



**30 June 2015**

**Agenda Item:**

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

**ASHFIELD DISTRICT REF. NO.: 4/V/2015/0159**

**PROPOSAL: ERECTION OF TWO STOREY REPLACEMENT 350 PLACE PRIMARY SCHOOL, REPLACEMENT CAR PARKING, CYCLE PARKING AND LIGHTING. RE-USE OF WELDMESH FENCING. SPRINKLER TANK, PUMP HOUSE AND BIN STORE WITH 3.5M AND 2.5M HIGH TIMBER ENCLOSURE. DEMOLITION OF EXISTING SCHOOL BUILDING TO BE REPLACED BY HARD PLAY AND AREAS OF HARD AND SOFT LANDSCAPE TO CLEARED SITES.**

**LOCATION: JOHN DAVIES PRIMARY AND NURSERY SCHOOL, BARKER STREET, HUTHWAITE.**

**APPLICANT: AHR/BOWMER & KIRKLAND FOR SECRETARY OF STATE FOR EDUCATION, AND NOTTINGHAMSHIRE COUNTY COUNCIL CHILDREN FAMILIES AND CULTURAL SERVICES**

**Purpose of Report**

1. To consider a planning application for the erection of a replacement primary school at John Davies Primary and Nursery School, Barker Street, Huthwaite. The key issues relate to highway impact associated with the replacement school, amenity on neighbouring occupiers, and the re-provision of sports field. The recommendation is to grant planning permission subject to the conditions set out in Appendix 3.

**The Site and Surroundings**

2. John Davies Primary and Nursery School lies approximately 500m to the north of Huthwaite village centre on the boundary of the settlement. The school is on a site of 3.62ha with existing buildings and playing field to the east lying within the defined settlement boundary of the wider Sutton in Ashfield urban area. The playing field to the north lies outside the defined settlement (Plan 1). The site lies immediately to the north of Barker Street, a residential street of primarily terrace houses and some semi-detached houses. The majority of properties do not have off-street parking. A small factory manufacturing confectionary adjoins the south-west boundary of the school and is accessed between 77 and 81 Barker Street (Plan 2).

3. Vehicular and pedestrian access to the school is gained via a non-adopted road running north from the north-western end of Barker Street, and is also the route of Public Footpath Sutton in Ashfield FP26. Beyond the school entrance gate FP 26 follows the route of an un-made track, which is used as a maintenance access to playing field to the north of site.
4. School pedestrian access is also gained in the south-east corner of the site via Public Footpath Sutton in Ashfield FP85 between 49 and 51 Barker Street, which runs along the eastern boundary of the site in a northerly direction to join Footpath Sutton in Ashfield FP35. A golf course lies to the east of the FP35, while agricultural land to the north and west of the site is in open countryside.
5. A caretaker's property to the south-east of the school site, accessed via the pedestrian route to the school between 49 and 51 Barker Street, is not included in the application site.
6. The existing Primary School provides teaching space for 350 pupils and an additional 60 place nursery on the site. 21 full-time and 35 part-time staff (38 FTE) are employed. The school operates an extended school day between 08:00 and 17:00 hours and core teaching times are 09:00-15:30 hours.
7. Buildings on the site have a broadly 'L' shaped footprint and are of mainly single storey CLASP construction around a three-storey core. A detached brick-built sports 'barn' with a domed roof lies immediately to the north of the school building with areas of outdoor hard play provided to the north-west.
8. The school's playing fields are provided to the north-east and east of the existing school buildings, they are bisected by a 2.0m high Heras fence running on a broadly east-west axis with a centrally positioned access gate.
9. Areas of soft play, informal outdoor play, and habitat are provided to the south of existing school buildings. The informal play areas, along with the majority of mature trees on the site, are located in proximity to the boundary with properties on Barker Street. A group of 49 recently established trees 3m in height (referred to as G7 - Category C on the plans) are planted in an arc to the south-east of the playing field adjacent to FP85.
10. Car parking is informally laid out without marked parking bays to the west of the existing school, and can accommodate approximately 21 cars for staff and visitors, although additional parking could take place by blocking-in other vehicles. Access to the car park is controlled by a barrier which can be opened by staff or remotely from reception via an intercom. The vehicular access point is segregated from the adjacent pedestrian route into the school by Heras fencing.
11. The draft school Travel Plan supporting the application states that 12 cycle spaces are currently provided for use by staff, visitors and pupils.
12. Other than the southern boundary with properties on Barker Street, where the boundary is largely formed by a wall, site boundaries and the southern area of playing field are enclosed by 2.0m high Heras fencing. Fencing within the site adjoining existing school buildings separates areas accessible by the public from safeguarded areas of the school.

13. Site levels fall gently, with a change in level of 5m from the north-west to the south-east corners of the site.

## **Proposed Development**

### **Background**

14. 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 condition of existing school buildings is poor. Following a preliminary feasibility study the optimum solution has been identified as comprehensive redevelopment with only the recently built sports hall (with changing and storage areas) and the Nursery and Sure Start buildings to be retained.

### **Proposed development**

15. Planning permission is sought to erect a replacement 350 place Primary school with 60 place nursery. The overall capacity of the school would not change and core teaching hours would remain as at present (09:00 hours-15:30 hours). An extended school day would offer Breakfast Club from 08:00 and after school activities until approximately 17:00 hours. The number of staff employed at the school and nursery would remain as at present (21 full-time and 35 part-time staff (38 FTE)).

### **Built Development, Playing Field Provision and Drainage**

16. The new school would be provided within a rectangular two-storey building with a footprint of 62.6m x 19.2m, providing a total floor area of 2322m<sup>2</sup> (Plan 3). The building would be erected centrally on the site on the north and east of the existing building on the edge of the existing playing field. The building would be sited at closest 62m from the boundary with Baker Street, and approximately 85m from the rear elevation of the closest residential properties.
17. The proposed school building would have a pitched roof and would be 7.2m in height measured to the eaves with a ridge height of 10.7m (Plan 4). Having regard to falling levels from north-west to south-east across the site, the eastern end of the building would be approximately 1.3m above the site level at the Baker Street boundary 62m to the south-west. The building would be principally faced with render above a brick plinth, punctuated by coloured render panels, with the exception of the north-east and north-west facing elevations of the sports hall and kitchen at the western end of the building which would be faced in brick. The building would be roofed with concrete roof tiles. Two extract flues, formed on the south-east facing roof slope would project a maximum of 1.7m above the roof plane and 0.7m below the building ridge-line. A central entrance canopy (maximum height 5.5m) would project 3m forward of the south-west elevation. The proposed colour of facing materials has not been specified, but submitted elevations suggest the use of a light coloured render, grey tiles, grey aluminium window frames, doors, louvres and rainwater goods, yellow contrasting panels, and a blue entrance canopy.

18. Classrooms would be provided on both floors of the main school building linked by a central corridor. A Nursery and a Reception classroom would be provided at ground floor at the south-eastern end on the southern side of the building, with two infant classrooms provided on the opposing side of the building (Plan 5). Staff and support facilities would be provided on the ground floor. The school hall, kitchens and plant room would be provided at the north-western end of the building. Eight junior classrooms and a special educational needs (SEN) room and library would be provided at first floor level (Plan 6). Stairwells would be provided at either end of the central corridor, and a lift located towards the western end of the building.
19. The existing Reception/Nursery outdoor play area (currently adjacent to the south-eastern end of the school) would be retained and enlarged following demolition of the existing school building.
20. The existing Key Stage 2 marked sports court and hard play area would be retained. The sports barn building would be removed and the footprint retained as outdoor hard play.
21. A sprinkler tank with associated pump housing would be provided to the north-west of the proposed building, in proximity to the school kitchen. While the design has not been specified in the application, the sprinkler tank is anticipated to be 3.5m in height with the adjacent pump housing 2.5m in height. It is not proposed to enclose the sprinkler tank and pump housing which would be sited immediately to the east of an enclosed bin store.
22. The existing playing field would be impacted by the proposed siting of the building, but an equivalent area would be provided through the removal of 30 trees within group G7, removal of the fence bisecting the playing field, and the removal of a trim trail adjacent to the demolished sports barn. The reconfigured playing field would create an area more useable for sport, including the provision of a new cricket strip between football pitches.
23. A grassed area, matching the quality of existing grass adjoining, would be provided on the footprint of the demolished building forward of the new school towards Barker Street. The area would lie at closest 18m from the boundary with the confectionary factory on Barker Street. Although the area would have the potential to be used for outdoor play, it would lie outside the line of safeguarding provided by security fencing. The existing play area and science garden, which contains a pond and mature trees, would not be impacted by the proposed development.
24. In addition, the removal of trees within group G7 would allow an attenuation swale/pond to be provided to the south-east of the new school and to the north of the caretaker's property. 10 trees within the group would be re-planted (or replaced) to reinforce tree planting on the eastern site boundary adjacent to FP85.

#### Access, Car Parking and Pedestrian Movement

25. The school would continue to be accessed by vehicular traffic and pedestrians from the north-western end of Barker Street and by pedestrians from FP85,

accessed between 49 and 51 Barker Street. 26 car parking spaces, including three disability parking spaces would be provided for staff and visitors. 17 of the spaces would be provided on the footprint of the demolished school and the three disability parking spaces would be provided closest to the building entrance. Service access to the school kitchen, bin store and sprinkler tank would be gained through the staff and visitor car park. The existing barrier controlling vehicular access to the site would be retained.

26. The pedestrian route to the building entrance would be segregated from vehicular traffic within the site. 20 cycle parking spaces, half of which would be covered, would be provided adjacent to the main entrance to the new school building, general office and management/staff rooms.
27. No increase in the number of pupils or staff is proposed. The Transport Statement supporting the application considers that the improvement in the organisation of the car park, together with formal cycle parking will contribute to the site working more efficiently and with improved safety, concluding that no negative impacts on the highway network are anticipated.
28. A School Travel Plan framework (undated) has been submitted identifying current issues of congestion on Barker Street at the beginning and end of the school day, and inconsiderate parking by parents (blocking drives). Objectives are proposed to increase walking to and from school, manage congestion, reduce driving to and from school, and to promote the safety, health and environmental benefits of the Travel Plan.

#### Site Security and Lighting

29. The school boundary would be secured through a combination of existing Heras fencing, re-location to the site boundary of fencing currently bisecting the site, and an additional 85m of 2.0m high Heras fencing. Fencing between the western boundary and the new building, returning to the Baker Street boundary, would form a secure line for the purpose of safeguarding. Cycle parking would be provided forward of the secure line and would be accessible by staff, pupils and visitors.
30. Bulkhead lighting would be fixed to external elevations of the building at a height of 3.2m and 6.0m high lighting columns would be provided within the car park and along the two pedestrian routes from Barker Street. Two higher wattage fittings would be installed adjacent to the external bin store and service vehicle turning area.
31. A CCTV camera would be sited on a pole at a height of 4m to provide surveillance of the vehicular and pedestrian entrance, 23m from the site boundary and 47m from the rear of the property at 93 Barker Street (Plan 3).

#### Sustainability

32. Sustainable construction measures are proposed to be incorporated in the building, exceeding insulation requirements set out in the Building Regulations, maximising daylight, incorporating building management of systems and

controls, energy efficient lighting, heat recovery ventilation systems and summer night-time cooling. The development would comply with Building Regulations requirements without the need for incorporation of renewable technologies.

### Construction Access and Phasing of Development

33. The Transport Statement explains that construction traffic would access the site via the unadopted road and un-made track running along the western boundary of the site (FP 26), using the route presently used to gain maintenance access to the school field. It is also stated that arrangements have been made to access the construction site through the adjoining golf club, but no additional information is given in support of the application.
34. Pedestrian routes to the new building would run close to the existing school building. Following occupation of the new school buildings, the demolition of the CLASP buildings would take place during the 2016 school summer holiday. Existing school operational servicing and car parking would not be affected during the period of construction of the new school building.

### Consultations

35. **Ashfield District Council** - No objection subject to a condition requiring the submission of a site investigation, scheme of remediation, and a validation report to confirm that the site has been satisfactorily remediated.
36. **NCC Highways Development Control** – No objection subject to conditions to require a pre-construction and post-construction highway condition survey between the junction of Barker Street/Main Street and the construction access to the site; controls on hours of deliveries to site; controls on lorry routeing for construction traffic, measures to prevent the deposit of debris on the public highway, segregation of construction vehicle and pedestrian movements, details of recycling/disposal of surplus soils and waste resulting from construction; proposals during construction; the timely provision of car parking; completion of a School Travel Plan; subsequent School Travel Plan monitoring; and a review of the School Zone.
37. *The development is located on an existing school site which benefits from established patterns of travel for pupils and staff. The school has places for 350 pupils as well as operating a 60 place nursery and there are no plans for the proposed new school buildings to accommodate any additional places beyond these. The location of the school and the catchment area it serves means that pupils and parents in many cases can walk, cycle or use the bus to travel to and from the site. It is however acknowledged that despite the ease for non-motorised or public transport methods of travel to and from the site, there are localised highways issues related to parent's vehicles that affect residents. However these are limited to term time and the times at which the school starts and finishes. Of note is that despite some concerns voiced locally regarding the perceived road safety issues that during the last 5 years there have been no recorded road traffic accidents involving children in the vicinity of the school. Given that the size of the school will not change once the re-development has been completed it is reasonable to assume that there will be no additional*

*motorised traffic associated with it. Given that the school has a School Travel Plan associated with the proposed development that sets out to encourage travel by sustainable modes of transport and further improve safety for pedestrians and cyclists accessing the site, it would also be reasonable to assume that its successful implementation will reduce the use of cars by parents. The Travel Plan will be monitored and updated following occupation of the new development.*

38. *The overall car parking provision and capacity on site will remain as it is at present but a formalisation of marked out parking spaces will assist in promoting better parking and allow for vehicles to turn around within the car park rather than having to reverse out of the site, as happens on occasions at present. This will assist in ensuring the safety of all road users. Three dedicated spaces for those with disabilities are a welcomed addition. Whilst it is acknowledged that there is local concern regarding on-street parking associated with the school, it is accepted that the overall parking capacity is limited both by the size of the site and the need to legally provide other educational facilities such as playing fields.*
39. *Pedestrians and cyclists travelling to the site benefit from the existing highway facilities and will continue to do so in the future. It is however suggested that it may be reasonable to review the existing school keep clear markings and associated signing once the development has been completed to ensure their adequacy. Once parents and pupils enter the site they will be segregated from any vehicular traffic by means of newly constructed footways which are designed to link into the main entrance to the new main school building. In addition the current 12 cycle parking spaces will be increased to 20 which will assist in meeting the targets set within the School Travel Plan.*
40. *It is noted that service vehicles will access the new development in the same way as they currently do, which is understood as having worked well in the past. It is also noted that during the redevelopment, construction vehicles will not use the main school entrance and that separate access is to be made available to the playing fields as well as via the neighbouring golf club. In light of both the local traffic issues identified earlier and to ensure the safety of parents and pupils within the site it is suggested that access and egress for construction related vehicles is restricted to outside of normal school opening and closing times. As well as this, it is suggested that a pre-survey of the condition of the roads be undertaken so that any consequential damage by construction traffic can be identified and arrangements made to recover the costs for repairs.*
41. *As highlighted in the supporting Transport Statement for this application the National Planning Policy Framework (NPPF) supports a presumption in favour of sustainable development. Within the document, Section 4 – Promoting Sustainable Transport - outlines the important role that transport policies have to play in facilitating this. Paragraph 34 indicates that: “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.” In addition the guidance within the NPPF Promoting Sustainable Transport Paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

42. **NCC Road Safety Team** - No response received. [Comment on Road Safety is given in Paragraph 37 (NCC Highways Development Control consultation response).]
43. **NCC Countryside Access Team** - There are two rights of way at this site and are accommodated in the planned works. The paths must not be affected or obstructed by the proposed development unless appropriate diversion or closure orders are in place.
44. **NCC Design Services** - No objection. *The siting appears reasonable and effective in view of site constraints although the proposed building would be close to the existing building both for construction and demolition. The distance of the building from the boundary and height of the building is appropriate for the site and will be a huge improvement of existing facilities.*
45. *The appearance, using render and brick helps break up monolithic façades. The canopy appears a little forced but is an obvious entrance for visitors. Windows with vents do not align with other windows and panels seems a little unbalanced, especially with coloured panels reinforcing the window modulation. The edge detailing appears a little disappointing with little depth. The inclusion of roof-lights would have introduced some limited daylight to the heart of the building. The Foundation play area does not appear to have a covered area.*
46. **NCC Landscape Team** - No objection subject to conditions requiring the submission of landscape proposals; security fencing, which should be reviewed in consultation with NCC Risk Management Group; safeguarding of trees during construction; and replacement tree planting.
47. *Five individual trees, one group of trees and a section of hedge would be removed. The proposed felling would not impact on local visual amenity and the loss of trees could be mitigated by replacement tree planting from the species list for the Magnesian Limestone Landscape Character Area (excluding ash). Care will be needed when working close to trees during construction in order to prevent damage, and adherence to proposed construction exclusion zones should be required by condition.*
48. **Energy and Carbon Management Team** - No response received.
49. **Police Force Architectural Liaison Officer** - No response received.
50. **Natural England** - No comments.
51. **NCC Ecology Team** - No objection subject to conditions to control vegetation clearance during the bird nesting season; detailed landscaping scheme which should include native and ornamental species of wildlife value; provision for bats; bat sensitive lighting scheme; a precautionary approach to demolition; precautionary approach to reptiles that may be encountered during construction; and the attenuation pond being designed to maximise its value to wildlife.
52. *The application is supported by up-to-date surveys. Site habitats are common and widespread and generally of low nature conservation value, although there is a small pond, species-poor hedgerow and scattered trees.*



53. *No bats have been identified and no further surveys are recommended (subject to work commencing by 5 August 2016). A precautionary approach should be taken and secured through planning condition, with tiles to be removed by hand and in the event that a bat is encountered, work should cease and advice sought. An appropriate Informative is also recommended (Note 7). Conditions are recommended to require the installation of bat boxes in the fabric of the building, and the submission of a detailed lighting scheme that minimises light spill on to areas of vegetation, including boundary hedgerows and trees.*
54. *DNA testing of the pond on the site has demonstrated that great crested newts are unlikely to be present and no further survey or mitigation is required. The site has potential to support reptiles and development should take place in accordance with a Precautionary Method of Working, secured by a pre-commencement condition.*
55. *The attenuation pond should be designed to maximise its wildlife value with sloping banks and planted with native species, with design details to be submitted in compliance with a condition.*
56. **Nottinghamshire Wildlife Trust** - No objection subject to conditions. *The Extended Phase 1 Habitat Survey methodology, results and recommendations are generally acceptable. The report recommends that great crested newt surveys are undertaken [refer to NCC Ecology Team response]. The existing wildlife garden and pond should be retained.*
57. *Bat boxes should be installed on retained trees/buildings. On site lighting should be ecologically sensitive. Areas of ecological mitigation, hedgerows and other habitats should remain unlit. Advice is given on suitable lighting design.*
58. *Demolition and clearance works should take place outside the bird nesting season, other than if the site is first checked by a suitably qualified ecologist, and should be secured through condition.*
59. *A Precautionary Method of Working in relation to reptiles should be followed, with work to stop if reptiles are found on site. This should be secured through a condition.*
60. *Further ecological enhancement could be achieved through a wildflower seed mix in open spaces or boundaries, the planting of trees of native and local provenance, and installation of bat and/or bird boxes on retained mature trees.*
61. **Sport England** - No objection subject to a condition to require the submission of; replacement playing field construction details to a standard at least equivalent to the immediately adjoining existing areas of playing field; construction specification for new hard play areas; drainage details of new areas used for outdoor play; and a grid of replacement playing field levels and new areas of hard play, in accordance with an agreed timescale.
62. *The applicant has submitted additional information which confirms that the area lost by the construction of the replacement school would be mitigated by the removal of trees adjacent to the eastern boundary and reinstatement to playing field area, and the removal of a trim trail and the reinstatement to playing field area.*

63. If the recommended condition is not imposed Sport England would raise a statutory objection to the application in accordance with The Town and Country Planning (Consultation) (England) Direction 2009.
64. **NCC Archaeology Team** – No response received.
65. **NCC Built Heritage Team** - No objection subject to the recording of structural details presently obscured by cladding and internal boarding. *The school is Mark III CLASP and whilst not listed, it does have local significance and should be considered as a non-designated heritage asset. Whilst the loss of a non-designated heritage asset is regrettable, it may be that the balance of the application falls in favour of a decision that leads to its demolition. Building recording should be undertaken as guided by NPPF Paragraph 141. A good assessment of the heritage interest of the school buildings has been submitted. The proposed recording of the CLASP buildings is sound and appropriate in accordance with the NPPF.*
66. **NCC Land Reclamation Team** – No objection subject to conditions to require; an intrusive investigation of the new building footprint targeting asbestos containing materials; contamination risk assessment, remediation (if required) and validation; a watching brief during initial ground works (with work to contamination encountered to be reported); an asbestos demolition survey; demolition to take place when the school is closed; and a post-completion investigation of the original school footprint to confirm the absence of contamination with emphasis on asbestos containing materials. *The submitted desk top study is satisfactory. However, the submitted site investigation does not address issues related to potential ground contamination adjacent to the existing structures or across the foot-print area of the new build and should be undertaken again to address these issues, with particular emphasis on the potential for asbestos containing materials (ACM's) within discard materials associated with the schools original construction. The applicant has confirmed that a full destructive/refurbishment asbestos survey will be undertaken prior to any demolition works being undertaken. Asbestos removal/demolition works are to be undertaken during the summer break, whilst the site is closed to staff and pupils. However should the asbestos removal and associated demolition works over-run this time period, then reassurance air monitoring for asbestos fibre concentrations will be required prior to the re-opening of the school to ensure on-site controls are being effective in preventing airborne release of fugitive asbestos fibres. Should this prove not to be the case then the school will need to remain closed until this issue is addressed to ensure the health and safety of staff and pupils who otherwise may potentially be exposed to fugitive fibres.*
67. **NCC Project Engineer (Noise)** - No objection subject to conditions to; control the timing of site deliveries, and hours of work on school and non-school days; submission of a Construction Environment Management Plan to include details of noise mitigation during construction; control of operational noise outside normal school hours; and the limiting of noise from fixed plant and equipment.
68. *Natural ventilation would be acceptable for the measured ambient noise levels at the site. An Acoustic Specification Report should be commissioned to inform the detailed design of the internal elements of the school to ensure compliance*

with relevant guidance and Building Regulations Approved Document (Part E) (Note 10).

69. *Baseline noise levels recorded at this site indicate that a threshold value of 65dB  $L_{Aeq,1hr}$  will be applicable during construction. The contractor should outline what steps are to be taken to minimise noise impact from construction activities within a Construction Environment Management Plan, which should be conditioned as part of any granting of permission.*
70. *While there may be some change in the type, duration and frequency of noise at some properties, it is unlikely to provoke an adverse reaction from residents due to the long established precedent of noise from external school activities over many years. As these 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 strong adverse reaction. The normal school day is considered to include before and after school clubs. Noise that may be generated by wider community use of the school site outside of normal school use or during school holidays should be controlled through planning condition.*
71. *Potential noise impact from fixed plant on the nearest residential receptors to the south has been assessed. The only 'noisy' item in the sprinkler tank to be sited to the west of the school building is the electric pump which would be tested weekly, and would not give rise to notable noise impact at neighbouring properties due to the short test duration. Any prolonged operation would be during a fire event which can be considered an extreme event. All plant should be subject to a standard noise condition to safeguard against noise nuisance at neighbouring properties.*
72. **Environment Agency** - No objection subject to a condition requiring the submission of a surface water drainage scheme based on sustainable drainage principles. Advice is given on SuDS.
73. **Severn Trent Water Limited** - No objection.
74. **Western Power Distribution** - No response received.
75. **National Grid (Gas)** - No response received.

## Publicity

76. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
77. Four residents of Barker Street have written to make the following representations. One resident does not object to a new school, while another

resident welcomes the retention of the existing planting and wildlife area adjacent to the boundary with Barker Street properties, and sensitive site lighting. However, the following concerns are raised about the detailed proposals.

#### Parking/Traffic

- a) School related parking (4) at start/finish times.
- b) Parking on Barker Street (3) and the private road linking Wenham Lane and Barker Street prevents access to property (2). Manoeuvres on the highway cause congestion. Obstructed emergency access.
- c) It is not proposed to change car parking. Proposed parking is minimal. No provision is made for parent parking (2). Improved parking/ facilities for drop-off should be provided (4).

#### Construction

- d) Construction traffic on Barker Street will cause problems.
- e) Barker Street will need major repairs following construction works.
- f) The access between 49 and 51 Barker Street should not be used for construction access.

#### Amenity

- g) 5m high tree planting or fencing for shrubs/climbing plants should be provided on the boundary with Barker Street properties to maintain privacy.

#### Other matters

- h) The access drive between 49 and 51 Barker Street is included in the application site and should be omitted.
78. The Head Teacher of the school has written to express concern that determination of the application has been delayed which may have implications for decant from the existing school to the new building.
79. Councillor Tom Hollis has been notified of the application.
80. The issues raised are considered in the Observations Section of this report.

### Observations

#### Strategic Education Provision

81. 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. The proposed school, with a design capacity of 350 pupil places, would replicate current provision and staff numbers would remain unchanged.

82. 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).
83. 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.

#### Highway Impact, Traffic and Movement

84. NPPF *Promoting Sustainable Transport* Paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst concern is raised in representations (Paragraph 77a-b)) about existing car parking the development seeks to replace the existing school on a more compact footprint with no expansion or increase in the pupil capacity of the school.
85. Ashfield Local Plan Review (Adopted November 2002) (ALPR) Policy ST1 *Development* will permit development (amongst other criteria) that will not adversely affect highway safety, or the capacity of the transport system. Although existing car parking is not formally marked out, following demolition of the existing school building, the proposed car parking layout would be improved with a marginal increase in car parking provision for staff and visitors. Whilst the concerns of local residents are acknowledged, and a planning application to replace the school could appear to offer an opportunity to address existing issues, the concerns raised relate to the existing operational use. Addressing a lack of parent parking (Paragraph 77c)), the provision of dedicated parent parking would be contrary to sustainable travel objectives and could encourage parents to drive to school and potentially worsen impacts on the highway in proximity to the school.
86. The proposed siting of the building and position of the main entrance may lead to greater pedestrian use of the access between 49 and 51 Barker Street. Although this would not lead to a material change in terms of traffic or trip generation on Barker Street, it is recommended that a review of the School Zone on is undertaken to ensure that appropriate highway markings, signage and, if required, pedestrian guardrails are provided (Condition 26).
87. ALPR Policy TR3 *Pedestrians and People with Limited Mobility* will permit development where suitable provision is made for safe and convenient access by pedestrians and people with limited mobility. Pedestrian routes would be suitably segregated from vehicular traffic within the site. Disability parking spaces would be provided closest to the school building entrance. It is considered that adequate car parking, and on-site parking and manoeuvring space for service vehicles, would be provided to meet the operational needs of the school.

88. 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. However, poor parking by parents and the obstruction of drives by parked vehicles (Paragraph 77c)) is an understandable source of annoyance. It is not considered that existing highway conditions are such that a Traffic Regulation Order needs to be made. Should circumstances change, an Order to control on-street parking on Barker Street could be made, following separate procedure under the provisions of the Road Traffic Regulation Act 1984 and following public consultation.
89. Members are advised that it would be unreasonable to withhold planning permission on highway grounds for a redevelopment of the site which would not materially change the character of the existing use. If planning permission was not to be granted the existing school would continue in operation and existing highway issues identified in representations would persist.
90. The framework for a Travel Plan has been submitted in support of the application and identifies relevant school issues. The school is best positioned to influence parent behaviour and address highway related issues. The potential increased use of the pedestrian access between 49-51 Barker Street may lessen the impact of parent related traffic at the north-western end of Barker Street. A robust School Travel Plan that is both deliverable and enforceable would maximise the use of non-car modes of transport and it is recommended that education relating to sustainable travel; safe travel to school; demand for and future provision of additional covered cycle spaces; safe student drop-off and pick-up; and considerate parent parking are the subject of a recommended condition (Condition 24).
91. Concern has been expressed in representations about potential damage which may be caused by construction traffic (Paragraph 77e)). Whilst beyond the application site, the quality of the highway may be impacted by construction traffic, particularly when needing to make a tight turn at the north-western end of Barker Street. The private road to be used by construction traffic (on the route of FP26) may also be adversely affected. Conditions are recommended to require a baseline condition survey and post-completion survey of the public highway and the private road to be used for construction (and if required, damage arising to be repaired) to be submitted (Condition 5 and Condition 23).
92. ALPR Policy TR2 *Cycling Provision in New Developments* will permit development to which cyclists would reasonably expect to have access where provision is made for safe and convenient cycle access. The initial provision of 20 cycle parking spaces, with 10 of the spaces covered, is considered to be appropriate for a 350 place school. The spaces would be located centrally on the site and would benefit from passive surveillance from the school building. The need for the provision of additional spaces, and covering of cycle spaces, is recommended as an objective of the School Travel Plan (Condition 24).

#### Built Development, Replacement Playing Field and Landscape Impact

93. ALPR Policy ST1 *Development* will permit development (amongst other criteria) that will not adversely affect the character, quality, amenity or safety of the environment.

94. The proposed redevelopment would not alter the character of the site. Mainly single storey school buildings, with a central three storey element would be replaced by a two-storey building on a compact footprint. The buildings would be sited further from residential properties on Barker Street than the existing buildings. At a distance exceeding 60m from the site boundary, it is considered that the proposal would not give rise to adverse impact and the provision of additional planting on the Barker Street boundary (Paragraph 77g)) is not required. Views of the building from properties on Barker Street would be filtered by established tree planting on the school site which would be unaffected by the proposed development. The central location on the site and landscape impact of the building is considered to be acceptable in compliance with ALPR Policy ST1 *Development*.
95. The design review undertaken by NCC Design Services reported at Paragraph 39-40 is supportive of the proposal. In response to issues raised the applicant has responded stating *window types have been designed to perform in terms of daylighting, natural and mechanical ventilation design strategies. Sizes have been coordinated in line with specifics of design performance criteria with resultant standard types applied to meet internal accommodation requirements. The coloured render panel relief reflects window modules. The application of this relief introduces a playful element and in addition to the expressed entrance canopy, visual movement on the façade appropriate to a primary school facility.* The proposed use of render, brick, grey window frames and louvres, and contrasting coloured infill panels is considered to be acceptable. Proposed 'JD' signage to be displayed at first floor level on the front elevation of the school would be the subject of separate Advertisement Consent to be obtained from Ashfield District Council.
96. Existing areas of outdoor hard play used by Key Stage 1 and Key Stage 2 would be retained and re-used, with additional hard play provided following the demolition of the structure enclosing the sports barn. The overall provision for hard play is considered to be acceptable and makes efficient use of legacy areas of outdoor play.
97. The playing field to the north of the existing school on which the building would be sited is the subject of ALPR Policy RC3Rk (Plan 1). This policy seeks to resist the development which would lead to the loss of formal open space unless (amongst other criteria) new formal open space would be provided locally.
98. Sport England 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.
99. Sport England's Policy E4 would be met where *the playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.*

100. Appropriate replacement playing field provision would be made through the removal of the existing fence bisecting the playing field, trim trail adjacent to the sports barn, and trees adjacent to the western site boundary (all of which would be reinstated as playing field), and the reinstatement of the footprint of the demolished building forward of the school as a grassed area. Subject to replacement playing field being to a standard at least equivalent to the immediately adjoining existing areas of playing field Sport England does not object to the application. A construction specification for new hard play areas, drainage of new areas used for outdoor play, a grid of levels of areas of replacement playing field and new areas of hard play, and timetable for their provision are also recommended (Condition 18). Any playing field impacted by the movement of construction traffic should also be made good.
101. ALPR Policy EV8 *Trees and Woodlands* will not permit development which would adversely affect trees worthy of retention. Where trees would be lost as a result of development, replacement or mitigating planting will be required. The trees to be removed to allow the re-provision of replacement playing field are not significant, and the replanting of select specimens to visually reinforce the boundary with adjacent footpath FP85 is welcome.
102. The precise details of the height and design of the sprinkler tank and associated pump housing is not yet known, and the detail of the design and height of the surrounding enclosure would be reserved by recommended Condition 14a).

#### Contamination and Noise

103. NCC Land Reclamation Team has confirmed that a satisfactory desk-top assessment for contamination has been submitted, but recommends that further site investigation is carried out. Ashfield District Council has also recommended that site investigation is the subject of a planning condition. Conditions are recommended to require further intrusive investigation, remediation and validation, and the submission of a watching brief with a precautionary approach to be taken in the event that unexpected contamination is encountered (Conditions 10 and 11, and Note 3).
104. There is potential for asbestos containing materials to be encountered when the existing school buildings are demolished. Recommended Condition 20 would require a pre-commencement asbestos survey and validation report for each building to be submitted to confirm that the post-demolition footprint does not contain asbestos containing materials or other contaminated materials.
105. Construction work has the potential to generate significant levels of noise, and construction activities and deliveries to site should be controlled through planning condition (Condition 8 and Condition 9d)). The movement of construction traffic during periods at the beginning and end of the school day should be restricted (Condition 8c)). In addition, the demolition of the existing school buildings should be controlled and is the subject of recommended Condition 21.
106. There is concern about the potential for asbestos to be encountered and disturbed during the demolition works. The contractor has confirmed that the demolition would be undertaken in compliance with industry standards to ensure



asbestos risks are minimised. However, given the close proximity of the new school to the existing building the level of any residual risk needs to be very carefully managed. To ensure risks are avoided as far as possible it is recommended that the demolition works are undertaken when the school is not occupied by staff/pupils. The contractor has timetabled the demolition works to be undertaken in the 2016 six week school holiday period thereby providing this additional level of risk management. Condition 22 is recommended to regulate this matter, the recommended condition requiring that the school does not open during demolition works unless it is shown that all risks are appropriately managed/avoided to an acceptable level.

107. The consultation response from NCC Project Engineer (Noise) considers the potential noise impact from operational outdoor activity but does not anticipate that use of areas of playing field would provoke an adverse reaction from residents. The consultation response also identifies an established pattern of noise from external school activities, although outdoor activities may be redistributed on the site. The existing school capacity would remain unaltered and would maintain the prevailing noise climate, minimising any potential for adverse reaction from surrounding neighbouring residential properties.
108. It is considered that noise impact arising from extended hours or community use would be safeguarded by the imposition of a condition to control maximum permissible noise levels arising from operational activities (Condition 27). A precautionary condition is recommended to control night-time noise (Condition 28). Whilst it is considered unlikely that fixed plant at the school will give rise to adverse noise impacts at neighbouring properties, a precautionary condition is recommended (Condition 29).

#### Sustainability

109. Sustainable features set out at Paragraph 32 of the report are appropriate and are considered to be acceptable.

#### Security & Lighting

110. The site would be secured by a combination of existing perimeter fencing and additional fencing. It is recommended that the design and appearance of new security fencing is reserved by planning condition (Condition 14d)).
111. Proposed CCTV would provide suitable surveillance of the site entrance, although it should be installed so as not to provide surveillance of neighbouring property (Condition 15). The submitted lux plot demonstrates that proposed lighting will not give rise to significant impacts outside the site. Proposed lighting would not give rise to adverse impact on areas of established habitat and is considered to be acceptable.

#### Ecology

112. The proposed development would not give rise to significant ecological impacts. Conditions are recommended to control vegetation clearance during bird nesting season (Condition 4), the provision of bat boxes and opportunities for bird nesting in the development (Condition 16), and the submission of details of replacement tree planting (Condition 17). It is recommended that the best

specimens to be replanted should be selected and the replanting of ash should be avoided (Note 6). Although recommended by NCC Ecology Team as a planning condition, an Informative is recommended advising that the attenuation swale/pond should be designed to maximise its wildlife value with sloping banks and planted with native species (Note 5).

113. The consultation response from NCC Ecology recommends that a condition is imposed to require hanging tiles to be removed by hand from buildings to be demolished. The method is stated in Paragraph 5.2.3 of the Bat Survey Report submitted in support of the application, and recommended Condition 3 requires development to be carried out in accordance with the submitted documents and recommendations of reports, while Condition 21 requires the submission of the method of demolition. An informative is recommended drawing attention to this specific matter (Note 7).
114. A Precautionary Method of Working statement for reptiles, as recommended in the supporting Extended Phase 1 Habitat Survey report, and is the subject of recommended Condition 9f).

#### Site Drainage

115. NPPF Paragraph 103 advises that when determining planning applications, it should be ensured that flood risk is not increased elsewhere. The submitted surface water drainage strategy is acceptable in principle and a condition is recommended to require the submission of a scheme of surface water drainage based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development (Condition 12). The proposed swale/pond has the potential to be designed to offer environmental benefit (Note 5).

#### Construction

116. The control of environmental impacts arising from construction need to be submitted in an Environment Management Plan, with Condition 9a) requiring the submission of details of the routeing of construction traffic. The movement of construction traffic on Barker Street and the track along the western boundary of the site, may lead to the deterioration of the surface of the public highway and track. Pre-construction and post-completion road condition surveys are the subject of Condition 5 and Condition 23. The route of the public footpath would not necessarily need to be closed or diverted during construction. An advisory Informative is recommended (Note 8).
117. Restrictions on the timing of deliveries to site, permissible hours of construction, and noise generated by construction activities are the subject of recommended Condition 8.

#### Other Matters

118. The access road adjacent to 93 Barker Street and maintenance access, and the land between 49 and 51 Barker Street are not in the applicant's control and are in unknown ownership. The representation reported at Paragraph 77h) requests that the access between 49-51 Barker Street is omitted from the application. However, the land is used as a pedestrian access to the school, and is included

in the red line of the application to show continuity between the public highway and the school site. The appropriate procedures have been followed by the applicant to allow land in unknown ownership to be included in the application site.

### **Other Options Considered**

119. 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**

120. 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**

121. 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**

122. Suitable disability access would be provided in proximity to the building entrance. A lift within the building would provide disability access to the first floor.

#### **Crime and Disorder Implications**

123. The school site would be enclosed by existing and additional security fencing, internal secure lines, and CCTV provided at the site entrance.

#### **Human Rights Implications**

124. 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 the re-distribution of activities on the site. The proposals have the potential to give rise to noise and disturbance from site activities and traffic arriving and departing the site, with potential loss of amenity to neighbouring occupiers. However, these potential impacts need to be balanced against the wider benefits of the provision of a replacement school to deliver the current educational curriculum. 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

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

## Implications for Sustainability and the Environment

126. These are set out and considered at Paragraphs 32 and 109 of the report.
127. There are no Financial or Human Resource implications.

## Statement of Positive and Proactive Engagement

128. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as provision of replacement playing field, loss of trees and replacement tree planting, and scheduling of demolition, which 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

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

**JAYNE FRANCIS-WARD**

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

## Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the content of this report.

[SLB 17.06.15]

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

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

[SES 19.06.15]

### **Background Papers Available for Inspection**

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

### **Electoral Division and Member Affected**

Sutton-in-Ashfield West

Councillor Tom Hollis

Report Author/Case Officer

David Marsh

0115 9932574

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

CCD/4005 – FR3/3240

19 June 2015

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**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.

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## 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 PL\_20\_008) received by the CPA on 27 February 2015;
- (b) Proposed Site Plan (Drawing PL\_20\_006 Rev D) received by the CPA on 15 June 2015;
- (c) Site Landscape Sections (Drawing PL\_20\_013 Rev A) received by the CPA on 13 May 2015;
- (d) Tree Constraints Plan – for the purpose of tree identification only - (Drawing TCP/01) received by the CPA on 27 February 2015;
- (e) Ground Floor Plan (Drawing PL\_20\_001) received by the CPA on 27 February 2015;
- (f) First Floor Plan (Drawing PL\_20\_002) received by the CPA on 27 February 2015;
- (g) Roof Plan (Drawing PL\_20\_003) received by the CPA on 27 February 2015;
- (h) Proposed Elevations (Drawing PL\_20\_020) received by the CPA on 27 February 2015;
- (i) Proposed Building Short Sections (Drawing PL\_20\_010) received by the CPA on 27 February 2015;
- (j) Proposed Building Long Sections 1 (Drawing PL\_20\_011) received by the CPA on 27 February 2015;
- (k) Proposed Building Long Sections 2 (Drawing PL\_20\_012) received by the CPA on 27 February 2015;

- (l) Lighting Lux Plot (Drawing 298-E-610 Rev A) received by the CPA on 27 February 2015;
- (m) Paralume and Kaos Lighting detail received by the CPA on 27 February 2015.
- (n) CCTV (location only) (Drawing 9514 JD-RPS-ZZ-5901) received by the CPA on 9 June 2015.

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

- 4. Should any tree, shrub, scrub or other vegetation clearance works be carried out between the months of March to August inclusive, the works shall be undertaken in accordance with a methodology which shall first be submitted to and approved in writing by the CPA. Works to be carried out in accordance with the approved methodology shall only be undertaken following inspection by a suitably qualified ecologist and written confirmation from the ecologist first being submitted to the CPA that breeding birds would not be adversely impacted by the proposed clearance works.

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

- 5. No development shall commence until a highway condition survey between the junction of Barker Street/Main Street and the point of construction access into the site (Drawing 4/V/2015/0159/1) has been carried out, and the details have been submitted to the CPA for its written approval.

*Reason: Details are required to be submitted prior to the commencement of development to provide a record baseline assessment of the condition of the highway and construction access route in the interest of highway safety.*

- 6. Prior to the commencement of development, the means of protection of trees to be retained during the period of construction (updating the Preliminary Tree Protection Plan TPP/01 submitted as Appendix E of the Arboricultural Report supporting the application), 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: Details are required to be submitted prior to the commencement of development to ensure that the health of trees on the site will be satisfactorily safeguarded during the period of construction in the interest of the visual amenity and ecology of the site.*

- 7. Notwithstanding Condition 6, where works are to be carried out within root protection areas of trees to be retained, 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 and ecology of the site.*

8. 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 day other than between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hours on Saturdays;
- c) no construction deliveries to site shall take place on any school day between 08:15-09:15 hours and 15:00-16:00 hours;
- 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 a distance of 3.5m from the nearest façade of a property.

*Reason: To safeguard the amenity of nearby residents and to minimise risk of pedestrian/cycle conflict with HGV/construction traffic when John Davies Primary and Nursery School is in use.*

9. Prior to the commencement of development, details of the method of working during the construction phase, in the form of an Environment 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;
- (d) measures for the control of noise (to comply with Condition 8e)), 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) Precautinary Method of Working statement to safeguard against risk to reptiles encountered throughout the period of construction;

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: Details are required to be submitted prior to the commencement of development to provide adequate information and satisfactory*

*detail in the interest of highway safety, and to protect the amenities at present enjoyed by the occupiers of nearby properties.*

10. Prior to the commencement of main site works, or such other timescale as may first be agreed in writing with the CPA, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the CPA:

- a) a site investigation, based on the desk-top appraisal supporting the application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including off-site receptors; and
- b) an options appraisal and remediation strategy based on the site investigation results and detailed risk assessment, giving full details of the remediation measures required, and how they are to be undertaken; and
- c) a verification plan, providing details of the data to be collected in order to demonstrate that the works set out in b) will be complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The written consent of the CPA shall be obtained prior to any change being made to components a) – c). The scheme shall be implemented as approved.

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

11. Prior to the commencement of main site works, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. 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 (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of main site works to provide an appropriate methodology that will ensure that the site is remediated to an appropriate standard.*

12. 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, shall be submitted to and approved in writing by the CPA in consultation with the Environment Agency. 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: Details are required to be submitted prior to the commencement of main site works to provide appropriate detail to safeguard against increased risk of flooding.*

13. 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 Ashfield Local Plan Review Policy ST1 Development.*

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

- (a) sprinkler tank, pump house, and related enclosure;
- (b) bin storage enclosure;
- (c) covered cycle storage; and
- (d) new boundary security fencing and gates, including colour;

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.*

15. CCTV shall be installed and operated so as to ensure that at all times there is no surveillance of any adjoining property.

*Reason To safeguard the privacy that nearby residents could reasonably expect to enjoy.*

16. Within 3 months of the commencement of development, details including timescale of proposed:

- a) provision for roosting bats in the development; 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.*

17. 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 (including tree planting);
- b) seed mix specification;
- c) establishment methods (including tree pit detail); and
- d) 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.*

18. Within 6 months of the commencement of development, design details of;
- a) replacement playing field construction on the areas hatched on attached Drawing 4/V/2015/0159/2 (which shall be to a standard at least equivalent to the immediately adjoining existing areas of playing field);
  - b) construction specification for new hard play areas;
  - c) drainage of new areas used for outdoor play; and
  - d) a grid of replacement playing field levels and new areas of hard play;

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

Replacement playing field and new 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. Existing playing field impacted by the passage of construction traffic shall be reinstated to the condition of the playing field before development commenced, in accordance with a timetable that shall first be agreed in writing with the CPA.

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

19. Car parking areas, service areas and associated turning and manoeuvring 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. All service/car parking and associated circulation areas shall be constructed, drained through trapped gullies with an overall capacity compatible with the site being drained, surfaced and marked out to the satisfaction of the CPA, and shall thereafter be retained and be made available to users of the school.

*Reason: To ensure the timely provision of adequate facilities for car parking, servicing, and related surfaced areas of the development.*

20. Prior to demolition of each building on the site, a Pre-Demolition Asbestos Survey of the building 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. Within one month of the completion of demolition works (or each stage thereof) a validation report shall be submitted to

the CPA to confirm that the demolition footprint does not contain Asbestos Containing Materials or other contaminated materials.

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

21. No demolition of existing school buildings shall take place until a scheme indicating the dates of demolition, 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.*

22. The school shall remain closed during the period of demolition unless it can be demonstrated through reassurance air monitoring for asbestos fibre concentrations that controls are effective in preventing the airborne release of fugitive asbestos fibres.

*Reason: To ensure the health and safety of school staff and pupils.*

23. Following the demolition of the existing school buildings and substantive restoration of the site, a highway condition survey between the junction of Barker Street/Main Street and the point of construction access into the site (Drawing 4/V/2015/0159/1), and report setting out measures and a timescale for the reinstatement of the highway to the condition recorded in compliance with Condition 5 of this permission, shall be submitted to and approved in writing by the CPA. Highway reinstatement works shall be carried out in accordance with the approved details.

*Reason: To ensure the satisfactory reinstatement of the highway and construction access route in the interest of highway safety.*

24. The Head Teacher of John Davies Primary and Nursery School, 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 framework John Davies Primary and Nursery School Travel Plan (received by the CPA on 27 February 2015) and within 3 months of the completion of development (the demolition of the existing school buildings and substantive restoration of the site) provide a completed John Davies Primary and Nursery School 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 John Davies Primary and Nursery School Travel Plan shall be implemented in accordance with the approved timetable and shall be updated consistent with future John Davies Primary and Nursery School Travel Plan initiatives (to include education relating to sustainable travel; safe travel to school; demand for, and future provision of additional covered cycle spaces;

safe student drop-off and pick-up; and considerate parent parking), including implementation dates, to the satisfaction of the CPA.

*Reason: In the interest of highway safety and to promote sustainable travel.*

25. The Travel Plan Coordinator shall first submit a report to the CPA within 6 months following the completion of development (as defined in Condition 24), 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.*

26. Within 6 months following the completion of development (as defined in Condition 24), a review of the school zone, signage and guardrail on Barker Street shall be carried out, and a report which shall include any recommended modifications shall be submitted to the CPA. Recommendations for the modification of the school zone shall be implemented within 3 months of the date of submission of the report.

*Reason: In the interest of highway safety.*

27. 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.*

28. 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 ( $L_{90}$ ) 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.*

29. Following the completion of the development, the combined fixed plant noise level shall not exceed the background noise level ( $L_{90}$ ) at any time of the day/night at the nearest boundary of any residential receptor when assessed in accordance with BS4142:2014. 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 BS4142:2014 to determine compliance with background noise level ( $L_{90}$ ). 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. Condition 6, Condition 10, Condition 11, and Condition 12 refer to 'main site works'. For the avoidance of doubt 'main site works' are works expressly approved by this grant of planning permission, not works, typically site set up works, which are permitted by The Town and Country Planning (General Permitted Development) Order 1995 (as amended) Schedule 2: Part 4 *Temporary Buildings and Uses*.
2. With reference to Condition 9c), in addition to on-site segregation, details will need to be submitted to explain how construction traffic is to be managed so as avoid conflict with users of the public footpath.
3. With reference to Condition 11, initial ground works should be carried out in accordance with a watching brief, with particular scrutiny given to asbestos containing materials within made ground surrounding existing structures and across the area of the proposed development.
4. With reference to Condition 12, the Environment Agency advises that:
  - a) Infiltration testing should be undertaken in accordance with BRE 365 to clarify whether infiltration into ground is a viable means of surface water disposal from the site.
  - b) 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).
  - c) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to the Greenfield run-off rates for the site.
  - d) The drainage scheme should demonstrate surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
  - e) 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.
  - f) Details should be provided of how the on-site surface water drainage systems shall be maintained and managed for the lifetime of the development, to ensure long term operation to design parameters.

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.

The Environment Agency advises that *surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.*

*SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc. rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.*

5. With reference to Condition 12, NCC Ecology Team advises that the attenuation swale/pond should be designed to maximise its wildlife value with sloping banks and planted with native species.
6. With reference to Condition 17, it is advised that the best tree specimens to be replanted should be carefully selected, to exclude trees subject of strimmer damage and avoiding the replanting of ash.
7. With reference to Condition 21, attention is drawn to Paragraph 5.2.3 of the Bat Survey Report supporting the application which recommends that hanging tiles are removed by hand during the demolition of existing buildings. In the event that bats are encountered, work should cease and advice sought.
8. With reference to Condition 23, NCC Countryside Access Team advises that the availability of Public Footpath 26 and Footpath 85 must not be obstructed or affected by the proposed development unless subject to an appropriate diversion or closure order. NCC Countryside Access Team should be consulted in any re-surfacing or gating issues and potential path users should not be impeded or endangered in any way. Any required path closure or diversion should be made in consultation with the Area Rights of Way Officer, TBH Countryside Access Team, County Hall, West Bridgford, Nottingham NG2 7QP Tel - 0115 9774559.
9. With reference to Conditions 24 and 25, the Travel Plan Co-ordinator is advised to actively engage with local residents in promoting sustainable travel initiatives in the development of the John Davies Primary School Travel Plan, annual review and any subsequent Travel Plan Review.
10. NCC Project Engineer (Noise) advises that an Acoustic Specification Report should be commissioned to inform the detailed design of the internal elements of the school to ensure compliance with relevant guidance and Building Regulations Approved Document (Part E).