



16 December 2014

Agenda Item: 7

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES**

**MANSFIELD DISTRICT REF. NO.: 2/2014/0531/ST**

**PROPOSAL: ERECTION OF A TWO STOREY REPLACEMENT PRIMARY SCHOOL, REPLACEMENT CAR PARKING, PROVISION OF NEW PARENT DROP-OFF/PICK-UP FACILITY, LIGHTING AND CCTV, ALTERATION TO PEDESTRIAN AND VEHICULAR ACCESS AND LANDSCAPING ALONG WITH FENCING, ADDITIONALLY WITH DEMOLITION OF THE EXISTING SCHOOL BUILDINGS**

**LOCATION: FLYING HIGH ACADEMY (FORMERLY ROSEBROOK PRIMARY SCHOOL), AND SITE OF FORMER LADYBROOK PRIMARY SCHOOL, TOWNROE DRIVE, MANSFIELD**

**APPLICANT: THE SECRETARY OF STATE, NOTTINGHAMSHIRE COUNTY COUNCIL CHILDREN, FAMILIES AND CULTURAL SERVICES, AND THE FLYING HIGH ACADEMY**

**Purpose of Report**

1. To consider a planning application for the demolition of buildings at Flying High Academy and the erection of a replacement primary school on part of the existing school site, and the site of the former Ladybrook Primary School, on land fronting Townroe Drive and Somersall Street, Mansfield. The key issues relate to the highways impacts associated with the new school and the protection of roosting and foraging bats. The recommendation is to grant planning permission subject to the conditions set out in Appendix 3.

**The Site and Surroundings**

2. The Flying High Academy, formerly Rosebrook Primary School, is a 420 place primary school located in Ladybrook, Mansfield approximately two kilometres to the west of Mansfield town centre (see Plan 1). The school comprises a range of two-storey and single storey brick and timber faced Hallam and CLASP buildings, and occupies a 4.3 hectare site fronting Townroe Drive on its south-western boundary, with playing fields to the north and northeast. Land levels fall to the north and northeast with the playing fields established

on a level approximately 1.5 metres below the school's hard play areas, which are immediately northeast of the school buildings.

3. The school is accessed by vehicular traffic and pedestrians from Townroe Drive. There are 19 car parking spaces and one disability parking space for staff and visitors within the site with the application forms stating that 32 full-time and 21 part-time teaching and non-teaching staff are employed at the school. Pedestrian access to the school is also gained across the school playing field from Mansfield Footpath Number 33 which runs along the north-eastern boundary of the site between Somersall Street to the south, past residential properties on Redgate Close, Clarendon Road, Peel Road, Raleigh Road and Wainwright Avenue, and up to the A6075 Abbott Road to the northwest (see Plan 1).
4. The school has 330 children on roll (as of September 2014) and operates an extended school day between 07:00-19:00 hours. The school core teaching day is between 08.45-15:15 hours.
5. The cleared site of the former Ladybrook Primary School lies to the south-east of the Flying High Academy (see Plan 1) and is accessed by vehicular traffic and pedestrians from Somersall Street on its south-eastern boundary, with pedestrian access also via Townroe Drive. The school buildings were sited generally in the southern corner of the site with playing fields to the northeast (see Plan 1). The buildings were sited at a level approximately 2.5 metres above those of the Flying High Academy site, with the internal boundary separating the two sites following a line along the bottom of a bank. The buildings were also approximately two metres above a hard play area measuring 48 metres by 23 metres to the immediate north-east of the school, with this in turn being approximately 1.5 metres above the level of the playing field to the north-east. A triangular area of tree planting is established to the north-east of the playing field adjacent to the public footpath.
6. A Sure Start Children's Centre is located on the frontage of Townroe Drive between the current Flying High Academy site and the former Ladybrook Primary School site (see Plan 1). Immediately north-east of the vehicular access to the former Ladybrook Primary School off Somersall Street is a caretaker's bungalow and Mansfield Children's Community Centre, which includes a nursery (see Plan 1). Gated access at the Children's Community Centre car park provides maintenance access to the hard play area and the playing field. The access to Redgate Special School lies opposite the point where Mansfield Footpath Mansfield Number 33 emerges onto Somersall Street, to the south of the Children's Community Centre (see Plan 1).
7. The 4.6 hectare application site comprises the former Ladybrook Primary School site and approximately two-thirds of the existing Flying High Academy site, and the related playing field areas bounded by Mansfield Footpath Number 33 to the north-east (see Plan 1). An area of land extending to around 4.2 hectares which comprises the Flying High Academy school hall and playing fields does not form part of the application site.
8. There are a number of mature trees within the application site on the frontages to Somersall Street and Townroe Drive comprising sycamore, silver birch, oak,

sweet chestnut and wild cherry. There are further trees within the site located along the bank separating the Flying High Academy and the former Ladybrook Primary School site.

9. The surrounding area is predominately residential in character. Some of the properties on Townroe Drive and adjacent roads (Lees Avenue, Pye Avenue, Wellow Close and Kaye Road, see Plan 1) have off-street parking largely provided on the front gardens of properties. Terraced houses dating from the early 20<sup>th</sup> century, without off-street parking, front Somersall Street 200m to the north of the Community Centre. Five bungalows opposite the point at which Mansfield Footpath Number 33 joins Somersall Street and to the east of the entrance to Redgate Special School do not have off-street parking. The highways in the vicinity of the school site are traffic calmed and speed reducing speed-humps are in place at regular intervals on both Somersall Street and Townroe Drive.

## **Proposed Development**

### Background

10. Nottinghamshire County Council (NCC) has been successful in bidding for funding to replace 12 schools throughout the county through the Priority Schools Building Programme in partnership with the Education Funding Agency. Background information to the programme, including details of the successful schools is attached (Appendix 1). The applicant has stated that the existing school buildings along with the grounds and related facilities have been assessed and are considered to be at the end of their life and have concluded that the rebuilding of the school represents best value for money.

### Proposed development

11. Planning permission is sought to erect a 420 place two-form entry primary school (ages 3-11) with a 39 place nursery. Overall school places would not change and core teaching hours would remain as at present (08.45-15.15 hours). The number of staff employed at the school, including catering and other staff as well as teachers, would rise to 55 full-time and nine part-time.
12. A principally rectangular two-storey building with a footprint of 60m x 20m is proposed (see Plan 2), with the school hall projecting forward of the south-eastern elevation by a further 6.7m, providing a total floor area of 2232m<sup>2</sup>. The building would be erected on the former Ladybrook Primary School part of the application site, to the north-west and partially impacting on part of the former school's hard play area. At its closest, the building would be approximately 33m from the rear boundary of the Mansfield Children's Community Centre and approximately 85m to the south-west of the boundary with properties on Redgate Close (see Plan 2).
13. The floor level of the building would be approximately 2.2m below the level of the former Ladybrook Primary School. The building, 7.35m in height, would have a shallow mono-pitched roof concealed behind a parapet and faced with a red brick. Elevations would be expressed by infill grey brick panelling and

aluminium louvres (see Plans 3 and 4). Aluminium framed windows and doors are proposed. The entrance to the school building, on its south-eastern elevation, would be beneath signage displayed at first floor level, which would be the subject of Advertisement Consent to be considered by Mansfield District Council.

14. Roof-top plant would be set back 2m from the roof edge, enclosed by a 1.1m high guardrail and partially screened by the brick parapet of the school building. A kitchen extract and three boiler flues would project above the parapet by a maximum of 0.3m and would be below the height of the guardrail.
15. Classrooms would be provided on both floors linked by a central corridor (see Plans 5 and 6). The nursery and reception classrooms would be provided at ground floor on the south-eastern elevation, with four infant classrooms provided on the opposing side of the building (see Plan 5). Eight junior classrooms would be provided at first floor level, as well as the staff room and support facilities (see Plan 6). Stairwells would be provided at either end of the central corridor, one of which would have an adjacent lift. The school hall and kitchen would be provided at the south-western end of the building.
16. Outdoor hard and soft play areas would be provided outside the nursery and reception classrooms which, with the largely retained former hard play area of the former Ladybrook Primary School, would be enclosed within a two metre high fenced area and used for Key Stage 1 outdoor play. An existing area of hard play, to the north-west of the new building and presently forming part of the Flying High Academy, would be retained and used by Key Stage 2 and include hard surfaced games courts (see Plan 2).
17. The school building would be sited largely in an area of sloping ground that cannot be used as playing pitch whilst the grass playing field to the north would only be marginally impacted. The grass plateau immediately to the north-east of the school building would be marked as a pitch for five-a-side football (see Plan 2). The area would not be lit and extended hours of use by the community are not envisaged.
18. The existing footpath crossing the playing field from Mansfield Footpath Number 33 to the existing Flying High Academy would be re-aligned so as to serve the new school building. The existing path would be removed and reinstated to form part of a larger playing field. The development would not lead to a net loss of usable playing field area.

#### Access, Car Parking and Pedestrian Movement

19. The Transport Statement submitted with the application includes the results of a survey of staff which indicates that 52.5% walk to work, 45% travel alone by car and 2.5% car share. Extrapolating this figure to the proposed 64 members of staff, it is anticipated that 33 would walk to work, 29 drive, with two lift-sharing with another staff member.
20. The school would be accessed by vehicular traffic from Somersall Street, re-using the former access to Ladybrook Primary School. This access would lead

to a 45 space staff and visitor car park (see Plan 2), generally on the site of the former school with 39 of the spaces formed on porous mesh-stabilised ground. Two of the parking spaces closest to the proposed school building would be provided for disability parking. A sprinkler tank and pump housing would be provided to the west of the car park and while the design of these has not been specified in the application, the tank is anticipated to be 3.5m in height enclosed by 2.4m high close-boarded fencing. The tank would be sited 35m to the south-west of the school building and 28m from Townroe Drive. A bin storage area enclosed by a 2.4m high timber enclosure would be provided to the rear of the caretaker's bungalow.

21. 20 cycle parking spaces, 10 of which would be covered, would be provided to the south of the school hall close to the school entrance and cycle/pedestrian routes would be segregated from vehicle routes within the school site.
22. A pedestrian access route would be provided adjacent to the vehicular entrance gate off Somersall Street and would lead to a plaza/assembly area which would be constructed so as to be suitable for service vehicle turning and access by a fire tender. The shared-use area would be surfaced so as to appear part of the school approach rather than an extension to the car park. Having regard to the change in levels between the car park and the level of the new school building, a flight of steps would lead from the shared-use assembly area to the building entrance. A ramped access would also be provided which would be suitable for disability access as well as the movement of goods between the car park and the school/kitchens and access to cycle parking spaces.
23. The existing vehicular entrance to Flying High Academy from Townroe Drive would be retained and a new exit point would be formed 60m to the south-east. A one-way circulatory system would be provided within this area allowing parent drop-off and pick-up for up to eight cars (see Plan 2). The parent drop-off and pick-up area would be secured from the school site by 2.0m high security fencing. A 3.0m wide footpath would be provided from the drop-off and pick-up area to the school, meeting a path from the former Townroe Drive pedestrian entrance to the former Ladybrook Primary School which would be brought back into use. These paths would connect with the bottom of the ramped access from the car park before leading to the main school entrance.

#### Trees, Landscaping and Ecology

24. Twelve individual trees and a group of 13 further trees would need to be removed as part of the proposed development. The provision of the ramped access from the car park to the school would require one silver birch (Category B) to be felled, although it would be replaced by a row of trees planted along the north-western edge of the car park. One silver birch (Category B) and one hawthorn (dead) would be removed to enable the provision of car parking spaces. A small group of Scots pine (two Category B, one Category C) and a cherry tree (Category B) would be removed to accommodate the path linking the drop-off pick up area and the school entrance, with a purple leaf Cherry Plum tree (Category C) removed from the drop-off area. A Category C group of five Scots pine, four hazel and four *cotoneaster*, and four Category B ash trees

would be removed to accommodate the school building. Larger tree specimens and trees around perimeter of the site would be retained.

25. Minimal landscaping works would be required although cut-and-fill would need to be undertaken to accommodate the proposed school building. The footprint of existing buildings to be demolished would be grubbed up and reinstated either as areas of hard play or grass. Although not forming part of the planning application, existing buildings of the Flying High Academy to the north-west and outside of the application site would be demolished to slab level, and would be subject to separate prior notification procedure (for demolition) set out in Part 31 of The Town and Country Planning (General Permitted Development) Order 1995 as amended.
26. Habitat on the site provides good foraging opportunities for bats and a single bat roost has been identified in an existing school building to be demolished. Although not initially provided with the application, a Bat Method Statement and Bat Scoping Survey have been submitted. A European Protected Species bat licence would need to be sought from Natural England. The provision of bat sensitive features, such as the installation of bat boxes and directional lighting, and night-scented species that attract insects is recommended in the statement whilst the provision of a range of bird box designs installed in suitable locations on trees and buildings to increase nesting opportunities for birds is identified in the ecological report.
27. A fox earth has been identified on the former Ladybrook Primary School site and would be removed following humane practice. The site would be checked for protected species prior to the commencement of development. Good practice would be adopted during construction so as to safeguard against unnecessary suffering to mammals that may pass through the site.
28. *Cotoneaster* and *Montbretia*, both of which are invasive non-native species, would be removed following good practice in compliance with the Wildlife and Countryside Act 1981.

#### Site Security and Lighting

29. Existing perimeter school fencing would be retained from the western corner of the school site on Townroe Drive south-east along Townroe Drive, north-east along the Somersall Street boundary and then along the boundary adjacent to Mansfield Footpath Number 33. An existing 2.0m high security fence would be relocated and erected between the western corner of the site on Townroe Drive and Mansfield Footpath Number 33 to define the school's new north-western boundary. A gate to match the adjoining fencing in terms of appearance would be provided at the pedestrian access point into the school from the footpath and there would also be a gate close to the drop off/pick-up area to secure the site. 2.0m high security fencing would also be provided to secure the school from publicly accessible areas of the site. Cycle parking would be provided behind the school internal secure line.
30. A lighting plan has been provided as part of the application which details the provision of security lighting on the school building, the car park, the drop-off/pick-up area, and various paths on the site. The plan also identifies the

provision of three CCTV cameras. The Design and Access Statement makes reference to external lighting being modified to suit the new site layout in order to provide safe ingress/egress from the site and to provide suitable levels of lighting. The lights would be LED, providing improved optical distribution and lower energy consumption whilst avoiding light pollution. The Planning Statement makes reference to external lighting being provided to illuminate pathways and access routes.

## Sustainability

31. The proposal has been assessed as capable of achieving a BREEAM (Building Research Establishment Method) rating of 'Very Good', considering broad environmental concerns of climate change, pollution, impact on occupants and the wider community, and going beyond the requirements of the Building Regulations. The proposed development would incorporate sustainable features in its design; high levels of thermal insulation; good natural day lighting; low energy lighting; solar control; energy efficient appliances; low water use; sustainably sourced timber; locally sourced construction materials; recycling facilities; recycling facilities for construction and operational waste; and the provision of dedicated cycle storage facilities.

## Phasing of development

32. Photomontages submitted with the application show how the existing Academy building would be separated from the new school site during construction with the contractors' working area located immediately north of the Mansfield Children's Community Centre. Construction traffic would enter the site from Somersall Street to the immediate south of the caretaker's bungalow and fencing would be erected around the construction area, but would allow for the continued use of the adjacent playing fields and hard play areas. This arrangement would be in place for almost two years whilst the new school is constructed.
33. Upon the completion of the school and its subsequent occupation, there would be an anticipated five month period during which the existing school would be demolished. Demolition traffic would access the site from Townroe Drive although pedestrian accesses from Townroe Drive would be available for use by the school. The proposed parent drop-off/pick-up facility would be brought into use following the completion of site demolition works.

## Consultations

34. **Mansfield District Council** – No objection subject to a condition requiring the submission of details of proposed external facing materials.
35. **NCC Highways Development Control** – No objection subject to conditions. *The development is located on an existing school site which benefits from established patterns of travel for pupils and staff. The school currently has a roll of 330 pupils although it has a design capacity for 420 and the school plans to maintain the roll at 330 although this may increase to the maximum of 420 plus nursery places.*

36. *The location of the main school and the catchment area it serves has resulted in the majority of pupils (60%) walking to and from the site. Although it is acknowledged that there have been local issues previously with traffic in the vicinity of the school, the redevelopment of the site should not initially see any changes in the volumes of vehicles associated with the school and therefore there should be no change in overall traffic conditions. Even if the school increases its roll to 420 plus nursery places, it has been calculated that there would only be an additional 41 vehicles in the worst case scenario. The National Planning Policy Framework highlights that to consider refusal of a development on highway grounds, the impact of it must be 'severe'. In light of the above, it is considered that the measure of 'severe' cannot be made in relation to the impact of any additional traffic associated with the school. It is also noted that the successful implementation of the School Travel Plan should have a positive impact in reducing the use of cars by those going to the school.*
37. *The existing parking provision on site is acknowledged by the applicant as not being sufficient to meet demand and it is proposed that the new car parking provision should address these issues. For those parents wishing to drop-off or pick up their children at the school there would be a parent drop off/pick up facility which would assist in ensuring that any disruption to traffic in the local area is minimised.*
38. Conditions are recommended requiring the submission of details of lorry routing for construction traffic; measures to prevent debris being carried on to the highway; segregation of vehicle and pedestrian movements on the site; the recycling/disposal of surplus soils and waste resulting from the construction of the school; the construction and marking out of parking, manoeuvring and turning areas, marked out and retained for their intended purpose; the construction of the service area; and the submission of a School Travel Plan that promotes sustainable modes of travel to the school.
39. **NCC Road Safety Team** – *The collision history fronting the school on Townroe St and Somersall Street is very encouraging. Only one serious collision in the last three and a half years has been recorded and this was not related to a school journey nor involved pedestrian/cyclists. The vertical deflection traffic calming on the two roads (and the Ladybrook Estate) is effective, mindful of the schools/Sure Start Centres in this area.*
40. *Some presently unused accesses will be brought back into use as pedestrian access points and may benefit from a review of guard rail guard.*
41. *Trees shown at the exit point of the drop-off/pick-up area may obscure visibility. Similarly there are trees at the re-used pedestrian access opposite Lees Avenue which may need to be looking at.*
42. *It would be sensible to control construction traffic at school start/finish times, but has to be a balanced so the school can be built. A banksman would assist with constructional traffic.*

43. *A travel plan, educating and promoting safety on the roads around the school should help minimise the 'chaos' of the school run and parking issues that cause issues and frustration.*
44. *In summary conditions are recommended to control construction deliveries at school start and finish times, the submission of details of the segregation of pedestrians from construction activities, the provision of the parent drop-off/pick-up area with appropriate directional signage, a School Travel Plan to promote sustainable travel promoting education relating to sustainable travel; demand for, and future provision of additional covered cycle spaces; management of student drop-off and pick-up, and management of parent traffic during school evening events, and a review of Flying High Academy school zone signage and guard rail on Townroe Drive and Somersall Street following the new school being brought into use.*
45. **NCC Countryside Access Team** - No objection. *Should connection to the mains sewer on Peel Road be required, a temporary closure of Mansfield Footpath Number 33 would be needed. A minimum of 6 weeks' notice, and ideally provision of an alternative route, would be required on this busy and popular route.*
46. *The Academy aims to promote students walking and travelling to school safely. In recent years, vegetation at the side of the public footpath has become rather dense and tall, creating an enclosed feel and in places overhanging the footpath. The footpath would benefit from additional clearance and maintenance to create an open, safer pedestrian route.*
47. **Sport England** – No objection. *The proposal involves the removal and realignment of an existing footpath. The line of the existing footpath, once removed, should be reinstated as part of the playing field area to a standard which matches the adjacent playing field area. This should be required by condition.*
48. **NCC Design Review** is supportive of the scheme. *Although the siting is a little remote from pedestrian and vehicular entrances and away from the community, design modifications have made access to the building easier and this has been justified by the applicant taking into account the change in level between the car park and the new school building. The steps approach the entrance directly making way-finding easier.*
49. *The height of the building and distance from the boundary is appropriate on this site. The new building would be a huge improvement on the existing facilities with the use of grey brick and the windows' modulation being acceptable, and careful detailing would make it visually appealing. The proposed use of red brick is appropriate in the context of the site. The building entrance appears to be poorly expressed and it is assumed that signage denotes the position of the entrance. The definition of the hall could have been used more effectively to break up the monolithic appearance.*
50. *The lack of roof lights on long narrow corridors seems a missed opportunity to light the interior and potentially cut energy consumption. However, the building achieves BREEAM [Building Research Establishment Environmental*

Assessment Method] 'Very Good' status through the management of mixed mode ventilation.

51. **NCC Energy and Carbon Management Team** – No response received.
52. **NCC Project Engineer (Noise)** - No objection subject to conditions. *The noise assessment submitted has considered the acoustic design requirements for the new school building to ensure optimum acoustic standards on internal spaces. It is recommended that the design incorporates the recommendations of the BB93 specification report. The noise impacts of construction have not been assessed but British Standards 5228-1 sets noise limits based on existing levels and a limit of 65dB LAeq, 1hr should apply at any noise sensitive receptor. The contractors should outline what steps would be taken to ensure compliance with this level through the submission of a Construction Environmental Management Plan, a matter which should be secured by condition. Other recommended conditions concern noise limits for fixed plant and the hours of use during construction, including deliveries to the site.*
53. *The results of the baseline noise survey indicate that ambient noise levels are relatively low and are dominated by distant traffic noise in between periods of external activities on the school site. The noise assessments have not considered noise impact from external playtime activities. However given the activities are of relatively short duration and only occur during school hours in term time, it is rare for this type of transient noise to cause a strong adverse reaction. There is an established precedent of noise from school activities on the site over many years, and the proposed school design, proposes that the areas of hard surfaced play spaces, are positioned in the same location as at the former Ladybrook School. This will help maintain the prevailing noise climate and will largely replicate that of the previous school when it was on the site, and should help minimise adverse reaction from surrounding neighbouring residential properties.*
54. *The nearest residential properties to the hard surfaced play areas are approximately 55m to the north east, this standoff distance will provide a reasonable buffer between the noise source and receptor. Closer properties to the south-east, consist of the Sure Start Centre and a single residential premise owned by NCC and occupied by the school caretaker. Neither of these premises are considered to be noise sensitive, and no further noise mitigation is considered necessary.*
55. *It is not expected that there will be a significant change in traffic noise levels associated with the school as pupil numbers and associated traffic volumes will remain similar to those that already exist given the existing school is on the neighbouring plot.*
56. **NCC Landscape Team** - No objection. *The proposed school building would replace a sprawling two-storey school with a more compact structure and boundary hedging and tree planting would screen the development if retained and properly protected during the works. Initial concerns regarding the design of the entrance and approach to the school, in terms of aesthetics and function, have been addressed through a revised design.*

57. **Natural England** - No objection. *The development is unlikely to affect any statutorily protected sites or landscapes. No assessment has been made with respect to protected species and Natural England's standing advice should be applied.*
58. *The site is in an area that could benefit from enhanced green infrastructure provision, and this is encouraged as part of this proposed development. It can improve flood risk management, provide accessible green space, climate change adaptation and biodiversity enhancement.*
59. **NCC Ecology Team** – *The application is supported by up-to-date ecological information. Whilst the site lies within the 5km buffer zone around the 'prospective' Sherwood SPA, significant impacts on this site or the species for which it would be notified (woodlark and nightjar) are not envisaged.*
60. *Recommendations are made in the Extended Phase 1 Habitat Survey Report, and conditions should require:*
- (a) The humane closure of a fox earth present within the Ladybrook site;*
  - (b) Pre-construction check of the site for protected species by an ecologist no more than 6 weeks before works commence, and the implementation of good working practices to allow any mammals which may fall into excavations to escape;*
  - (c) No vegetation clearance to take place during the bird nesting season;*
  - (d) A method statement to deal with the disposal of Montbretia and Cotoneaster which are invasive non-native species;*
  - (e) The production of a detailed lighting scheme, to include directional lighting which minimises impacts on bat commuting and foraging habitats;*
  - (f) The production of a detailed landscaping scheme, to include wildlife-friendly native and ornamental species.*
61. *Additional information submitted has confirmed that the trees on site have been assessed with regards to their potential to support roosting bats but no evidence of bats was found and no further surveys or specific mitigation measures are recommended in the report. Previous concerns regarding the impacts on bats have therefore been addressed.*
62. *A Bat Method Statement has also been submitted given that bat droppings were found in a corner of the one of the school buildings, although no bats were recorded emerging from or returning to this location or anywhere else around the school buildings. The statement sets out the mitigation measures that would be employed during the demolition and construction works and it is considered that these demonstrate that the favourable conservation status of bats would not be detrimentally affected by the proposals. Compliance with the details in the statement should be secured through a condition, unless otherwise amended or superseded by the requirements of a European Protected Species licence obtained from Natural England.*

63. **Nottinghamshire Wildlife Trust** - No objection. *The Extended Phase 1 Habitat Survey has been carried out using satisfactory methodology and attention is drawn to the recommendations in the report. These include enhancements such as nature gardens and green/brown roofs which deliver biodiversity benefits; pre-construction checks which should be made for protected species, including a detailed method statement for the exclusion of foxes; the retention of existing vegetation where possible, particularly where this offers bird nesting opportunity; vegetation clearance works only taking place outside the bird nesting season; opportunities for bird nesting being provided; and invasive non-native species being removed in accordance with the report's recommendations.*
64. *A European Protected Species bat licence will be required prior to demolition works. Mitigation and compensation will be included in the licence application and enhancements to foraging habitat could also be incorporated.*
65. *The Planning Statement has considered the potential impact of the development on nightjar and woodlark and it is agreed that direct and indirect impacts are unlikely, considering the location and nature of the works.*
66. **NCC Land Reclamation Team** - No objection to the application subject to a condition to address issues related to asbestos, and a precautionary approach to unexpected site contamination that may be encountered.
67. *The submitted desk study develops a robust conceptual site model of the potential risks from contamination and identifies the requirement for a ground investigation. Contamination risks associated with made ground on the site are low to moderate. Asbestos containing materials have been identified on the site. The use of soakaways at a site which overlies the Principal Aquifer should be discussed with the Environment Agency.*
68. **The Environment Agency** - No objection subject to a condition requiring the submission a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. A condition is also recommended to ensure that risks associated with site contamination are appropriately addressed.
69. **Severn Trent Water Limited** - No objection subject to a condition to require the submission of a scheme of foul and surface water drainage.
70. **Western Power Distribution** – Live cables have been identified on the site.
71. **National Grid (Gas)** - Apparatus (low or medium pressure gas pipes) has been identified in the vicinity of the site.
72. **Police Force Architectural Liaison Officer** – No response received.

## Publicity

73. The application has been publicised by means of site notices, press notice in the Mansfield Chad and 17 neighbour notification letters sent to the nearest residents on Townroe Drive, Jenkins Avenue and Somersall Street in accordance with the County Council's adopted Statement of Community Involvement Review.
74. Five letters have been received from nearby residents (four from residents of Somersall Street and one from a resident of Redgate Close). Whilst three letters acknowledge the benefits of a new school, concerns are also raised as follows:

### Highways/parking issues

- a) Townroe Drive and Somersall Street are busy and congested and Redgate Close and Salisbury Road are subject to school parking;
- b) There is difficulty in driving along Somersall Street and parking effectively makes it a single carriageway width road;
- c) Many properties on Somersall Street do not have off-street parking. Existing traffic at the school and Children's Centre makes it difficult to reverse off drives;
- d) Cars parking on pavements make it difficult for pedestrians and push chairs and increase pedestrian danger;
- e) Building a new school with more places would worsen these problems and lead to an increase in traffic on Somersall Street;
- f) Any restrictions on parking or waiting outside the school would move problems further along the highway, with associated noise, fumes and safety issues;
- g) There are concerns as to where parents would park on parents' evenings;
- h) An alternative entrance to the school from Abbott Road should be provided;
- i) The staff car park would be too small and staff already park on nearby streets;
- j) Insufficient cycle parking is proposed.

### Residential Amenity

- k) The building would be two storey on the site of a former single-storey school and would be closer to residential properties and would impact on the outlook from properties on Redgate Close;
- l) The school should be rebuilt on its former site.

## Other Matters

- m) Lack of public consultation;
  - n) Loss of view and loss of value.
75. Councillor Diana Meale and Councillor Darren Langton have been notified of the application.
76. The issues raised are considered in the Observations Section of this report.

## Observations

### Strategic Education Provision

77. The proposal would replace school buildings that are reaching the end of their design life and are no longer suitable for the delivery of a modern educational curriculum. As at present, the proposed school would provide capacity to accommodate an increase in demand for pupil places for up to 420 pupil places from the present school roll of 330, with a modest increase in staff numbers, and a 39 place nursery.
78. Great importance is attached to ensuring that sufficient choice of school places is available to meet the needs of new and existing communities in NPPF *Promoting Healthy Communities* (Paragraph 72). Great weight should be given to the need to create, expand or alter schools. In a letter to Chief Planning Officers, the Secretary of State for Communities and Local Government has stated that there should be a presumption in favour of the development of state-funded schools and the delivery of development that has a positive impact on the community (Appendix 2). The proposal would replace an existing facility that would meet the needs of the community and bring the unused area of the former Ladybrook Primary School site back into community use.
79. However, in determining this application, consideration needs to be given to whether the proposed development would give rise to significant harm that could not be mitigated through the imposition of conditions.

### Highways Impact, Traffic and Movement

80. Mansfield District Local Plan (November 1998) (MLP) M16 *Development Requirements* seeks to ensure that new development, in relation to movement, has regard to different transport modes; is not detrimental to the surrounding highway network; allows for safe vehicular and pedestrian movement; provides operational minimal levels of car parking; includes safe servicing; and is located within easy access to public transport.
81. Paragraph 32 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

82. Representations received focus on traffic related issues on Somersall Street. The Transport Assessment supporting the application has highlighted that around 60% of pupils presently walk to and from school and the proposed school would have no greater capacity than that which it would replace. Whilst on-street parking can be an inconvenience to residents, parking impacts at the beginning and the end of the school day are relatively short lived. To alleviate problems caused by pupils being dropped off by car, the proposed development includes a parent drop-off/pick-up lay-by within the application site accessed from Townroe Drive which could accommodate up to eight cars at any one time. The one-way route through the site would need to be signed and is the subject of recommended Condition 26. It is expected to be most effective in the morning when pupils are dropped off at different times whilst in the afternoon, only the first eight cars arriving and parking before collecting children would be likely to benefit. However, the proposal would offer some benefit to the surrounding residential roads and is considered to be satisfactory in compliance with MLP Policy M16 *Development Requirements*. Visibility at the exit on to Townroe Drive will need to be reviewed (Informative 7).
83. It is suggested in representations that an additional access to the school should be provided from Abbott Road. Whilst it might be appropriate to consider alternative access if the school was to be significantly expanded, and traffic implications were expected to be seriously worsened, in this instance the proposal seeks to replace an existing school in terms of pupil capacity. In any event, an access from Abbott Road would need to cross land falling outside the application site, is not in NCC ownership, and cannot be considered as part of this application.
84. Concern has also been raised about parking on parents' evening. The events are expected to be staffed by a small number of teachers, and there may be the scope for parents to use the staff car park to reduce impacts on surroundings roads. This matter could be incorporated into the School Travel Plan, and is a target identified in recommended Condition 27.
85. Parking for staff would increase from the existing 19 spaces plus one disability space to 43 plus two disability spaces. Concern has been raised by local residents about staff parking on nearby roads and although the car park would not provide parking for all 64 staff (55 full-time and nine part-time) increased on-site parking provision should help alleviate this issue. It is considered that the proposed car park should have adequate capacity for staff and visitors and would be satisfactory in compliance with MLP Policy M16 *Development Requirements*.
86. Design details of the service vehicle turning area, which would need to be constructed to withstand the weight of a fire tender, need to be submitted. The area is to be designed as a pedestrian plaza/assembly area, which should discourage cars from using the turning area for overspill car parking, and would need to be managed by the school. Proposals for service deliveries within the site are considered to be acceptable and the submission of a detailed design of the area is the subject of recommended Condition 4.

87. A criterion of MLP Policy ECH1 *Community Facilities* allows for the development of community facilities provided that they are located where there is easy access to public transport. A bus route passes along Armstrong Road approximately 250m from the junction of Townroe Drive and Somersall Street and is considered to be acceptable. In addition to complying with this criterion of MLP Policy ECH1 *Community Facilities*, the proposal would also be satisfactory in compliance with the relevant criterion of MLP Policy M16 *Development Requirements*.
88. An objector has commented that inadequate cycle parking is proposed. The initial provision of 20 cycle parking spaces is considered to be appropriate for a 420 place school. 50% of the spaces would be covered and located in an easily accessible area between the main school access and the school itself. The need for the provision of additional cycle spaces is proposed as an objective of the School Travel Plan, set out in recommended condition 27. Issues identified by NCC Road Safety Officer (Paragraph 44) have been incorporated in recommended Conditions 10b), 11c), 26, 27, 28 and 29.

#### Built Development and Landscape Impact

89. MLP Policy BE1 *New Development* requires development to achieve a high standard of design including a scale, density, massing, height, layout and access that relates well to neighbouring buildings and the local area generally; materials which are in keeping with the site surroundings; hard and soft landscaping which is consistent with the type and design of the development and its setting; and the integration of existing landscape and nature conservation features.
90. Criteria of MLP Policy ECH1 *Community Facilities* allows for the development of community facilities provided that they are located within the urban boundary; integrate with the existing pattern of settlement and surrounding land uses; do not have a detrimental effect on the character, quality and amenity of the surrounding area; and have regard to personal safety, security and crime prevention.
91. The application site is within the urban boundary, surrounded by residential properties, and the proposal would integrate with the existing pattern of development by replacing existing school buildings on an existing school site. Whilst NCC Design Review comments on the somewhat monolithic design of the school building, the consultation response accepts that the proposal would be a significant improvement on the existing school buildings. Whilst it is suggested that the visual appearance of the building could be improved by the relocation of the hall to a more central location, the design of the school needs to function internally. Positioning the hall at one end of the building allows the teaching spaces on both floors to be kept in single blocks, rather than being separated by a centrally located hall and improves the security of the school outside core teaching hours when the hall might be used by other groups.
92. The size of the building and its distance from residential properties are considered acceptable. The visual impact of the school on properties on Redgate Close is raised in representations, but at a distance of approximately 90m from the closest property on Redgate Close, is considered to be

acceptable. The view of the proposed building from several properties on Redgate Close would be screened by the small group of trees on the eastern boundary of the school site and also by a hedgerow, approximately three metres high, which runs along the side of Mansfield Footpath Number 33. Furthermore, and contrary to the letter of objection, there are already two-storey elements at the existing school and it is considered that the proposed building would not be out of context with the existing built development at the site. It is considered that the proposed scale and siting of the building would not detract from the amenity of neighbouring occupiers.

93. The proposal would positively enhance the visual aspect for residents of Townroe Drive. The existing Academy building fronts Townrowe Drive and the aspect for residents would be replaced, following the demolition of existing school buildings, primarily by grassed playing fields. Views of the building from Somersall Street would be partially screened by existing buildings, such as the caretaker's building and the Children's Community Centre, and established trees. In general, and confirmed by the NCC Landscape Team, the relatively compact nature of the new school building would be an improvement on the somewhat sprawling nature of the existing and recently demolished buildings on site. The proposed development is considered to accord with MLP Policy ECH1 *Community Facilities* and would satisfy MLP Policy BE1 *New Development* in terms of scale, density, massing, height, layout and access, relating well to neighbouring buildings and the local area generally. As recommended in the consultation response from Mansfield District Council, a condition requiring samples of external facing materials to be submitted for approval is recommended (Condition 15).
94. The policy also requires development to have regard to personal safety, security and crime prevention. Existing perimeter security fencing would be supplemented by additional fencing, while outdoor teaching spaces for the nursery and reception classrooms would be fenced to provide enclosed play spaces. Roof water would be collected and drained via internal rainwater pipes so as not to provide aids for climbing onto the roof. External lighting is considered to be generally acceptable subject to compliance with the recommendations of the submitted Bat Method Statement (Condition 3k) and Condition 19). Although the Police Crime Liaison Officer has not provided a consultation response, it is considered that proposed design details and the provision of site CCTV would be satisfactory and comply with MLP Policy ECH1 *Community Facilities*.
95. The proposed use of red brick would be appropriate in the area and is considered to be satisfactory in compliance with MLP Policy BE1 *New Development*. The provision of defined paths and hard play areas, along with grassed areas marked out for sports pitches would be consistent with school design and setting. Whilst some trees would be lost, the largest trees around the school perimeter would be retained and satisfactory replacement tree planting is proposed.

## Sustainability

96. Sustainable features set out at Paragraph 31 of the report are appropriate and are considered to be acceptable.

## Outdoor Sports Provision

97. MLP Policy LT7 *Playing Fields at Educational Establishments* seeks to resist development on playing fields at educational establishments that would lead to the loss of school playing fields unless it would result in only the loss of a small area and, amongst other criteria, it would be replaced by an acceptable alternative facility for use by the school, with sufficient provision made for sports pitches and open space in the immediate area to meet future recreational needs and the needs of the community. Sport England's Planning Policy Statement, *A Sporting Future for the Playing Fields of England*, explains that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field unless one of a number of exception criteria can be met.
98. Whilst there would be a reduction in playing field area the pitch area available for team sports would increase. The re-aligned path crossing the playing fields (and reinstatement of the former path alignment to playing field) would allow enhanced use of the grassed areas for sports. Sport England does not object to the proposal subject to the existing line of the footpath being reinstated to the standard of the adjoining playing field (Condition 17).

## Noise

99. Construction work has the potential to generate significant levels of noise. The need to restrict the movement of construction traffic during periods at the beginning and end of the school day has been identified. Conditions are recommended to restrict hours of construction and demolition and to limit construction/demolition noise in the interest of the amenity of nearby occupiers (Condition 10 and Condition 11d)). It is recommended that demolition is also controlled (Condition 25).
100. The consultation response from NCC Project Engineer (Noise) considers the potential noise impact from operational outdoor activity. Having regard to the former use of the eastern part of the site as a school and largely the re-use of the former area of hard play and grass playing field it is considered that no further noise mitigation is necessary.
101. A condition is recommended to control noise generated by fixed plant (Condition 32).

## Ecology

102. MLP Policy NE16 *Nature Conservation* seeks to protect species listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended, from the adverse impacts of development. Conditions should be used to minimise any adverse effects. Bats are listed in Schedule 5 of this Act but

initial concerns raised by the County Council's Ecologist regarding this species have been addressed by the applicant subject to a number of matters being secured by condition. These relate to the mitigation and compensation measures set out in the Bat Method Statement (Condition 20) and include, prior to demolition works commencing, the erection of a bat box in a tree on the perimeter of the school site; a 'toolbox talk' to be given to contractors by an ecologist; a single emergence/return to roost survey; and the removal by hand of sensitive parts of the building, such as bargeboards and wooden cladding.

103. Four bat tubes are to be incorporated into the new school building and would be located on the south-eastern and south-western elevations of the building where the school hall is to be located, positioned at a height between 3.0m – 6.0m (Condition 20). Any lighting installed at the site would need to give consideration to bats, in particular the proposed bat tubes, and away from mature trees to the south of the site (Condition 19).
104. The humane closure of a fox earth; a pre-construction check of the site for protected species; the provision of escape routes for mammals which may fall into excavations; restricting vegetation clearance during the bird nesting season; the removal of non-native plant species on site; and the submission of a detailed landscaping scheme to include wildlife-friendly native and ornamental species are the subject of recommended Conditions 5, 6, 7, 11 f)-g) and 21.
105. Subject to securing the above matters by planning condition, it is considered that the wildlife interest at the site would be protected in accordance with MLP Policy NE16 *Nature Conservation*. It should be noted that direct and indirect impacts on nightjar and woodlark are not anticipated, despite the site's location within the five kilometre buffer zone for the indicative core area of the any prospective Sherwood Forest Special Protection Area.

#### Contamination Issues

106. MLP Policy U2 *Water Supply and Sewerage* will not permit development which would lead to the contamination of groundwater whilst MLP Policy U5 *Water Supply and Sewerage* will not permit development which exacerbates existing, or creates new flooding problems. No concerns have been raised by the Environment Agency or Severn Trent Water regarding surface water drainage subject to a condition regarding a sustainable surface water drainage scheme (Condition 14) which will need to safeguard against potential contamination of the underlying aquifer. Details of foul drainage are also to be submitted (Condition 13). A precautionary approach towards unexpected contamination which may be encountered is the subject of recommended Condition 12.

#### Rights of Way

107. In response to the consultation response from NCC Countryside Access Team, the applicant has confirmed that proposed drainage connections would not cross Mansfield Public Footpath 33. However, should alternative drainage proposals come forward, it is recommended that the consultation response is attached as an Informative.

108. NCC Countryside Access Team has also raised concern regarding overgrown vegetation on the side of Mansfield Footpath Number 33. However the majority of this is on the side of the footpath outside of the application site and cannot be the subject of planning conditions. This matter would need to be dealt with by NCC Countryside Access Team separately.

#### Security and Lighting

109. The site would be largely secured by a combination of existing perimeter fencing and the relocation of existing fencing onto the new site boundary and is considered to be acceptable.

#### **Other Options Considered**

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

#### **Statutory and Policy Implications**

111. 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.

#### Implications for Service Users

112. The new school would bring benefits to all users, both staff and pupils, through the provision of a new school building which has been designed to meet modern educational needs.

#### Equalities Implications

113. The site layout provides ramped access to the school building and there is a lift inside the building to provide wheelchair access to the first floor.

#### Crime and Disorder Implications

114. The school site would be secured through existing and additional security fencing and would benefit from CCTV.

#### Human Rights Implications

115. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and

Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to traffic impacts associated with the proposed school. The proposals have the potential to introduce impacts such as noise and disturbance on the amenity of residents living close to the school, particularly at the beginning and end of the school day. However, it is considered that these impacts would be no greater than those experienced at the present time and would likely be improved through the provision of a drop-off/pick-up facility. These impacts need to be balanced against the wider benefits the proposals would provide through the provision of a replacement school on an existing and former school site. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

#### Safeguarding of Children Implications

116. The proposed development includes the retention of existing security measures and the provision of additional fencing to adequately safeguard children at the school.

#### Implications for Sustainability and the Environment

117. These are set out and considered at Paragraphs 31 and 96 of the report.

118. There are no Financial or Human Resource implications.

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

119. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions, scoping the proposed development, and assessing the proposals against relevant policies in the Mansfield District Local Plan and the National Planning Policy Framework. The County Planning Authority has identified all material considerations, forwarding consultation responses that may have been received in a timely manner, considered any valid representations received, liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, such as the external layout of the approach to the school and ecological issues, and these have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

120. 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 3. 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 is the appropriate body to consider the content of this report.

[SLB 27/11/2014]

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

There are no specific financial implications arising directly from this report.

[SEM 3/12/14]

### **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(s) and Member(s) Affected**

Mansfield West

Councillor Diana Meale

Councillor Darren Langton

Report Author/Case Officer

David Marsh

0115 9932574

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

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5 December 2014  
W001346.doc

## APPENDIX 1

### PRIORITY SCHOOLS BUILDING PROGRAMME

The Priority Schools Building Programme (PSBP) was launched by the Coalition government following the abolition of the previous government's Building Schools for the Future Programme. It focusses on replacing the country's worst school buildings and bids were invited from Local Authorities and Academy Trusts in October 2011. The County Council submitted strong bids and were the most successful authority with 12 schools and academies to be replaced. Separate bids made by the South Nottinghamshire Academy and Serlby Park Academy (where NCC remains the freeholder) were also successful.

PSBP is being delivered by the capital arm of the DfE's agency The Education Funding Agency (EFA), and the County Council are working closely with the EFA and their design team to support NCC schools and ensure that all the projects progress smoothly with the least disruption possible. The projects have been split into 3 batches.

<b>Midlands 2</b>	<b>East Midlands 2</b>	<b>Nottinghamshire</b>
Fountaindale Special School	Brierley Forest Primary	Abbey Primary
	John Davies Primary	Annie Holgate Infant & Junior (new single Primary)
	Leamington Primary Academy	Flying High Academy at Ladybrook
	Lynncroft Primary	The Newark Academy
	Sunnyside Primary	The Wainwright Primary Academy
	South Nottinghamshire Academy	Serlby Park Academy

The project to replace Fountaindale Special School started on site in October last year and the new building will complete this October. [Comment: the completed development has been handed over to NCC].

The other two batches are running concurrently. The Newark Academy is the sample school for the Nottinghamshire batch and has recently been granted planning permission. The EFA has selected two contractors from their Framework for each batch, Kier for the Nottinghamshire batch, and Bowmer & Kirkland for the East Midlands 2 batch.

Sara Williams, Property; Environment & Resources



## Policy statement – planning for schools development

**The Secretary of State for Communities and Local Government (Mr Eric Pickles) and the Secretary of State for Education (Mr Michael Gove) wish to set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. This statement supersedes the Statement of 26 July 2010.**

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- **There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.**
- **Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their**

**planning decisions.** The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

- **Local authorities should make full use of their planning powers to support state-funded schools applications.** This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible,** and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.
- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.** Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.
- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.
- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school.

The Government is today publishing a summary of the responses to its consultation, *Planning for Schools Development*, and will continue to explore whether there is further scope and need for the planning system to do more to support state-funded schools, and in particular, free schools in the future.

Published by the Department for Communities and Local Government; August 2011.  
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ISBN: 978 1 4098 3076 4

**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 (as amended), documents and recommendations of reports, and the following plans:

- (a) Location Plan (Drawing FHA\_PL\_00\_001 Revision 03) received by the CPA on 22 October 2014;
- (b) Landscape Site Plan (Drawing FHA\_PL\_00\_002 Revision 03) received by the CPA on 24 November 2014;
- (c) Landscape Core Site Plan South (Drawing FHA\_PL\_00\_003 Revision 04) received by the CPA on 24 November 2014;
- (d) Landscape Core Site Plan North (Drawing FHA\_PL\_00\_004 Revision 03) received by the CPA on 24 November 2014;
- (e) Tree Retention and Removal Plan (Drawing FHA\_PL\_00\_005 Revision 03) received by the CPA on 24 November 2014;
- (f) Ground Floor Plan (Drawing FHA\_PL\_20\_000) received by the CPA on 16 September 2014;
- (g) First Floor Plan (Drawing FHA\_PL\_20\_001) received by the CPA on 16 September 2014;
- (h) Roof Plan (Drawing FHA\_PL\_20\_002) received by the CPA on 16 September 2014;
- (i) North and South Elevations (Drawing FHA\_PL\_20\_100 Revision A) received by the CPA on 25 November 2014;
- (j) East and West Elevations (Drawing FHA\_PL\_20\_101 Revision A) received by the CPA on 25 November 2014;

- (k) Lighting Lux Plot and CCTV (Drawing P109-2358—B1) received by the CPA on 24 October 2014 (as may be modified so as to comply with Condition 19).
- (l) Phased Construction Site Layouts received by the CPA on 15 September 2014.

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

- 4. Notwithstanding details shown on approved drawings referenced in Condition 3, prior to the construction of the pedestrianized DDA parking/delivery area (item 08 on Drawing FHA\_PL\_00\_003 Revision 04), detailed landscape proposals, designed primarily as a pedestrian area, and to discourage use of the area for car parking through the choice of appropriate materials, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

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

- 5. Unless otherwise agreed by the CPA in writing, no tree, shrub, scrub or other vegetation clearance works shall be carried out between the months of February to August inclusive.

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

- 6. No development shall commence before a pre-construction survey for protected species has been carried out and the results submitted to the CPA for its written approval. In the event that development does not commence (in accordance with Condition 2) within 6 weeks of the survey, the site shall be re-surveyed and the results submitted to the CPA for its written approval. Should the pre-construction survey identify any features of ecological interest, the survey results shall include mitigation measures designed to protect these features from any adverse impacts resulting from the development. Mitigation measures shall be implemented in accordance with the approved details.

*Reason: To ensure the favourable conservation status of protected species in accordance with the National Planning Policy Framework.*

- 7. No development shall commence before details of measures to be employed in the humane closure of the fox earth, identified in the Extended Phase 1 Habitat Survey Report received by the CPA on 15 September 2014, shall be submitted to, and approved in writing, by the CPA. The fox earth shall be closed in accordance with the approved details.

*Reason: To safeguard a species from unnecessary suffering in accordance with The Animal Welfare Act 2006.*

- 8. Prior to the commencement of development, the means of protection of trees to be retained during the period of construction which shall be sited so as not to encroach within root protection areas identified on Drawing FHA\_PL\_00\_005

Rev 03, shall be submitted to and approved by the CPA in writing. The approved scheme shall be completed as part of site enabling works, and prior to the commencement of main site works, to the written satisfaction of the CPA.

*Reason: In order to safeguard the health of trees on the site during the period of construction and in the interest of the visual amenity of the site.*

9. Notwithstanding Condition 6, where works need to be carried out within root protection areas identified on Drawing FHA\_PL\_00\_005 Rev 03, the work shall be carried out in accordance with a methodology which shall first be submitted to and approved in writing by the CPA.

*Reason: In order to safeguard the health of trees on the site during the period of construction and in the interest of the visual amenity of the site in accordance with Mansfield District Local Plan Policy BE1.*

10. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA;

- a) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;
- b) no construction deliveries to site shall take place on any school day between 08:00-09:15 hours and 14:30-15:45 hours;
- c) no construction deliveries to site shall take place on any non-school day other than between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hours on Saturdays;
- d) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hours on Saturdays;
- e) noise generated by construction activities on the site shall not exceed 65dB ( $L_{Aeq, 1hr}$ ) measured at the boundary of any nearby receptor.

*Reason: To safeguard the amenity of nearby residents and to minimise risk of pedestrian/cycle conflict with HGV/construction traffic when Flying High Academy is in use.*

11. Prior to the commencement of development, details of the method of working during the construction phase, in the form of an environmental management plan, to include:

- (a) lorry routeing for construction traffic;
- (b) measures to prevent the deposit of debris on the public highway;
- (c) the segregation of construction vehicle and pedestrian movements on site;

- (d) measures for the control of noise (to comply with Condition 10e)), vibration and dust emissions (including mitigation measures in the event of a complaint);
- (e) a scheme for the recycling/disposal of surplus soils and waste resulting from construction;
- (f) construction site management practice to safeguard against risk to mammals (protected species) throughout the period of construction, in accordance with Paragraph 4.3.1 of the Extended Phase 1 Habitat Survey Report.
- (g) the production of a method statement relating to the removal and disposal of invasive non-native *Cotoneaster* and *Montbretia*, in accordance with Paragraph 4.3.4 of the Extended Phase 1 Habitat Survey Report.

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, the ecology of the site, and to protect the amenities at present enjoyed by the occupiers of nearby properties.*

12. 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 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.*

13. Prior to the commencement of main site works, a scheme of foul water drainage works shall be submitted to and approved by the CPA in writing. The foul drainage works shall be completed prior to the development hereby approved first being brought in to use, in accordance with the approved details.

*Reason: To prevent the increased risk of flooding and minimise pollution by ensuring the provision of a satisfactory means of foul water disposal in compliance with Mansfield District Local Plan Policy U3.*

14. Prior to the commencement of main site works a scheme of surface water drainage works, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and designed so as to safeguard against contamination of the underlying aquifer, shall be submitted to and approved in writing by the CPA. The scheme shall subsequently be implemented in accordance with the approved details and shall be completed prior to the development hereby approved first being brought into use.

*Reason: To prevent the increased risk of flooding and to safeguard against contamination of the aquifer by ensuring the provision of a satisfactory means of surface water disposal in compliance with Mansfield District Local Plan Policy U5.*

15. Prior to their use on site, samples and/or a schedule of all proposed facing materials and finishes, including paving, shall be submitted to and approved by the CPA in writing. Development shall be carried out in accordance with the approved details, other than with the prior written consent of the CPA.

*Reason: In the interest of visual amenity and to accord with Policy BE1 of the Mansfield Local Plan.*

16. Prior to being installed, design details including height and appearance of the:

- (a) Sprinkler tank and related enclosure;
- (b) Bin storage area; and
- (c) Covered cycle storage.

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interest of visual amenity.*

17. Prior to the construction of the realigned footpath between the new school building and Mansfield Public Footpath 33, an assessment of the quality of the existing grass playing field either side of the footpath to be realigned (area of assessment identified on attached drawing 2/2014/0531/ST/1) shall be submitted to and approved in writing by the CPA. Following the removal of the footpath, the ground of the former footpath shall be reinstated to a standard equivalent standard to that identified in the agronomy assessment and shall be integrated into the surrounding sports pitches in accordance with the approved baseline assessment.

*Reason: To provide an appropriate baseline assessment of playing pitch quality for the reinstatement of the former footpath to a standard appropriate for outdoor sport, in order to comply with Mansfield District Local Plan Policy LT7.*

18. Prior to being installed, design details of light fittings shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: For the avoidance of doubt as to the development permitted in the interest of the visual amenity of the development.*

19. Notwithstanding submitted details, all external lighting to be installed shall comply with the recommendations of the Bat Method Statement - Appendix 6 received by the CPA on 11 November 2014.

*Reason: In the interests of visual amenity, and to control the potential impact of external lighting on bats in order to ensure the favourable conservation status of a protected species.*

20. Development shall be carried out in compliance with the Bat Method Statement supporting the application, received by the CPA on 11 November 2014, unless superseded by the requirements of a Natural England European Protected Species Licence. Within 3 months of the commencement of development, details including timescale of proposed:

- a) provision for roosting bats in the development (in accordance with the requirements of the European Protected Species licence issued by Natural England); and
- b) provision of bird nest boxes on the building and/or retained trees;

shall be submitted to and approved by the CPA in writing. Provision for roosting bats and nest boxes shall be made in accordance with the approved details.

*Reason: To enhance the ecology of the site.*

21. Within 6 months of the commencement of development a scheme, including a programme for the provision of landscaping to include

- a) species, locations, planting size and planting density;
- b) establishment methods (including tree pit detail); and
- c) schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats

shall be submitted to and approved in writing by the CPA. Other than as may be agreed in the programme for the provision of landscaping and planting, the approved landscaping and planting scheme shall be completed not later than the first planting season following the development first being brought into use. Any tree, plant, shrub or grass seeding 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 visual amenity.*

22. Within 6 months of the commencement of development;

- a) The construction specification for hard play areas;
- b) drainage details of areas used for outdoor play and sport; and
- c) a grid of sports pitch levels and areas of hard play (where impacted by the development);

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

Sports pitch and areas of hard play shall be provided in accordance with the approved details prior to the development first being brought into use or in accordance with a timetable that shall first be agreed in writing with the CPA.

*Reason: To ensure the provision of a replacement pitch and outdoor facilities to a standard fit for purpose.*

23. Car parking areas and service areas approved by this permission shall be provided in accordance with a timescale that shall be submitted to and approved in writing by the CPA.

(a) All impermeable surfaced car parking and associated circulation areas shall be constructed, drained through trapped gullies with an overall capacity compatible with the site being drained (or other acceptable form of drainage as may be approved in compliance with Condition 14), surfaced and marked out to the satisfaction of the CPA.

(b) All service and associated circulation areas shall be constructed, drained through trapped gullies with an overall capacity compatible with the site being drained (or other acceptable form of drainage as may be approved in compliance with Condition 14), and surfaced to the satisfaction of the CPA.

*Reason: To ensure the timely provision of car parking and surface areas in the interest of highway safety and to safeguard against increased risk of flooding and pollution of the water environment.*

24. Prior to the commencement of works of demolition on site, a full asbestos survey of buildings to be demolished shall be submitted to and approved in writing by the CPA. Development shall not be carried out other than in accordance with the approved details.

*Reason: To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.*

25. No demolition of existing school buildings shall take place until a scheme indicating the method of demolition, the hours of operation, the method of removal and the length of time required for demolition has been submitted to and approved in writing by the CPA. Demolition shall then proceed in accordance with the agreed scheme.

*Reason: To protect the amenities at present enjoyed by the occupiers of nearby residential properties.*

26. The parent drop-off/pick-up area accessed from Townroe Drive shall be constructed, drained, surfaced, marked out, and brought into use within 6

months of the first occupation of the new school building (or such other time period as may first be agreed in writing by the CPA) and shall be provided with signage to direct traffic flow through the one-way system within the site, in accordance with details that shall first be submitted to and approved in writing by the CPA.

*Reason: In the interest of highway safety, occupiers of nearby residential properties and users of the school in accordance with Policy M16 of the Mansfield Local Plan.*

27. The Head Teacher/Principal of the Academy, or other suitably authorised person, shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the draft Flying High Academy Travel Plan (received by the CPA on 16 October 2014) and within 3 months of the completion of development (the demolition of existing buildings and substantive restoration of the site) provide a completed Flying High Academy Travel Plan aimed at reducing reliance on the private car as the principal means of staff and parent transport to and from the school. The Flying High Academy Travel Plan shall be implemented in accordance with the approved timetable and shall be updated consistent with future Flying High Academy Travel Plan initiatives (to include education relating to sustainable travel; demand for, and future provision of additional covered cycle spaces; management of student drop-off and pick-up, and management of parent traffic during school evening events), including implementation dates, to the satisfaction of the CPA.

*Reason: In the interest of highway safety and to promote sustainable travel and in accordance with Mansfield District Local Plan Policy M16.*

28. The Travel Plan Coordinator shall first submit a report to the CPA within 6 months following the completion of development (as defined in Condition 27), and thereafter submit annual reports for a minimum period of 5 years and until Travel Plan targets have been met. The monitoring reports shall summarise the data collected over the monitoring period and propose revised initiatives and measures where Travel Plan targets are not being met, including implementation dates, to be approved in writing by the CPA.

*Reason: In the interest of highway safety and to promote sustainable travel and in accordance with Mansfield District Local Plan Policy M16.*

29. Within 6 months following the completion of development (as defined in Condition 27), a review of Flying High Academy school zone signage and guardrail on Townroe Drive and Somersall Street shall be carried out, and a report with recommendations shall be submitted to the CPA. Recommendations for the modification of school zone signage shall be implemented within 3 months of the date of submission of the report.

*Reason: In the interest of highway safety.*

30. Following the completion of the development, noise levels generated by the development or activities on site shall not exceed 55dB  $L_{Aeq,1hr}$  between 18:00-23:00hours on school days, and 07:00-23:00 hours on non-school days, measured in the garden of any property adjoining the site boundary.

*Reason: To protect the amenities at present enjoyed by the occupiers of nearby residential properties.*

31. Following the completion of the development, noise levels from any activity on the site between 23:00–07:00 hours shall not exceed the existing night-time background  $L_{A90}$  noise level, measured in the garden of any property adjoining the site boundary.

*Reason: To protect the amenities at present enjoyed by the occupiers of nearby residential properties.*

32. Following the completion of the development, the combined fixed plant noise level shall not exceed the background noise level ( $L_{90}$ )+0dB at any time of the day/night at the nearest boundary of any residential receptor. In the event of a complaint, which the CPA considers may be justifiable, the applicant shall undertake a noise assessment in accordance with the procedure set out in BS4142 to determine compliance with background noise level ( $L_{90}$ )+0dB. In the event that the noise limit is exceeded, a scheme of noise mitigation shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: To protect the amenities at present enjoyed by the occupiers of nearby residential properties.*

#### Informatives/Notes to applicant

1. With reference to Condition 4 the area, whilst designed to visually be a pedestrian area, will need to be constructed to standard suitable to be over-run by service traffic (which may use it for on-site turning) and to withstand the weight of a fire tender.
2. With reference to Condition 6, the applicant is advised to contact the CPA to agree the scope of the protected species survey to be undertaken.
3. With reference to Condition 14, the Environment Agency advises that:
  - a) The surface water drainage system should be designed in accordance with CIRIA C697 and C687 or the National SuDS Standards (should the latter be in force when the detailed design of the surface water drainage system is undertaken).
  - b) The drainage scheme should achieve a reduction of the area discharging to sewer to 0.19ha, by the use of infiltration designed in accordance with BRE 365, and a reduction of the impermeable area of the site.

- c) The drainage scheme should provide for surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
  - d) The detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements should be submitted. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
  - e) Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters should be provided.
  - f) The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
4. The applicant is advised that a European Protected Species licence for handling bats will be required from Natural England.
  5. With reference to Condition 20, the Bat Mitigation Scheme proposed in the application makes provision for four Schwegler 2FR bat tubes which are designed to be incorporated in the fabric of the new building.
  6. With reference to Condition 21 it is advised that the detailed landscaping scheme should include wildlife-friendly native and ornamental species.
  7. With reference to Condition 26, visibility for vehicles emerging from the site onto Townroe Drive should be reviewed and trees to the south-east of the exit may need to be cut back or crown-lifted in the interest of highway and pedestrian safety.
  8. Attention is drawn to the consultation responses from National Grid dated 23 September 2014, Western Power Distribution dated 23 September 2014, and Nottinghamshire County Council (Countryside Access Team) dated 14 October 2014, copies of which are attached to this decision notice.