



30 September 2014

Agenda Item:

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

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/01269/FULR3N

**PROPOSAL: ERECTION OF THREE STOREY REPLACEMENT SCHOOL, SPLIT
LEVEL SINGLE AND TWO STOREY SPORTS BUILDING,
REPLACEMENT SPORTS PROVISION INCLUDING NEW FLOOD LIT
MULTI-USE GAMES AREA (MUGA), CAR PARKING, CYCLE PARKING,
LIGHTING AND CCTV, ALTERATION TO PEDESTRIAN ACCESS AND
LANDSCAPING WITH REUSE OF EXISTING WELD MESH SECURITY
FENCE AND 2.4M HIGH NEW WELD MESH SECURITY FENCING.**

**LOCATION: THE NEWARK ACADEMY, LONDON ROAD, NEW BALDERTON,
NEWARK**

**APPLICANT: THE SECRETARY OF STATE, NCC CHILDREN, FAMILIES &
CULTURAL SERVICES AND THE NEWARK ACADEMY**

Purpose of Report

1. To consider a planning application for the demolition of buildings at Newark Academy, London Road, Balderton, and the erection of a three-storey replacement school building with associated sports hall and replacement outdoor sports pitch provision. The key issues relate to loss of playing field and adequate sports pitch re-provision, highway impact, and potential impact on the amenity of neighbouring properties.
2. The recommendation is to approve the development subject to a unilateral undertaking and the conditions set out in Appendix 3.

The Site and Surroundings

3. The Newark Academy (the application site) is a secondary school situated to the east of London Road, New Balderton (B6326) approximately 2.2km to the south-east of Newark town centre, set within a site of approximately 15.7ha (Plan 1). The school presently operates on two school sites. All students are principally educated at the application site (formerly Grove School) and are transported by mini-bus to the former Lilley and Stone School site 1.7km to the north-west for education and sports activities. The existing school buildings on the former Grove School site have a floor area of 7796m².

4. The application site, with a frontage of approximately 115m to London Road is roughly triangular in shape. It is bounded to the north by Grove Leisure Centre and associated car parking principally forward of the building towards London Road, Grove House which is a vacant late Victorian villa, coach house and gardener's cottage, and a watercourse beyond which lies recent residential estate development and allotments. Grove House was formerly Nottinghamshire Learning Centre (NLC), a pupil referral unit for excluded students also providing student support for the wider Newark area. The former NLC is a non-designated heritage asset and stands in its own lawned grounds (not part of the application site) and the wider parkland setting of school playing fields to the east of the Leisure Centre. The coach house and gardener's cottage, approximately 120m to the north-east of the NLC, and separated by a walled garden, are used as a depot by NCC Landscape Maintenance Organisation (LMO). Orchard Special School, providing Key Stage 4 and 5 (ages 14-19) education is located to the north of the watercourse and is accessed from London Road approximately 100m to the north of the application site entrance.
5. The east-coast railway line runs on an embankment along the north-east site boundary. Residential development dating from the 1970s adjoins the site to the east and south-east while Town Council playing fields, including a bowling green, and residential development (a mixture of Victorian terrace and recent terrace and semi-detached houses) on Smith Street lie to the south. Residential development fronts the west side of London Road opposite the application site.
6. The principal school buildings, built between 1955 and 1974 are of single-storey Hallam (timber framed) construction, or two-storey and single-storey CLASP construction, set back approximately 100m from the London Road frontage. At its closest, two-storey development lies 16.5m and single-storey CLASP lies 12m from the boundary with houses on Smith Street. Temporary classrooms are erected at the school, the closest of which is sited 2.5m from the southern site boundary.
7. A floodlit all-weather sand-based playing surface in poor condition is surrounded by a running track used by Newark Athletic Club and is situated to the east of the school buildings. An un-fenced hard court/play area and cricket nets are located to the north of the running track. Other specialist sports are accommodated on the playing fields. With the exception of man-made landscape soil mounding between the school and the running track, and between the running track and the southern site boundary, the site is generally flat. Land to the north and east of the running track is laid out as playing fields. Trees within the playing fields create a parkland setting for the school.
8. Mature trees are established along the boundary between the school and residential properties on Smith Street, returning along the London Road frontage with a mainly grassed area separating the school from the highway. A belt of mixed tree/hedge planting is established adjacent to the staff car park which is located forward of the school buildings towards London Road.

9. To the west of the school buildings a former caretaker's property, refurbished and used by the school as an intervention centre during school hours, is bounded by the site access/egress road and screened by mature trees.
10. The school shares access with the Grove Leisure Centre, which includes a public swimming pool, run by Newark and Sherwood District Council. Leisure centre run squash courts are situated close to the existing school buildings with an electricity sub-station sited to the west (Plan 2).

Access and Movement

11. London Road, a main commuter road between the A1 and Newark town centre is subject to a 30mph speed limit at the point at which it passes the Grove School site and fixed speed cameras are in operation. There are no School – Keep Clear road markings on London Road, although signs warn drivers that they are entering a school zone. There are double yellow lines marked on both sides of the carriageway on London Road in proximity to the school.
12. Vehicular access to the school, leisure centre, Grove House and LMO is via a one-way loop road at the northern end of the London Road frontage, exiting onto London Road centrally on the site frontage. The entrance and exit points lie 45m apart.
13. There is a footway on the southern side of the entrance road within the site, although there is evidence that the verge on the northern side of the road, as well as an informal direct route across grass between the school entrance and London Road adjacent to The Grove public house, are walked by pedestrians. The main student entrance is on the north side of the school, to the east of the squash courts and opposite the Grove Leisure Centre building.
14. Public Footpath (FP) Balderton No. 17 crosses the site, running south from the Leisure Centre and to the west of the school before emerging onto Smith Street opposite the junction with Groveview Road (Plan 2). FP No.23 runs along the southern side of the loop road on the alignment of the existing footway before joining London Road.
15. The Academy has 78 parking spaces (including one disability parking space) located close to the existing school buildings. The drive running between the leisure centre building and the school/squash courts is used to gain maintenance access to the school playing fields. The drive is also used to gain access to the NLC which has space to park 15 cars, but lies outside of the application site.
16. A 139 space car park (including five disability parking spaces) used principally by visitors to the leisure centre but also informally for student drop-off and pick-up is located to the west of Grove Leisure Centre towards London Road. A further two parking spaces and three disability parking spaces with signage identifying them as being for use leisure centre use only lie opposite the student entrance to the school. The car parking associated with the leisure centre lies outside the site subject of this application.

17. A bus waiting area for five buses is provided on the southern (exit) side of the loop road and is used for the transport of students between the school sites, school bus services (four buses), and by buses bringing children to the swimming pool at the Leisure Centre. The site is well served by public transport along London Road with bus stops (northbound and southbound) a maximum of 120m either side of the site entrance.
18. A total of 37 student cycle stands and five covered staff cycle spaces are provided. In addition, cycle parking takes place indiscriminately throughout the site with cycles, in places, secured to railings, suggesting that provision for cycles does not meet demand or that facilities are inappropriately located within the site.
19. London Road has on-road and dedicated off-road cycle paths on both sides of the carriageway linking to Newark town centre, residential areas in New Balderton and a wider cycle network. A Toucan crossing is located on London Road 200m to the south of the school. Several pedestrian refuges are provided in the centre of the carriageway outside and to the north of the school on London Road.

Use and Employment

20. The Newark Academy, across the two school sites, has a design capacity for 1665 students, although the current school roll is 743 pupils (May 2014) including 36 Post-16 pupils. Teaching staff travel between the two school sites and overall 117.5 full-time equivalent staff are employed. The school catchment has historically included New Balderton, urban areas to the south-west of Newark, and rural areas including the settlements of Farndon, Collingham, East Stoke and Cotham.
21. The school teaching day is between 08:45 -15:20 hours Monday – Friday, with extended school hours (Breakfast Club/Homework Club) between 07:00 – 19:00 hours Monday – Friday.
22. The community has access to school facilities and the playing fields outside of school hours with lettings arranged through Grove Leisure Centre until 22:00 hours. At present, it is advised that the only reservation held for the field is by Newark Athletic Club (Tuesday and Thursday 18:30 – 20:30 hours), and may require the use of floodlighting. There are no restrictions on the hours of use of outdoor lighting and the running track could be floodlit until 22:00 hours when in use.

Ecology

23. Bat roosts have been identified in the east facing structure of existing CLASP school buildings.

Flood Risk

24. Although an initial Level 1 Flood Risk Assessment indicated that an area within the boundary of the site may be at high risk of flooding, further investigation

has established that the area of high flood risk lies outside of the application site.

Proposed Development

Background and Planning History

25. 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).
26. Application reference 3/09/01814/OUTR3N (March 2010) granted outline planning permission for the erection of a replacement school (combining the former Grove School and Lilley and Stone School on a single site) within a build zone similar to that now proposed. Although expressed in outline, the application included the erection of a replacement secondary school including a Post-16 with a student body of 1270. At the time of the application, the school had 950 students in Years 7-11 based at the former Grove School site. A condition of the planning permission required that no development was to commence until proposals for the provision of alternative appropriate facilities to mitigate the loss of the running track, including details of the quality, location and a timescale for the provision of such facilities, had been submitted to and approved in writing by the CPA. The proposal was brought forward under the Building Schools for the Future programme. The permission was not implemented and has now lapsed.
27. Newark and Sherwood District Council has granted planning permission (application reference 14/00402/FULM – May 2014) for the erection of a new leisure centre, including a pool hall, sports hall, two squash courts, fitness suite, two exercise studios, cafe, changing rooms and associated administration rooms, car park and for the formation of new access road on land at Bowbridge Road, Newark, 1km to the west of the application site.
28. The applicant advises that there is ambition to provide outdoor sports facilities on land adjoining the new leisure centre development on the site of the former RHP sports ground and adjoining land which is being acquired by the District Council. Proposed facilities could include two football pitches (one with a grandstand), an artificial pitch, athletics track and field facilities, 1.1km cycle track, outdoor and indoor tennis courts, and netball courts, creating a sports hub for Newark.
29. Newark Town Council has committed to make a financial contribution of £500,000 towards the sports hub project. The intention of the District Council is that when land assembly has been completed and a revised Playing Pitch Strategy has been adopted (anticipated September 2014), the site would be leased to Newark Sports Association or to a similar organisation in order to carry out the sports hub development. This would have the advantage that Newark Sports Association would be able to attract third party funding

particularly from the National Governing Bodies of Sports Associations which would not be available to the District Council or Town Council.

30. Newark and Sherwood District Council, at their meeting of the Leisure and Environment Committee held on 2 September 2014, resolved to enter into a memorandum of understanding with Newark Sports Association relating to the proposed development of the sports hub. A planning application has not been submitted for the sports hub.
31. The Academy presently uses facilities at Grove Leisure Centre. The site and buildings are owned by NCC but the Grove Leisure Centre is operated by Newark and Sherwood District Council through a Joint Use agreement. Newark & Sherwood District Council envisage that the new leisure centre (application reference 14/00402/FULM) on Bowbridge Road is to be operational in Spring 2016, at which point the District Council would cease operation of the Grove Leisure Centre, and the site would be returned to the County Council.

Student/Staff Numbers and Built Development

32. Existing school buildings are of Hallam and CLASP construction, in generally poor condition, and are difficult to adapt to provide facilities suitable for modern learning and teaching. It is proposed that the buildings are replaced by a new school building and detached sports hall.
33. Planning permission is sought to erect an 8-form entry secondary school (ages 11-18), designed to accommodate 1360 students including a 160 place Post-16. The Newark Academy would be consolidated on a single site and the overall Academy capacity overall would reduce by 305 places. The former Lilley and Stone site would be returned to the owners, the Lilley and Stone Trust. The trustees would determine future use of the site. Any planning application for development at the site would be determined by Newark and Sherwood District Council.
34. The Academy would operate an extended school day from 07:00-19:00 as at present, with the community able to use of the sports hall and facilities until 22:00 hours. 150 staff (full-time equivalent) would be employed.
35. A three-storey rectangular building with a footprint of 75m x 46m, providing 8841m² of floorspace, would be erected to the east of the existing CLASP school buildings generally on the site of the running track and sand-based all-weather surface. The building would feature an internal open courtyard with a specimen silver birch tree planted in an elevated planter. Mounds to the rear of the existing school buildings and adjacent to the southern site boundary would be retained. The school building would be sited approximately 250m from London Road, 82m from the southern site boundary (90m from the nearest house on Smith Street) and approximately 100m at closest from Grove House.
36. The building, 11.25m in height, would be of flat roof construction and faced with a red facing brick. Dark grey coloured aluminium window frames would incorporate louvres. The window openings would give the elevations a uniform

regimented appearance. Building stairwells would stand proud of the building incorporating full height glazing and coloured panels.

37. The principal building entrance facing towards London Road would be recessed and defined by a canopy. School signage, which may require separate Advertisement Consent from Newark and Sherwood District Council, would be displayed at second to third floor level on the brick elevation adjacent to the entrance.
38. Roof-top plant which would be set back from the roof edge, enclosed by a 1.1m high guardrail and partially screened by the brick parapet of the school building. The air handling unit (12.8m) would be sited centrally on the roof while twin boiler flues would project up to 13.5m above ground level.
39. Classrooms would be provided on three floors, generally positioned on external facing elevations linked by a corridor running around the internal open courtyard and central school hall/dining area. Classrooms and specialist areas for *Discovery*, *Culture* and *Enterprise* would be grouped together throughout the building. Learning Resource and Careers and Special Educational Needs areas would be provided at third floor level around an open courtyard accessible as a break-out area for students.
40. A detached sports hall, activity and fitness studios with associated changing facilities, with a floor area of 1210m², would be provided in a detached building with a footprint of 40m x 34m, sited to the north-west of the new school building and linked by a covered way. At closest the sports hall and school would stand 4.5m apart and the sports hall would be sited approximately 70m from Grove House.
41. The sports hall, 10m in height, would be faced in brick to match the school building at ground floor level with colour coated metal composite panel walling above. Three roof cowls, a maximum height of 11.5m above ground level, would be positioned symmetrically along the length of the sports hall roof. The area of the building to be used as fitness/activity studios would be 5.8m in height with the changing and storage areas 4.5m in height. The air handling unit to be installed on the roof above the stores building would be screened by a parapet wall on the elevation facing towards London Road.
42. Secure cycle parking for 300 cycles enclosed by 2.4m high weldmesh fencing, 80 of which would be covered, would be provided to the west of the sports hall. An adjoining sprinkler tank and pump house would be enclosed on its north and western sides by a 3.5m high timber screen.
43. A multi-use games area (approximately 47m x 37m) enclosed by 3.0m high weldmesh fencing would be provided to the north of the sports hall. The area would be floodlit by lighting installed on 6m high columns. The multi-use games area at closest would be positioned 60m from Grove House and 130m from the nearest house on Glebe Park. 2.4m high security weldmesh fencing would extend westward from the multi-use games area to join the boundary with Grove House. The multi-use games area would be available for hire by the community and could be lit until 22:00 hours.

44. An unlit area of hard play approximately 35m x 32.5m would be provided to the north of the multi-use games area.
45. The school kitchen would be provided in the south-west corner of the new school building. A service area, secured by 2.4m high weldmesh fencing and a secure bin store and mini-bus parking area enclosed by 2.4m high timber fencing would be provided adjacent. The mini-bus parking area would be a minimum of 75m from the nearest house on Smith Street and the area would be visually screened by the retained earth mound adjacent to the southern site boundary.
46. An outdoor dining terrace and an allotment/food technology area would be provided adjoining the southern elevation of the school.
47. Following occupation of the new buildings, existing school buildings, including squash courts, would be demolished. An electricity sub-station adjacent to the squash courts would be retained.

Access, Car Parking and Pedestrian Movement

48. Vehicular access and egress from London Road would remain largely as at present, other than a minor modification to the northern side of the entrance. Although not forming part of the application site, vehicular access would continue to be provided to The Grove Leisure Centre, Grove House and the LMO. One additional bus set-down and pick-up space would be provided on the southern side of the exit drive.
49. Although the car park at the Grove Leisure Centre would be available for drop-off and pick-up by parents, they would do so on an informal basis.
50. Following demolition of the squash courts, a vehicle circulation area would be provided around the retained sub-station, with five places for parent drop-off and pick-up provided parallel to the main pedestrian entrance route to the school.
51. An access road (permitting two-way traffic movement) would be provided adjacent to the Grove Leisure Centre, providing vehicular access to two areas of staff parking (57 spaces), 10 visitor car parking spaces and five disability parking spaces. The parking areas would be provided 35m to the south and south-east of Grove House and would lie 60m from the main school entrance with disability parking spaces provided closest to the school building.
52. An existing area of staff car parking at the front of the school, would be retained, modified and enlarged to provide 36 parking spaces. The car park would be located approximately 160m from the new school building. Service traffic for deliveries, access to school kitchens and refuse collection vehicles would pass through the car park before turning eastward along a dedicated service road leading to a turning head adjacent to the south-west corner of the school.
53. The path on the southern side of the entry access road from London Road would be removed and a 3.0m wide path suitable for shared use by both

pedestrians and cyclists would be provided on the northern side of the carriageway. Bollards or some other means by which to prevent vehicles from driving up the kerb and parking on the pedestrian/cycle route would be provided although the detail has not been provided in the submission. A new pedestrian path from The Grove public house on London Road to the bus set-down and pick-up area would be provided, following the alignment of the well walked route across the area of grass and mature trees adjacent to the site frontage. Retained security fencing between properties on Smith Street and the existing school car park (which would be bounded by a new hedge) would deter pedestrians from trying to gain access to the school along the school service road.

54. Pedestrian/cycle routes to the school building within the site would cross roads at two points on raised platforms, and would be designed to give priority to pedestrians. The raised platforms would be provided on the alignment of FP 17. Three pedestrian routes into the site from London Road and the public footpath from Smith Street would converge within the site, and a 4m wide path shared by pedestrians and cycles would run parallel to a grassed area to be reserved as future potential playing pitch (Paragraph 60), leading to an arrival plaza in front of the school building and sports hall entrance.

Replacement Sports Provision and Community Use

55. The siting of new built development would result in the loss of the existing sand-based all-weather pitch and the training running track surrounding it. The joint applicants have engaged with Newark & Sherwood District Council, Newark Athletic Club and Sport England to determine how temporary and permanent replacement facilities are to be provided in the context of assisting the various sports clubs and associations achieve their aspiration of a new Sports Hub in Newark.
56. The applicant advises that The Newark Academy is committed to supporting their community and wherever possible by making their current and proposed facilities available to the community. On commencement of building work The Newark Academy and the contractor would provide access to suitable athletics provision on the remainder of the school playing field. This would include a marked grass running track and suitable lighting.
57. The applicant accepts the need to re-provide sports facilities in mitigation for outdoor sports facilities that would otherwise be lost. The applicants wish to support the longer term aspiration of the local sporting associations to develop a new local Sports Hub providing extensive and enhanced facilities for the local community. As the necessary land acquisitions and funding necessary to secure this Sports Hub development are not yet in place NCC, as joint applicant to this proposal, proposes to commit through a unilateral undertaking to provide a contribution capped in the sum of £1,000,000 towards the provision of a new athletics track and all-weather pitch at the Sports Hub. The unilateral undertaking has not yet been sealed as work is currently being undertaken to determine appropriate triggers at which stage funding would be released.

58. It is proposed that should the Sports Hub development not be commenced within 5 years of the existing facilities becoming unavailable through the building of the school building subject of this application, and it is agreed by all parties that the Sports Hub aspiration can no longer be pursued, Nottinghamshire County Council have agreed with The Newark Academy that the County Council would provide an appropriate all-weather pitch and athletics running track on the application site to meet the curriculum requirements of the school, which would be made available to the community in line with the community philosophy of The Newark Academy. Alternatively, should the Academy wish to secure enhanced facilities to those proposed by the County Council, the County Council would consider making the capped contribution available to the Academy toward their provision of a permanent replacement all-weather pitch and athletics running track.
59. A grassed area suitable for sport 90m x 58m (including run-off area) would be provided to the north of the school building. The area would partially incorporate an existing area of grass playing field, and the new surface would be constructed and formed to a standard at least equivalent to that already provided. Playing field to the north and east of the school build zone would remain as at present.
60. A grassed area 100m x 65m (including run-off area) would be provided to the west of the new school building, generally on the site of the school buildings that would be demolished. The area would have the potential to be developed as an all-weather pitch should the mitigation proposed at the off-site Sports Hub not be realised.

Trees, Landscaping and Ecology

61. The siting of the school building and adjoining hard surfaced area would require one lime tree to be felled, with a further four lime trees needing to be removed to accommodate the main pedestrian route to the school entrance, access to the service area. Four replacement lime trees would be planted in a row alongside the pedestrian route to the school plaza.
62. A group of 10 cypress trees within beech hedging adjacent to the intervention centre would be removed, as well as a common beech and a sycamore tree adjacent to the sub-station. The intervention centre would be demolished and the area landscaped. Hawthorn, wild cherry and mountain ash trees at the entrance to the existing staff car park or in front of the school to be demolished would be felled. Established trees within the group of Hallam and CLASP buildings to be demolished would be retained, and would stand in the area in front of the new school which could be developed in the future as a playing pitch.
63. A mixed group of trees forming a hedge on the western side of the existing staff car park would be replaced by purple beech hedging, and hedging would be provided to screen the retained sub-station, and also planted as a visual and physical barrier directing pedestrians to the path leading towards

the school building entrance. A purple beech hedge would also be planted to visually screen the vehicle service turning area from general view from the front of the school.

64. Areas of mixed native woodland (including specimen oak, hawthorn, cherry and silver birch) would be planted adjacent to the site boundary with Grove House to the west of the car park, to the north of the sprinkler tank.
65. The existing footway on the southern side of the vehicular entrance would be replaced by grass.
66. The ecological/bat survey supporting the application recommends that further survey work is undertaken. Although not initially provided with the application, a Bat Method Statement has been submitted. A licence may be required if bats are found following bat emergence/re-entry surveys. The provision of bat sensitive features, such as the installation of bat boxes and directional lighting, and night-scented species that attract insects is recommended.
67. The provision of a range of bird box designs installed in suitable locations on trees and buildings to increase nesting opportunities for birds is identified in the ecological report.

Site Security

68. The school site would not be wholly enclosed by site security fencing and existing site boundary treatments would be retained. A secured line across the site would be formed between Grove House and Smith Street through a combination of the new school and sports hall buildings, and MUGA fencing, linked by 2.4m high security fencing. Fencing around the existing staff car park would be retained and would discourage pedestrian access to the school service road from Smith Street and the public parkland area adjoining London Road.
69. Pole mounted CCTV cameras would be installed providing surveillance of the car park closest to London Road and the school entrance plaza, with wall mounted cameras fixed to corners of the school building and sports hall.

Sustainability

70. The proposed development would incorporate sustainable features in its design; high levels of thermal insulation, the use of natural in addition to mechanical ventilation, natural day lighting, sustainably sourced timber, recycling facilities, low water use, and the provision of dedicated cycle storage facilities.

Phased Development

71. During the construction phase, the build zone which would be secured by construction fencing, would be accessed along the existing drive used by school service traffic and to access Grove House. No construction vehicle activity would take place along the access route at the beginning or end of the school day, and construction vehicles would be escorted at all times. The

access drive would be provided with a crossing point permitting Academy access to the playing fields and the school fire assembly point. Academy staff and visitor car parking would be retained at the front of the existing school during the period of construction.

72. Following decant to the new school building, the existing school buildings would be demolished. No vehicle activity would take place along the access route throughout the period of demolition at the beginning or end of the school day. The area closest to the leisure centre would be demolished first, with the cleared area partially developed to provide new school car parking. Demolition traffic would access the former school site from the one-way access loop road. The car park closest to London Road would be retained for use by the school throughout this period of work.
73. In the final phase of demolition, the original school car park closest to London Road would be unavailable to the school, but by that time alternative parking provision would have been made available for school operational needs. Temporary vehicular access would need to be provided across the front of the school while the new school service road is constructed.

Consultations

74. **Newark & Sherwood District Council (N&SDC)** - Support the proposal in principle – *The renewal of the School, which is a key secondary education provision within the Newark and Balderton area, is welcomed and will significantly enhance education provision within the District. Re-providing sports pitch provision at an equivalent or better level is critical.*
75. *N&SDC has been involved in pre-application discussions between NCC, Sport England and latterly the Athletics Club in order to ensure that any sports provision lost is re-provided. Specifically N&SDC agree with Sport England and NCC colleagues that there will be a need to provide athletics facilities and an all-weather pitch.*
76. *Sport England and NCC colleagues are aware of N&SDC aspiration to create a Sports Hub on land off Bowbridge Road adjacent to the recently approved new leisure centre. The timescales for the Sports Hub, and critically the content of which sports and facilities will be provided, remains unknown and will be linked to ongoing discussions with users, sports clubs, and the outcome of a District wide Playing Pitch Strategy expected in October 2014. N&SDC have indicated that every attempt will be made to accommodate (on N&SDC land) any provision required to be relocated from the [former Grove School] site albeit this is of course subject to the constraints of both the size of the site and range of sports/facilities that need to be accommodated. N&SDC would be happy to use best endeavours to achieve this with all partners (including NCC, the Athletics Club, and Newark Sports Association), albeit if full re-provision of an athletics facility and all weather pitch cannot be provided within a reasonable timescale (as can be advised by Sport England and engagement with the Athletic Club) a fall-back position needs to be established.*

77. *The principle of the level of payment to be set out in the unilateral undertaking and its provision for the athletics track and all weather pitch is agreed. There remain some concerns with the mechanism to release monies, and to which bodies monies should be released.*

[Comment: N&SDC has submitted comments under separate cover on the controls required in the unilateral undertaking].

78. N&SDC Environmental Health Officer is satisfied with proposals for external site lighting. Lighting needs to be designed and installed to minimise light intrusion to neighbouring properties.
79. *It is appropriate to condition the hours of operation of the external sports provision due to the presence of the external lighting and the proximity to neighbouring dwellings. Whilst it is not considered to cause unacceptable impacts it is necessary to consider their future amenity given the increased intensity of the sports facilities. This is also proposed as a community facility and therefore there is a reasonable expectation that it will be used out of normal school days and hours. It is not considered reasonable to restrict the use of the outdoor provision to term time only, to allow the facilities to be used independent of the school.*
80. The Business Manager for Community, Sports and Arts Development does not object in principle subject to appropriate and satisfactory re-provision for sport which is subject to the unilateral undertaking.
81. **Balderton Parish Council** – *The provision of only five parent drop-off spaces is considered to be inadequate. Many pupils are transported to and from school by car, and many drivers presently use the adjacent Grove Leisure Centre car park. However this will not be available once the new Sports Hub is built in Newark. Where will these cars be safely parked, particularly when waiting for pupils at the end of the school day?*
82. **NCC Highways Development Control** – No objection subject to conditions. *The development is located on an existing school site which benefits from established patterns of travel for pupils and staff which mainly rely upon walking and cycling. Although there will be a planned increase in the overall size of the school, given the already existing travel patterns and the inclusion within the application of a strong School Travel Plan promoting further sustainable travel measures, it is considered that the development will not have a significant impact on London Road or the vehicular access to, or egress from the site.*
83. *Parking for staff, visitors and disabled users is proposed to increase from 87 to 108 spaces, which is considered to be appropriate for the scale of the development on the site where an increase in staff employed (full-time equivalent) is anticipated to increase from 117.5 to 150. The school will need to manage the use of parking spaces.*
84. *For those parents wishing to drop-off or pick up their children at the school there will be a further five dedicated spaces created. In light of the fact that the*

existing parking at the Leisure Centre may at some time become permanently unavailable the school will need to ensure that they also effectively manage the five drop-off/pick-up spaces and this is also included in the School Travel Plan.

85. *NPPF Promoting Sustainable Transport Paragraph 32 has been taken into account, which advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Traffic management measures on London Road and nearby streets are already well established to control parking. 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. Operational car parking would be satisfactorily accommodated within the application site, and the traffic impacts associated with the replacement school are considered to be acceptable. Service access within the site would be segregated from pedestrian movement and is considered to be satisfactory.*
86. *The introduction of a footway on the northern side of the access road from London Road is welcome. The path would be suitable for shared use by both pedestrians and cyclists. Pedestrians within the site would need to cross routes used by vehicular traffic in two locations and at each point the use of raised platforms would give priority to pedestrians and cyclists over vehicles. Cycling, as an alternative and sustainable means of travel to school by both staff and students is to be encouraged and the proposed provision of 300 cycle parking spaces, initially 80 of which would be covered, is welcome. The number of covered spaces is considered to be acceptable and demand and future provision of additional covered cycle spaces should be included in the School Travel Plan. Cycle parking spaces are proposed behind the secured fence-line of the school, offering an appropriate level of security throughout the school day.*
87. *Conditions are recommended to require; the submission of an environmental management plan for the lorry routing of construction traffic, measures to prevent the deposit of debris on the highway, segregation of construction vehicle and pedestrian movements on the site, and a scheme for recycling/disposal of surplus soils and waste; the provision of car parking spaces and the service area before development is brought into use; and submission of a School Travel Plan.*
88. *In response to the drop-off/pick-up issue raised by Balderton Parish Council NCC Highways Development Control advises: In most schools there is no provision within the school grounds for parents to drop off/pick up their children by car. The reason for this is mainly related to safety, as there is a desire to ensure that the potential conflicts between vehicles and pedestrians are minimised which is especially the case in a school environment. Whilst it is acknowledged that some parents use the present parking facilities at the leisure centre this will, as the Parish Council have identified, not be available in the future and it is therefore fortunate that, within the proposed new school layout, it will be possible to have the five places identified. The school will need to carefully manage the proposed drop off/pick-up point as well as the overall travel options to the site through its School Travel Plan, which will also need to ensure that parking outside of the school does not cause problems.*

89. *Whilst parking in the vicinity of schools at their opening and closing times can be of concern, it is unlikely that the schools involved will have either the space or the finance to provide dedicated off road parking for all the parents that might wish to use their cars. There are traffic management measures on both London Road and nearby streets to control parking which together with the proper implementation of the School Travel Plan should ensure that both parents and pupils are encouraged to use alternatives to the car.*
90. **NCC School Bus Logistics** – No response received.
91. **NCC Road Safety Team** – *Reported injury accidents within the vicinity of the school include four casualties of school age from 1 November 2011 - 30 April 2014. Two of these involved a pedal cyclist, one of which was serious, the other two were pedestrians.*
92. *It is anticipated that the proposals will intensify the existing usage which may in future years exacerbate the above. London Road has been a problem with reported injury accidents for a number of years, and additional measures to improve road safety would be welcomed. It should be noted that the School Travel Plan and the introduction of a 20mph within the vicinity of the school are not necessarily the most appropriate measures to address these problems in the long term.*
93. *The redevelopment appears to retain the existing site boundary and access points. Consideration should be given to provision of pedestrian guardrail if appropriate and the existing school signage should be reviewed on London Road.*
94. *It is also suggested that the School Travel Plan should include a programme of education and cycle training as part of its ongoing action plan.*
95. **NCC Countryside Access Team** – *There are two public rights of way within the site, FP 17 running from Smith Street to the leisure centre, and FP 23 running from London Road to FP 17. Both routes are shown as retained, so a permanent diversion order is not needed. The contractor should discuss a temporary closure of the rights of way when they come to construct the two Pedestrian Priority Crossings.*
96. **NCC Design Review** – *Supportive of the proposal. The new building will be a huge improvement on the existing facilities. The siting seems reasonable and practical. However being set so far back from the road with a long walk from the car park may reduce community use and there may be misuse of the frontage. An opinion should be sought from the Police Force Architectural Liaison Officer.*
97. *The appearance is very monolithic. There is reference to a ‘collegic’ approach, however with children just out of primary school this may feel very imposing which may not be entirely appropriate. Setting the development back from the boundary has reduced the impact of such a large building.*

98. *Red brick is an appropriate material with the local surrounds being largely brick.*
99. *It is felt that the entrance appears to be poorly expressed, especially with the distance from the car park, and there is missed opportunity to provide a distinct entrance.*
100. *Whilst the stairs are proud of the building, this could be better emphasised by a change in colour.*
101. *The location of the hall means that community use may be more difficult to manage due to its distance from the entrance. This is an issue for the school to manage.*
102. **Energy and Carbon Management Team** – *Whilst the right approach is proposed, seeking to optimise the fabric and passive elements to achieve energy efficiency, renewable energy generation provides a good opportunity to link in to educating youngsters about the issues and opportunities around energy and climate change, non-renewable resources, etc.*
103. *On-site renewable energy can provide an income stream to the school through Feed in Tariffs for electricity generation (e.g. from PVs), and Renewable Heat Incentive payments for consumed renewable heat. More account could be taken of the implications for long term running costs. For example, whilst mention is made of energy efficient lighting, more use could be made of LED lighting where appropriate.*
104. *Schools should be models of best practice for low carbon, aspiring to deliver associated educational opportunities and reduced running costs and or long term incomes streams.*
105. **Sport England** – *No objection subject to completion of a unilateral undertaking which secures the agreed contribution towards the replacement athletics track and artificial grass pitch, and recommended conditions being attached to the decision notice. Sport England will object if the unilateral undertaking is not secured and the conditions are not imposed.*
106. *The proposed development results in the loss of playing field area including the existing running track and artificial grass pitch. The application includes the construction of a new 4-court sports hall on site to replace the school element lost following the [future] closure of the existing dual use leisure centre and replacement with a new leisure centre off-site. In addition the proposal includes the construction of a hard surfaced court area.*
107. *It is understood that the academy are keen to continue and develop the joint use of the school facilities by both the students and the community. Indeed the school have agreed to continue to work with Newark Athletics Club and the application provides for a floodlit grass running track on a temporary basis until such time as a permanent replacement is available.*
108. *The application includes a draft unilateral undertaking by Nottinghamshire County Council to provide a financial contribution of £1m as mitigation for the*

loss and replacement of the existing school athletics track and artificial grass pitch. This mitigation proposal and contribution figure is supported in principle by Sport England.

109. *The new sports hall and the hard surface games court would be constructed on part of the existing playing field area. Sport England policy would normally support the development of sports facilities which have sufficient benefit to sport as to outweigh the loss of the playing field area. In this particular case the facilities would be considered acceptable if they are made available for use by the community and built in accordance with appropriate design guidance.*
110. *Two areas of the site which contain existing school buildings and part of the athletics track and artificial grass pitch are to be returned to open space use as part of the development but may in the future be provided as playing field. Indeed the area which would be provided may be the site of a future artificial grass pitch dependant on the outcome of other discussions. The area to the north of the proposed school should be constructed as playing field as part replacement for that which would be lost.*
111. Sport England does not object subject to the completion of the unilateral undertaking which secures the contribution towards the replacement athletics track and artificial grass pitch, and conditions to require the provision of temporary athletic provision until permanent athletic provision is substantially completed in compliance with the unilateral undertaking; a baseline assessment of existing grass playing field that is to be re-provided as playing field; details of replacement sports pitch, hard play and multi-use games area construction and entry into a community use agreement for the use of sports facilities.
112. **NCC Land Reclamation Team** – No objection subject to conditions for site investigation and remediation and full asbestos survey undertaken prior to demolition.
113. **NCC Project Engineer (Noise)** – No objection subject to conditions limiting construction noise (including submission of a construction environmental noise management plan incorporating noise mitigation measures in the event of a complaint), a restriction on construction working hours, and controls over operational noise levels arising from use of the MUGA and fixed plant.
114. **NCC Built Heritage Team** – No objection. *The significance of heritage assets has been appropriately assessed as required by the National Planning Policy Framework. The proposed development will not give rise to significant harm to Grove House, a non-designated heritage asset.*
115. **NCC Archaeology Team** – *While the archaeological assessment submitted in support of this application suggests that the potential for archaeological is low, a nearby site has produced extensive Iron Age/Roman archaeology. The proposed site is located within close proximity to areas of known archaeology including important Civil War sites. Any buried archaeological remains at the site would offer an opportunity to address specific research priorities within the county. A condition is recommended requiring the submission of a scheme of*

archaeological treatment for the stripping, mapping, recording and sampling of the archaeology of the site.

116. **Natural England** – No objection. *The proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England has not assessed this application in relation to protected species and Natural England standing advice should be applied [appropriate ecological surveys including bat surveys to be carried out].*
117. *In accordance with Paragraph 118 of the National Planning Policy Framework, this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the provision of roosting opportunities for bats or the installation of bird nest boxes.*
118. **NCC Ecology Team** – *Survey information supporting the application is up to date. No designated sites would be affected by the proposals. No significant areas of notable habitat have been found on the site. The site is comprised predominantly of amenity grass, hard standing and buildings, with small areas of species-poor hedgerow, broad-leaved plantation woodland, scattered trees, tall ruderal habitat and a ditch also present; the majority of these latter habitats would not be affected by the proposals, or would be retained within the site landscaping.*
119. *With the exception of bats, no evidence of, and limited potential for protected species has been identified on the site, and no further surveys have been recommended, although several mitigation measures are proposed. With regards to bats the buildings on the Newark Academy site were found to provide roosting opportunities for crevice roosting bats, and the surrounding habitat and good connectivity with nearby features make the site highly suitable for foraging and commuting bats. Bat surveys were carried out in 2013 and 2014, and four roost sites identified in the south-eastern part of the existing school complex.*
120. *All species of bat are European protected species, by virtue of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations), which implement Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Under regulation 53 of the Habitats Regulations, activities which would otherwise contravene the strict protection regime offered to European protected species under regulation 41 (which includes the destruction of roost sites) can only be permitted where it has been shown that certain tests have been met. Within the context of a planning application, these are that;*
- a) *the activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest;*
 - b) *there is no satisfactory alternative*
 - c) *the favourable conservation status of the species in question is to be maintained*

121. *Furthermore, under regulation 9(5) of the Habitats Regulations, local planning authorities, in the exercise of their functions, have a statutory duty to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. What this means is that consideration must be given (during the determination process) to whether or not the three tests outlined above have been met.*

122. *It is concluded that the 'three tests' all are met as a) the development relates to the provision of a modern school b) retention of the existing school buildings is not a satisfactory alternative and c) the favourable conservation status of common pipistrelle will not be affected. Appropriate mitigation has been outlined in a Bat Method Statement. Nevertheless, due to the presence of roosting bats any works to the south and east buildings will need to be carried out under a European Protected Species licence issued by Natural England.*

123. *The site landscape plan indicates that an extensive area of meadow grassland would be created along the southern side of the site, with new hedges/shrubs and trees elsewhere. This is welcomed, as it has the potential to provide a significant enhancement to the biodiversity value of the site. All native species seed and plant stock should be certified to be of native genetic origin.*

124. Planning conditions are recommended to control vegetation clearance during the bird nesting season; to use safe working practices during construction with regard to mammals; the submission of a detailed landscaping plan to include details of species mixes, establishment methods and maintenance regimes; the production of a Landscape Management Plan to guide ongoing management of created and retained habitats; and the installation of bat and bird boxes to enhance biodiversity.

[Comment: Details of the proposed seed mix has been submitted and is referenced in recommended Condition 3t)].

125. **Nottinghamshire Wildlife Trust** – *Three active bat roosts have been identified. However no information regarding roost characterisation is provided. In order to inform the application for a European Protected Species licence, it is likely that further bat survey work will be required. More information should be provided prior to determination of the application in order to ascertain the status of the roosts which will in turn enable assessment of planned mitigation.*

[Comment: Additional information has been submitted and reviewed by NCC Ecology Team that addresses the issue raised above].

126. *Should any works be proposed which could impact on two trees identified as having medium bat roost potential, further bat surveys will need to be undertaken.*

[Comment: The two trees identified are not affected by the proposed development].

127. *The following measures should be secured by planning condition: vegetation clearance outside the bird nesting season other than following a survey by a suitably qualified ecologist; use of safe working practices during construction with regard to mammals; inclusion of artificial bird nesting opportunity for species of conservation concern, such as house sparrow and swift, within the fabric of the new buildings; detail of proposed planting mixes to include locally appropriate native species of trees, shrubs, wildflowers and grasses; development and adoption of a Biodiversity Management Plan for the site; and, use of bat friendly lighting throughout the development, including use of directional lighting pointed towards the ground, away from habitat features.*
128. **NCC Landscape Team** – NCC Landscape Team support the proposal to set the proposed buildings deep into the site. *The proposed buildings will be effectively screened by existing mature tree planting to the London Road frontage and views from neighbouring properties on Smith Street will be screened by existing vegetation and mounds which are to be retained.*
129. *The 4m wide tree lined boulevard providing a shared surface for pedestrians and cyclists leading to the new buildings is welcomed but the trees will require regular maintenance. This will need to be built into the cost of maintenance of the school grounds.*
130. *The existing mature Lime trees to the site boundary with London Road are to be retained. Proposed tree planting will connect with the existing stand of lime trees.*
131. *Submitted tree pit details are acceptable. The proposed species of lime tree avoid the issue of aphid residue and are appropriate. Beech hedging is suitable. Proposed wildflower seed mixes are acceptable but are likely to require specialised maintenance if they are maintained as wildflower meadows, and this will need to be built into the cost of maintenance of the school grounds.*
132. *Proposed security weldmesh fencing will need to provide the level of security employed at NCC schools and details should be required by planning condition.*
133. *Planning conditions should be applied to protect the existing trees, including their root protection areas as described in the arboricultural assessment supporting the application. The loss of trees would be mitigated by the proposed avenue planting.*
134. **NCC Forestry and Arboriculture Team** – No response received.
135. **Network Rail** – No objection in principle. To prevent objects from being hit onto the electrified railway 3.65m high netting at the end of the adjacent playing pitch will be required, erected along the site boundary.
136. Property requirements in relation to site drainage, security of the site boundary, encroachment on to Network Rail property, trees, shrubs and landscaping, and lighting are provided in the consultation response.

137. **Environment Agency** – No objection subject to development being carried out in accordance with the Flood Risk Assessment submitted in support of the application, and conditions to require the submission of a surface water drainage scheme (incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development), and the floor level of the school building and sports hall being set at 18.20m (as specified in the application).
138. **Trent Valley Internal Drainage Board** – No response received.
139. **Severn Trent Water Limited** – No objection subject to a condition requiring the submission of details of foul and surface water drainage.
140. **Western Power Distribution** – No objection. Western Power Distribution has a sub-station currently under a lease agreement within this site, and an easement covering electricity cables on the site.
141. **National Grid (Gas)** – National Grid has identified apparatus in the vicinity of the site which may be affected by the proposed development.
142. **Police Force Architectural Liaison Officer** – No response received.

Publicity

143. 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.
144. One letter has been received. Newark Athletic Club advises that they use the current track and other facilities, on which the new school would be built, all year round. The needs of Newark Athletic Club have been fully considered.
145. Councillor Keith Walker has been notified of the application.
146. The issues raised are considered in the Observations Section of this report.

Observations

Strategic Education Provision

147. The Newark Academy is the sample school being promoted through the Nottinghamshire tranche of the Priority Schools Building Programme. 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 proposal would consolidate the split school on a single site. Although there is a current school roll of 743, the Academy could accommodate a significantly greater number of pupils on the site in existing buildings, without the need for planning permission.

148. Great importance is attached to ensuring that sufficient choice of school places is available to meet the needs of new and existing communities in National Planning Policy Framework (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). 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

149. 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. Although planning permission has now lapsed, Members should also be mindful that planning permission has previously been granted for a school for 1270 students. Newark and Sherwood Local Development Framework Allocations and Development Management DPD (July 2013) (N&SDM) Policy DM5 *Design* requires consideration of safe and inclusive access and as many alternative modes of transport as possible. Parking provision for vehicles and cycles should be based on the scale and specific location of the development.
150. The proposed development would increase the floor area of school building on the application site (excluding the sports hall) by approximately 13%. Vehicle trips are expected to increase by 36%. The consultation response from NCC Highways Development Control comprehensively sets out highway and traffic related considerations and it is noted that the development is not anticipated to have a significant impact on London Road or the vehicular access to, or egress from the site.
151. A robust School Travel Plan that is both deliverable and enforceable will be required to maximise the use of non-car modes of transport. The site is located adjacent to a public bus route, measures are proposed to encourage increased travel to school by cycle and car sharing is proposed, all of which are considered to be sustainable.
152. The proposed number of covered cycle spaces is considered to be acceptable for the current school roll and demand and future provision of additional covered cycle spaces should be included in the School Travel Plan (Condition 30). Cycle parking spaces, behind the secured fence-line of the school, would have an appropriate level of security throughout the school day. It is considered that the development would be in compliance with the parking and access requirements of N&SDM Policy DM5 *Design*.
153. NCC Road Safety Team has drawn attention to reported injury accidents. The school is included in the programme to provide 20mph zones outside schools throughout the County, but it has been identified that this may not be the most appropriate measures to address the problem, in the long term. An appropriate

review of conditions on London Road would take place when the introduction of a 20mph speed limit is considered. Existing school signage on London Road should be reviewed. Although this may have already taken place as part of the wider County Council initiative before the replacement school is brought into use, it is relevant to the development to be permitted and an appropriate condition is recommended (Condition 32).

154. Balderton Parish Council has raised concern over the adequacy of providing five spaces for parent drop-off and pick-up. NCC Highways Development Control has identified that traffic management measures on London Road and nearby streets are in place to control parking. 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. In the short term parents would, on an informal basis, continue to use the car park at the adjacent leisure centre. However, the leisure centre and its car park does not form part of this planning application and future impact, should the leisure centre car park no longer be available for parent parking needs to be considered by Members.
155. It is considered that operational car parking demand for staff, visitors, disability and servicing would be satisfactorily accommodated within the application site. Although access to car parking spaces would not be secured, use of the parking spaces and possible unauthorised parking by parents would be a matter to be managed and enforced by the Academy. Service access within the site would be segregated from pedestrian movement and is considered to be satisfactory.
156. The introduction of a footway on the northern side of the access road from London Road is welcome. The detail and implementation of means to prevent drivers from parking on a main pedestrian route to the school (Paragraph 53) is the subject of recommended Condition 4. The path is of appropriate width and suitable for shared use by both pedestrians and cyclists. Pedestrians within the site would need to cross routes used by vehicular traffic in two locations, and at each point the use of raised platforms would give priority to pedestrians and cyclists over vehicles. The submission of design detail at the crossing points is the subject of recommended Condition 19.
157. An Informative is recommended drawing attention to the need to discuss a temporary closure of the right of way during the construction of the raised platforms (Note 3).

Built Development and Landscape Impact

158. N&SDM Policy DM5 *Design* requires development to be assessed against criteria of amenity with consideration to the layout, separation from neighbouring development and impacts of overbearing and loss of privacy. Character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Where possible, natural features of importance within or adjacent to the development site should be protected and enhanced.

159. The proposed three storey school building and adjoining sports hall would occupy a smaller and cohesive building footprint than the range of existing school buildings. It is considered that built development, principally sited on the existing running track and at closest 90m from the nearest property on Smith Street, would not give rise to loss of privacy from overlooking and would be acceptable in terms of impact on residential amenity. The use of red brick in external elevations is reflective of nearby residential properties and considered to be acceptable. The submission of samples and a schedule of proposed external finishes is the subject of recommended Condition 16.
160. NCC Design Review (Paragraph 96) has drawn attention to the opportunity to provide a distinct entrance to the school building. In response, the applicant has drawn attention to the building entrance being one element which needs to be considered in combination with the landscape design. The proposed plaza in front of the school building would form an arrival point after passing along a 4m wide pedestrian entrance boulevard through an enhanced parkland setting, and is considered to be acceptable. The entrance to the school building would be identified by signage applied to the elevation of the building, although the need for Advertisement Consent for the display of signage would be a matter to be considered by Newark and Sherwood District Council.
161. Preference should be given to the retention of trees classified as being Category B, but where they cannot be feasibly kept without compromising design, appropriate replacement planting should take place in mitigation. Category B lime trees would need to be removed to accommodate the development, but form part of a group which reduces the significance of their loss. Proposed replacement tree planting is considered to be acceptable and the proposal would be in compliance with criteria related to the built form of development and landscape of N&SDM Policy DM5 *Design*.
162. There is on-going discussion about the provision of temporary fencing while the new hedge along the western side of the car park, closest to Public Footpath Balderton No.17 becomes established. Existing fencing could be reduced in height and retained, or new temporary fencing provided. The option chosen should seek to discourage pedestrians from attempting to walk through the hedge-line to short-cut to or from the school, and the submission of details is the subject of recommended Condition 21.

Heritage Impact and Archaeology

163. The applicant has described the significance of heritage assets affected, as required by NPPF Paragraph 128. NPPF Paragraph 135 advises that the effect of proposed development on the significance of a non-designated heritage asset should be taken into account in determining an application, and that a balanced judgement will be required having regard to the scale of any harm or loss.
164. Newark and Sherwood Local Development Framework Core Strategy DPD (N&SCS) (March 2011) Policy 14 *Historic Environment* seeks to secure the continued preservation and enhancement of the character, appearance and

setting of the District's heritage assets and other cultural assets of significant value.

165. N&SDM Policy DM9 *Protecting and Enhancing the Historic Environment* advises that all development proposals affecting heritage assets and their settings should be appropriately sited and designed. Where development proposals requiring planning permission involve demolition, the resulting impact on heritage assets is to be assessed under this policy.
166. The scale and massing of the sports hall, and the principal school building at a greater distance from Grove House, is considered to be acceptable. Views from Grove House towards areas of car parking, cycle parking and the sprinkler tank enclosure would be filtered by proposed planting. The siting of the sprinkler tank enclosure would visually punctuate the elevation of the sports hall. The replacement MUGA would be lit during darker evenings, but the impact of lighting, with lux levels falling away rapidly beyond the playing surface, would minimise impact on the setting of the non-designated heritage asset.
167. The demolition of existing school buildings would enhance the setting of Grove House and the proposal is considered to be acceptable with regard to N&SDM Policy DM9 *Protecting and Enhancing the Historic Environment*. When viewed from London Road, the existing parkland setting of the school would be retained and enhanced by the additional green space provided on the reinstated site of the existing school buildings. It is considered that the sports hall would be suitably sited in relation to Grove House, and the impacts of development would not give rise to significant harm to the heritage asset.
168. N&SDM Policy DM9 *Protecting and Enhancing the Historic Environment* advises that development proposals should take account of their effect on sites and their settings with the potential for archaeological interest. Proposals likely to affect sites of significant archaeological potential will be required to submit an appropriate desk based assessment and, where necessary a field evaluation to inform a range of archaeological mitigation measures, if required, for preservation by record and more occasionally preservation in situ.
169. Although the archaeological assessment submitted in support of the application suggests that the potential for archaeology is low, given the location close to areas of known archaeology including important Civil War sites a condition is recommended requiring development to be carried out in accordance with a scheme of archaeological treatment (Condition 5). The site should be stripped under archaeological supervision, features identified, recorded and sampled.

Sustainable Design

170. N&SCS Policy 9 *Sustainable Design* expects proposals to demonstrate a high standard of sustainable design. Development should meet criteria seeking to achieve a high standard of sustainable design including the use of sustainable drainage where feasible, providing resilience to climate change and taking account of the need to reduce the opportunities for crime.

171. N&SCS Policy 10 *Climate Change* encourages the provision of renewable and low-carbon energy generation within new development but advises that from 2013 onwards, targets for non-residential development are unnecessary following implementation of the revisions to Part L of the Building Regulations (Conservation of Fuel and Power). Development should be efficient in the consumption of energy, water and other resources and be located in order to avoid both present and future flood risk.
172. N&SDM Policy DM12 *Presumption in Favour of Sustainable Development* expresses a presumption in favour of sustainable development set out in the NPPF, stating that planning applications that accord with the policies in the Development Plan for Newark and Sherwood will be approved without delay, unless material considerations indicate otherwise.
173. The applicant has supported the proposal with a sustainability appraisal, addressing the spectrum of aspects of sustainable construction and the development in operation, including an energy strategy, use of materials, water use minimisation, sustainable drainage, control of pollution and green transport. Whilst the consultation response from Energy and Carbon Management Team draws attention to enhancements which could offer additional environmental and educational benefits, the adequacy of the proposal will be tested through compliance with Part L of the Building Regulations. In support of the application it is stated that the proposed design would require an energy consumption 5% below that required to meet Part L of the Building Regulations. The project budget funding provided by the EFA is fixed and whilst additional measures could be incorporated, the test of the acceptability of the proposal is compliance with the relevant Development Plan policy.
174. An informative is recommended advising the applicant to contact NCC Energy and Carbon Management Team to discuss potential enhancements to the design (Note 8). There would appear to be an opportunity to retro-fit PVs to the roof of the sports hall building and, for example, to use more energy efficient forms of lighting which could offer further environmental benefit.
175. N&SDM Policy DM5 *Design* seeks to steer development away from areas at greatest risk of flooding, and that wherever possible measures to pro-actively manage surface water including the use of appropriate surface treatments through the use of sustainable drainage should be provided.
176. The proposed buildings would be set with a floor level of 18.20m and would be resilient to climate change. The development is considered to be acceptable in compliance with N&SCS Policy 9 *Sustainable Design*, N&SCS Policy 10 *Climate Change* and N&SDM Policy DM5 *Design*. An appropriate condition is recommended to require the submission of a surface water drainage scheme in accordance with the Flood Risk Assessment supporting the application (Condition 15). The Environment Agency recommended floor level of 18.20m is specified in the application and does not need to be re-stated in a planning condition.

Re-Provision for Sport

177. The playing field area to the rear of existing school buildings, including the running track, are subject to N&SCS Policy SP8 *Protecting and Promoting Leisure and Community Facilities* which encourages the provision of new and enhanced community and leisure facilities. The loss of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that sufficient alternative provision is made elsewhere which is equally accessible and of the same quality or better as the facility being lost.
178. N&SCS Policy NAP3 *Newark Urban Area Sports and Leisure Facilities* seeks to improve sports and leisure facilities in the Newark Urban Area. Such facilities should be accessible by a range of transport modes, including public transport and cycle routes, with good access both to the existing Newark Urban Area and the Strategic Sites. If possible the District Council will seek to locate such facilities in a single location.
179. The proposed development would result in the loss of the existing lit running track and a poor quality sand-based all-weather surface. 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.
180. 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.*
181. The approach to re-provision of sports facilities has been the subject of discussion with Sport England and the applicant has engaged with Newark Athletic Club. Appropriate re-provision for sport could be made on the former RHP site (Paragraph 28) as part of the new sports hub development and the applicants have demonstrated support for the provision a replacement running track and all-weather pitch by proposing entry into a unilateral undertaking and would be in compliance with N&SCS Policy NAP3 *Newark Urban Area Sports and Leisure Facilities*. However, the sports hub does not have the benefit of planning permission and there is no certainty that proposal will go ahead. In the event that the sports hub development does not take place, the unilateral undertaking includes an acceptable 'fall-back' position that would see a running track and all-weather pitch provided at the Academy site. Although there are options as to how the sports facilities could be re-provided, the unilateral undertaking gives certainty to acceptable re-provision for sport in compliance with N&SCS Policy SP8 *Protecting and Promoting Leisure*.
182. In order to satisfy Sport England Policy E4, replacement playing field needs to be an equivalent or better quality than that removed. The new playing pitch to be provided to the north of the replacement school building would be formed partially from an area of existing playing field, and the quality of the playing field needs to be replicated. An appropriate planning condition is recommended requiring a baseline assessment of the playing field affected (Condition 11).

183. The area of the existing school buildings would have future potential to be developed as a sports pitch. In the event that the off-site sports hub is not developed, replacement sports provision would need to be made, including an all-weather pitch, on the Academy site. It would be inappropriate to construct the grassed area to a standard suitable for sport if at a future date the grass would be replaced by an artificial surface. Whilst replacement sports provision could be addressed in different ways, the proposed unilateral undertaking would make appropriate re-provision for sport (Condition 22).
184. The applicant has engaged with Newark Athletic Club and the application makes provision for continuity of opportunity for sport through the provision of temporary track facilities. Details have not been submitted, but the form and proposed location of temporary facilities, which would need to be provided before the current running facility is taken out of use, is the subject of recommended Condition 13.
185. The provision of a floodlit MUGA would replace the existing sand-based all-weather surface and would be available for use by the community until 22:00 hours. Although sited closer to residential property to the north, use of the MUGA is not considered likely to give rise to noise nuisance. A condition is recommended limiting hours of use of the MUGA until 22:00 hours (Condition 26).
186. Lighting would be focussed on the playing surface and spill lighting would not significantly impact on the amenity of neighbouring property. However, the proximity of the MUGA to the sports hall could lead to the building elevation being illuminated by back lighting. The applicant is to investigate the modification of a standard lighting installation to reduce the impact of back light (Condition 29). Condition 26 recommends that the illumination of the MUGA is permitted no later than 22:05 hours, which would allow an additional five minute lit period for the MUGA to be cleared at the end of the last potential daily letting period.
187. Should an all-weather pitch be provided on the reserved land forward of the proposed school towards London Road (Paragraph 183), when determining the acceptability of that proposal (a matter not for consideration in the determination of this application), given the proximity to properties on Smith Street, it may be appropriate to consider exercising greater control over hours of evening use.
188. Sport England has advised that use of the new sports facilities by the community should be secured through a community use agreement. The Academy has indicated that community use fits the ethos of the school and, as joint applicant, the Academy would enter into the Community Use Agreement recommended by Condition 27.

Ecology and External Lighting

189. N&SCS Policy 12 *Biodiversity and Green Infrastructure* expects proposals to take into account the need for continued protection of ecological assets, and to maximise opportunities to conserve, enhance and restore biodiversity.

190. N&SDM Policy DM7 – *Biodiversity and Green Infrastructure* will only support the granting of planning permission on sites supporting bat habitat where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.
191. N&SDM Policy DM5 *Design* requires that where a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation provided where significant impacts cannot be avoided.
192. The need to replace the existing school buildings to deliver a modern education outweighs the need to safeguard the ecological value of the site. Permitting the proposed development would entail the demolition of the existing buildings and loss of identified bat roosts. The application is supported by up-to date ecological assessment, and appropriate mitigation is set out in the submitted Bat Method Statement. Attention is drawn to the consultation response from NCC Ecology Team and conclusion that the ‘three tests’ of the Habitats Directive are all are met. The destruction of bat roosts will require a separate European Protected Species licence from Natural England and is the subject of an informative (Note 5).
193. The provision of replacement opportunities for roosting bats and bird nesting would satisfy N&SCS Policy 12 *Biodiversity and Green Infrastructure* and N&SDM Policy DM7 – *Biodiversity and Green Infrastructure*, and are the subject of recommended Condition 20. Planning conditions are recommended to control vegetation clearance during the bird nesting season, the use of safe working practices during construction with regard to mammals, the submission of a detailed landscaping plan, and the production of a Landscape Management Plan to guide on-going management of created and retained habitats (Condition 10f) and Condition 21).
194. With the exception of MUGA lighting (Paragraph 186), proposed external site lighting is considered to be appropriate and the submitted lux plot demonstrates that light spill would not give rise unacceptable impact on neighbouring properties. It is necessary to ensure that the lighting design will not have an adverse impact on bats, and a requirement to accord with the submitted Bat Method Statement lighting recommendations is the subject of Condition 28.

Site Security

195. N&SDM Policy DM5 *Design* requires the consideration of the potential for the creation or exacerbation of crime, disorder or antisocial behaviour. Although a consultation response has not been received from the Police Force Architectural Liaison Officer, existing boundary fencing would be retained and a secure line would be provided across the site between the boundary of Grove House and Smith Street. The area of parkland landscape forward of the school would be enlarged following the demolition of existing school buildings and would be maintained by the Academy. Proposed CCTV surveillance would

provide a visual deterrent and enhance site security without compromising the privacy of neighbouring occupiers.

196. Community access to school buildings and facilities, and potential related security issues will need to be managed by the Academy with consideration given to internal lines of security.

Construction, Noise and Site Contamination

197. Indicative details showing the phased construction of the replacement school, with the existing school remaining in operation, are generally acceptable. The need to restrict the movement of construction traffic during periods at the beginning and end of the school day has been identified. Conditions are recommended to restrict hours of construction and demolition and to limit construction/demolition noise in the interest of the amenity of nearby residents (Condition 9 and Condition 25).
198. Conditions are recommended to require the submission of an intrusive site investigation, and an asbestos survey carried out prior to the commencement of demolition works (Condition 12 and Condition 24).

Operational Noise

199. Although the building and associated outside play/activity areas and the MUGA would be sited a significant distance from the site boundary, and use is considered unlikely to give rise to noise nuisance to neighbouring occupiers, the control of operational noise arising from use of the MUGA and fixed plant is the subject of recommended Condition 33 and Condition 34.

Other Matters

200. Network Rail has identified the need to erect netting along the operational boundary adjacent to a playing pitch. No development or alterations to the way in which the playing field would be used is proposed in proximity to the railway line, and use of the playing field would remain as at present. Pitch layouts are illustrative and could be provided differently to address Network Rail operational issues. It is recommended that the consultation response from Network Rail is attached as an informative, bringing relevant property issues to the attention of the applicant (Note 7).

Other Options Considered

201. 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

202. 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.

Crime and Disorder Implications

203. Although the application does not propose security fencing around the perimeter of the site, proposed security fencing within the site would provide a secured line and appropriate security to the school premises when approached from London Road.

Human Rights Implications

204. 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)/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.

Safeguarding of Children Implications

205. The application includes the provision of a secure fenced line and the development is considered to make adequate provision for the safeguarding of children.

Implications for Sustainability and the Environment

206. Implications for Sustainability and the Environment are considered in the Observations section of the report (Paragraphs 170-176).
207. There are no implications for Service Users, Equalities and Human Resources, or Financial Implications arising for the County Planning Authority.

Statement of Positive and Proactive Engagement

208. 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

impacts of traffic and movement, ecological mitigation, and landscape which have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions and the County Planning Authority has also engaged positively in the preparation of an undertaking to secure appropriate re-provision of sports facilities impacted by the development. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

209. 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 a unilateral undertaking to provide a contribution capped in the sum of £1,000,000 towards the provision of a new athletics track and all-weather pitch at the Sports Hub to include:

- a) the provision of a suitable temporary athletic facility on an area of land within The Newark Academy playing field boundaries;
- b) the mechanism and timescale for the payment of the contribution towards the provision of a new athletics track and all-weather pitch at the Sports Hub; and
- c) the provision of an all-weather pitch and athletics track on The Newark Academy Site, equivalent to existing facilities on The Newark Academy site, in the event that the provision of an all-weather pitch and/or athletics track at the Sports Hub is not commenced within six years of the date of the deed.

and the conditions set out in Appendix 3. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

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

[SLB 19.09.2014]

Comments of the Service Director - Finance

To be orally reported

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Balderton

Councillor Keith Walker

Farndon and Muskham

Councillor Mrs Sue Saddington

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