



13 October 2020

Agenda Item: 8

REPORT OF CORPORATE DIRECTOR – PLACE

ASHFIELD DISTRICT REF. NO.: 4/V/2020/0486

PROPOSAL: CHANGE OF USE OF CARETAKER'S BUNGALOW TO SCHOOL USE (CLASS D1) AND ERECTION OF 2.4M HIGH SECURITY FENCING, GATES AND ASSOCIATED LANDSCAPE WORKS.

LOCATION: WOODLAND VIEW - CARETAKER'S PROPERTY (JOHN DAVIES) BARKER STREET, HUTHWAITE, NOTTS NG17 2LH

APPLICANT: NCC CHILDREN AND FAMILIES

Purpose of Report

1. To consider a planning application for use of a former caretaker's bungalow as a school nurture unit at Woodland View Primary School, Huthwaite. The key issue relates to amenity impact at a school entrance gate. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. Woodland View Primary 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 school playing field to the north lies outside the defined settlement. (Plan 1). The school site lies immediately to the north of Barker Street, a residential street of primarily terraced houses and some semi-detached houses. The majority of properties do not have off-street parking.
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 Sutton in Ashfield 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

Public Footpath Sutton in Ashfield FP35. That pedestrian access gate is opened at school start/finish times with the main entrance at the northern end of Barker Street used at other times of the school day. A golf course lies to the east of Public Footpath Sutton in Ashfield FP35, while agricultural land to the north and west of the site is in open countryside.

5. The drive between 49 and 51 Barker Street is used to access a former school caretaker's bungalow, garages to the rear of 49 and 51 Barker Street, as well as providing vehicular access to the rear of properties at 31-47 Barker Street (Plan 2).
6. The bungalow is presently unoccupied. The vehicular access to the bungalow is through a palisade gate. There is a pedestrian entrance gate to the school on the north-west boundary of the bungalow site. The bungalow site is bounded by 2.0m high Heras fencing on its north-west and north-east boundaries with the school, by a wall on the boundary with properties on Barker Street, and by a mature hedge on the south-east boundary running parallel to the public footpath (Plan 3).
7. There is pedestrian access to the school from Barker Street along the drive carrying the route of Public Footpath Sutton in Ashfield FP85, and through the bungalow site. The drive between 49 and 51 Barker Street is not a vehicular access to the school.
8. The application site is comprised of the school campus, the caretaker's bungalow, and the means of access to the school and bungalow from a public highway both at the north-west end of Barker Street and between 49 and 51 Barker Street.
9. The Primary School has a net capacity for 350 pupils with an additional 60 place nursery. The school has 12 classrooms all of which are above the minimum size prescribed by the Department for Education.
10. 30 children are admitted to the school at Key Stage 1 and pupil numbers increase to cohorts of 65 when children from All Saints C of E Infant School enter the school at Key Stage 2.

Background

11. Two larger cohorts were admitted to Reception in 2015 (50) and 2019 (41) to meet a demand for pupil places in Huthwaite. Consequently, there are currently two bulge year groups at the school. The number of pupils on the school roll for 2020/21 and pupil projections to 2026/27 are shown in the table below although the applicant points out that the school may be required to admit two or three children above the Published Admission Number. Numbers on roll can vary as families move into or leave the school catchment during the school year. Pupil numbers will fall in 2022/23 when the first of the school bulge year groups leaves the school and gradually rise as the second bulge year passes through the school, before falling again in 2026/27.

	Yr R	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Total
2020/21	31	40	30	59	54	86	60	360
2021/22	30	31	40	65	59	54	86	365
2022/23	30	30	31	75	65	59	54	344
2023/24	30	30	30	66	75	65	59	355
2024/25	30	30	30	65	66	75	65	361
2025/26	30	30	30	65	65	66	75	361
2026/27	30	30	30	65	65	65	66	351

Figure 1. Projected pupil numbers

Planning history

12. Planning permission 4/V/2015/0159 granted July 2015 for the erection of a two-storey replacement 350 place primary school. The report, when determining that application, made specific reference to the access between 49-51 Barker Street being used as a pedestrian entrance to the existing school, and that it would continue to be used as a pedestrian access to the replacement school.

Proposed Development

13. Planning permission is sought to change the use of the former caretaker's bungalow to educational use as an enlargement of the adjacent Woodland View campus.
14. The school currently uses a studio within the main school building as a nurture area. It is proposed that the bungalow would be used as a nurture unit allowing the school studio to be used as a classroom to accommodate the children on roll.
15. The nurture unit would be used by small groups of children and would provide a safe calm area for a planned programme of activities for children with complex educational needs. The facility would allow children to remain within a mainstream school environment.

16. 2.4m high Heras style security fencing would be provided between the bungalow and the northern and southern boundaries, returning inside the mature hedge-line to meet the eastern boundary. A pedestrian access gate would be provided in the northern boundary along with a new footpath link to the school building. A new area of outdoor hard play would be formed to the north of the bungalow with a grass area between the bungalow and southern boundary hedge retained (Plan 4).
17. Children would access the nurture unit from the existing school site. No changes are proposed to the means of pedestrian or vehicular access to the school, and vehicular access to the properties accessed along the drive between 49 and 51 Barker Street would not change.

Consultations

18. **Ashfield District Council** – No objection.
19. **NCC Highways Development Control** – No objection. The proposal does not affect access and neither does it adversely affect highway safety.
20. **NCC Countryside Access** – No objection. *Sutton in Ashfield Footpath 85 runs adjacent to the application site. An advisory note is recommended drawing attention to the need not to obstruct the footpath.*
21. **NCC Safer Highways, Severn Trent Water Limited, Cadent (Gas)B, and Western Power Distribution** - No response received.

Publicity

22. The application has been advertised by site notice and neighbour notification to 15 properties on Barker Street, which includes those benefitting from vehicular access via the drive between 49-51 Barker Street, in accordance with the County Council's Adopted Statement of Community Involvement.
23. Councillor Tom Hollis has been notified of the application.
24. 4 letters have been received from residents of Barker Street:
 - a) Two residents raise no objection to use of the caretaker's bungalow. The building is empty, disused and a target for vandalism and if not to be used for residential purposes is ideal as a nurture unit/teaching and learning (2). However other concerns are raised:

Ownership

- b) Land between 49 and 51 Barker St is included in the application site and is owned by others (4). Half the drive is owned by 51 Barker Street with the remainder owned by 49 Barker Street (3).

- c) Lack of notification to residents with vehicular access over land between 49 and 51 Barker Street [subsequently notified].

Access

- d) Vehicular access is limited to residents at 39-51 Barker Street (2) and is not a vehicular access to the school (2). The access between 49 and 51 Barker Street is an access to the bungalow, not the school (2). There is only pedestrian access to the bungalow. The drive is the route of a public footpath (2).
- e) The drive between 49-51 Barker Street is not suitable as a construction access. Machinery for construction will be too large and will cause damage to property/the drive. Work vehicles should use the main school entrance (2). Services are at shallow depth and a likely to be damaged (there has been a previous water pipe burst).
- f) Previous school projects have caused damage to the drive which have not been properly resurfaced.
- g) It is implied that the new gate would be used to enter/exit the main school buildings. The school entrance gate is at the northern end of Barker Street. The route is not suitable as the entrance to the school.

Access, Safety and Amenity

- h) Obstruction of vehicular access to properties by parents at school start/finish times (2). Poor parking. Abusive behaviour by parents (4) and potential damage to resident's vehicles (2). Increased use of the access by pedestrians and vehicles will increase tension between residents and parents. Lack of road sense by pedestrians when using the public footpath. Danger for children crossing Barker Street.

Security

- i) Lack of site security/safeguarding (3). There is no security, lighting or CCTV at the entrance by the bungalow (3).
- j) Gates are left open after (2) and before school hours [It is unclear if this is a reference to the gate to the school or the palisade gate to the bungalow].
- k) Changes to lighting, CCTV and entrance gate should be included in the application (2). If there are changes to make this a main entrance to the school it should be included in the application.
- l) Fencing is not proposed along the boundary with 51-55 Barker Street (3).
- m) Will replacement gates be the same width as existing?

Amenity and Ecology

- n) Impact of fencing on the hedge/loss of habitat (2). Impact on the public footpath.
- o) Light pollution from the school building.
- p) Noise disturbance from the school alarm (2).

Other matters

- q) Why was the school not suitably sized when rebuilt?

25. The issues raised are considered in the Observations Section of this report.

Observations

- 26. School buildings and the caretaker's bungalow lie within the urban area defined in the Ashfield Local Plan (2002) (ALP) with areas of school playing field outside of the settlement boundary. ALP Saved Policy ST1 *Development* will allow proposals which (amongst other criteria) *will not adversely affect the character, quality, amenity or safety of the environment, ... highway safety or capacity of the transport system*. The proposed development is in a sustainable location to support the needs of the local community.
- 27. Use of the former caretaker's bungalow for educational purposes would provide a suitably remote facility for a nurture unit, detached from the main school but within the wider school campus. Having regard to the siting of the bungalow and distance from the closest residential properties, use of the bungalow for school use and outdoor play would not give rise to unacceptable noise disturbance and loss of residential amenity.
- 28. The representations received do not raise objection to the proposed use of the caretaker's bungalow for educational purposes, but are focussed on land ownership and use of the drive between 49 and 51 Barker Street by vehicular traffic, and use of the drive as a means of pedestrian access to the school. There is a dispute over the ownership of the access drive between 49-51 Barker Street which has emerged in the course of considering the proposal, but is not a matter material to the determination of this planning application.
- 29. The main school entrance is at the northern end of Barker Street. The school is also currently accessed along the drive, which is the route of a public footpath between Barker Street and the bungalow entrance gate, as a means of pedestrian access to the school at start and finish times. The applicant has included land between the school site and Barker Street across third party owned land to demonstrate access to a public highway. Certificate C (a declaration of land ownership supporting a planning application) has been completed in support of the application following publication of a press notice by the applicant, as required by the Development Management Procedure Order.

30. There is no vehicular access to the school along the drive between 49-51 Barker Street. Pedestrian or vehicular access to the school would not change as a result of the proposed development. A condition is recommended to exclude the access drive between 49-51 Barker Street being used as a vehicular access to the existing school site, although it could continue be used as a vehicular access to the bungalow if the appropriate property rights are in place (Condition 5).
31. The applicant may need a vehicular access to be able to carry out proposed works to the building and its grounds, including the erection of fencing. That work could be carried out manually, or with temporary vehicular access through the school site if necessary, although it is likely that there is a right of vehicular access to the bungalow. Rights of access are not material to the determination of this planning application although the applicant will need to be satisfied that appropriate control of land and/or rights are in place in order to carry out work.
32. The issue of site security is raised in representations. Additional works to replace the entrance gate, provide additional fencing to the rear of 51-55 Barker Street, lighting and CCTV may require planning permission but do not form part of the submitted planning application. The school will need to be satisfied that appropriate security and safeguarding measures are in place.
33. The applicant has indicated that the school may be required to admit pupils over their Published Admission Number. Although in the short term the numbers on the school roll may rise slightly, the incidence of poor behaviour outside the school gate is unlikely to materially increase. The school is in the best position to influence the behaviour of parents outside school entrances and although acknowledged as an area of concern to residents is not a matter that can be controlled through the determination of this planning application. The land owners may be able to prevent unauthorised vehicular use of the access drive by parents, but that would be a civil matter.
34. The proposed fence would be sited inside the existing hedge which would remain, and there are no ecological impacts arising. Amenity issues related to school lighting and alarms are not material to the determination of this planning application.
35. Why the replacement school was not suitably sized when rebuilt has been questioned. Funding was made available by the Education Funding Agency to replace not enlarge the school and the demand for additional capacity derives from growth, a lack of school places elsewhere locally and the need to provide a nurture area for best education and learning at the school. The school can accommodate numbers that exceed its design capacity by repurposing other areas of the school and using them as teaching space.

Other Options Considered

36. 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

37. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder, and Safeguarding of Children and Adults at Risk Implications

38. Security fencing would enclose the rear garden of the bungalow, tied in to existing school fencing to create a secured area.

Data Protection and Information Governance

39. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Human Rights Implications

40. 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 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Implications for Sustainability and the Environment

41. These have been considered in the Observations section above.
42. There are no Financial, Human Resources, Public Sector Equality Duty implications or implications for Service Users.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

44. 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 set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

[RHC 21.09.2020]

Financial Comments

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

[RWK 21.09.2020]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Sutton West

Councillor Tom Hollis

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

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