

**18 June 2013****Agenda Item: 5****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES****RUSHCLIFFE BOROUGH REF. NO.: 8/13/00514/CTY****PROPOSAL: ALTERATIONS TO THE EXISTING CAR PARK FACILITY, NEW  
PLAYGROUND AREAS AND NEW GATE****LOCATION: CARNARVON PRIMARY SCHOOL, NURSERY ROAD, BINGHAM****APPLICANT: HEAD TEACHER & NCC CHILDREN, FAMILIES & CULTURAL  
SERVICES****Purpose of Report**

1. To consider a planning application for alteration and extension of a car park, new playground and a new entrance gate at Carnarvon Primary School, Bingham. The key issue relates to acceptability of relocated car parking provision and satisfactory on-site service turning space at the school. The recommendation is to grant planning permission, subject to the conditions set out in Appendix 1.

**The Site and Surroundings**

2. Carnarvon Primary School, on a site of 2.8ha, is located in a residential area approximately 1km to the east of Bingham town centre. Residential estate development lies to the north and south of the school. An area of open space on the site of Bingham medieval settlement, a Scheduled Ancient Monument (SAM), lies to the west of the school. The western third of the school grounds set as grass playing field, to the west of a watercourse running mostly in open channel through the site, lies within the designated boundary of the SAM. Uncultivated land outside of the village envelope lies to the east of the school. Public Footpath No.11 Bingham crosses the SAM, from west to east before turning south immediately within the school boundary, running along the southern school boundary, turning north along the eastern boundary (both within the boundary of the school) before turning east across the adjoining field (Plan 1).
3. A series of culs-de-sac to the north of the school are accessed from either Abbey Road or Nursery Road. The principal access to the school is from a cul-de-sac 30m in length on Nursery Road which also serves four residential

properties. An electricity sub-station lies between the northern boundary of the school and 28 Nursery Road. Pedestrian access in the south-west corner of the school site is gained from Oak Avenue along a path adjacent to the field to the west of the school. The path immediately on entering the school site follows the alignment of Public Footpath No.11 Bingham. (Plan1)

4. Accommodation at Carnarvon Primary School is provided in two single-storey CLASP buildings, faced principally with hanging tiles, with a later brick faced addition to the eastern-most building. The school is contemporary with housing to the north and south. Residential properties to the north generally all have off-street parking, as do the residential properties to the south with the exception of Oak Avenue where there is a mixture of off-street parking and garage courts serving flats.
5. A hard play ball court is provided to the east of an informal hard play area, and adjacent to the eastern school boundary. Specimen trees are established along the eastern boundary of the site.
6. The site is bounded by stock fencing and hedges to the field boundaries to the east and west, and timber fencing and/or planting to the boundary with residential properties to the north or south.
7. Carnarvon Primary School operates a school day beginning at 08:50 hours and ending at 15:30 hours. A Breakfast Club operates from 07:30 hours with an After School Club operating until 18:00 hours during the school term. Community groups use rooms within the school until 21:15 hours.
8. There are currently 411 children on the school roll (March 2013). 41 full-time and 14 part-time staff, which equates to 48 Full-Time Equivalent (FTE) are employed. 29 car parking spaces, including one disability parking space, are provided either side of the vehicular access drive and from a turning head accessed between the two school buildings (Plan 2).
9. Established trees of varying quality (Category A to Unclassified) lie to either side of the access drive and car parking spaces.

## **Proposed Development**

### **Planning History**

10. Application reference 8/99/00982/CTY (January 2000) - Construction of classroom and link extension to existing school.
11. Application reference 8/01/01456/CTY (April 2002) - Construction of three classrooms and toilets, hall and staff room extension.
12. Application reference 8/03/01002/CTY (September 2003) - Extension of hard play area (to the east of the school).
13. Application reference 8/08/00820/CTY (July 2008) - Extension to form administration and foundation class with additional toilets and kitchen facilities.

14. Application reference 8/13/00337/CTY (April 2013) - Erection of a 2 classroom stand alone building and the retention of the adjacent fenced ball court hard play area.

#### Proposal

15. As a consequence of the erection of the classroom granted under application reference 8/13/00337/CTY, the school is seeking planning permission to extend the hard play area to the east and south of the two existing school buildings, and to the west of the new classroom under construction (Plan 3). An existing silver birch tree (Category B) within the extended area of hard play would be retained within the extended hard play area. Part of the kitchen and school service area, currently used to park 12 cars, would be re-surfaced and used for hard play, segregated from the retained access for school kitchen deliveries by a fence and double gate.
16. The existing access drive would be widened on its north-east side, allowing the provision of additional car parking spaces on the south-west side, reconfiguration of the existing parking layout, and the provision of an alternative service vehicle manoeuvring area to replace that lost to hard play. Four trees (whitebeam (Category B), Norway maple (Category C), cherry and one unidentified tree (both Unclassified) would be removed to accommodate the additional parking and manoeuvring spaces.
17. Four visitor spaces would be provided on entering the site adjacent to the boundary with an electricity sub-station and 28 Nursery Road.
18. The number of car parking spaces on the site would remain as at present. 29 car parking spaces would be provided, including one disability space closest to the main school entrance.
19. The existing vehicular single-leaf entrance gate would be replaced by a double-leaf hinged gate 1.55m in height and coloured green to match the adjoining pedestrian entrance gate.

#### Consultations

20. **Rushcliffe Borough Council** - *No objection, subject to the provision of replacement tree planting, and the installation of bat boxes prior to parking spaces being brought into use as recommended in the supporting ecological report.*
21. **Bingham Town Council** - *No objection, but concern is raised regarding the dropping-off of children and the public footpath access.*
22. **NCC Highways Development Control** – *No objection. The existing 29 parking spaces are intended to be replaced generally along the entrance drive within the site in a layout that is considered to be acceptable. No additional parking spaces are proposed despite there also being a separate proposal to provide two additional classrooms dealt with under planning application reference F/2774 and a parking accumulation survey counting up to 37 vehicles on site over a week in April under existing conditions. However, the 9.00am to 3.00pm*

average accumulation in that week was 29 vehicles. As there are a number of areas beyond the formal proposed parking spaces within the site that could be used for informal short stay overspill parking in times of peak demand, the level of proposed parking is considered to be acceptable, particularly as on-street parking restrictions are to be reviewed as part of the school extension.

23. *The proposed site plan details a refuse collection point and an adjacent manoeuvring area. However, it has not been demonstrated that this is of sufficient size to cater for a refuse vehicle that can be typically 11.6m in length. Nevertheless, the revised arrangements offer an improvement over the existing situation and should be of sufficient size to provide sufficient space for delivery and service vehicles provided they are well managed.*
24. *There are no highway objections to the revised proposal subject to a condition requiring the revised parking area to be appropriately marked out, hard, surfaced and drained, and for the delivery manoeuvring area to be appropriately hatched out to deter parking prior to the school extension being brought into use in the interest of highway safety and residential amenity.*
25. **NCC Road Safety Team** - No response received.
26. **Ramblers' Association** – *No objection, but would welcome a specific statement that the definitive and non-definitive routes are protected as part of the development.*
27. **NCC Countryside Access Team** - No response received.
28. **Sport England** – *No objection. The new car parking areas and the conversion of the existing car park to play area do not raise any issues for Sport England. The section of new play area would however, be constructed on the secondary area of playing field. The primary area of playing field is located to the west of the school buildings. The location of the extended play area is triangular in shape and contains a tree, given the shape, position and tree, this area is considered to be unable to be used as a pitch or part of a pitch, meeting the requirements of exception E3. In addition the school has created a fenced hard court sports area adjacent to the existing play area, which is considered in part to compensate for this loss of playing field area.*
29. **NCC Archaeology Team** – *The school is adjacent to a scheduled monument related to Medieval occupation, and contains the remains of an extensive Roman farmstead, complete with human remains. All ground disturbance within the school site, even that involving relatively minimal alteration of levels, should be covered by some degree of archaeological work. In the case of the proposed new parking areas a condition to require a "strip, map and sample", whereby the stripping to formation levels is undertaken under archaeological supervision, with provision allowed for the sampling of any archaeological features uncovered, after these have been recorded, is recommended.*
30. **Police Force Architectural Liaison Officer** – *No concerns raised.*
31. **NCC Project Engineer (Noise)** - *No objection. The proposal is not expected to give rise to unacceptable levels of noise at surrounding sensitive receptors given the considerable distance that will still exist between the proposed*

*playground areas and properties on the southern boundary (~85m). There is no requirement for any noise specific conditions to control site generated noise other than the recommendation of a condition restricting working time during construction to Monday to Friday 07:30-18:00 and Saturday 07:30 to 13:00hrs.*

- 32. **Severn Trent Water Limited** – No objection.
- 33. **Western Power Distribution** – Provide plans showing apparatus at the application site, including a detailed plan of the area around the proposed gates, and request that all relevant staff/contractors be provided with such plans and the need to work in accordance with Health and Safety Guidance (HSG) 47 ‘Avoiding danger from underground services’.
- 34. **National Grid (Gas)** – No response received.

### **Publicity**

- 35. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council’s adopted Statement of Community Involvement.
- 36. Representations have been received from two nearby households primarily concerned with the need for additional car parking spaces, parking outside the school grounds and vehicle access by emergency services:
  - a) Local residents’ drives are often blocked by cars dropping off and picking up pupils from the school. This occurs during peak school hours, after normal school hours and sometimes at the weekend.
  - b) The proposed development does not appear to be in line with the school’s current Travel Plan.
- 37. Councillor Martin Suthers OBE has been notified of the application.
- 38. The issues raised are considered in the Observations Section of this report.

### **Observations**

- 39. NPPF Paragraph 72 encourages Local Authorities to give great weight to the need to alter schools. The proposed development would enhance and enlarge the hard play area at the school whilst making improved provision to meet the operational needs of the school.
- 40. Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) (RRLP) Policy GP2 *Design and Amenity Criteria* will allow development (amongst other criteria) where there is no significant effect upon the amenity, particularly residential amenity, of adjoining properties or the surrounding area by reason of the levels of activity on the site or traffic generated. The application proposes to replace existing car parking spaces with an equivalent number, whilst making better provision for on-site turning by service vehicles. It is considered that the proposed provision of visitor car parking, separated from the nearest residential

property, 28 Nursery Road, by an electricity sub-station, would not give rise to unacceptable loss of amenity, and would comply with RRLP Policy GP2 *Design and Amenity Criteria*. Only staff and visitors would park on the school site, with no on-site provision made for parent drop-off and pick-up of children.

41. The proposed extended area of hard play and reconfiguration of car parking would not attract additional traffic to the site. The representations received from local residents relate to parent parking behaviour, an issue considered in the determination of the application for the classroom building reported to Committee on 17 April 2013 and under construction (8/13/00337/CTY). That permission includes measures to monitor and mitigate traffic impacts associated with that development, including a review of the School Travel Plan after the classrooms are brought into use.
42. Having regard to the location of the site in proximity to a Scheduled Ancient Monument, the site has archaeological potential and it is recommended that excavation works are carried in accordance with an agreed archaeological mitigation (Condition 4).
43. The proposed car park works would require the removal of four trees which, with the exception of the Category B whitebeam, are not considered to be of particular merit. There are a significant number of trees within the site on the approach to the school buildings and loss of these trees would not have a significant impact on the amenity of the site. However, it is recommended that replacement tree planting takes place, which would be in accordance with the recommendation in the consultation response received from Rushcliffe Borough Council (Condition 11).
44. Although no bats have been identified on the site, the ecological report supporting the application advises, following a best practice approach, that opportunities should be provided for roosting bats. The provision of bat roosting opportunities would provide appropriate ecological mitigation for the loss of trees and is the subject of recommended Condition 12.
45. The existing silver birch in the south–west corner of the area of extended hard play is worthy of retention and would provide shade to the outdoor play area. A method statement and detailed proposals for work beneath the tree have not been provided, and is subject of a recommended condition. Other than for the period of work beneath the tree canopy, the tree should be protected for the period of construction (Conditions 9 and 10).
46. The location of the areas of extended play in relation to nearby residential properties should not give rise to unacceptable noise and disturbance to neighbouring occupiers and would comply with RRLP Policy GP2 *Design and Amenity Criteria*. However, a condition is recommended to restrict hours of construction in the interest of residential amenity (Condition 6).
47. Condition 15 of planning permission reference 8/13/00337/CTY requires an area of grass playing field affected by construction of the classroom to be reinstated to grass following the completion of construction work. If this application is granted, part of the area to be reinstated would become hard play area. An Informative is recommended to advise the applicant that this

permission will supersede the requirements of condition 15 in so far as the area to be reinstated is affected by the permission granted.

48. With regard to the consultation response received from The Ramblers, the proposed works for the provision of hard play area and car parking do not affect the definitive route of Public Footpath No.11 Bingham and are not material to the determination of this application.
49. An Informative is suggested to bring the applicant's attention to the plans showing the apparatus identified in the plans supplied by Western Power Distribution in their consultation response. Whilst a response has not been received from National Grid, it is noted that a plan identifying apparatus was received in respect of the recent separate application for the classroom building previously reported to Committee. Notwithstanding the fact that it was provided in response to a separate application, it is considered prudent to bring such information to the attention of the applicant and an appropriate Informative is suggested.

### **Other Options Considered**

50. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application submitted. Accordingly no other options have been considered.

### **Statutory and Policy Implications**

51. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

52. There are no financial implications arising from the proposed development.

### **Crime and Disorder Implications**

53. The development would be sited within an existing school site and would benefit from existing security measures. Whilst such security measures are not as robust as on many other school sites, these would appear fit for purpose in this location and no objection is raised from consultees on this issue.

### **Human Rights Implications**

54. The relevant issues arising out of the Human Rights Act have been assessed in accordance with the Council's adopted protocol and it appears that no human rights under Article 8 and Article 1 of the First Protocol are affected.

## **Safeguarding of Children Implications**

55. The extended hard play area would be segregated from the adjacent parking area by fencing which would reduce risk of pedestrian/vehicular conflict and improve the safeguarding of children.

## **Conclusions and Statement of Reasons for the Decision**

56. NPPF Paragraph 72 encourages Local Authorities to give great weight to the need to alter schools. The proposed development would enhance and enlarge the hard play area at the school whilst making improved provision to meet the operational needs of the school.
57. Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) (RRLP) Policy GP2 *Design and Amenity Criteria* will allow development (amongst other criteria) where there is no significant effect upon the amenity, particularly residential amenity, of adjoining properties or the surrounding area by reason of the levels of activity on the site or traffic generated. The development would replace existing car parking spaces with an equivalent number, whilst making better provision for on-site turning by service vehicles. Consideration has been given to the location of the extended areas of hard play and the visitor car parking area. In determining the application it is concluded that the amenity of residents nearby would not be significantly affected.
58. Trees would be lost as a consequence of the proposed enlargement of the car park. Ecological and amenity impacts would be mitigated through the protection of retained trees, planting of replacement trees and the provision of opportunities for bat roosting, which are secured through planning condition. The site is in proximity to a Scheduled Ancient Monument and archaeology may be encountered during development. The need for archaeological mitigation is addressed through a planning condition.
59. The County Council is of the opinion that the proposed development is on accordance with the relevant Development Plan Policies and that there are not material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached planning conditions.

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

60. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.



## **RECOMMENDATIONS**

61. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

## **Constitutional Comments**

“Planning and Licensing Committee has authority to consider and approve the recommendation set out in this report by virtue of its terms of reference.” [NAB 3.06.13]

## **Comments of the Service Director - Finance**

“There are no specific financial implications arising directly from this report” [SEM 03/06/13]

## **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

## **Electoral Division and Member Affected**

Bingham

Councillor Martin Suthers OBE

Report Author / Case Officer

Nina Wilson / David Marsh

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For any enquiries about this report, please contact the report author.

F/2793 – W001121

**PSP.DM/PB/ep5185 – COMMITTEE REPORT FOLDER REFERENCE**

3 June 2013 – Date Report Completed by WP Operators

## RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents as amended and recommendations of reports, and the following plans:

- a) Location Plan (Drawing 1774(08)01) received by the CPA on 6 March 2013.
- b) Existing Site Plan (Drawing AL(0)100A) received by the CPA on 30 May 2013.
- c) Proposed Site Plan (Drawing 1774(08)03F) received by the CPA on 30 May 2013.
- d) New Entrance Gate detail received by the CPA on 29 May 2013.

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

4. No development shall take place until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the CPA. Development of the site shall take place in accordance with details of the approved scheme.

*Reason: To address any archaeological potential within the site.*

5. Unless otherwise agreed by the CPA in writing and under the supervision of a suitably qualified ecologist, no tree, shrub, scrub or other vegetation clearance works shall be carried out between the months of March to August inclusive.

*Reason: To avoid disturbance to birds during the breeding season.*

6. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA, for duration of construction works;

- a) no construction work shall take place on Sundays, Public or Bank Holidays; and
- b) no construction deliveries to site or construction work on the site during school term time shall take place except between 09:30 hours -15:00 hours Mondays to Fridays, or between 07:30 hours – 13:00 hours on Saturdays; and
- c) no construction deliveries to site or construction work on the site outside of school term time shall take place except between 07:30 hours -18:00 hours Mondays to Fridays, or between 07:30 hours – 13:00 hours on Saturdays.

*Reason: To safeguard the amenities presently enjoyed by the occupiers of nearby residential properties.*

- 7. If during development, contamination not previously identified is found to be present, no further development shall be carried out, unless first agreed in writing by the CPA, until a remediation strategy to deal with the unsuspected contamination has been submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: To ensure that the site is remediated to an appropriate standard.*

- 8. Prior to the commencement of development, details of the method of working during construction, in the form of an environmental management plan, to include:
  - a) a scheme for the recycling/disposal of surplus soils and waste resulting from construction; and
  - b) construction site layout to segregate students, staff and visitors from construction taking place within the school site,

shall be submitted to and approved in writing by the CPA. All construction shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the CPA.

*Reason: In the interest of highway safety and to safeguard those attending the school throughout the period of construction.*

- 9. Prior to the commencement of main site works, tree protection measures detailed in the submitted Arboricultural Survey Report (19 December 2012) shall be implemented to protect Tree Reference 00507, to the written satisfaction of the CPA. Unless otherwise first approved in writing by the CPA, tree protection measures shall be retained throughout the period of construction.

*Reason: In order to safeguard the health of the silver birch tree during the period of construction and in the interest of visual amenity.*

10. Prior to work taking place within the safeguarded root protection area of the silver birch tree (Condition 9), a plan identifying finished surface treatments and a detailed method statement for work to be undertaken within the safeguarded area shall be submitted to and approved in writing by the CPA. Development shall be undertaken in accordance with the approved detail.

*Reason: In order to safeguard the health of the silver birch during the period of construction in the interest of visual amenity.*

11. Within 6 months of the date of commencement of development, a scheme, including:

- a) replacement tree species and planting sizes;
- b) a specification for tree pits; and
- c) a schedule of maintenance for replacement tree planting,

shall be submitted to and approved by the CPA in writing.

The approved tree scheme shall be completed not later than the first planting season following the development first being brought into use. Any tree that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

*Reason: In the interest of the visual amenity of the site.*

12. Prior to the car parking areas approved by this permission first being brought into use, roosting opportunities for bats, as recommended in the supporting ECUS Ecological Scoping Report – September 2012 (Paragraph 3.4.4) received by the CPA on 18 February 2013 shall be provided on site to the written satisfaction of the CPA.

*Reason: In the interest of the ecology of the site.*

13. Prior to being brought into use, the car parking areas shall be drained, constructed and surfaced with a bound material, and parking spaces shall be marked out, to the written satisfaction of the CPA.

*Reason: To ensure that car parking on the site is provided to an acceptable standard in the interest of highway safety.*

14. Prior to the extended parking area being brought into use, the delivery manoeuvring area identified on approved Drawing 1774(08)03F shall be hatched to deter its use as a parking area to the written satisfaction of the CPA.

*Reason: To make appropriate space available so that service vehicles can enter and leave the site in a forward gear in the interest of highway safety.*

### **Informatives/notes to applicants**

1. Condition 15 of planning permission reference 8/13/00337/CTY requires an area of grass playing field affected by construction of the classroom to be reinstated to grass following the completion of construction work. This grant of planning permission, if implemented, supersedes the requirements of condition 15 in so far as the area to be reinstated is affected by the permission granted.
2. With reference to Condition 4, the scheme submitted by the archaeological consultant should make it clear that the mitigation proposed follows the requirements of a strip, map and sample exercise.
3. Western Power Distribution has network close to the site. A copy of the consultation reply, including plans, from Western Power Distribution dated 6 June 2013 is enclosed. The applicant is reminded of the need to ensure that all relevant staff/contractors are issued with such plans and work in accordance with the Health and Safety Guidance HSG47 *'Avoiding danger from underground services'*.
4. Whilst no consultation response has been received from National Grid, a response was issued in respect of a recent separate application at the site which identifies apparatus. The applicant is advised to note the content of that consultation response dated 28 February 2013 a copy of which is enclosed.