety. (Policy TR/6 of the Charnwood Borough Local Plan)
13. In the interests of the sustainability of the development and to encourage alternative transport choice. (Policy TR/6 of the Charnwood Borough Local Plan)
14. To protect existing screen vegetation and protected species (Policy 2 of the East Midlands Regional Plan)
15. To prevent the increased risk of flooding, both on and off site. (Policy 35 of the East Midlands Regional Plan)
16. To ensure that the loss of playing fields is compensated for in order to not create a deficiency in the number and nature of playing fields in the area. (Policy 41 of the East Midlands Regional Plan and Policy ST/3 of the Charnwood Local Plan)
17. To ensure that the use of the premises remains compatible with the existing development in this locality and to enable the County Planning Authority to assess the impact of any alternative or additional uses, particularly on the amenities of the nearest residential properties.
- 18,19 In the interests of local amenity. (Policy EV/1 of the Charnwood Borough & 20. Local Plan)

Note to Applicant

1. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which

seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open. The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

DEVELOPMENT CONTROL AND REGULATORY BOARD

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

EQUAL OPPORTUNITIES IMPLICATIONS

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

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Young People's Service 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 County Council's Human Resources Department 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.