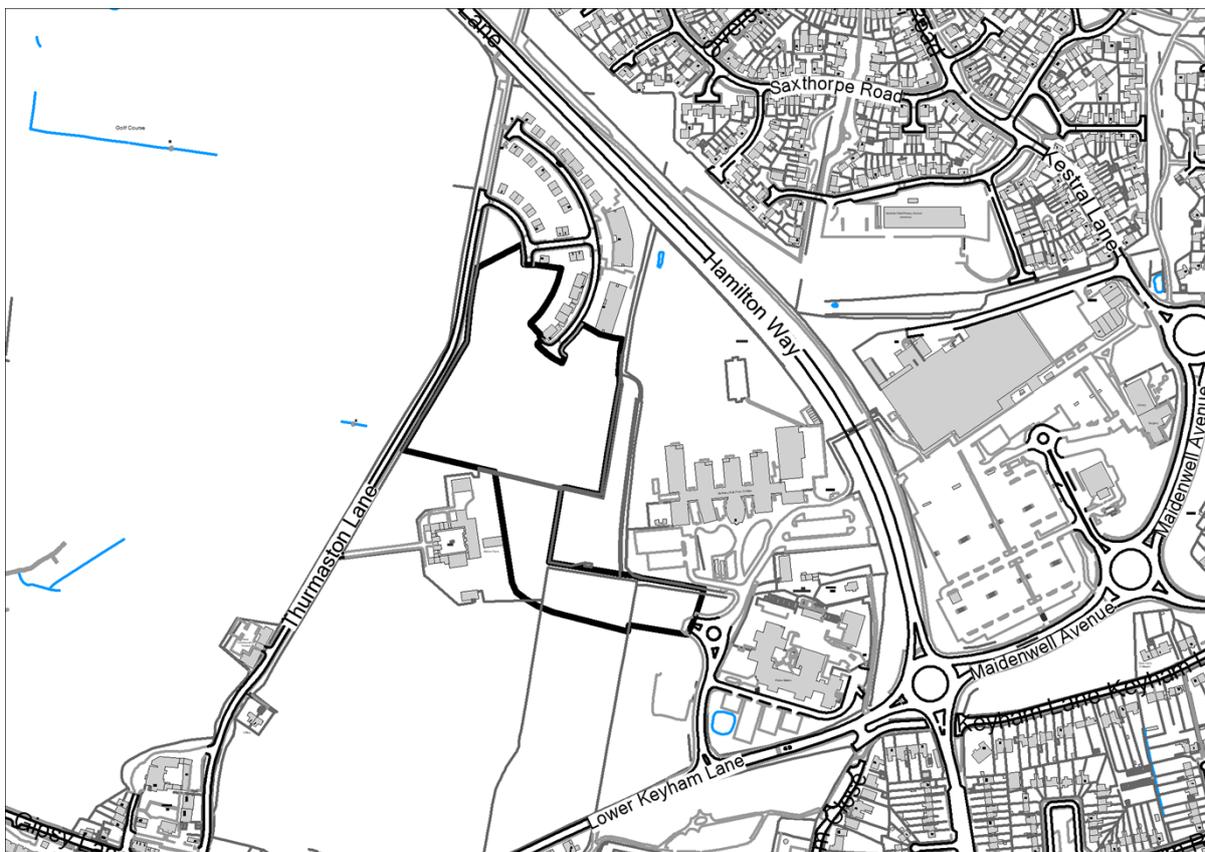


<b>Recommendation: Conditional approval</b>	
<b>20191832</b>	<b>Land East of Thurmaston Lane off Colin Grundy Drive</b>
Proposal:	Construction of a two and three storey school building and sports hall with associated access; parking; external recreation areas; sports facilities and landscaping (Class D1) (subject to s111 agreement)
Applicant:	Department for Education
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20191832">https://planning.leicester.gov.uk/Planning/Display/20191832</a>
Expiry Date:	31 January 2020
LL	WARD: Humberstone & Hamilton



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**Summary**

- This application is brought to committee as 6 objections have been received from separate addresses in the city.
- The key issues are the principle of development, impact on the highway network, and impact on heritage assets.
- The recommendation is for approval subject to conditions.

**The Site**

The site is located to the immediate north and east of Manor Farm, and is to the east of Thurmaston Lane. The site has a western boundary of about 190m running along Thurmaston Lane, and the eastern boundary is mainly to an area of woodland. To the north are dwellings on Collis Crescent, and to the south is Manor Farm.

The main site access is proposed from the south-east corner of the site, and the site includes a reverse-L shaped element leading around the woodland to link up with the roundabout on Colin Grundy Drive.

The site is close to the northern boundary of the Old Humberstone Conservation Area, and there are several TPO trees on site. The wood to the east is a TPO group.

To the north of the existing housing is Hamilton Way, and although Thurmaston Lane connects with Hamilton Way it is not a through route for motor traffic. There is a footpath link and a pedestrian crossing over the main road.

Also accessed from Colin Grundy Drive are a police station, a place of worship (a Gurdwara) which is under construction, and Gateway College.

There is a footbridge over the ring road from the Hamilton centre, where there are bus links to other parts of the city. A footpath around Gateway College provides a link route.

## **Background**

There is a recognised need within the City for additional school places, to meet population growth.

Although the applicant is the Department for Education (DfE), and the application is for a new free school, the application has been submitted on the basis that the school will be occupied and operated by Avanti Fields School. Many of the public comments refer to this school, which already has a temporary site (a school building dating from the turn of the last century) on Narborough Road/Bruce Street. The temporary site is understood not to be available on a permanent basis, and not to be suitable for Avanti Fields School.

The proposal has been subject to pre-application discussions.

## **The Proposal**

The proposal is to construct a part two- and part three-storey school building towards the south-east corner of the site. Vehicular access would be by a new road from Colin Grundy Drive, leading to a car park and drop-off area in front of the school. There would be a separate staff car park, and a foot/cycle access from Thurmaston Lane.

The site would also accommodate outside facilities including two hard-surfaced play areas, recreation and biodiversity areas, bin and cycle stores.

The school would accommodate children from nursery to secondary ages, including 472 school places at nursery and primary, with 900 secondary (ages 11-16). It is anticipated that the primary will be at capacity by 2028 and the secondary by 2025.

## **Policy Considerations**

### National Planning Policy Framework (NPPF)

Paragraphs 2 and 47 – Applications must be determined in accordance with the development plan, unless material considerations indicate otherwise

Paragraph 91 – pedestrian and cycle connections; safety and accessibility; health

Paragraph 92 – the provision of facilities and services for the community

Paragraph 94 – provision of school places

Paragraph 98 – public rights of way

Paragraphs 102 and 103 – transport issues and promoting sustainable travel

Paragraph 110 – priority to sustainable travel

Section 11 – Making effective use of land

Paragraph 120 – changes in the demand for land

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Paragraph 170 – Provide net gains for biodiversity

Section 16 – Conserving and enhancing the historic environment

### Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

The most relevant Core strategy policies and Local Plan policies are H01, GE09, CS02, CS03, CS08, CS17 and CS18.

### Other legal or policy context

Old Humberstone Conservation Area Character Appraisal (2015)

## **Consultations**

### Local Highway Authority

No objection subject to conditions and a financial contribution.

### Lead Local Flood Authority

No objection subject to conditions.

### Pollution Control (Land)

No comments to make.

### Better Buildings

Support proposals in respect of fabric and M&E efficiency.

Concerned that insufficient justification has been provided regarding the lack of renewable energy generation

## **Representations**

Six objections have been received raising the following concerns.

- The infrastructure is not in place to support a school
- Substantial additional traffic both at construction stage and once opened
- Hope that traffic survey has been undertaken and solutions suggested
- Do not believe that the number of drop off spaces would be sufficient

- Drop off area does not address the hold up as children get out of the car
- Traffic queuing to drop children off will block access to police station
- Parking issues related to place of worship – understand that they have withdrawn an extension application
- Traffic problems which the council is aware of, have been meeting with the MP, councillors and the Mayor
- How can this be considered before the impact of the [Gurdwara] is known
- Village has been developed fast, new housing estates, [Gurdwara] and this school
- Public transport is inadequate for the village
- Area has been developed without consideration to width of roads or parking for schools
- Lack of suitable crossing places on Lower Keyham Lane
- School will increase traffic at one of the worst pinch points in Leicester (Humberstone Lane/Gipsy Lane/Main Street/ Lower Keyham Lane)
- Ask that steps are taken to keep construction noise to a minimum particularly during May and June when students at Gateway College will be sitting exams
- Concern re access for residents of sheltered housing scheme on Lower Keyham Lane, residents have to put up with cars being parked on footpath and stopping suddenly to pick up students from college
- Head teacher [from Avanti] said that none of the students would travel by car they would be told to walk, so why is there drop-off area
- Would be better to put main entrance on Thurmaston Lane which could be widened to accommodate additional traffic
- Why consider building on a conservation site? Historic character of village already compromised
- Area is important for wildlife, wild birds have been affected by existing development
- The mature trees are crucial for biodiversity.

Thirty nine other comments, mainly of support, have been received as follows

- Limited secondary school choice in the area [Hamilton]
- Area is deprived of good schools
- Welcome development for local community, would benefit many families in the area
- Parents looking for good secondary school for their children
- Hamilton growing very fast, needs secondary school
- Fulfils the need of a secondary school with strong spiritual values
- Leicester needs some good schools for children's future
- Ethos of the school is very good
- Child attends school in its temporary location, sent him there partly because of the location of the permanent site
- Children attend the primary school and happy they will be able to attend for higher education
- Will save travel time
- Children will be able to walk to school

- Traffic will be restricted to pick up and drop off times which are not during rush hour
- Majority of morning traffic is because of people dropping children to other schools
- Some people mentioned the Gurdwara which has its own parking and majority of people would visit on Sunday

## Consideration

### Principle of development

The application relates to a site which is defined in the Local Plan as primarily a housing allocation, with a strip to the west, along Thurmaston Lane, defined as Green Space. This means that the proposal is a departure from the local plan, and it has been advertised as such.

Policy CS06 states that the city's housing need will be met through development of strategic sites. One of these defined allocations includes Hamilton. Policy H01 states that Hamilton (Manor Farm) will provide an estimated 140 dwellings. Phase 1 of Manor Farm was granted planning permission in 2010 for 32 units meaning the later phases of the development were expected to provide the balance of the housing allocation.

Leicester currently does not have a 5-year land supply and the NPPF is clear that opportunities to maximise housing development should be pursued. Paragraph 123 states that:

*“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.”*

It goes on to state that in these circumstances:

*“local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework”.*

However this paragraph is part of section 11 of the Framework – *Making effective use of land* – which does not refer only to housing, but also encourages consideration of land for other uses. Paragraph 120 allows for applications for alternative uses to be considered on allocated land where the proposed use would contribute to meeting an unmet need for development in the area.

Paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

Policy CS08 supports the provision of schools and states that, with the exception of schools serving new housing development, new schools will be rebuilt on existing sites. Since this policy was adopted however, in 2010, the need for school places has

increased due to various demographic changes. In addition the way that schools are provided has evolved, with the introduction of free schools being included in the Academies Act of 2010. The DfE uses local information on school places, collated and provided by the local authority, to establish that more school places are needed, and works with providers (Academy trusts and free schools) to make the school places available. This means that it is no longer possible for the local authority to insist that new schools are rebuilt on existing sites. Free schools are normally established first of all in temporary sites before having their permanent site established in the medium term as their intake expands.

The DfE has identified the requirement for Avanti Fields School to have a new teaching facility, and has reviewed available sites within the city. The application site was identified as suitable and available.

The temporary site on Narborough Road has no sports hall and limited outside space. A substantial amount of work would be required to the fabric to upgrade the building and make suitable for modern school use, even if the physical constraints could be overcome and if there was space for the number of pupils proposed. I therefore consider that it would not be appropriate to require that the school is rebuilt on this site. As stated earlier, part of the proposed development site is green space as defined by the adopted policy map – the area between the existing housing allocation and Thurmaston Lane. It is worth noting that this green space is currently private with no existing right of access. As part of the proposal the area will be generally retained (albeit still as private open space) with only a small part lost to car parking. In this case, the loss of allocated green space would not affect the open nature of this site and I consider that the limited loss would be acceptable.

This site is a housing allocation in the adopted Local Plan, which means that it should be retained for the provision of new housing. However the NPPF puts a very strong emphasis on ensuring provision of new schools and school places to meet local need of which there clearly is an identified need within the city.

Leicester does not have a 5-year housing land supply and as the application site is currently a defined housing allocation the proposal is contrary to local and national housing policy as it stands. It is also contrary to policy CS08. However, despite a planning application being submitted for residential use in 2000 (albeit not determined until 2007), and the allocation being first adopted in 2006, this area has not yet been developed for housing. Although the new local plan is at an early stage, and cannot be given any weight, it is anticipated that the allocation for this site will change from housing to education.

The proposal is not contrary to national policy which prioritises the provision of school places and I am satisfied that the development of the application site to provide school places will meet a planning need.

Leicester is a constrained area and demands on land within the city council's administrative area are intensive. Ongoing local plan work indicates that there is insufficient vacant or reusable land within the city boundary to meet all of the identified needs of the city as it develops. Keeping this land available for hypothetical future

housing while refusing a scheme for a school that is likely to be developed promptly would not be an efficient use of land.

I consider that, taking the policy requirements and the identified local needs on balance, the provision of a school on this site is acceptable.

### Design

The proposed new school building would consist of two wings designed in a 'T' shape, comprising a mostly two-storey wing orientated north-south along the eastern boundary of the site, and a linked three-storey wing positioned east-west and taking the top storey across the central part of the north-south block. The two-storey wing would accommodate the secondary school areas, with the three-storey wing containing primary teaching accommodation on ground and first floors and secondary teaching spaces on the second floor. The main halls and dedicated dining spaces for both primary and secondary pupils would be located at the intersection of the two wings forming the centre of the school at ground floor level.

The full height sports hall would form the southern part of the two storey block. The heights, taking into account the relationships with nearby uses and allocations, are considered acceptable (see also below for assessment of massing in context). Externally, the building would be of brick to the ground floor, with cladding used above on some elevations, and brick on others. Full and final details can be secured by condition.

The arrangement of windows would have a horizontal emphasis, with a regular pattern of recesses along the building containing a slightly varying layout of openings and panels. This would create a balanced but not overly-regimented appearance. Overall, I consider that the design is a relatively simple but well-detailed proposal, appropriate for the site and is a good response to the constraints of the site and the needs of the development.

Subject to conditions being satisfactorily addressed, I consider that the proposal would be in accordance with policy CS03.

### Heritage Assets

The site is visible from the Conservation Area, and contains historic ridge and furrow features. The Conservation Area is to the south and includes much of the old Humberstone village. The Conservation Area boundary extends north to enclose the Manor Farm buildings, and the northernmost tip of the Conservation Area is just a few metres away from the south boundary of the site. Part of the area proposed for the new entrance road is within the Conservation Area.

The open aspect of the site positively enhances the rural aspect of the northern part of the Conservation Area and there would be some harm to the setting of the Conservation Area from the development of the plot. However, the focus for the new buildings is set away from the Conservation Area boundary and landscaping would be provided to act as a buffer. The buildings are well designed and represent a broadly cohesive and compatible design response to the setting, with a materials palette that would help to ensure that the buildings would not be visually dominant.

The proposed development would be set well away from the various nationally listed buildings and would not have any meaningful impact on their setting or significance. The proximity to the inter-war complex of farm buildings is relatively tight and the proposed development would cause some harm to its setting. However, the buildings are at the lower end of heritage significance within the Conservation Area and the works would represent less than substantial harm in terms of the heritage impact. The site is of archaeological interest, and some of the investigative work has already been carried out. The work was monitored by the city archaeologist. Further investigation is required to the northern part of the site, but this would not delay the commencement of development on the other parts of the site. I recommend a condition to secure the outstanding works and deposition of the report.

I consider that the small amount of harm caused, considering the low level of significance of the heritage assets and the care taken in design to minimise harm, would be outweighed by the benefits of the scheme. I consider that the proposal would be in accordance with Policy CS18 and section 16 of the NPPF.

#### Residential amenity and impact on neighbours

The dwellings on Collis Crescent are most likely to be affected by the development. These dwellings are at some points directly adjacent the site, however they would be at least 40m from the building at the closest point. This would avoid any detrimental overlooking or overshadowing.

The dwellings closest to the site are bungalows, and the impact of noise from the site has to be balanced with the impact of the acoustic fence which would be needed to control the noise. The acoustic fence would be set slightly away from the boundary, and 2.4m high, with planting to screen it. This would meet the acoustic requirements, and details of the planting will be secured by condition. Although 2.4m is slightly higher than normal boundaries to gardens, this height is required to secure the school site, and as it would be offset from the official boundary it would be less noticeable to residents.

No lighting is proposed to the sports facilities and so there is unlikely to be any evening activity here that might disturb neighbours.

Gateway College is one of the neighbours and has raised a concern regarding construction noise during their exam periods. This is a matter that will have to be addressed, as it would be unreasonable for the construction of one school to harm the prospects of students at another school.

The applicant has included Noise Control in their Construction Method Statement and has explicitly included discussions with Gateway College to minimise noise disturbance at exam times. The applicant has also stated that the site would be operated under the Considerate Constructor scheme, and that a newsletter would be sent to neighbours.

The Construction Method Statement sets out working hours of 07:30 to 18:00hrs Monday to Friday, and 08:00hrs to 13:00hrs on Saturday. These hours are considered acceptable. As is usual there may be times when work outside these periods cannot be avoided but any noise causing a nuisance would be subject to control.

Taking the above into account, I consider that the impact on nearby residents would be acceptable and in accordance with policy PS10.

#### Waste storage and collection

The plans show a refuse bin storage area, and a refuse collection vehicle could be accommodated in the front car park. I consider that this matter would be satisfactorily dealt with.

#### Highways and Parking

##### Access

Access to the school for pedestrians and cyclists would be via Thurmaston Lane, or by using the footbridge over Hamilton Way and taking the adopted footway route alongside Gateway College. All users would be able to use the new access road.

The main access road, from Colin Grundy Drive, would be about 190m long running west from the roundabout on Colin Grundy Drive, then north to the site. Alongside this to the north/east would be a 4m wide foot/cycle way and an attenuation pond. To the south/west of the road would be a small landscaped bund, with trees. It is intended that this road be adopted.

The width and layout of the main access road and the foot/cycleway is considered acceptable subject to some minor alterations. Conditions are recommended to secure provision of the access to suitable standards prior to the site being brought into use. There would be a foot/cycle access from Thurmaston Lane, which would allow connection via the pedestrian crossing over Hamilton Way to parts of Hamilton, and also allow for safer non-car access for those coming from the Gipsy Lane direction. This access point would have to be managed to discourage vehicular drop-off on this side as Thurmaston Lane is not suitable for use by school motor traffic. This will be included in the travel plan/car park management condition.

Having the main access from Thurmaston Lane was considered at early design stages, but it was concluded that this is not a practical proposition. Thurmaston Lane is very narrow, and along both sides are hedgerows which are of biodiversity value. The golf course, which is on the west side of the Lane, is a Biodiversity Enhancement Site. There is limited footway provision, nowhere to turn unless driving into the housing development, and the Lane is not a through route for motor vehicles. There would be congestion and danger to people cycling and using the footway.

It is intended that vehicular access into the site during the early phase of construction, prior to the new road being put into place, would be from Thurmaston Lane. I recommend a condition to secure provision of a suitable temporary access, and its later conversion to foot/cycle access. The applicant has set out that deliveries would be timed and managed to avoid congestion. Thurmaston Lane is not suitable for heavy use, but would be able to accommodate a limited amount of well-managed traffic while the new access road is put in place.

The main access from Colin Grundy Lane is considered acceptable. Conditions are recommended to secure provision of the access to suitable standards prior to the site being brought into use.

Comments have been received regarding traffic congestion on Colin Grundy Drive, and the possibility of this affecting access to the police station, however there are double yellow lines along this road and if access to the police station becomes obstructed by a vehicle then it is likely that somebody within the police station will have the authority to do something about it. The police were consulted but have not raised an objection to the proposal.

The impact of traffic from the place of worship has been taken into account. It is likely that peak hours for the two sites will be different.

A turning head is proposed towards the north of the access road, so that vehicles travelling up the road when the school is closed can turn round safely. I recommend a condition to secure the finer details of this feature, and its provision before occupation.

I consider that the physical access arrangements within the site, and entry/exit points, are acceptable, subject to implementation and management conditions, and would facilitate travel by foot and cycle.

#### Parking

Cycle parking would be provided alongside the main building, in a secure, sheltered and lit area, for pupils. Eighty spaces would be provided with scope to increase to 180. There would be six visitor spaces close to the main entrance, and 10 spaces for staff cycle parking set within the pupil area. Policy requires one space per 5 students and 1 space per 10 staff, to accommodate a minimum of 15% of all journeys. As the pupil roll would be 1,372 at capacity, and the staff complement 134, the cycle parking provided would not meet the policy requirement of 314 student spaces and 14 staff spaces.

There would be space within the site to accommodate more cycle parking, and the Travel Plan Officer has raised no objection to the proposed level of cycle parking. I consider that it would be reasonable to leave the increase in cycle parking provision to be managed by the Travel Plan process.

The outer car park would accommodate 53 parking spaces of which six would be accessible, a drop off bay sufficient for about 20 cars to pull over, and parent/child spaces for nursery drop-off. This area would serve visitors, and also accommodate deliveries, refuse collection and so on. Objectors have said that the drop-off area is not sufficient, but a balance has to be struck between allowing for people to drop children off at school by car, while also encouraging non-car travel. Constructing a drop-off facility to accommodate the maximum number of drivers likely to use it would be an inefficient use of land.

The inner, staff, car park would have 107 spaces for cars as well as parking for mini buses and motorcycles.

The amount of parking is considered acceptable subject to a management plan which can be secured by condition.

### Local road network

The additional traffic impact on the local network has been assessed, and three nearby junctions would be adversely affected as follows:

- A47 Uppingham Road/Humberstone Drive
- Lower Keyham Lane/ Hamilton Way/ Maidenwell Avenue/ Hungarton Boulevard Roundabout
- Thurmaston Lane/Gipsy Lane.

As there are other projects taking place that would also affect junction capacity and arrangement (a recent planning application submitted for development at Scraftoft, and a local project to secure improvements in Humberstone village) it would not be sensible to carry out improvements purely to meet the need of the school development. The ongoing work in this area, supported by works and contributions relating to this development, should help to address concerns raised by objectors.

An agreement is being put in place to secure a substantial contribution from the applicant to mitigate the highway impacts. As the school roll will gradually increase over time, reaching capacity after several years, the mitigation does not all need to be put in place at the point of first occupation.

Some neighbours have objected to the proposal on the grounds of local traffic impact, both volume and timing, impact on pedestrians, and the likelihood of congestion.

While it is possible that there would be congestion on the access road at pick-up and drop-off times, designing a school access that would not be congested at this time would take a disproportionate amount of land and would encourage car travel, and congestion on the access road would not affect the rest of the network. It is understood that this site is reasonably close to the school's catchment population, and there are safe walking routes from most surrounding residential areas.

### Public transport

There are bus routes near to the site, and the links from the school to the bus stops have been assessed.

There are bus stops within the District Centre car park (near Tesco) which can be reached using the footbridge over Hamilton Way. These stops currently serve routes 40, 58 and 58A, and the Hospital Hopper.

Other bus stops are located on Hungarton Boulevard and Maidenwell Avenue. These are reached by using Colin Grundy Drive and Lower Keyham Lane, then crossing at the roundabout, or by using the footbridge and going through the District Centre car park. These stops serve some of the same services, so although routes to these stops are less than ideal there is a safe route to the stops within the District Centre, which have the added advantage of shelters

There are stops in Humberstone village centre, on Main Street, which serve the additional routes 38 and 38A. To get to these stops requires crossing Lower Keyham Lane, and moving through the village using footpaths and roads. Some of these roads

are narrow with restricted footways, but some are also not through routes and so would offer a less-trafficked route.

It is not considered necessary to secure any improvements to these routes. Overall, in respect of traffic, travel and transport, I consider that the proposal is in accordance with policies AM01, AM02, AM11 and CS03.

### Sustainable Energy

Policy CS02 requires that best practice energy efficiency and sustainable construction methods are used. Development should enable renewable energy generation schemes and should be adapted to climate change. The policy requires that development includes decentralised energy production wherever feasible, or connection to CHP or district heating.

The design of the proposed building allows for all classrooms to be on the outside of the building so that natural light to the rooms can be maximised. Some classrooms will be north facing, but the constraints of the site limit the layout options, and I consider that in this respect the proposal is acceptable.

The design is to increased standards of building efficiency using U-values and permeability standards which significantly improve on those required by the Building Regulations.

Heating, lighting and cooling have been considered together taking into account the varying orientations of rooms within the building and the need to balance, for example, the ingress of natural light with controlling overheating. The ventilation system would allow for overnight cooling in summer, and ensure that incoming fresh air and retaining internal heat are optimally balanced in winter. Lighting and ventilation would be controlled to maximise efficiency. Selection of glazing materials would help to reduce solar gain.

Taking into account the requirements that are imposed on school building under other regulatory regimes such as the DfE Generic Design brief, and the use of standards and assessment methods such as overheating analysis to inform design and material choices, I consider that the approach to the design and fabric of the building is acceptable.

The proposal does not specifically include any renewable energy element. The applicant has explained that solar panels (and/or a green roof) have been considered but were considered unviable due to the proximity of trees, and the need to locate other plant on the roof. The applicant has confirmed that the roof has not been designed to allow for PV loadings on the roof.

The applicant has not considered the use of heat pumps instead of a gas boiler for heating and hot water. Although in theory the building might be retro-fitted to accommodate alternatives in the future it is better if a building is designed from the early stages with an awareness of what changes might be required in future.

### Drainage

The ground in this area is not highly permeable, and the drainage system has been designed to incorporate different features to accommodate surface water. The car

parking areas and most of the outside space would be permeable, with sub-surface storage; attenuation tanks, a swale and an attenuation feature (a mainly dry swale) would be used for storm water from impermeable areas such as the access road. Satisfactory details have been provided relating to drainage for the main part of the site, and I recommend conditions requiring that the scheme is implemented and maintained as proposed. More details are required regarding drainage to the access road, and I recommend a condition to secure those details prior to work beginning on this part of the site.

The temporary access to Thurmaston Lane, which is later to be reworked as a foot/cycle access, would be built over a drainage ditch along the side of the lane. Details have been provided showing pipes under the concrete, to ensure that the drainage function of the ditch is retained. These details are acceptable.

Subject to development being carried out, and maintained, in accordance with the approved details, the proposal will be in accordance with the relevant sections of policy CS02.

#### Nature Conservation/Trees/Landscaping

There are about 14 trees on the site that have been individually assessed, as well as an established hedgerow along the an sides. Most of the trees are subject to TPOs. To the east of the site is an established area of woodland also subject to TPO and to the west, along the boundary with Thurmaston Lane, is an established hedgerow including small trees.

The proposal includes the loss of a section of the hedgerow, to facilitate the temporary construction access from Thurmaston Lane. This is considered acceptable, and the area will later form a foot/cycle access when some planting can be reinstated. Some other sections of this hedgerow will be cut back to facilitate provision of surfacing. Two sections of hedgerow would be removed to allow installation of the main access road.

The development would be very close to the woodland on the east, and the applicant has provided a tree survey demonstrating that works, although close, would be largely clear of roof protection areas. The closeness would potentially give rise, in the future, for pressure to cut the trees back, and I recommend a note to applicant advising that such permission may not be forthcoming. The applicant is aware of this as an issue. Trees and the hedgerow elsewhere on the site would be generally retained, although there would be surfacing works below some of the trees and several would be crown lifted.

It will be necessary to protect the trees and hedgerow during construction, and the applicant has provided satisfactory details for tree protection in an Arboricultural Method Statement. It is stated in the Construction Method Statement that hedgerow protection will be put up where required, and that this will be discussed with the relevant officer. Conditions are recommended to secure compliance with both of these documents.

Limited information has been provided about the impact of the proposed lighting on wildlife, so I recommend a condition to secure these details before the lighting is installed.

An objector has commented that the area is important for wildlife and has made specific comments in relation to particular species and features on the site. There has been an extensive suite of ecology surveys carried out on the site by independent ecologists to determine the impact of this development on protected species and biodiversity, and mitigation will include landscaping to provide native plants for food and shelter including native hedgerow, several trees, meadow grass and SuDS planting. Work has already been carried out on the golf course nearby to support wildlife, including the provision of Owl nest boxes; lighting will be considered carefully to avoid harm to bats.

Landscaping details have been provided; however while broadly acceptable these are not complete, and more attention could be paid to the selection of locally appropriate species. I therefore recommend a landscaping condition, and a note to applicant setting out what is required. The proposal includes a pond and some small nature areas. This is welcomed, and the details of planting can be agreed under the pre-occupation condition.

In order to secure the protection of ecological features and wildlife during construction, I recommend a condition to require compliance with the recommendations within the ecology survey documents.

Green infrastructure is required by CS02 in order to help adapt and mitigate climate change. Although this proposal is to develop what is currently a green field, the proposal includes nature areas, additional variations of habitat, trees, SuDS and a small food growing area. Although the food growing area will not meet the school's food requirements it will encourage education and understanding, which is a valuable contribution.

Taking the above into account, and subject to the conditions being satisfactorily addressed, I consider that the proposal is in accordance with the relevant sections of policies CS02 and CS17, and that it will provide gains for biodiversity as required by the NPPF.

#### Other matters

The applicant has submitted a Land Contamination Assessment which concludes that the land need not be considered as being affected by contamination. This conclusion is accepted.

#### Conclusion

Although in most respects this application complies with relevant policies, the proposal is not fully in compliance with Policy CS02 on energy sustainability.

This recommendation takes into account that the provision of the school places is in the public interest and that the school will provide much needed secondary school places for the City of Leicester in accordance with paragraph 94 of the NPPF.

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I recommend that this application is APPROVED subject to conditions and the PRIOR COMPLETION OF A S111 AGREEMENT TO SECURE A S106 OBLIGATION TO MEET HIGHWAY REQUIREMENTS.

#### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Prior to the commencement of any other development, the temporary construction access to Thurmaston Lane shall be installed in accordance with details shown on the drawing  
Below ground drainage layout sheet 2 FS0612-BMD-ZZ-XX-DR-D-50002 revision P06 received 3/2/2020.  
Prior to occupation of the development the access shall be converted to a foot/cycle access in accordance with details that have previously been submitted to and approved in writing by the city council as local planning authority. The foot/cycle access shall be retained thereafter for use in connection with the occupation of the approved development. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM01 of the City of Leicester Local Plan and policy CS03 of the Core Strategy).
3. Development shall be carried out in accordance with the approved Construction Method Statement Project No. HMD.0315 Revision 03 dated 28/01/2020. (In the interests of the amenity of neighbouring occupiers and highway safety, and in accordance with policies AM01 and UD06 of the City of Leicester local plan, and Core Strategy policy CS03.)
4. Prior to the commencement of development the trees on site shall be protected, and development shall be carried out thereafter, in accordance with the details shown in the approved Arboricultural Method Statement reference RT-MME-129469-02 dated 28/01/2020. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
5. Prior to any development taking place above ground level, and notwithstanding the approved plans, details of the following materials shall be submitted to and approved in writing by the City Council as local planning authority. Development shall be carried out in accordance with the approved details.
  - (i) External walling and roof materials including bricks, cladding and panels, rainscreen cladding
  - (ii) external windows and doors
  - (iii) canopies
  - (iv) vents, flues and louvres.The details shall include a one square metre sample panel to be constructed on site showing the bricks, window framing and cladding panels including the mortar and pointing, and expansion joint (if proposed in the development). (In the interests of visual amenity, and in accordance with Core Strategy policy CS03).

6. Prior to the commencement of any development on the access road, and notwithstanding the details shown on drawing no AFS-LE-HAD-OF-DR-CE-101 attached to the Technical Note dated 17th December 2019, details of the turning head on the access road to the school car park shall be submitted to and agreed in writing by the city council as local planning authority. The turning head shall thereafter be constructed in accordance with the approved details prior to the development being brought into use. (To ensure the satisfactory development of the site, and in accordance with policy AM01 of the City of Leicester Local Plan and policy CS03 of the Core Strategy).
7. Prior to the commencement of any development related to the access road details of the Sustainable Drainage System (SuDS) as it applies to the access road shall be submitted to and approved in writing by the local planning authority. The approved development shall not be occupied until the system has been implemented in accordance with the approved details. It shall be retained and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)
8. (A) No development shall take place in the "agreed area of archaeological mitigation" as shown in Figure 6 of the Archaeological Evaluation and Earthwork Survey January 2020 version 4 until a programme of archaeological work following an amended Written Scheme of Investigation has been submitted to and approved in writing by the City Council as the local planning authority. The scheme shall include an assessment of significance and research questions; and:
  - (1) the programme and methodology of site investigation and recording;
  - (2) the programme for post-investigation assessment;
  - (3) provision to be made for analysis of the site investigation and recording;
  - (4) provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - (5) provision to be made for archive deposition of the analysis and records of the site investigation;
  - (6) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

(B) No development in the agreed area of archaeological mitigation shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority.

(In the interests of the protection of heritage assets, and in accordance with Core Strategy policy CS18.)

9. Prior to the development being brought into use, and notwithstanding the approved plans, a scheme of landscaping shall be implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The details shall include:
- (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
  - (ii) new tree, shrub and other planting including grasses and 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 including the main gates (the gates must not open outwards over the highway);
  - (vi) any changes in levels;
  - (vii) the position and depth of service and/or drainage runs (which may affect tree roots);
  - (viii) the position, depth and planting of the ponds;
  - (ix) sections of the landscaping bund;
  - (x) a landscaping and ecological management plan.

The approved landscaping scheme shall be carried out prior to the development being brought into use for hard landscaping, and within one year of the date the development is brought into use for soft landscaping, and shall be maintained thereafter in accordance with the approved management plan. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

10. No part of the development shall be brought into use until secure, lit, covered and weatherproof cycle parking spaces have been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The cycle parking spaces shall thereafter be retained for use in connection with the approved development. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
11. No part of the development shall be brought into use until a Travel and Car Parking Management Plan for the development has been submitted to and approved in writing by the city council as local planning authority. The Plan shall be implemented in accordance with a timetable to be contained within the Plan. The Travel and Car Parking Management Plan shall:
- (i) assess the site in terms of transport choice for staff, pupils, visitors and deliveries;

- (ii) consider pre-trip mode choice, and include measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport;
- (iii) identify marketing, promotion and reward schemes to promote sustainable travel;
- (iv) include provision for monitoring travel modes of all users including car and cycle parking demands (including travel surveys) at regular intervals the dates of which shall be identified in the Plan, from the first occupation of the development being brought into use until one full year after the school reaches capacity at the earliest;
- (v) include management details for the foot/cycle access to Thurmaston Lane, to discourage use of this access by people travelling by motor vehicle;
- (vi) include provision for an Annual Performance Plan setting out how the plan has performed against targets, the measures in the approved Travel Plan and the outcomes from the monitoring referred to above and to provide an updated Travel Plan which shall address the negative impacts or failure to achieve targets identified in the Annual Performance Plan;
- (vii) include monitoring of the use of and demand for cycle parking, including provision for additional cycle parking should the approved cycle parking reach capacity, which shall be submitted to the city council yearly on or before the anniversary of approval of the Plan, until at least one full year after the school reaches capacity.

(To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and Core Strategy policies CS14 and CS15).

12. Development shall be carried out in accordance with the following details:
  - Precautionary methods of working set out in section 6 of the Badger Survey ref RT-MME-129469-03 dated August 2019
  - Precautionary methods of working set out in section 6 of the great Crested Newt Suitability Index Assessment ref RT-MME-128246-01.
  - The details within section 5 of the Dusk Emergence and Dawn Re-entry Bat Surveys document ref RT-MME-130819 dated July 2019.(In the interests of biodiversity and in accordance with Core Strategy policy CS17.)
  
13. Prior to the installation of any external lighting, a detailed design plan of the lighting to be installed showing the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, and including the proposed hours of operation of the lighting, shall be submitted to and approved in writing by the local planning authority. The lighting shall be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. The approved scheme shall be implemented and retained as approved thereafter. No additional lighting shall be installed without prior agreement from the Local Planning Authority. (In the interests of protecting wildlife habitats and in accordance with policy BE22 of the City of Leicester Local Plan and Core Strategy policy CS17.)

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14. No part of the development shall be brought into use until the link road, drop-off area and car parking spaces have been surfaced and laid out in accordance with the approved plans. The car parking areas shall be retained for the parking of vehicles in connection with the use of the site as approved unless the Travel Plan process has identified that they are no longer required. (To ensure that parking can take place in a satisfactory manner, and in accordance with policies AM01 and AM11 of the City of Leicester Local Plan and policy CS03 of the Core Strategy).
15. Development shall be carried out in accordance with the following approved plans.
- GA Ground Floor Plan FS0612-MA-00-GF-DR-A-00102 revision P01 received 24/9/2019
  - GA First Floor Plan FS0612-MA-00-01-DR-00103 revision P01 received 24/9/2019
  - GA Second Floor Plan FS0612-MA-00-02-DE-A-00104 revision P01 received 24/9/2019
  - GA Roof Plan FS0612-MA-00-RF-DR-A-00105 revision P01 received 24/9/2019
  - GA Elevations FS0612-MA-00-00-DR-A-00106 revision P01 received 24/9/2019
  - GA Sections FS0612-MAB-00-ZZ-DR-A-00107 revision P01 received 24/9/2019
  - Detailed sections FS0612-MAB-00-ZZ-DR-A-00108 revision P01 received 24/9/2019
  - Detailed sections FS0612-MAB-00-ZZ-DR-A-00109 revision P01 received 24/9/2019
  - Landscape General Arrangement AFS-DHL-Z0-Z0-DR-L-0103 revision P06 received 28/1/2020
  - Paving materials and external furniture AFS-DHL-Z0-Z0-DR-L-0107 revision P05 received 24/9/2019 (for the avoidance of doubt, the cycle shelters are not approved)
  - Levels Strategy AFS-DHL-Z0-Z0-DR-L-0109 revision P08 received 20/12/2020
  - Below ground drainage layout sheet 1 FS0312-BMD-ZZ-XX-DR-D-50001 revision P05 received 28/1/2020
  - Below ground drainage layout Sheet 2 FS0612-BMD-ZZ-XX-DR-D-50002 revision P06 received 3/2/2020
  - Storm water drainage dry swale FS0612-BMD-ZZ-XX-DR-D-50010 revision P03 received 28/1/2020
  - Drainage details sheet 1 FS0612-BMD-ZZ-XX-DR-D-58001 revision P02 received 20/12/2019
  - Drainage details sheet 2 FS0612-BMD-ZZ-XX-DR-D-58002 revision P02 received 20/12/2019
  - Drainage details sheet 3 FS0612-BMD-ZZ-XX-DR-D-58003 revision P02 received 20/12/2019
  - Drainage details sheet 4 FS0612-BMD-ZZ-XX-DR-D-58004 revision P02 received 20/12/2019
  - Drainage details sheet 5 FS0612-BMD-ZZ-XX-DR-D-58005 revision P02 received 20/12/2019
- (For the avoidance of doubt.)

## NOTES FOR APPLICANT

1. The City Council as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

2. Further to condition 9, while the submitted landscaping information is broadly acceptable the following points should be considered when addressing the condition.
  - More information will be needed regarding planting methods and topsoil depths
  - The selection of species for planting should be checked against information available on the Leicestershire and Rutland Wildlife Trust website: <https://www.lrwt.org.uk/wildlife/species-information/>
  - Species of fruit trees chosen should be local
  - The Management Strategy does not refer to management of existing hedgerows
  - New hedging: *Carpinus betulus* may be a better choice on local heavy soils than the beech
  - The Management plan excludes the access road and the low bunds planted with woodland species.
3. The applicant has committed within the Construction Method Statement to liaising with council officers in respect of tree and hedgeway protection. The applicant is reminded that works to Tree 7, which has been identified as a bat roost, cannot be carried out without a licence from Natural England, and the tree works contractor must be advised of this.
4. The applicant is advised that permission is unlikely to be granted in the future to cut back trees that encroach on the site boundary. The trees in the woodland to the east, and many of the trees on the site, are protected and consent would be needed for any proposed works to the trees.
5. The applicant is reminded that bats use the site for roosting and foraging, and lighting and planting must be considered accordingly.

### **Policies relating to this recommendation**

- 2006\_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.

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- 2006\_H01 Sites shown as Housing Development Proposals on the Proposals Map will be safeguarded for housing and will not be given planning permission for alternative uses.
- 2006\_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006\_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006\_GE09 Planning permission will not be granted for development which would endanger or encroach upon Green Space as shown on the Proposals Map unless it meets the criteria set out.
- 2006\_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2006\_BE22 Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.
- 2014\_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014\_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014\_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.