

Agenda Item 4

**Blaby District Council
Planning Committee**

Date of Meeting **25 June 2020**
Title of Report **Applications for Determination**
Report Author Development Services Manager

1. What is this report about?

- 1.1 To determine planning applications as listed in paragraph 3.2 below and detailed in the attached report.

2. Recommendation

- 2.1 That the recommendations listed within paragraph 3.2 below and detailed in the attached report be approved.

3. Matters to consider

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **16 June 2020** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	19/0511/FUL	9	Glebe Garden Centre, Foston Road, Countesthorpe	APPROVE
	19/0765/FUL	31	Clubhouse, Warwick Road, Whetstone	APPROVE
	19/1132/FUL	41	Land Rear Of 7, Cranmer Close	APPROVE
	20/0178/FUL	58	Countesthorpe Leysland College, Winchester Road, Countesthorpe	APPROVE

20/0178/FUL

**Registered Date
2 March 2020**

Interserve Construction Ltd

Erection of single storey school building as an extension to existing school (Countesthorpe Leysland Community College) and demolition of existing school building (Leysland High School) (revised scheme).

Countesthorpe Leysland Community College, Winchester Road, Countesthorpe

**Report Author: Kristy Ingles,
Development Services Manager
Contact Details: Council Offices. Tel: 0116 272 7705**

RECOMMENDATION:

THAT APPLICATION 20/0178/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. 3 year time limit
2. Approved plans
3. Materials in accordance with submitted details
4. Schedule for the implementation of approved landscaping to be submitted and agreed
5. Landscaping scheme to be implemented
6. Those trees to be retained to be protected during construction / demolition.
7. Former Leysland building to be demolished and site cleared of all debris within 12 months of occupation of the new building and subsequently soft landscaped.
8. Prior to demolition of former Leysland building, programme of archaeological recording to be undertaken.
9. Door in south western elevation to be obscure glazed and to be kept shut except in an emergency or for maintenance
10. External lighting to be installed and maintained in accordance with submitted details and all external lighting on elevations of building facing towards The Drive to be turned off between 22:00 and 06:30.
11. Construction Management Statements to be submitted, agreed and implemented.
12. Details of parking provision during construction to be implemented.
13. Details of surface water drainage during construction to be submitted, agreed and implemented.
14. Prior to first occupation, surface water drainage to be provided in accordance with the submitted details.
15. Details of long-term maintenance of the surface water drainage system to be submitted, agreed and implemented.
16. Prior to first occupation, mitigation in the noise report to be implemented.
17. Before occupation, car parking to be provided in accordance with submitted details.

NOTES TO COMMITTEE

Relevant Planning Policy & Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG)

Blaby District Local Plan (Core Strategy) Development Plan Document (February 2013)

Policy CS1 – Strategy for Locating New Development

Policy CS2 – Design of New Development

Policy CS11 – Infrastructure, Services and Facilities to Support Growth

Policy CS14 – Green Infrastructure

Policy CS19 – Bio Diversity and Geo Diversity

Policy CS20 – Historic Environment and Culture

Policy CS21 – Climate Change

Policy CS22 – Flood Risk Management

Policy CS24 – Presumption in Favour of Sustainable Development

Blaby District Local Plan Delivery DPD (2019)

Policy DM1 – Development within the Settlement Boundaries

Policy DM8 – Local Parking & Highway Design Standards

Policy DM12 – Designated and Non-Designated Heritage Assets

Leicestershire Highways Design Guidance

Reference material

The Buildings of England. Leicestershire and Rutland Nikolaus Pevsner (1960)

England's Schools: History, architecture and adaptation Elaine Harwood (2010)

Consultation Summary

Blaby District Council, Environmental Services has no objections subject to conditions in relation to drainage, construction site management including construction noise and details of external lighting.

Countesthorpe Parish Council – on initial consultation - comments that the concerns regarding the previous application appear to mainly have been addressed. Construction traffic must be carefully managed for safety reasons.

Countesthorpe Parish Council – on 1st reconsultation – makes the following comments:

- *“We have concerns regarding students and staff walking through the construction area.*
- *We would expect the school Senior Leadership Team to minimise movement between the two buildings during the construction period.*
- *We would like to see a schedule of works before a decision is made on the application.*
- *We consider parking shown on the plans as inadequate and is likely to cause overflow of contractor and staff parking on the highway, which is already problematic.*
- *There is no reference to student drop-off and pick-up.*
- *There must be sufficient dedicated parking in place before construction begins.*
- *Construction traffic should have own access to and egress from the site to a dedicated compound.*
- *Deliveries to the site should be outside of school hours”.*

Countesthorpe Parish Council – on 2nd reconsultation – comments that *“Countesthorpe Parish Council would like to see a traffic management plan clearly showing access and egress point as previously asked for”.*

Leicestershire County Council, Archaeology advises that *“the archaeological implications of the proposed development therefore cannot be adequately assessed on the basis of the currently available information... The applicant should make provision for:*

1. *A historic building appraisal and impact assessment of the Leysland High School building*
2. *A field evaluation by trial trenching, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.*

This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate..”.

Leicestershire County Council, Archaeology – on reconsultation – advises that no further below ground archaeological investigation will be required in advance of building works for the new building. Concerns about the impact on the setting of heritage assets are raised and the applicant’s assessment. It is advised that the Council seeks advice from our conservation and historic building advisor. Also states that a scheme which seeks to retain and improve the existing Leysland High School building would be preferred. However, if the planning authority is minded to approve plans for its demolition, then a condition is recommended to secure a programme of historic building recording in advance of demolition, to record and advance the understanding of the significance of the heritage asset that is to be lost, in a manner that is proportionate to its importance.

Leicestershire County Council, Ecology comments:

- The Ecology report does not mention the demolition of the Leysland building in the development proposals, however the buildings were considered to be of

low suitability for roosting bats. Therefore additional surveys will not be required.

- No objections to the development which is on amenity grassland and no requirements for a planning condition.
- Although the site is within a Swift Alert Area, the new buildings are not suitable for Swift nest boxes.

Leicestershire County Council, Education fully supports the application and comments:

“This new, high quality facility will enable the school buildings to be much closer together ensuring a smoother day to day operation and increasing safeguarding. Students will be able to move between classrooms a lot quicker, thus increasing time within the classrooms and making effective use of each study period. A much improved environment will enhance the learning experience of local children, improving outcomes.

The new building would also enable the school to ensure that new pupil places will be available for existing and future communities”.

Leicestershire County Council, Highways advises *“that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report”.*

Leicestershire County Council, Highways (on reconsultation) advises that *“following a request from the LPA, the LHA has now been asked to review the loss of a turning head from the adjacent private road to the college as part of the proposals. The LHA has considered the loss of the turning head from The Drive. The LHA would normally consider objection to the loss of infrastructure which allows vehicles to turn and exit cul-de-sac roads in a forward gear, even if the road in question is private and not part of the adopted highway. However, in this case, the length of The Drive is such that vehicles would be likely to perform manoeuvres on the private road which would allow them to rejoin Cosby Road in a forward gear, rather than reversing a potentially long distance”.*

Leicestershire County Council, Lead Local Flood Authority – on first consultation - advised that the application documents as submitted were insufficient for the LLFA to provide a substantive response at that stage.

Leicestershire County Council, Lead Local Flood Authority – on reconsultation following submission of flood risk assessment and drainage details – comments:

- *“The site is located within Flood Zone 1 being at low risk of fluvial flooding.*
- *The site is at a low to medium risk of surface water flooding.*
- *The planning application comprises the demolition of an existing building and the erection of a new building. The developable area will be 0.46 ha in size and will be positively drained to a 220m³ capacity below ground attenuation*

tank. The wider site is known to drain to an existing on-site sewer network before discharging into a watercourse to the west of the site. It is proposed that the surface water from the new development will drain from the attenuation tank and into the sewer network and discharge into the watercourse at a rate of 5l/s. An extra 30m³ of storage for the 100 year flood event is provided by a landscaped hollow and the Flood Routing Plan shows exceedance flows to be directed away from the buildings and into the landscaped areas.

- Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA”, subject to the imposition of conditions.

Leicestershire County Council, Principal Historic Buildings Officer advises:

“Thank you for requesting my observations in respect of the above application which is a revised application for a similar development submitted last year.

This response will explain why I consider that the reason for refusal of the previous application has not been addressed satisfactorily. It is clear that the resubmitted proposal will still result in less than substantial harm to the listed Cottage Homes and the non-designated College. Total loss of significance would occur in respect of the later school building to be demolished.

I remain of the opinion that the harm has not been justified or that the development cannot be reasonably accommodated elsewhere in the extensive school grounds where it would not be contrary to the overarching statutory conservation obligation. The majority of my original consultation response of 13 August 2019 and additional observations, mainly relating to the non-designated heritage assets, of 21 August 2019 remain relevant.

Legislation and Policy

I believe that relevant conservation legislation, National Planning Policy, recent legal rulings or appeal decisions have not changed materially since the original application was determined.

It is clear from legislation, national planning policy directives and Historic England guidance that the setting of heritage assets is often an important factor in their special interest or significance and whilst it is frequently considered in visual terms setting can also encompass the environment in which a place or building is experienced, their local context, embracing present and past relationships to the adjacent land.

Listed buildings, unlike perhaps some other forms of heritage assets, benefit from an overarching legislative protection which extends to their setting and must be given great weight in the planning decision making process. Legal Judgements, including the ‘Forge Field’ and ‘Forest of Dean’ cases, confirm that it normally means, when undertaking an ‘ordinary’ planning balancing exercise for example, there is a presumption in favour of resisting development that causes harm, even where that harm is adjudged to be ‘less than substantial’ under paragraph 196 of the NPPF.

Only in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.

I noted in my original response that Historic England's online Heritage Protection Guide, in the Decision-Making Principles for Listed Building and Other Consents section, includes this useful summary:-

'When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies to all decisions concerning listed buildings. The recent Court of Appeal decision in the case of Barnwell vs East Northamptonshire DC 2014 made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

Decision-making policies in the NPPF and in the local development plan are also to be applied, but they cannot directly conflict with or avoid the obligatory consideration in these statutory provisions'.

Applicants and developers often ignore this fundamental obligation but decision makers cannot. This can lead to abortive work and often a Planning Appeal but should this be the next step in this case I am confident, given recent decisions in your District and elsewhere including the Whetstone Grange application where the setting of a listed buildings was adjudged to be of sufficient importance to warrant protection despite the potential for many new affordable homes, that an Inspector will be duty bound to give great weight to the protection of the historic environment.

Sustainable development, as enshrined in the NPPF, gives rise to a need to protect the historic environment, particularly where it includes a strong statutory obligation or a specific policy which directs a development should be resisted. Specific relevant NPPF policies in this case include those in paragraphs 189, 194 and 196 for the listed buildings and 189 and 197 in respect of the non-designated heritage assets.

Heritage Assets

Work undertaken in respect of the previous proposal established that the significance of several listed buildings and two non-designated heritage assets is likely to be indirectly or directly affected by development within the school grounds.

Countesthorpe Cottage Homes is an important philanthropic development dating from 1884 which currently includes 13 statutorily listed buildings or designated heritage assets. It is not disputed that part of the application land was an integral part of the original Cottage Homes complex. From a visual perspective the individual

*dwelling*s were arranged along a drive to face the land, in a carefully planned composition that resembles a traditional village green. The close functional association between part of the application site and Cottage Homes increases its historic significance and sensitivity.

Cartographic and photographic evidence suggests that, as is the case today, tree planting partially restricted views to and from the dwellings but the open land contributed positively to a rural outlook which, together with the design of the buildings, offered a marked, probably intended, contrast to the harsh urban workhouse environment. I disregard, therefore, claims that the existing planting along the boundary somehow disconnects the homes from its historic setting. Setting in this context extends beyond visual considerations to encompass an important and essential functional link and it is worth noting that a new modern building erected very close to the original field boundary will have a far greater impact.

The submitted Heritage Impact Assessment (HIA) states that the applicant recognises that the Grade II listed buildings as relevant heritage assets with the potential to be affected by proposals for development within the CLCC site. I disagree strongly with the claim made in the HIA that 'the relative significance of Grade II listed buildings is reasonably determined as moderate'. All statutory listed buildings are of special architectural or historic interest. They are classified into grades to show their relative national importance and the vast majority, 94%, are grade II.

I contend that 'Cottage Homes' complexes, particularly prior to 1900, are relatively rare. A parliamentary report listed only 25 such sites in 1903, including Countesthorpe, where the quality of the architecture and materials are readily apparent and far superior to the building currently proposed. It is not only one of the earliest but one of the larger such groups and incorporates a full range of facilities, including farmland, absent from other less fortunate sites. The HIA should have compared objectively the situation nationally before asserting that the Cottage Homes in Countesthorpe, which is reasonably complete, is merely of moderate significance. The complex is an important and rare asset which enriches your District and the college campus.

In addition to the statutory listed buildings two non-designated heritage assets are also affected by the proposals. The 1960's Community College building is acknowledged to be of considerable architectural, social and historic interest and may properly be considered to be a non-designated heritage asset, whilst the Leysland High School building has been recorded by the Leicestershire and Rutland Historic Environment Record (HER) as an undesignated asset.

Paragraph: 039 of the Planning Practice Guidance states: 'a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets'.

Most buildings in the country do not possess any appreciable heritage interest. The few that do should be treated as non-designated heritage assets. All non-designated

heritage assets are, therefore, relatively rare and possess significance which is a material consideration in the planning process. This interpretation is apparently different to that contained in the HIA: 'Planning Practice Guidance is unequivocal that only a minority of nondesignated heritage assets have enough heritage interest for their significance to be a material consideration in the planning process. It follows therefore, that whilst of some historic and architectural value the significance of Countesthorpe College and the former Leysland High School building and their setting, is assessed as being low'.

The NPPF notes that far from being of low value heritage assets 'are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.

The HIA concedes that the potential demolition of the Leysland High School Building has a direct effect (it will of course result in the total loss of significance or a high level of harm) but claims the significance is reduced because 'it is in a removed location from the original 1970's 'Hub' and 'Cottage Homes'. I do not comprehend how in this case its original location appreciably diminishes its significance. It was never functionally or visually linked to the Cottage Homes and an integral part of its significance is the evidence the later school provides for the progression of educational practice following the experimental college building nearby. Arguments about the buildings being unkempt, site legacy issues (?) or providing views do not appear to be particularly compelling arguments for its demolition.

The harm that will be caused to the 1960's college building is largely indirect but development within the setting of a heritage asset can be harmful to their significance and must be taken into account. I do not consider 'wrapping' the new building around the college to be a positive step. The land contributes to an attractive largely original open setting and building so close to the distinctive college in an incongruous style and form devalues the original architectural composition and ability to appreciate the innovative layout. In this case I consider the level of harm to significance will be less than substantial.

Impact of development

The HIA claims that:- 'The relationship between the development site and identified heritage assets is maintained; the site is an existing school site adjacent to privately owned residential dwellings. The setting of the adjacent heritage assets will be safeguarded by the separation distance between the proposed new building and The Drive, and by the enhancement to the 'parkland setting' through building orientation, height and massing, the creation of plazas, accessible open space, building materials and landscaping. The open frontage of the Cottage Homes is maintained. The single storey height limits any intermittent views through existing boundary vegetation and enables continued views of The Drive roofscape from within the CLCC site.'

The historical functional relationship, which I believe contributes to their significance, is not maintained. A building is obviously different in character to open space and following development the land that is left becomes part of the setting of the new building rather than just the heritage assets.

The historic setting is not effectively safeguarded by the paltry separation distance proposed. The Key Heritage Assets Significance Plan in the HIA includes an apparently arbitrary, but convenient line given the submitted plans, which denotes the potential extent of area for new build. I would like further justification why the line is drawn in that position and suggest it needs to be pushed away from the College and Homes. It is worth noting that the proposed sprinkler breaks even this 'generous' line and a strong justification is required why this incongruous feature cannot be located elsewhere.

It is inconceivable that the an enhancement of the parkland setting will offset any of the harm that will be caused; there is simply insufficient space left over for plazas and useful open space that reflects the original recreational or agricultural function of the land.

The new building continues to occupy a sensitive part of the remaining open space associated with the cottage homes and in my view the quality of design, including its location, is still not high enough for you to ignore the important statutory and National Planning Policy obligations. A change to a mainly single storey structure overcomes some of the problems associated with the massing of the previous two storey building located in close proximity to the heritage assets but I note that one of the wings in particular encroaches towards the listed cottages. The Heritage Impact Statement recognises 'the heritage value is increased by its group and townscape quality' and I would argue compromising the visual or functional setting of even one of the historic homes affects the integrity of the complex as a whole.

Single storey class rooms, and the proposed sprinkler building, may arguably be subservient to the historic houses and other historic buildings but are still be harmful in this extremely heritage sensitive context. The development represents an unwelcome alien intrusion and will inevitably impact on views of the heritage assets from inside and outside the CLCC site; to claim otherwise is also wholly unrealistic. Current legislation and planning policies demand that development of the campus in the twenty first century avoids harm to significance of the heritage assets, the current proposals fail in this fundamental requirement.

I continue to be surprised that having properly noted the harm that was caused to the setting of the Homes by the erection of the College, the HIA is not unduly concerned by developing a significant part of the longstanding, landscape buffer, which it should be remembered was in place at the time of statutory listing. This site only remains open because the LPA in the 1990's consistently resisted pressure to develop it, for Birtkett House Special School for example. The best, possibly the only way, to avoid harm in this case and to comply with relevant legislation policies and guidance is to avoid building on this space. A truly objective assessment of the heritage implications would recognise this fundamental constraint instead of trying to put forward apparently unsustainable arguments that attempt to support financial expediency and convenience.

Paragraph 194 of the NPPF requires that a clear and convincing justification is required under for any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting).

I am not in a position to assess those benefits, or dis-benefits, associated with the application apart from those relating to the historic environment but presume that the principal educational advantage is still linked closely to the principal objective of managing pupils moving between classes; improvement relating to an upgrade in facilities could possibly met within the existing school building with the added benefit of conserving one of the heritage assets.

Various options are described in the Appendix to the Design and Access Statement but they do not appear to take account of some of the changes incorporated in the submitted design and layout, including removing the earlier constraints linked to car parking next to the college and a mature oak tree. The appraisal continues to give insufficient weight to those negative heritage impacts which are contrary to the legislation and but demonstrates that the principal educational aim of the development could be achieved by other methods.

This remains significance given that the 'Forge Field' judgement (2014) at paragraph 61 states:- 'If there is a need for development of the kind proposed, which in this case there was, but the development would cause harm to heritage assets, which in this case it would, the possibility of the development being undertaken on an alternative site on which that harm can be avoided altogether will add force to the statutory presumption in favour of preservation. Indeed, the presumption itself implies the need for a suitably rigorous assessment of potential alternatives'.

I find it frustrating that the appraisal does not consider more radical options, which as well as protecting the unique and nationally significant philanthropic cottage homes and its setting, could deliver a locally distinctive and improved development from an educational perspective. These include revising the main vehicular access or, as suggested by a previous case officer, arranging the new building in a pavilion like form, around the edge of the open space to enhance its longstanding village green character and enable a more useable space for recreational purposes.

Development in or near to this location should must maintain or even strengthen the heritage sensitive setting of the listed buildings and other heritage assets. A more ambitious form of development could be in keeping with the sentiment expressed by LiFE Multi Academy Trust which claims it recognises the valuable heritage setting and believes fundamentally in the use of the school grounds and context as a valuable educational resource. It is encouraging that the Trust CEO states that the 'parkland' setting has the potential to be fully exploited as a learning resource as this would arguably be in accordance with its original function. Unfortunately erecting a poor or average quality building on so much of the remaining open space and vital to a proper understanding of the historic function of the Cottage Homes, is not in accordance with this positive aspiration".

Leicestershire Fire & Rescue Service – no representation received.

Severn Trent Water – no representation received.

Sport England has no objections as the proposed development affects only land incapable of forming part of a playing pitch

Third Party Representations

239 representations have been received stating support for the application and in summary making comments on the following grounds:

- The current buildings are not fit for purpose
- The students and teachers need and deserve this investment with improved, modern and vital education facilities
- Young people would benefit with an improved educational experience, learning environment, feel more positive, have greater respect, achieve their potential and it will improve results
- Supported by parents with children at or about to start at the College
- Would benefit current and future students
- The whole community will benefit
- The community and young people would be failed if planning permission was not granted
- Will make it easier to school staff to monitor student behaviour including reducing bullying and other safeguarding issues
- Would improve the movement of students between buildings and allow the College to be run more efficiently
- Currently the students have to walk between buildings including in cold & wet weather and learning time is lost.
- Recent OFSTED report
- So many children are currently having to travel outside the village for secondary school education
- To enable expansion of the college and to increase capacity needed due to housing growth
- Do not see any issues for surrounding buildings or residents
- The benefits outweigh the impact on views from neighbouring homes
- The new building would be greener and more energy efficient
- The old building could be put to another use
- No impact on wildlife
- It would be good if provision for a swimming pool was also made

2 representations have been received stating neither support or objecting and commenting:

- What will happen to the site of the Leysland building?
- Benefits for the school understood
- Impact of loss of turning head on The Drive

27 representations have been received (6 of which were received following the 1st reconsultation and 4 following the 2nd reconsultation) stating an objection to the proposal and in summary making comments on the following grounds:

- Works have been allowed to commence already
- Trees have been removed and during the bird nesting season
- Proposal involves the loss of trees and vegetation

- Resources impact of removing trees and then replanting with new trees
- Ecological impact
- Fencing proposals and impact on existing boundary vegetation and loss of screening.
- Impact of fencing proposals on the residents of The Drive
- The County Council has previously resisted weld mesh fencing
- Visual impact from the proposed earth bunds and planting proposals and potential for area to students to hide with concerns about resulting student behaviour
- Landscaping plans refer 'future area to be remodelled by the school'. With no further details this should not be considered in assessing the application
- Previous problem student behaviour including when there was previously insufficient boundary treatment between the school and The Drive
- Concerns over previous application have not been addressed
- Lack of consultation with residents of The Drive
- Drawings submitted are incorrect, inconsistent and/or complicated and confusing
- Building proposed is closer to listed buildings than the previously refused scheme
- Impact on setting of listed buildings. Inappropriate design.
- Submission does not adequately address the impacts on listed buildings or demonstrate the rationale behind the chosen option and how this responds to the site constraints
- Proximity to 9 The Drive and impact on residential amenity of occupants including shiftworkers.
- Leysland building could be refurbished instead
- Loss of sports hall in the Leysland building
- College is being considered by English Heritage for listing
- New building could be sited on the tennis courts and astro pitch
- Other large school sites have situations where students have to walk between buildings. Correct timetabling should be used with good leadership.
- Health benefits from students walking on site
- Concern over the benefits stated of the proposals
- School facilities not being adequately maintained
- Scheme uses land not in the ownership of the school
- Impact of removal of turning head at the end of The Drive
- No provision made for emergency vehicle access
- No provision made for vehicular access for maintenance vehicles to the school fields
- Issues with construction management plan
- Clarification on parking proposals is needed
- Minor adjustments made to the plans do not change the impact on listed buildings
- County Highways comments not agreed with and validity questioned

Relevant History

19/0818/FUL

Erection of 2 storey school building as an

Refused

extension to existing school (Countesthorpe Leysland Community College) and demolition of existing school building (Leysland High School).	06.09.2019
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Leysland School

15/0246/FUL	Installation of modular building to serve as temporary classroom block.	Approved 07.04.2015
16/0488/FUL	Erection of security fencing, manual and automatic vehicular and pedestrian gates, provision of bollard and lamp post lighting, provision of pedestrian footpaths, landscaping and additional car parking.	Approved 21.06.2016

Countesthorpe College

09/0546/CX	Demolition of existing building and erection of a single storey building for use as a vocational centre.	Approved 04.11.2009
10/0860/1/CX	Erection of a new block for pupils of Birkett House with special needs, including associated parking, formation of a new access and relocation of an existing ball court.	Approved 30.01.2012
16/0271/FUL	Replacement of existing fencing and floodlighting with new 3m high fencing and 8m high columns with floodlights mounted at a height of 8.7m.	Approved 25.04.2016

EXPLANATORY NOTE

The Site

The application site is located to the west of Countesthorpe, within the village settlement boundary and is formed of approximately 3.7 hectares of land forming the curtilage of the now Countesthorpe Leysland Community College. This site was once formed of two separate schools, Countesthorpe Community College and Leysland High School. Whilst they were once separate schools, historically they have been physically contained within the same educational complex, with an internal road linking the two schools.

The schools amalgamated in 2016, forming the now Countesthorpe Leysland Community College, a co-educational secondary school with academy status teaching approximately 1,460 students aged 11-19. The school currently provides its teaching between the two school buildings, with the Leysland building (proposed to be demolished) approximately 200-250 metres to the north of the main school building (to be retained).

The Countesthorpe Community College and Leysland High School buildings are both recorded as heritage assets on the Leicestershire and Rutland Historic Environment Record (HER) and they both have unique identification numbers, respectively MLE17563 and MLE17564.

A large, open and irregular shaped grassed area, between 40 – 90 metres wide separates the main school building from Countesthorpe Cottage Homes (The Drive) to the west, an important philanthropic development dating from 1884 which currently includes 13 statutorily listed buildings or *designated heritage assets*. This grassed area is the site of the proposed new two storey school building.

An internal pathway, mesh fenced on either side, runs between the two existing school buildings and crosses through this grassed area, providing pedestrian access for students between the two schools.

Car parking for the site is currently located along the internal road between the two school buildings, with further parking spaces located to the immediate north of and opposite the entrance to the main building.

The application site includes multi-functional school outdoor sports courts and pitches and these are located on land in between the two schools. In addition, a day nursery and SureStart Centre are also located within the site. Birkett House, for pupils with special needs, is located to the south of the main school building and is accessed separately off Cosby Road. For clarity, Birkett House was granted permission in 2012 after amendments were agreed between the applicant and the District Planning Authority, which relocated built development (mobile classroom and car parking) away from the setting of the Grade II listed buildings along The Drive.

Beyond the application site boundary to the north and west lies open agricultural land (Green Wedge).

In 2019 a planning application was submitted for the erection of a 2 storey school building as an extension to existing school (Countesthorpe Leysland Community College) and demolition of existing school building (Leysland High School). The application was refused by the Planning Committee in September 2019 for the following reasons:

1. The proposed scheme would cause harm to the designated and non designated heritage assets within and outside of the application site, which has not been satisfactorily justified. The identified public benefits of the development are not considered to outweigh the harm to the setting of the Grade II listed buildings on The Drive, and the applicant has failed to satisfactorily demonstrate that the proposed development could not reasonably be accommodated elsewhere on the site without harm to the listed buildings. Furthermore, the applicant has failed to provide an historic building appraisal and impact assessment for the existing Leysland building which justifies the loss of this non-designated heritage asset and the impact that its loss may have on the significance of the existing Countesthorpe Community College building. The scheme is therefore contrary to statutory legislation contained within Planning (Listed Buildings and Conservation Areas) Act

1990, Policies CS20 of the Blaby District Local Plan Core Strategy (2013), DM12 of the Blaby District Local Plan Delivery DPD (2019) and national planning policy and guidance.

2. The proposals include operations that may affect, or have the potential to affect, heritage assets with an archaeological interest and may destroy any buried archaeological remains that are present. The applicant has failed to provide sufficient archaeological information in the form of a field evaluation by trial trenching, in order that an assessment can be made on the effect on archaeological remains and other heritage assets.

Since the refusal of the previous application, the applicant and representatives of the College have worked with your Officers to find a solution to deliver the new accommodation needed for the College. This current application has been submitted following these discussions.

The Proposal

The application seeks full planning permission for the erection of a detached single storey school building on land to the north west of the main, single storey school. The proposed building will be located on an area of grassed land, within the curtilage of and approximately 10 metres from the main school building.

The scheme also proposes the demolition of the existing Leysland High School, a detached building over 200 metres to the north of the main Countesthorpe College building, with its land returned to grass. The erection of a 2.4 metre high sprinkler tank compound to the north of the proposed building, approximately 25 metres from the nearest listed building (No. 9 The Drive) is also proposed. A surface water drainage system would be located to the west of the proposed new school building.

The application states that permission is sought for the development in order to provide modern accessible facilities in a more *tight knit* campus arrangement for the recently amalgamated schools. Since the two schools were amalgamated and granted academy status in 2016, teaching has been split between the former Leysland High School building and Countesthorpe Community College.

The applicant, in their application submission has stated that *“the requirement to encourage the complete integration of the 2 former schools and the modernisation of the school buildings, was determined to be achievable only by demolishing one of the existing schools, and amalgamating the replacement facilities onto a single site. The replacement building, with its new and modern facilities, would then be located as close as possible to one of the existing school buildings. This offers a number of advantages. The most important of these is that its physical proximity will reduce time wasted by the pupils having to constantly move between the two sites, and encourage the creation of a new, cohesive identity for the amalgamated school”* (Design & Access Statement p4).

Planning Considerations

Section 38(6) of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a strong presumption in favour of preservation of Listed Buildings and their settings. It requires local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This legislative duty requires that only after having recognised the level of importance attributed to preservation of heritage assets, can a balanced judgement be carried out as to whether there are any circumstances significant enough that outweigh this. In simple terms, this means that the statutory legislation requires that there be a presumption in favour of refusal of development which would cause harm to listed buildings or their setting, unless there is over-riding evidence of public gain significant enough to outweigh that harm.

Historic England's online Heritage Protection Guide, in the Decision-Making Principles for Listed Building and Other Consents section states;

“Decision-making policies in the NPPF and in the local development plan are also to be applied, but they cannot directly conflict with or avoid the obligatory consideration in these statutory provisions” (the obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The District Council must also give great weight to recent High Court Judgements. For example; *Forge Field Society v. Sevenoaks DC* (2014), and *Forest of Dean District Council v Secretary of State for Communities and Local Government and Gladman Developments Limited* (2016), which emphasise the considerable importance and weight which must be given to harm to designated heritage assets.

National Planning Policy Framework

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

- An economic objective
- A social objective
- An environmental objective

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Other relevant policies of the NPPF are referenced below:

- Paragraph 184 describes heritage assets as ‘irreplaceable resources’ which should be conserved in a manner appropriate to their significance.
- Paragraphs 193 – 196 state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining planning applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss of the significance of the heritage asset.
- Paragraph 94 discusses the importance that a sufficient choice of school places is available to meet the needs of existing and new communities. It goes on to state that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It states that Local Planning Authorities should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

The adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby. It is an up-to-date plan that is consistent with National Policy. Therefore, the policies of the Core Strategy should be given full statutory weight. The following policies are the most relevant to the proposed development:

Policy CS1 – Strategy for Locating New Development

Policy CS1 seeks to focus new development in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva). The application site is located outside of the PUA, within a settlement defined as a 'Larger Central Village' by Policy CS5. However, the application proposes a replacement school building within an existing school site.

Policy CS2 – Design of New Development

Policy CS2 seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character and providing opportunities to enhance the natural and historic environment. The strategic objectives of this Policy seek to preserve and enhance the cultural heritage of the District, recognising its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by development.

Policy CS11 – Infrastructure, Services and Facilities to Support Growth

Policy CS11 seeks to deliver the infrastructure, services and facilities required to meet the needs of the population of the District of Blaby, including those arising from growth.

Policy CS14 – Green Infrastructure & Policy CS19 – Bio-diversity and Geo-diversity

Both these Policies seek to ensure that the District's natural environment, wildlife, habitats, landscape and geology are considered and protected through good design practices, seeking to protect existing green spaces and provide new good quality, multi-functioning green networks and corridors.

Policy CS20 – Historic Environment and Culture

This Policy recognises the need for the Council to take a positive approach to the conservation of heritage assets by considering proposals for development on, in, or adjacent to historic sites, areas and buildings against the need to ensure the

protection and enhancement of the heritage asset and its setting. This Policy goes on to state that proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting. It will also expect new development to make a positive contribution to the character and distinctiveness of the local area.

Policy CS21 – Climate Change

This Policy seeks to support new development which mitigates and adapts to climate change. New development should be focussed in the most sustainable locations in accordance with Policies CS1 and CS5 and use sustainable design principles which reduce energy demand and increase efficiency. The development is on an existing school site and the new building would meet current building regulations standards and as such be more efficient than the building proposed to be demolished.

Policy CS22 – Flood Risk Management

This Policy seeks to ensure that all new development minimises flood risk vulnerability, providing resilience to flooding by directing new development to locations at the lowest risk of flooding within the District, using sustainable drainage systems (SuDS) and managing surface water run off. The development is proposed in an area defined as Flood Zone 1, an area with the lowest flood risk. Leicestershire County Council as Lead Local Flood Authority has not objected to the proposal subject to the imposition of conditions concerning surface water management.

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 requires that when considering development proposals, Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development and planning applications that accord with the policies in the Local Plan Core Strategy will be approved without delay, unless material considerations indicate otherwise.

Blaby District Local Plan Delivery DPD (2019)

The Delivery DPD was adopted on 4th February 2019 and full weight can be given to its policies. It sits alongside the Core Strategy to form part of the Development Plan for the District. These documents replace the Blaby Local Plan 1999. The following Policies are relevant to this application;

Policy – DM1 Development with the Settlement Boundaries

This policy relates to development within the Settlement Boundaries and states that development proposals consistent with other policies of the Local Plan will be supported provided the criteria listed which relate to design considerations and the relationship with other nearby uses.

Policy - DM8 Local Parking & Highway Design Standards

This Policy requires that new development will be required to provide an appropriate level of parking and servicing provision as set out in the most up-to-date Leicestershire Local Highway Guidance.

All new development and changes of use will be required to meet highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance.

Policy - DM12 Designated and Non-designated Heritage Assets

Like Core Strategy Policy CS20, this Policy seeks to preserve and enhance the cultural heritage of the District, recognising its contribution to local distinctiveness. This Policy seeks to ensure that heritage assets are suitably considered and where necessary, protected when affected by a development proposal.

Under this policy *designated heritage assets* and their settings (including Listed Buildings, Scheduled Monuments and Conservation Areas) will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

In addition, with regard to *non-designated heritage assets*, a balanced consideration will be applied to proposals which may impact upon non-designated heritage assets. Proposals will be supported where the benefits of the scheme are considered to outweigh the scale of any harm or loss, having regard to the significance of the heritage asset.

This Policy states that the Council will need to demonstrate that it has given the specific provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable importance and weight in determining planning applications affecting Listed Buildings and that the applicant will also need to justify the development proposal in the light of these provisions.

This issue is fully set out and balanced further in the report.

Material Considerations

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise, and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal.

Designated and non-designated heritage assets

Among the key planning considerations is the impact of the development on the setting of several *designated* and *non-designated* heritage assets.

The proposed new, modern design, single storey school building would be located within close proximity to the dwellings at Countesthorpe Cottage Homes (The Drive), an important philanthropic development of national importance, built by the Leicester Poor Law Union in 1884 in the *Arts and Crafts* style.

The purpose of the original cottage homes development was to relocate deprived children from city workhouses, offering education and vocational skills within an open agricultural landscape setting. The Cottage Homes now includes 13 statutorily listed buildings (Grade II) or *designated heritage assets*. Historic maps and photographs confirm that this now grassed land which forms the development site was an integral part of the original Cottage Homes development. From a visual perspective the individual dwellings were arranged along a drive to face the land, in a carefully planned composition that resembles a traditional village green. The close functional association between part of the application site and Cottage Homes increases its historic significance and sensitivity.

It is clear from legislation, national planning policy directives and Historic England guidance that the setting of heritage assets is often an important factor in their special interest or significance and whilst it is frequently considered in visual terms, setting can also encompass the environment in which a place or building is experienced, their local context embracing present and past relationships to the adjacent land.

Cartographic and photographic evidence suggests that, as is the case today, tree planting partially restricted views to and from the dwellings but the open land contributed positively to a rural outlook which, together with the design of the buildings, offered a marked, probably intended, contrast to the harsh urban workhouse environment.

The existing 1960s college campus also contains buildings of architectural and historic interest. Both Countesthorpe Community College and Leysland High school buildings are recorded in the Historic Environment Record (HER) as *heritage assets*.

Advice on the impacts of the development on heritage assets has been sought from the Council's historic buildings advisor. The full text of the advisor's comments is included in the representations section of this report for clarity.

Designated heritage assets

Work undertaken in respect of the previous proposal established that the significance of several listed buildings and two non-designated heritage assets is likely to be indirectly or directly affected by development within the school grounds.

Your officers concur with the Historic Buildings Advisor's comments which dispute the claim made by the applicant in the submitted Heritage Impact Assessment that 'the relative significance of Grade II listed buildings is reasonably determined as moderate'.

All statutory listed buildings are of special architectural or historic interest. They are classified into grades to show their relative national importance and the vast majority, 94%, are grade II. The Council's historic buildings advisor considers *"that 'Cottage Homes' complexes, particularly prior to 1900, are relatively rare. A parliamentary report listed only 25 such sites in 1903, including Countesthorpe, where the quality of the architecture and materials are readily apparent ... It is not only one of the*

earliest but one of the larger such groups and incorporates a full range of facilities, including farmland, absent from other less fortunate sites....The complex is an important and rare asset which enriches your District and the college campus”.

There is planting along the site boundary with the drive. However, it is considered that this planting does not dislocate the application site from the setting of the Listed Buildings. Furthermore, setting in this context extends beyond visual considerations to encompass a functional link. The close functional association between the application site and the Cottages increases the historic significance and sensitivity of the site proposed for the new development.

The Council's historic buildings advisor agrees with the applicant that the introduction of the 1960's College development has somewhat compromised the original setting of the Homes and has likely seen the removal of some associated agricultural outbuildings which are visible on historic maps. However, he advises that this does not set a precedent for additional development on the application site. It should also be noted that the Cottage Homes were listed over a decade after the building of the college and that the listing also predates the 1990 Act which today offers statutory protection to the setting of those listed buildings.

Non-designated heritage assets

In addition to the statutory listed buildings two non-designated heritage assets are also affected by the proposals. The 1960's Community College building is acknowledged to be of considerable architectural, social and historic interest and may properly be considered to be a non-designated heritage asset, whilst the Leysland High School building has been recorded by the Leicestershire and Rutland Historic Environment Record (HER) as an undesignated asset.

Paragraph: 039 of the Planning Practice Guidance states: 'a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets'.

Most non-listed buildings in the country do not possess any appreciable heritage interest. The few that do should be treated as non-designated heritage assets. All non-designated heritage assets are, therefore, relatively rare and possess significance which is a material consideration in the planning process. The NPPF notes that far from being of low value heritage assets 'are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.

The reason for their inclusion on the HER is that they are both specifically mentioned by Sir Nikolaus Pevsner in the Leicestershire and Rutland volume of his works on the Buildings of England. This series offers descriptions of every building of architectural importance, in every county in England and is widely acknowledged as a unique and invaluable collection of reference material for architectural scholars. Additionally Countesthorpe Community College is included in 'England's Schools: History, Architecture and Adaptation'- an important 2010 publication by English

Heritage which aims to broaden our understanding of the historical and architectural development behind school buildings.

Leicestershire was the first authority in the country to challenge the established pattern of separation within primary and secondary schooling, with the introduction of 'comprehensive' education. In 1957, the county began to implement 'The Leicestershire Experiment and Plan' which proposed the conversion of secondary modern stock into schools for those aged between 11-14, so that all of the older children could use the better-equipped grammar and technical schools. As new schools were built in Leicestershire at Desford (1967-70), Syston (1967-71) and at Countesthorpe (1967-70), existing conventions were further challenged by offering more flexible, centralised plans. Countesthorpe College is illustrated as a good example of this, where classrooms are replaced by open teaching areas grouped around a library or communal resource centre and science and craft areas became open plan units. These schools also followed the principals of Henry Morris's Cambridgeshire village colleges, in providing facilities for the entire community. Leicestershire school buildings of the later 1960s and early 1970s might therefore be considered as being key in demonstrating this cultural shift in educational thinking across the country.

In 2017, Countesthorpe Leysland Community College was one of a selective group of later 20th century schools identified nationally for consideration for listing as part of Historic England's project on post-war education buildings. Following a rigorous assessment of the special architectural and historical interest of the building, it was decided that the site was not eligible for listing as the school had been subject to substantial alterations in the late C20th and early C21st, which had compromised the architectural interest of the site. Although the site is not eligible for statutory listing, it is still considered to have cultural and architectural value as a non-designated heritage asset.

Pevsner describes the Leysland High School building (1973-4, extended 1979) as being on the same campus and by the same architects (Farmer and Dark) in the same materials as Countesthorpe Community College. He also describes its more dramatic forms, such as the exaggeratedly steep monopitch roof over the main hall. The HER includes the High School as an undesignated heritage asset because it is referenced by Pevsner and because of the group value that it has with the Community College building; it was designed by the same architects, who were working to a particular architectural and cultural vision as part of the new wave of educational building that was taking place across the country at this time.

Setting of heritage assets

Development within the setting of a heritage asset can be harmful to their significance and must be taken into account. The harm that will be caused to the 1960's college building is largely indirect but the land where the new building would be sited does contribute to an attractive largely original open setting and building.

The Council's historic buildings advisor considers that the new building *"so close to the distinctive college in an incongruous style and form devalues the original architectural composition and ability to appreciate the innovative layout"*. He

concludes that less than substantial harm to the setting of the existing college building would result.

The Historic Buildings Advisor disagrees with the applicant's assertion that the historic setting has also been compromised by recent vegetation along the boundary between The Drive and College site. As noted above, trees to the front of the dwellings have been an established feature since the early C20. Further to this, it is also noted that the vast majority, if not all of the trees along this boundary are deciduous which offer more open 'views through' in the autumn and winter months. The officer does recognise that "single storey class rooms, and the proposed sprinkler building, may arguably be subservient to the historic houses and other historic buildings". However, he still considers them to be harmful in this extremely heritage sensitive context.

Consideration is given to the northern end of The Drive, which is not tree lined and benefits (despite some unobtrusive mesh fencing) from wide open views across the grassed area. In this location, an understanding of the historic landscape setting of the dwellings (Cottage Homes development) is evident; the grassed area is clipped and several medium sized, well spaced trees present as a parkland type setting. Several trees within the school site have already been removed. The presence of the school is also evident from this vantage point in the distance, with pitches and courts to the north and east. It is concluded that the provision of a new building within such close proximity would have a detrimental impact on the setting of the listed dwellings in this location.

As a single storey building a larger footprint is proposed than that of the previously refused application for a two storey building. It would be closer to some of the listed building than the previous proposal. The new building has been designed to reflect the overall height and massing of the existing college building. However, it is not designed to replicate all of the design features of the 1960s building. This is due to the modern day needs of the college and the functional issues with the existing building's layout and design. Furthermore, the new building will be clearly read as being built at a later date and as an evolution of the education buildings on the site. The applicant has carefully considered the pallet of materials proposed which will help to break up the massing of the individual elevations and will help to provide a contemporary appearance. The application includes a soft and hard landscaping scheme and fencing is proposed which would fall with permitted development rights as it would be no more than 2 metres in height.

Your officer's consider that the single storey building proposed would be more low key and less visually intrusive within the setting of the heritage assets than that of the previously proposed two storey building. However, there would still be less than substantial harm to the setting of heritage assets.

The applicant has undertaken an archaeological trial trench evaluation of the proposed development area. A site inspection visit was made by the Council's archaeological advisor during the course of the work and the submitted report on the results confirms that no significant archaeological remains were identified within the development footprint. The Planning Archaeologist advises that no further below

ground archaeological investigation is required in advance of any permitted development within this area.

The proposal includes the demolition of the former Leysland building with the site being levelled and laid to grass and therefore would result in the total loss of significance or a high level of harm to this non-designated heritage asset. The Planning Archaeologist raises concerns with the proposal to demolish but does not state an objection subject to a programme of historic building recording being undertaken in advance of demolition, to record and advance our understanding of the significance of the heritage asset that is to be lost, in a manner that is proportionate to its importance (NPPF Section 16, paragraph 199). A planning condition is recommended in this regard.

As set out above, the NPPF states (paras 193 – 196) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Recent case law is clear, statutory legislation (The Planning (Listed Buildings and Conservation Areas) Act 1990) requires that there be a presumption in favour of refusal of development which would cause harm to listed buildings or their setting unless there is over-riding evidence of public gain significant enough to outweigh that harm.

The NPPF also requires that any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Consideration is therefore turned to any justification, or over-riding evidence of public gain significant enough to outweigh the established harm.

Assessment of public gain resulting from the development

The applicant, the college and their consultants have worked positively and constructively with your Officers following the previous decision to refuse planning permission in September 2019. Discussions have taken place around:

- The need for the proposed development
- The public benefits of the proposed development
- Consideration and assessment of alternative options

Since the previous decision, further evaluation and consideration has been given to these matters and the applicant has submitted detailed reports with this current application.

Paragraph 94 of the NPPF states

“It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted”.*

The scheme is proposed in order to provide a demonstrable sustainable educational offer, as required by the Department of Education funding programme and it proposes a modern replacement school building within reasonably close proximity to the main school building.

In summary, the applicant states the following issues with the existing school facilities:

- An identified need for a new teaching building in order to resolve fundamental site-specific legacy issues and incorporate limited additional capacity.
- The separation and dysfunction of the existing College site is such that an allowance of five-minutes has been made for walking time at the change of lessons, every hour.
- The staff leadership team has subsequently increased to manage pupil circulation, safety and welfare during this time.
- Students often arrive to lessons late, taking longer than the five minutes allowed to walk between the buildings, impacting on lesson time thus reducing the opportunity for meaningful learning
- The complexity and cost of supervising the site in social time.
- A number of students with special educational needs (SEND) attend the College. Some of the SEND students are in wheelchairs or have other physical disabilities, which makes moving between the sites (buildings) more difficult and poses increased health and safety risk. These students have to be accompanied by a learning support assistant and there are occasions when the learning support assistant has needed to push a wheelchair whilst also carrying a laptop and other equipment again, posing health and safety risks.
- Bad weather (snow, rain, high winds etc.) exacerbates issues (i.e. impact on lesson time, disability access).
- Impact on staff due to the poor-quality environment within the former Leysland building and separation from main school building.
- Funding from the Department of Education has been secured for the re-provision of the former Leysland building as there are health and safety issues and its layout is not fit for purpose.

Furthermore, key findings of the July 2019 OfSTED report include the need to improve safeguarding of students, ensuring the use of additional funding for disadvantaged pupils rapidly raises levels of attendance and achievement for eligible

pupils, improve pupils' personal development, behaviour and welfare, particularly reducing the proportions of disadvantaged pupils and pupils with SEND who are regularly absent from school and improve the quality of teaching, learning and impact on pupils' outcomes.

The applicant has demonstrated a demonstrable need for a new school building which would bring significant public benefits. The new building will offer modern teaching and toilet facilities, unifying departments and will reduce the existing movement time between the two school buildings, thereby increasing learning time for students.

Recent case law ('Forge Field' judgement 2014) at paragraph 61 states:- *'If there is a need for development of the kind proposed....but the development would cause harm to heritage assets....the possibility of the development being undertaken on an alternative site on which that harm can be avoided altogether will add force to the statutory presumption in favour of preservation. Indeed, the presumption itself implies the need for a suitably rigorous assessment of potential alternatives'*.

The applicants have submitted an alternative site options appraisal as part of their submission in an attempt to address the above and the clear and convincing justification required under paragraph 194 of the NPPF for any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting).

Your Officers consider that a rigorous and sensitive site options / potential alternatives appraisal has been undertaken by the applicant. This is not the view of the Council's historic buildings advisor who has also undertaken a partial assessment. However, he does not make a full assessment balancing all the material considerations and policy issues in this case. By taking a full assessment your Officers have come to a different conclusion on this matter.

The site options / potential alternatives appraisal demonstrates that the issues identified by the school, the Local Education Authority, the Department for Education and OFSTED can only be fully resolved by a new building in the location proposed. Retention and refurbishment of the former Leysland building would create a more attractive and modern environment and enable the retention of this non designated heritage asset but it would not resolve the inherent issues with the building and its separation from the main school building.

The applicant has stated that whilst the proposal and allocation of DfE funding is for the replacement of the former Leysland High School building, the new teaching building will provide additional capacity, modern, high specification and flexible teaching space, which can be used by various classes. However, your officer's have given limited weight to the increased capacity proposed as it has not been demonstrated that additional pupil places will definitely be created by the development.

The applicant has worked with your Officers to consider design options for the new school building in the location proposed. The options have been considered in relation to the impact on the setting of the heritage assets and the functionality of the

building. The new building is located in close proximity to the existing Countesthorpe college building retaining much of the open area between the new building and The Drive. The building would be single storey with a simple contemporary design and the applicant has worked with Council Offices to bring forward a suitable pallet of materials.

There are clear and demonstrable public benefits from the proposal in terms of the quality of educational facilities for the local community. The new building has been designed to minimise the less than substantial harm on the setting of designated and non-designated heritage assets. Furthermore, it is considered that the applicant has thoroughly considered alternative options for the development and it is concluded that the development of a new building in the location proposed is the only option to fully deliver the educational needs and resolve inherent issues with the existing school site.

When considering the less than substantial harm to the setting of designated and non-designated heritage assets and the total loss of the former Leysland building, on balance, it is considered that the identified very substantial public benefits outweigh this harm.

The impact on the amenity of neighbouring residential properties

The existing use of the site is a school and community centre offering evening classes. The scheme does not propose an increase in school places and so there is unlikely to be any adverse impact in terms of additional vehicular/pedestrian comings and goings to and from the school.

The new building is proposed to house some art and design space along with an activity studio and general classrooms. It is not unreasonable to assume that some evening classes may be held in the new building. This single storey building will be located within reasonable proximity to the residential dwellings on The Drive with ground floor windows. The building has been orientated such that it is at an angle to all the properties on The Drive and windows do not directly face onto residential properties.

The Council did not raise any issues with the previous application for a two storey building in relation to residential amenity. This new proposal is for a single storey building. However, the removal of the second storey means that the overall footprint of the building needs to increase to accommodate the facilities required. This means that the amended scheme does in part sit closer to several properties on The Drive.

The dwellings located to the north of The Drive have no landscape screening between their dwellings and the proposed new school building. However, this new building will be visible to the residents of these affected dwellings, but it is considered that there is unlikely to be any detrimental impact in terms of overlooking or loss of privacy due to the distance to the new building and its orientation.

There is some landscape screening along the boundary with the dwellings to the immediate west of the proposed new school building. The screening from the landscaping will be greatly reduced during the autumn and winter months and the

new building will be visible to the residents of these affected dwellings. However, it is considered that the distance between the new single storey building and the dwellings would not unacceptably impact on residents in terms of loss of privacy/overlooking.

A noise assessment has been submitted with the application and Environmental Services consider the mitigation proposed for the new building to be acceptable. Furthermore many of the properties on The Drive already front on to the active college site and this part of the site could already be used for outdoor teaching and recreation space for the students. As such it is not considered that it can be demonstrated that noise and disturbance would increase beyond what could already occur.

A condition is recommended with regard to the submission and implementation of a construction site management plan which will include measures around construction noise and suppression of dust.

Highway considerations

The proposal will involve the loss of some existing parking and the creation of new parking areas.

Leicestershire County Council as Highway Authority has advised that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe subject to conditions.

The plans did initially show the removal of a turning head at the end of The Drive which is a private road. However, the scheme has been amended and it does not now include the removal of the turning head.

Conclusion and Planning Balance

The District Planning Authority must determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.

Both local and national policy require that any harm caused to designated and non-designated heritage assets from development requires clear and convincing justification, with that harm carefully balanced against the public benefits to be gained from the proposal. Listed buildings and their settings are further statutorily protected by virtue of the Planning (Listed Buildings and Conservation Areas) Act 1990. The District Council has also given consideration to recent High Court Judgements as set out above, which require that there be a presumption in favour of refusal of development which would cause harm to listed buildings or their setting, unless there is over-riding evidence of public gain significant enough to outweigh that harm.

Following the refusal of a previous planning application in 2019, the applicant has made substantial changes to the design and massing of the proposal. Furthermore, the applicant has provided evidence that alternative options to meet educational

needs have been appropriately considered. Archaeological trial trenching has been undertaken and no significant archaeological remains have been identified within the development footprint. The applicant has undertaken a historic building appraisal of the former Leysland College building and a condition is recommended to ensure that a programme of archaeological recording is undertaken prior to demolition.

Having balanced all of the issues, your Officers are of the opinion that the public benefits of the proposal outweigh the less than substantial harm to the designated and non-designated heritage assets within and outside of the application site and loss of the former Leysland College building. As such the application is recommended for approval, subject to conditions.

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