

**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**15<sup>TH</sup> JULY 2004**

**REPORT OF THE DIRECTOR OF COMMUNITY SERVICES**

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

**LEICESTERSHIRE COUNTY COUNCIL – REPLACEMENT HIGH SCHOOL,  
BUSHLOE HIGH SCHOOL CAMPUS, STATION ROAD, WIGSTON (OADBY AND  
WIGSTON BOROUGH)**

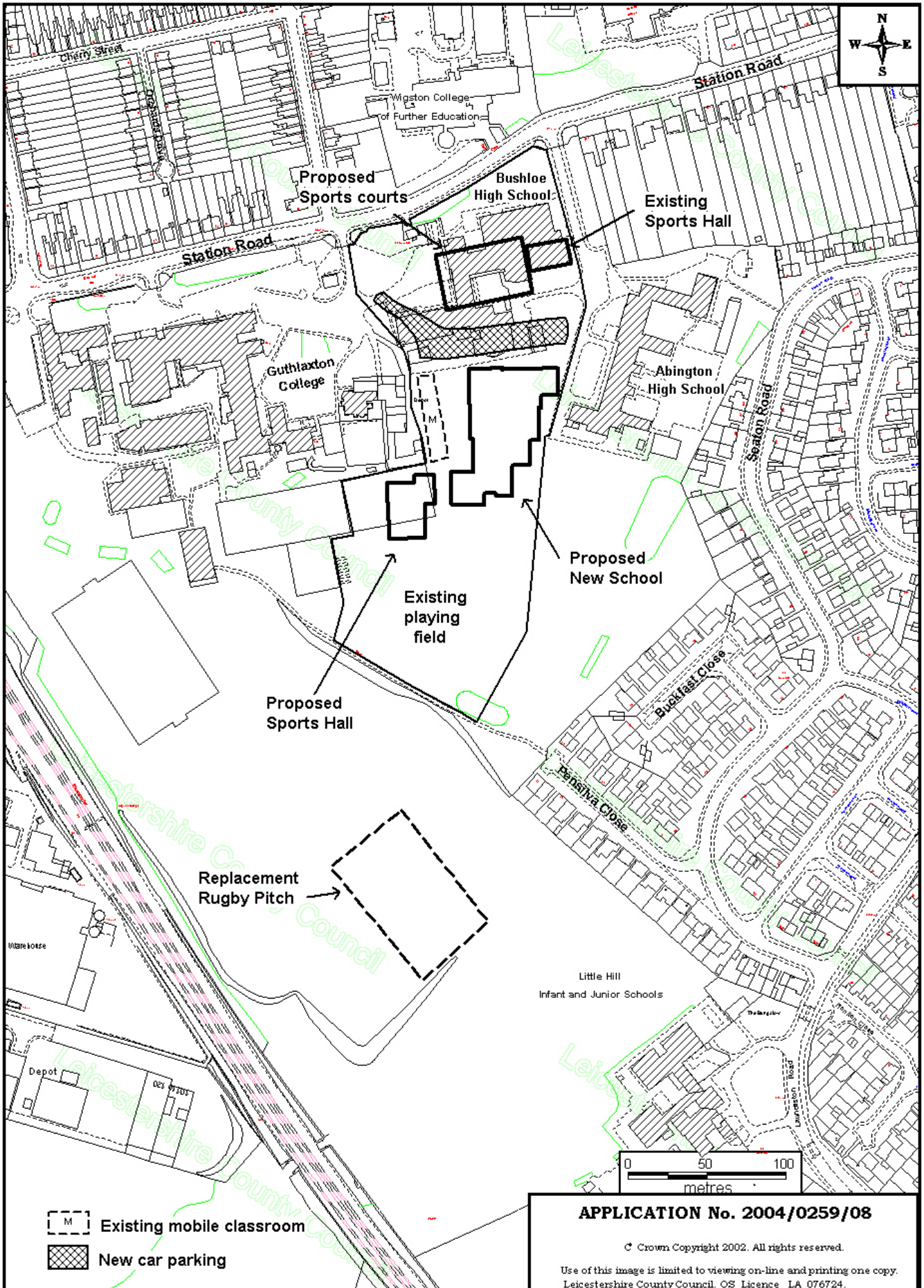
**2004/0259/8 – 21<sup>st</sup> May 2004**

**Background**

1. Members may recall that an application was approved by the Board in August 2003 for a mobile classroom to accommodate students whilst part of the school buildings - the single storey Art, Science and Technology section of the school, was demolished.
2. The Bushloe High School is nearing the end of its life. It is a system built building, erected in the late 1950s, using a system of construction known as 'Intergrid'. In 1978 the Building Research Establishment published a report forecasting the anticipated life span of such buildings to be no more than 50 years. The existing school is located on the shared campus, situated on Station Road, Wigston, occupied by two other secondary schools and the Little Hill Primary School. It is proposed to erect a new school and sports hall directly behind the existing school, currently used as a rugby pitch and tennis courts. The existing Bushloe School will continue to operate until the new building is available for occupation in September 2006, after which time it would be demolished. It is not possible, therefore, to place the new building on the site of the current High School.

**Description of Proposal**

3. The existing Bushloe High School campus is located to the south of Station Road a busy main road which carries traffic between Wigston Magna and South Wigston. Immediately opposite the site is the Wigston College of Further Education, a day nursery and further to the west residential properties. To the west, east and south are the campuses of Abington High School and Guthlaxton Community College where similar educational and community activities occur. To the south of the combined campuses of these schools is an area of playing



2004/0259/8 – continued

fields the use of which is divided between them. There are residential properties to the south east and east of those playing fields. The proposed new school buildings would be a minimum of 140m from the rear wall of the nearest residential properties to the south-east on Buckfast Close, which are bungalows, and to the east 106m from the nearest residential properties on Seaton Road.

4. The sports hall would be 167m from the rear wall of the nearest residential properties on Buckfast Close. There is a small copse of trees between the properties on Seaton Road and the new buildings. There is limited planting along the boundary of the playing fields and the rear gardens of the properties on Buckfast Close.
5. It is proposed to construct the main school building with dimensions of 66m by 88m with a curved roof ranging in height between 2.7m and 8m. This would enable accommodation to be provided on two floors. It is also proposed to build a new sports hall for the school 30m by 38m with a curved roof ranging in height between 2.7m and 9.5m in height. The walls of the school buildings and the sports hall would be treated with a coloured render finish. The sports hall would also have colour coated horizontal steel cladding around the upper part of the walls. The colours to be used on the walls have yet to be finalised but it is intended that these would be in a range of muted pastel colours e.g. yellow, orange, lilac. The roof would be covered in a rubber finish – probably in a grey colour.
6. It is intended to reposition pitches on the adjoining Guthlaxton Community College's playing fields to create sufficient space to replace the pitch lost when the new school is built. It is envisaged that both the rugby pitch and sports hall will be available for community and school use. Replacement tennis and netball courts would be provided at the front of the new school buildings to replace those that will be lost from the site where the sports hall would be built. The existing sports pitches to the south of the Bushloe campus will continue in use. This will mean that there is an overall increase in the sports facilities provided on the campus both for school pupils and members of the local community.
7. It is proposed to retain the existing Bushloe Sports Hall for use by Abington High School to enhance the sports facilities at that school. Whilst the new sports hall would be available for use by the public and the community it is not envisaged that the existing sports hall to be used by Abington School would be utilised for out of school lettings. Lettings for the new sports hall would probably be based on the present use of the existing sports hall set out in the table below.

Current lettings for sports hall

Monday	Badminton & Cricket (Feb – Easter)	18.30 - 21.30 hours
Tuesday	Cricket (Feb – Easter)	19.30 – 21.30 hours
Wednesday	Badminton	18.30 – 21.35 hours
Thursday	Archery	18.30 – 21.30 hours
Friday	Badminton (Sept – Easter)	19.00 – 22.00 hours

2004/0259/8 – continued

8. The new school is designed to accommodate the same number of pupils and staff i.e 800 pupils and 40 teaching bases, as the existing building and so there will not be an increase in vehicular and pedestrian traffic to the campus. There would not be any additional traffic associated with the school once construction work has been completed. Car parking would be provided to the north of the new school buildings. There would be 65 spaces for use by staff and 16 casual visitor spaces. The age of the pupils would range from between 10 and 14 years old.
9. The application is not accompanied by a school travel plan as required by the guidance set out in PPG13. Instead it is proposed by the applicant that the governors of Bushloe School should be required to have a School Travel Plan in place prior to the occupation of the new building. In the opinion of the Education Authority this would conform with established practice where other schools which have had major extensions (e.g. following mobile replacement) have been required to have a plan in place prior to occupation.
10. Currently there are no evening classes held in school classrooms at Bushloe High school; these are usually held in the main assembly hall and are set out in the table below.

Current lettings for Bushloe High School buildings

Monday & Wednesday	Wigston School of Dance	17.00 - 21.00 hours
Tuesday	Exercise classes	18.00 – 21.00 hours
Thursday	Fitness & Diet Classes	18.00 – 20.30 hours
Friday	Occasional lettings	Times vary
Saturday – 1 per month	Old Time Dancing	18.00 – 22.30 hours
Saturday – 3 to 4 times per year	Dance Productions	Times vary – some 14.00 – 23.00 hours
Saturday	Other occasional lettings	Times vary

11. No lighting is proposed as part of the application for the pitches to the south of the new school. There will be amenity lighting for the benefit of pedestrians around the school, and in the car park area. There will be security lighting where appropriate.
12. Three semi mature lawson cypress trees, a young willow and 2 young ornamental trees will need to be removed from the location of the new tennis court location although there may be a need to carry out management works to existing trees. This may include the removal of further trees where necessary to allow individual specimens to develop to their full potential.
13. The excess soil /spoil of 1500cu.m that arises during construction would be taken off site to a licensed tip or stored on site during construction for possible spreading on the site on completion of the development. This would be subject to the submission of further details.

**Planning Policy****National Policy Guidance**

14. *Planning Policy Guidance 13 – Transport (PPG13)* states that the government wants to help raise the awareness of the impact of travel plans for schools and makes reference to this in PPG13, revised in March 2001. Such plans would encourage the introduction of sustainable transport objectives including particularly the reduction in car usage and the increased use of public transport, walking and cycling.
15. The government considers that travel plans should be submitted alongside planning applications which are likely to have significant transport implications including those for, inter alia, smaller developments which would generate significant amounts of travel in, or near to, air quality management areas e.g. education uses. New and expanded school facilities should be accompanied by a school travel plan which promotes safe cycle and walking routes, restricts parking and car access at and around schools and includes on-site changing and cycle storage facilities.
16. The weight to be given to a travel plan in a planning decision will be influenced by the extent to which it materially affects the acceptability of the development proposed and the degree to which it can be lawfully secured.
17. *PPG 17: Planning for Open Space, Sport and Recreation* aims to protect existing open space, sports and recreational buildings and land. It states that planning permission should not be granted for developments on playing fields, unless: the development is ancillary to the playing field and does not affect any pitches; the land affected is incapable of forming a pitch; the fields would be replaced; or the new facility would benefit sport development sufficiently to outweigh the loss of the playing field. PPG 17 also refers to the requirement of planning authorities to consult Sport England about developments that affect land used as playing fields.

**Development Plan Considerations**

18. The Development Plan in this instance is made up of the *Leicestershire Structure Plan (1991 – 2006)* and the adopted *Oadby and Wigston Local Plan (1999)*. The school campus is located within the settlement boundary. The frontage of the combined schools' campus is indicated as an area of significant urban open spaces - based on landscape frontages.
19. *Strategy Policy 1* of the Leicestershire Structure Plan, relating to the Overall Strategy, suggests that most new development should be located where a realistic choice of transport is or will be made available and which will be maintained or improved and also seeks to ensure that the recreational needs of the community are met.
20. *Leisure Policy 1* of the Structure Plan suggests that provision will normally be made for recreational development, inter alia, within and adjoining settlements for formal recreation facilities.

2004/0259/8 – continued

21. *Recreation Proposal 1* of the Local Plan suggests that applications for recreational developments, including outdoor facilities, will not be permitted unless appropriate provision has been made to enable people with disabilities to access the development.
22. *Recreation Proposal 2* suggests that applications will be approved for, inter alia, the provision of new leisure and recreation facilities.
23. The Local Plan in paragraph 9.21 suggests that demand for indoor sporting and recreational facilities has been catered for by the construction of the new leisure centre between Oadby and Wigston. With the opening of Parklands, the major sports hall deficiency identified in the former Oadby Local Plan has largely been met. However, the Leicestershire County Recreation Strategy, 1992 identified a remaining need for a small sports hall (sufficient for two badminton courts) which would be most appropriately provided in South Wigston. The Borough Council's Recreation Strategy indicates that the most appropriate location for this sports hall could be at South Wigston High School but that the new resource should be made available for a wider community use than just serving the school.
24. *Service Proposal 3* of the Local Plan suggests that the development of new community buildings, or the extension or change of use of an existing building to a community use (Class D1), will not be permitted unless the development: - does not have an unduly adverse effect on the amenities of nearby residents; will have adequate on-site parking and would not lead to traffic congestion; will be well related in design to the character of the street scene.
25. *Service Proposal 4* states that in granting planning permission for community uses, conditions may be attached which limit hours of use; restrict noise emissions; ensure an adequate number of car and cycle parking spaces and ensure a satisfactory landscaping scheme.
26. *Landscape Proposal 1* states that development will be permitted provided:-
  - (i) Existing landscape features, such as walls, hedges and trees, will be retained and additional well designed landscaping and open space will be provided in the layout of larger developments;
  - (ii) The building design, scale and form will contribute positively to the overall quality of the environment and be carefully related to existing and proposed development;
  - (iii) The layout, design and landscaping features will discourage crime;
  - (iv) It will not harm the amenities of occupiers of adjacent properties or cause a juxtaposition of incompatible uses; and
  - (v) It will not prejudice the development of adjoining land.
27. *Landscape Proposal 9* suggests that development will not be permitted within or adjoining areas of significant urban open spaces – landscape frontages (as identified on the local plan) which would affect adversely or diminish the present open character of these areas or the contribution which they make to the quality of the townscape.

2004/0259/8 – continued

28. *Conservation Proposal 6* suggests that planning permission will not be approved for development which would have an adverse effect on any species protected by law unless provision is made, either through the use of planning conditions or by the use of a planning obligation, to ensure that the species is protected satisfactorily both during and following the implementation of the development.
29. *Conservation Proposal 10* states that provision must be made in all major new developments to ensure that surface water discharge after development is balanced to the rate of run-off existing before the development takes place.
30. *Conservation Proposal 11* states that development will not be permitted which would be at risk from flooding or which would increase the flood risk downstream.
31. *Conservation Proposal 12* states that development will not be permitted which would adversely affect the quality and ecology of water courses or ground water.
32. Consideration also needs to be given to the relevant policies of the *Leicester, Leicestershire & Rutland Structure Plan (LLRSP)* (as proposed to be adopted July 2003) relating to the overall strategy and leisure.
33. *Leisure Policy 2* of the LLRSP relates to Leisure and Tourism and, inter alia, suggests that provision will be made for the improvement and establishment of sports facilities which provide for a local, regional or national need.

### **Consultations**

#### **Oadby and Wigston Borough Council – Planning**

34. The proposed sports hall and school would be located closer to the properties to the south, the south east and the east. This development should not adversely affect the amenities of the neighbouring residents. Specifically the open field with limited landscaping may give rise to noise disturbance. The colours proposed on the information provided may exaggerate the buildings' prominence. It is not possible to accurately assess this element from the materials schedule and elevations provided. Additional landscaping or trees could be used to mitigate any adverse impact the development may have.
35. With reference to the use of the premises outside of school hours. This again could be detrimental to the amenities of the neighbouring residents. Conditions should be attached regarding the hours of use and to restrict noise emissions. Regard should be had to ensure satisfactory access for people with mobility restrictions. It is noted that there is no disabled car parking in close proximity to the proposed sports hall.
36. It is noted that no trees are proposed to be removed in the frontage to Station Road. As there will be no building fronting Station Road when the existing Bushloe School is demolished, it is paramount that the existing trees and shrubs are retained; there may also be the possibility for additional planting in this area.

2004/0259/8 – continued

### **Oadby and Wigston Borough Council – Environmental Health Officer**

37. The reference to the provision of a School Travel Plan is supported which will contribute to the Authority's Air Quality Strategy. The entire project will entail a significant amount of construction and demolition work. All such work and activities associated with it should not contravene the statutory nuisance provisions of the Environmental Protection Act 1990. Included in this (amongst others) is the emission or the arising of noise, smoke, dust, smell and fumes that are prejudicial to health or a nuisance.

### **Heritage Services – Archaeology Unit**

38. No comment

### **Heritage Services – Ecology Unit**

39. The ecological survey carried out on behalf of the applicant suggests that the presence of protected species on site, other than nesting birds, is unlikely. To protect the birds the removal of trees and shrubs should be deferred to the period between the end of August and the beginning of February when it is unlikely that birds are nesting. A further bat survey should be conducted prior to demolition of buildings and the removal of the two trees with bat potential that are likely to be felled. This additional survey will enable a more comprehensive assessment of the situation to be made. It is recommended that replacement of lost woody species be required using native species common to the area and of local stock to provide foraging and nesting opportunities for birds, small mammals and invertebrates. A close watching brief should be maintained as work progresses. If any protected species are discovered, works must cease immediately and English Nature informed.

### **Sport England**

40. Sport England would normally object to the loss of any playing fields to development unless one of five specific exceptions is met. The exceptions relate to the following:-
- A proven excess of provision.
  - The use is ancillary to the playing field.
  - The site is incapable of forming part of a pitch.
  - Equivalent or better replacement will be provided elsewhere.
  - An alternative sports use is proposed, outweighing loss.
41. The proposed new school building is sited on part of the school's playing field, on an existing rugby pitch. This pitch will be relocated elsewhere on the playing field. Provided that this can be secured by condition on any planning application, Sport England would not wish to raise any objections to this part of the application. Indeed the wider community use of both the playing fields and pitches and the sports hall will bring about positive sporting benefits. This should be secured by condition and an appropriate management agreement.

2004/0259/8 – continued

42. Ideally, the sports hall should be to Sport England's optimum sports hall standard. Ancillary facilities should be provided in accordance with details supplied. The proposed hall is sited on an area of tennis courts. These courts will be relocated to the front of the school. These new courts should be of sufficient number to enable the school to deliver a full PE Curriculum.

**Severn Trent Water Ltd**

43. No comments received at the time this report was published

**Environment Agency**

44. No objection, in principle, to the proposed development subject to the imposition of conditions relating to drainage matters.

**Highway Authority**

45. No objection in principle subject to conditions relating to the provision of car parking areas, the provision of secure cycle parking provision, the control of numbers of people on the site at any one time and the requirement to submit a travel plan.
46. In pre-application discussions the highway authority highlighted the need for a travel plan to accompany the application. This is in line with guidance set out in PPG13, Department of Transport documents and Travelling to School – ‘a good practice guide’ and ‘an action plan. Whilst it is accepted that the proposal is a replacement school, systems should be put in place as part of the proposal to promote/provide measures to reduce car journeys and create safer (and cleaner) environments in terms of people involved in travelling to and from the new school.

**Publicity**

47. The proposal was advertised in the press on 28th May and by site notices and neighbour letters on 21<sup>st</sup> May 2004.
48. Letters of representation have been received from 3 households occupying residential properties; 2 in Buckfast Close and 1 in Seaton Road.

Concern has been expressed about :-

- The colour of the building, details of which have not yet been submitted
- The issue of noise and lighting and whether any screening would be provided between the school and residential properties to the south and east
- The use of the school facilities for community use most days of the week
- The issue of additional letting of the school facilities and that this is controlled with regard to the hours and the amount of noise
- The location of the new car parking area and any associated lighting
- Security for neighbouring residential properties

These concerns are addressed in the Assessment section of this report.

## **Assessment**

### **Environmental Impact Assessment Screening Opinion**

49. Consideration has been given to the need for an Environmental Impact Assessment (EIA) associated with this development which falls above the threshold level for urban development projects in Schedule 2 of the Town & Country Planning (EIA)(England & Wales) Regulations 1999. It has been concluded that in view of the information submitted by the applicant in support of the application that the character of the development would not lead to a significant effect on the environment taking into account the location of the development and the characteristics of the potential impact. A school of the same size and nature already exists on the site, which the new school will replace. This is likely to have similar effects on the local environment as the existing school. These are not deemed to be significant even when taking into account that it may be considered that the site of the proposal is situated in a sensitive location - an urban location with a heavy concentration of population.
50. Consideration has been given to the selection criteria for screening Schedule 2 development as set out in Schedule 3 of Statutory Instrument 293/1999 [Town & Country Planning (EIA)(England & Wales) Regs 1999] and the guidance set out in paragraphs A18 and A19 of Circular 2/99 [Environmental Impact]. It is concluded that in view of the information submitted by the applicant in support of the application that the character of the development is not likely to have a significant effect on the environment taking into account the location of the development and the characteristics of the potential impact.

### **Residential Amenity**

51. It is considered that the proposed school and sports hall would not adversely affect the appearance or character of the surrounding residential area. Although the proposed new buildings would be constructed in a different design and in different materials to that of the existing school buildings and the other school buildings nearby it is considered that it would have its own identity and make a separate architectural statement which would be acceptable in this location. They would generally be separated from Station Road by the existing landscaped frontage which includes many mature trees and hedges. At the rear (south) they would be at a considerable distance from the boundaries of the campus and residential properties. The scale and mass of the proposed buildings would not lead to over development of the site as a result of the size of the building and its location.
52. With regard to the effect on occupiers of nearby residential properties it should be noted that the proposed new school buildings will be a minimum of 140m from the rear wall of the nearest residential properties to the south-east on Buckfast Close, which are bungalows, and to the east 106m from the nearest residential properties on Seaton Road. This is considered to be a reasonable distance to ensure that the buildings do not have an overbearing effect on residential properties. There is a small copse of trees between the properties on Seaton

2004/0259/8 – continued

Road and the new buildings. There is limited planting along the boundary of the playing fields and the rear gardens of the properties on Buckfast Close. The land slopes away from the position of the new school buildings towards the residential properties which should assist in reducing the visual impact of the proposal on those properties.

53. All the activities associated with the sports hall will be carried out inside the building and it is not proposed that there should be any windows (except at an upper level) on the south and east elevations of the building. The entrance to the sports hall would be taken from the northern side of the building. This should ensure that there is a minimum amount of disturbance from the associated activities for the residents. In any event it should be borne in mind that there are existing sports pitches at the rear of the school where outside activities are already carried out and consequently any activity associated with the new school and sports hall should be viewed in this context. The school building will have windows on all elevations and there will be entrances for pupils all round the building.
54. It is considered that the distance between the residential properties and the new buildings would be sufficient to alleviate any unacceptable noise associated with their use but in any event some noise should be expected in the vicinity of school and community premises in the normal course of events. The land between the new buildings and these properties will remain in playing field use by Bushloe High School and Abington High School. The application does not propose that these playing fields would be floodlit. Consequently, it is not proposed in the application that any additional planting be provided on the south side of the school to act as a screen against the visual effect of the buildings, noise, activities or lighting etc in view of the considerable distance from the residential properties. The proposed location for new car parking would be on the other side (north) of the new buildings from those properties. It is not proposed to make any amendment to the boundary treatment where the playing fields adjoin residential properties to improve security since these will continue to be in use by Abington High School.
55. Residential properties to the north of the site are divorced from the school campus by Station Road, a busy main road which carries traffic between Wigston Magna and South Wigston and therefore would not be immediately affected by the activities within the school campus. In any event those activities already exist and would merely be replaced in new surroundings further away from the houses – nearby residents potentially benefiting from a more control over those activities as a result of conditions which may be imposed. There would not be any additional traffic associated with the school once construction work has been completed. For the benefit of residents it is intended that the use of the school premises is restricted by the imposition of conditions relating to a restriction on noise and the hours of use, types and occurrence of non educational activity. Immediately opposite the site is the Wigston College of Further Education and a day nursery. To the west, east and south are the campuses of Abington High School and Guthlaxton Community College where similar educational and community activities occur.



2004/0259/8 – continued

pitches/courts as new ones are to be created on other parts of the campus and that of Guthlaxton College. There will be a new sports hall and Abington School would benefit from the use of the existing Bushloe sports hall.

63. Consequently, it is considered that there would not be any overall loss of sports area which might be contrary to guidance and policy. There are no other more suitable locations for the school buildings which would not lead to the use of existing sports facilities. It would not be possible to build on the site of the existing school since this needs to remain in use until the new school is occupied.

Landscaping

64. The frontage of the school immediately adjoining Station Road is protected by Landscape Proposal 9 of the Local Plan which seeks to protect important landscape frontages from development. It is considered that the protected landscape frontage will not be adversely affected as a result of the development and no vegetation would be lost from this area which, it is recommended, should also be enhanced by additional planting.
65. Although the replacement tennis/netball courts do not relate particularly well to the new school building, sports hall or the frontage space which will be created when the old school is demolished there is little choice for an alternative location for the courts which must be replaced.
66. Seven trees are required to be removed although there may be a need to carry out management works to existing trees. This may include the removal of further trees where necessary to allow individual specimens to develop to their full potential. A condition is recommended which would require their replacement.

Ecology

67. It is not envisaged that the proposal and associated works will have any impact on recognised protected species although a watching brief may be required during the course of construction work.

Construction Works

68. It is proposed that construction spoil will be either taken off site to a recognised disposal point or be stored on site for possible spreading. Conditions are recommended which would control the location and height of spoil heaps and the location and final land contours if the spoil is respread on the site.
69. A condition is recommended to ensure that lorry movements involved in the removal of spoil and demolition materials do not take place during peak school times. Wheel washing facilities will be required to ensure that soils are not taken onto the surrounding road network. Alternatively some spoil may be spread out elsewhere on the site and details of any change in levels produced as a result of this are required by condition to be submitted.

2004/0259/8 – continued

### School Travel Plan

70. It is proposed by the Education Authority that the governors of Bushloe School be required to have a School Travel Plan in place prior to the occupation of the new building. In the opinion of the Education Authority this would conform with established practice where other schools which have had major extensions (e.g. following mobile replacement) have been required to have a plan in place prior to occupation.
71. PPPG13 suggests that travel plan should be made available at the time that an application is submitted for a new school proposal. In this instance the application has not been accompanied by such a plan. On the basis that members are prepared to accept and determine the application without the benefit of the plan a condition is recommended to be attached requiring the submission and its implementation before the buildings are first occupied.
72. With regard to the existing levels of traffic that are attracted to the existing school the application gives the opportunity to improve the current traffic situation through the imposition of a travel plan. Although there will be no increase in staff or pupil numbers the usual traffic congestion occurs at the start and end of the school day. This is a problem that is common to many schools in the County. Schools are located close (normally within walking distance) to the population that they propose to serve. This inevitably means that they will be located in residential areas and as such it has to be accepted that the benefits that this brings has to be weighed against any disbenefits that might arise. In planning terms the built form of the new school is acceptable in this locality and staff car parking will be provided on the site. Balanced against that is the congestion that is created at the site twice a day for relatively short periods of time. The only sustainable answer is to reduce the number of car journeys to the school and one way of doing that is to make the occupation of the new school buildings contingent on the implementation of a School Travel Plan and there is a recommendation to that effect. The need for a Travel Plan is supported by the intentions of PPG 13 which suggests that such plans may be appropriate when development is proposed in areas of existing parking congestion. This will involve the preparation of initiatives to reduce the number of car journeys to the school. It is expected that these measures will go some way to reducing traffic congestion such that the proposal will not generate traffic flow which will create any further adverse affect on the existing road network.
73. A condition is recommended which requires the provision of a cycle parking facility. This, together with the provision of shower facilities in the sports hall, will enable the school to encourage staff and pupils to travel to school by bicycle – one of the proposals which should be incorporated in a travel plan to assist in the reduction of car borne journeys to the site.

### Traffic and Car Parking

74. It is proposed to provide adequate parking provision to serve the educational use of the sports hall and school buildings in the day time by pupils of the school.

2004/0259/8 – continued

75. In term time the daytime use on weekdays of the sports hall, school building, courts and pitches would be restricted to use by students only. Consequently there should not be any marked increase in traffic associated with the development at this time and the proposed car parking would be adequate. In the evenings the facilities would be open to the community and there would be traffic associated with this use. However, this would be at a time when traffic on the local roads would be less and the roads should be able to accommodate that traffic. The existing car parking at the college would be free from use by the daytime pupils and staff and would be available for the users of the sports hall, courts, pitches and school buildings. Although there are some adult evening classes at the college these do not attract numbers of people which would make use of all of the car parking spaces and the remainder would be available for sports users.
76. Out of term and at the weekend the same situation would apply. Any consent could be restricted to ensure that only a certain number of people could be accommodated on the site at any one time, thus ensuring that sufficient car parking is available. The school could be required to limit the number of occasions when there might be large scale use of the sports hall to a maximum of 6 per year and to limit the number of non-educational use of the other school buildings to 20 per year. Disabled users would have dedicated car parking facilities. It would also be possible to stipulate the maximum number of people on the site at any one time to ensure that car parking facilities remain adequate. A barrier is proposed to protect the main car parking area (65 spaces) from unauthorised use. The barrier would be down in the daytime but raised in the evenings and weekends.

Conclusion

77. The proposed development will be available for use during and outside normal school hours. Consequently, it would be necessary to impose conditions relating to the hours of use and the emission of noise. It should be noted that hours of construction and removal of demolition materials are limited by condition recommended in order to protect the amenities of residents. Satisfactory access would be available for people with mobility restrictions. There will not be any significant loss of existing vegetation and additional landscaping is required by condition. In these terms the proposal meets the intentions of Service Proposal 4 and also of Landscape Proposal 1 of the Local Plan.
78. Furthermore, the new school buildings and sports hall also meets the intentions of the latter proposal for the following reasons. The building design, scale and form is appropriate to the site and would not detract from the quality of the environment or the residential and educational character of the area. The height and size of the hall would be in keeping with the surrounding area and buildings. The materials proposed in the construction of the building are acceptable. A condition should be imposed in relation to the colour of the materials to be used in the construction of the buildings.

2004/0259/8 – continued

79. The new school buildings and sports hall would be at a sufficient distance away from those houses which back onto the grounds of Abington School so as not to have an overbearing effect or affect the residential amenities. The amenities of occupiers of the houses would not be unduly harmed by the proposed replacement rugby pitch on the Guthlaxton campus.
80. On balance, it is considered that subject to the recommended conditions to mitigate the effects of the scheme, the proposed new school building, sports hall and replacement pitch and courts would be acceptable in planning terms and are recommended accordingly for approval.

### **Recommendation**

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

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant Development Plan policies, including the following, -

[Leicestershire Structure Plan:- Strategy Policy 1 and Leisure Policy 1

Oadby and Wigston Local Plan:- Recreation Proposals 1 and 2;  
Service Proposals 3 and 4; Landscape Proposals 1 and 9;  
Conservation Proposal 9]

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

The County Council considers that the benefits associated with the proposal outweigh any limited effect on the amenities of nearby residents. The County Council also considers that any such harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

### **Circulation Under Sensitive Issues Procedures**

Mr. O.D. Lucas, CC

### **Officer to Contact**

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2004/0259/8 – continued

## **Conditions**

### **Commencement**

1. The development hereby permitted shall be begun within five years from the date of this permission.
2. Before any development is commenced on the site details shall be submitted to and approved in writing by the Director of Community Services with regard to:-
  - a) a landscape scheme which shall indicate the treatment proposed for all ground surfaces, together with the numbers, types, species of planted materials and their disposition. The proposed planting should be of native species common to the area and of local stock. The scheme shall include details of:-
    - i) trees to replace those to be lost to the development;
    - ii) management works to existing trees based upon the recommendations of the submitted tree survey;
    - iii) the play areas;
    - iv) additional planting on the frontage of the school to Station Road;
    - v) the areas which are to be made good after the demolition of the old school buildings, mobile classrooms and ancillary works/areas and
    - vi) the proposed environmental learning resource for the study of biodiversity and ecology.
    - vii) the location and height of any spoil heaps
    - viii) the location and proposed ground levels for the disposal of construction spoil
  - b) the siting, design, luminance, direction of light distribution, the shielding of all means of external lighting, method of operation and of CCTV cameras to be provided on and around the new buildings;
  - c) a provisional scheme for the surface water drainage works;
  - d) a provisional scheme for the implementation of a surface water run-off limitation;
  - e) any fencing and walls to be constructed;
  - f) access to the retained sports hall;
  - g) a school travel plan to reduce the number of car journeys to the school site;
  - h) the materials and colours to be used in the external construction of the buildings;
  - i) the provision of secure cycle parking facilities;
  - j) any change in levels to ground surfaces which may be created by the distribution on the school site of excavated or demolition materials arising from the development and
  - k) the location and height of any spoil heaps.

2004/0259/8 – continued

3. Unless otherwise agreed in writing with the Director of Community Services the development shall be carried out in accordance with the plans as submitted.

Landscaping

4. The approved landscape scheme referred to in condition 2 (a) shall be carried out in the first appropriate planting season following the date when the proposed school building is ready for occupation. All planted material shall be suitably maintained and replaced as necessary by the applicant(s) or owners of the land at the time for, a period of not less than 10 years from the date of planting.
5. Before the development hereby permitted is commenced including site works of any kind, existing trees, shrubs or hedges in the vicinity of the construction works shall be protected by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with details to be agreed by the Director of Community Services. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written consent of the Director of Community Services. No tree shall be used as an anchorage, nor shall any item whatsoever be affixed to any retained tree. If any trenches for services are required in the fenced off area(s), they/it shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5 cms. or more shall be left unsevered.
6. There shall not be any topping, lopping, felling of trees/hedges at either the Bushloe High School campus or the Abington High School campus except for the planting identified on the submitted plans to be removed in association with the construction work without prior written approval of the Director of Community Services.
7. The existing mobile classrooms which are to be replaced by the extension shall be removed from the site within 3 months of the occupation of the new building.
8. The sites of the mobile classrooms which are to be removed and the school buildings which are to be demolished and ancillary areas (and not otherwise redeveloped) shall be reinstated to a standard and timescale to be previously agreed in writing by the Director of Community Services.
9. The replacement rugby pitch proposed on the Guthlaxton Community College campus shall be provided and made available for use prior to the commencement of development on the site.

Ecology

10. No trees with roosting potential for bats shall be felled or buildings demolished until the applicant (or its agent or successors in title) has secured the implementation of a scheme for further ecological survey and appropriate mitigation and compensation measures, especially in regard to protected species, unless it has been shown conclusively in any previous survey that none are likely to be adversely affected. If this is the case a watching brief shall be maintained by the developer/applicant throughout the course of the works. Walkover surveys should be undertaken immediately prior to any part of the development commencing to ensure the discovery of any protected species that may have moved into the area. The scheme shall be submitted to and approved in writing by the Director of Community Services.
11. Any necessary mitigation measures referred to in condition 8 above shall set out the detailed design, methods statement and timetable of works to mitigate for harm to any protected species discovered and shall be approved in writing by the Director of Community Services and carried out as part of the development. No development shall take place except in accordance with the agreed details.

Highway Matters

12. The car parking and manoeuvring areas shown on the submitted plan shall be hard surfaced, marked out and made available for use prior to the new school buildings and sports hall being first brought into use. Thereafter the car parking shall be so maintained and remain available for use at all times free from any obstruction. Any proposed barrier should not preclude use of the car parking areas when the school and sports hall is in use in the evening and weekends.
13. A minimum of two car parking spaces shall be marked out to the satisfaction of the Director of Community Services for use by disabled drivers.
14. The approved secure cycle parking provision referred to in condition 2(h) shall be provided prior to the development being first brought into use and shall thereafter be so maintained and remain available for use at all times free of obstruction.
15. The School Travel Plan which seeks to reduce the number of car journeys to the school referred to in condition 2(g) shall be implemented and adopted prior to the first occupation of any of the proposed buildings or to a timescale as may otherwise be agreed in writing by the Director of Community Services.
16. The Travel Plan referred to in condition 13 shall, amongst other things, set out:
  - (a) the details of the measures to be adopted;
  - (b) the mechanisms and time scales of implementing those measures;

2004/0259/8 – continued

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

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

#### Drainage

- 17. The drainage works referred to in condition 2(c) shall be completed in accordance with the full details and to a timetable agreed prior to the installation of such drainage works.
- 18. The surface water run-off limitation works referred to in condition 2(d) shall be implemented in full in accordance with the full details and to the approved programme prior to the installation of such run off limitation measures.
- 19. The approved surface water system shall be installed and functional prior the main building works commencing.
- 20. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

#### Hours of Use

- 21. The use of the proposed courts and the existing pitches shall be limited to 08.00 – 21.30 hours (weekdays); 09.00 –17.00 hours (Saturdays) and not at all on Sundays, Public or Bank Holidays), unless otherwise first agreed in writing by the Director of Community Services.
- 22. The use of the Bushloe sports hall hereby permitted shall be limited to 08.00 – 22.00 hours (weekdays); 09.00 –17.00 hours (Saturdays) and not at all on Sundays, Public or Bank Holidays, unless otherwise first agreed in writing by the Director of Community Services.

2004/0259/8 – continued

23. The use of the school building hereby permitted shall be limited to 07.30 – 22.00 hours (weekdays); 08.30 – 23.00 hours (Saturdays) and not at all on Sundays, Public or Bank Holidays, unless otherwise first agreed in writing by the Director of Community Services.
24. The use of the Abington sports hall hereby permitted shall be limited to 08.00 – 17.00 hours (weekdays); 09.00 – 13.00 hours (Saturdays) and not at all on Sundays, Public or Bank Holidays, unless otherwise first agreed in writing by the Director of Community Services.

#### Restrictions on Use

25. Unless otherwise agreed in writing with the Director of Community Services the use of the school buildings, sports hall pitches and courts shall be restricted to pupils of Bushloe High School until 17.00 hours during any school day.
26. Unless specified otherwise in any other condition appended to this planning permission the sports hall hereby permitted shall only be used for such purpose and for no other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any other Order revoking or re-enacting that order). Unless otherwise agreed in writing with the Director of Community Services the sports hall shall not be used for any non sports related activity such as meetings, conferences, weddings, theatre productions, discos or live music or other activities which may have a need to provide individual seating accommodation.
27. Unless specified otherwise in any other condition appended to this planning permission the proposed development hereby permitted shall be occupied in association with the educational activities of Bushloe High School on the site and for no other purposes within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, (or any Order revoking or re-enacting that Order), unless otherwise agreed in writing by the Director of Community Services.
28. Unless specified otherwise in any other condition appended to this planning permission the existing sports hall to be used by Abington School shall only be used for such purpose and for no other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any other Order revoking or re-enacting that order). Unless otherwise agreed in writing with the Director of Community Services the sports hall shall not be used for any non sports related activity such as meetings, conferences, weddings, theatre productions, discos or live music or other activities which may have a need to provide individual seating accommodation.
29. This consent does not relate to the use of any part of the sports hall for a bar or similar community use.

2004/0259/8 – continued

30. Unless otherwise agreed in writing with the Director of Community Services there shall not be any noise (including amplified speech or music) or vibrations generated from the site associated with the sports hall, the pitches and the hard surfaced courts which would be detrimental to the amenities of the occupiers of nearby properties.
31. The number of sports related activities on site associated with the sports hall and the existing pitches and courts where the number of competitors/spectators exceeds 100 shall be restricted to 6 per annum, details of which shall be notified in advance to the Director of Community Services.
32. Unless otherwise agreed in writing with the Director of Community Services, no more than 20 non-educational events (other than sports activities associated with the sports hall and the hard courts) shall take place within the main college buildings and grounds in any educational year, (i.e. from 1<sup>st</sup> August to 31<sup>st</sup> July). Prior to such activities taking place, the Director of Community Services shall be notified in writing of the dates and nature of each event.
33. Unless otherwise agreed in writing by the Director of Community Services no activities shall take place in connection with the sports hall outside the normal school day referred to in Condition No. 23 above, which would result in the expected number of persons to the site exceeding 250 when included with the expected number of people attending any other activities associated with the main school building and grounds.
34. Unless otherwise agreed in writing by the Director of Community Services the use of the existing sports hall by Abington School shall be restricted to educational activities associated with that school only and shall not include access by the public to the use of those facilities.

#### Construction and Demolition Works

35. Unless otherwise agreed in writing with the Director of Community Services, all site preparation, movement of materials and machinery and construction and demolition works within the site in connection with the approved development, shall only take place between 0730 – 1900 hours Monday to Friday. No such activities shall take place at any time on Saturday, Sundays or Statutory Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site unless otherwise in writing with the Director of Community Services.
36. Unless otherwise agreed in writing with the Director of Community Services, all deliveries of and movement of materials and machinery including the removal of spoil and demolition material on and off the site, in connection with the approved development, shall only take place between 9.00 – 15.00; 16.00 – 19.00 hours Monday to Friday. No such activities shall take place at any time on Saturday, Sundays or Statutory Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site unless otherwise in writing with the Director of Community Services.

2004/0259/8 – continued

37. Before any development commences on site, the developer shall make provision at any access from the site for the wheels of vehicles to be cleaned before leaving the site to prevent the deposit of mud and detritus on the public highway. Such provision shall be in accordance with details of location and specifications to be first agreed in writing by the Director of Community Services.
38. No loaded lorries carrying excavated material shall leave the site unsheeted.
39. The old school buildings shall be demolished and the demolition materials removed from the site to a recognised disposal point within 6 months of the occupation of the new school.

**Reasons**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 and to enable the County Planning Authority to review the position at the end of this period.
2. To ensure a satisfactory form of development.  
(Oadby & Wigston Local Plan 1999: Service Proposal 3 & 4; Landscape Proposal 1)
- 3, 6  
& 39 For the avoidance of doubt.  
(Oadby & Wigston Local Plan 1999: Service Proposal 3 & 4)
4. To ensure that the work is carried out within a reasonable period and is properly maintained.  
(Oadby & Wigston Local Plan 1999: Service Proposal 3 & 4; Landscape Proposal 1)
5. To ensure that proper steps are taken to safeguard the existing vegetation during the course of construction.  
(Oadby & Wigston Local Plan 1999: Service Proposal 4; Landscape Proposal 1)
- 7&8 To enhance the appearance of the development.  
(Oadby & Wigston Local Plan 1999: Service Proposal 3 & 4; Landscape Proposal 1)
9. To ensure that there are adequate sports facilities for the use of pupils. (Oadby & Wigston Local Plan 1999: Landscape Proposal 1)
10. To determine whether or not any protected species are present on the site and to ascertain whether the proposed works will adversely affect those species.  
(Oadby & Wigston Local Plan 1999: Conservation Proposal 9)

2004/0259/8 – continued

11. To ensure that appropriate measures are taken to protect features of importance to nature conservation, including protected species and their habitats, and reduce ecological impacts of the development. (Oadby & Wigston Local Plan 1999: Conservation Proposal 9)
12. To ensure that adequate parking facilities are available to serve the development. (Oadby & Wigston Local Plan 1999: Service Proposal 3 & 4)
13. To ensure that appropriately located off street parking facilities are available to serve disabled people. (Oadby & Wigston Local Plan 1999: Service Proposal 3 & 4)
14. To help promote cycling by both staff and students in order to reduce the number of car journeys to the school. (Oadby & Wigston Local Plan 1999: Service Proposal 3 & 4)
- 15 & 16 In order to reduce the number of car journeys to the school. (Oadby & Wigston Local Plan 1999: Service Proposal 3 & 4)
17. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. (Oadby & Wigston Local Plan 1999: Conservation Proposal 10 & 11)
18. To prevent the increase in risk of flooding. (Oadby & Wigston Local Plan 1999: Conservation Proposal 10 & 11)
19. To reduce the local risk of flooding. (Oadby & Wigston Local Plan 1999: Conservation Proposal 10 & 11)
20. To prevent pollution of the water environment. (Oadby & Wigston Local Plan 1999: Conservation Proposal 12)
- 21,22,23 To safeguard the amenities of nearby residents.  
24,29,30 (Oadby & Wigston Plan 1999: Service Proposal 3 & 4; Landscape  
31,32,33 Proposal 1)
- 25,26,27 To ensure that the use of the premises remains compatible with the  
& 28 existing development in this locality and to enable the CPA to assess the impact of any alternative or additional uses. (Oadby & Wigston Local Plan 1999: Service Proposal 3 & 4; Landscape Proposal 1)
34. To safeguard the amenities of nearby residents and in order to ensure that adequate off street car parking is made available to serve the users. (Oadby & Wigston Local Plan 1999: Service Proposal 3 & 4; Landscape Proposal 1)

2004/0259/8 – continued

- 35&36 To ensure that the existing and proposed activities on the site do not give rise to parking and access difficulties at the site, in the interests of road safety and the amenities of the locality.  
(Oadby & Wigston Local Plan 1999: Service Proposal 3 & 4; Landscape Proposal 1)
- 37&38 To avoid the deposit of loose material on the highway and in the interests of highway safety.  
(Oadby & Wigston Local Plan 1999: Landscape Proposal 1)
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**Notes to Applicant**

1. Your attention is drawn to the contents of the letters dated 25<sup>th</sup> May and 20<sup>th</sup> May 2004, attached to this consent, from the Director of Community Services – Heritage Service, regarding ecology matters.
2. Your attention is drawn to the contents of the letter, attached to this consent, dated 29<sup>th</sup> June 2004 from Sport England.
3. Your attention is drawn to the contents of the letter, attached to this consent, dated 28<sup>th</sup> June 2004 from Oadby & Wigston Borough Council's Head of Environmental Health and Environment.
4. Your attention is drawn to the contents of the letter, attached to this consent, dated 2<sup>nd</sup> July 2004 from the Environment Agency.
5. Consideration should be given to the use of infra red lighting in association with any cctv cameras to be provided on the school campus.
6. The condition numbered 32 means no activities either in or out of the buildings eg weddings, parties, car boot sales, shows, productions etc
7. Your attention is drawn to the fact that the use of the sports hall and hard courts is restricted by conditions to certain hours. It is expected that the premises (including the building, car park and grounds) will be vacated by the latest times referred to in these conditions.
8. Any spoil to be removed from the site should be taken to a recognised disposal point.
9. You are reminded that nesting birds are protected by law under the Wildlife and Countryside Act 1981. Therefore, any disturbance of nesting birds occurring on planning application sites would constitute an offence under the law. It may be prudent, therefore, to defer works until the fledglings have left the nest and are fully independent.

The bird nesting season occurs between early spring and late summer, when resident and migratory bird species nest and rear their young. Trees, hedgerows, gutters, chimneys, ledges and roof spaces in buildings are common nesting sites. The presence of nesting birds may have direct implications on certain planning applications, particularly where they involve works to trees, roadways and other construction necessitating hedgerow removal and repair or demolition of buildings.

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## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all preceding applications.

### **EQUAL OPPORTUNITIES IMPLICATIONS**

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

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Education and the Director of Resources will be informed as follows:

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

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984.

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

### **BACKGROUND PAPERS**

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

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

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

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

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

The circumstances in which the Board is required to "have regard" to the development plan are:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.