



**12 March 2024**

**Agenda Item: 5**

## **REPORT OF INTERIM CORPORATE DIRECTOR - PLACE**

**MANSFIELD DISTRICT REF. NO.: 2/2023/0680/NCC**

**PROPOSAL: DEVELOPMENT OF SPECIAL EDUCATIONAL NEEDS SCHOOL INCLUDING ANCILLARY PARKING, PLAYING PITCHES, FENCING AND LANDSCAPING, INCLUDING ALTERATIONS TO EXISTING HIGHWAY JUNCTION AND ACCESS ROAD**

**LOCATION: LAND NORTH OF RAVENSDALE ROAD, MANSFIELD**

**APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL CHILDREN AND FAMILIES**

### **Purpose of Report**

1. To consider a planning application for the erection of a Special Educational Needs school specialising in autism on the site of the former Sherwood Hall school Ravensdale Annex demolished in 2012, on land north of Ravensdale Road, Mansfield. The key issues relate to the impact of the development on green infrastructure, ecological loss and mitigation, loss of school playing pitches, impact on neighbouring property, and the proposal not prejudicing development of an adjacent site. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

2. This application relates to a site of 2.15ha. to the north of Ravensdale Road (B6033) Mansfield, approximately 1.5km to the east of Mansfield town centre and is the site of a former secondary school annex along with its former grass playing field. The former school annex was demolished to slab level in 2012. The site has not been actively managed and has naturally revegetated with scrub and self-set trees around the building footprint with an expanse of grass to the north. The supporting Preliminary Ecological Appraisal and Biodiversity Impact Assessment identifies the site as comprising unmanaged neutral grassland of poor diversity of botanical species (moderate value) with dense mixed scrub (poor condition but of high ecological value) and bramble scrub (low ecological value).
3. The site is elevated on a visible sandstone escarpment towards the western end of the site frontage to Ravensdale Road. A highway spur from Ravensdale

Road, which was the vehicular access to Sherwood Hall Annex, is adopted highway at 1:12 gradient (8.3%) and is included in the red line of the planning application site. The spur lies opposite an off-set junction with Alcock Avenue (Plan 1).

4. The carriageway of Ravensdale Road is 9.4m in width. There is evidence of School Keep Clear markings across the highway spur leading to the former school although they are not enforceable. There are bus stops on both sides for Ravensdale Road to the east of the highway spur. Other than a white 'H'-bar across the dropped kerb of a residential property and 'bus-box' next to it on the west-bound side of Ravensdale Road, there are no other highway parking restrictions in proximity to the site. Pedestrian guardrail is installed on the south side of Ravensdale Road to the east of the junction with Alcock Avenue (Plan 2).
5. The Ravensdale Hotel is located at the junction of Ravensdale Road and Sherwood Hall Road (B6030). Land to the rear of the public house is the subject of a current planning application for housing (Paragraph 17) with proposed access to be taken from the adopted highway spur north of Ravensdale Road. A brick retaining wall 1.1m-1.5m in height is erected along the housing site frontage to the highway spur. The ground level on the housing site is approximately 0.3m higher behind the wall at the northern end of the frontage, rising to be above the height of the retaining wall at its southern end of the frontage to the highway spur. The footway on the eastern side of the highway spur is 3.5m in width.
6. Bungalows at the end of a turning head on Allwood Close, which is accessed from Sherwood Hall Road, have rear gardens facing towards the application site. The gardens are separated from the application site by a strip of land approximately 11.3m in width which is in the control of Nottinghamshire County Council. That strip of land as well as the hard play/tennis courts of the former Sherwood Hall Annex are excluded from this planning application site (Plan 2).
7. Properties, principally bungalows, are to the north of the site on Chadburn Road. There is an access now used by pedestrians but which may have been a school playing field maintenance access between 31 and 33 Chadburn Road. The access between the bungalows is not in the control of Nottinghamshire County Council and is not within the red line of the planning application site. The terrace of bungalows at 33-39 have rear gardens 9.2m in length while the block at 41-47 have shorter gardens of 6.4m, with mature trees within the gardens at the boundary with the application site.
8. Although the former school site was enclosed by security fencing when the annex was first demolished, that fencing has subsequently been largely dismantled. There are walked paths evident across the site and while visiting the site it has been noted that routes are used to short-cut between Ravensdale Road, Chadburn Road and Sanders Avenue, as well as the area frequently being used to walk dogs. There are no public rights of way across the application site.

9. The application site forms part of a wider green infrastructure designation in the Mansfield Local Plan 2013-2033 (adopted 2020) (MLP) Policy IN2 which also extends to the west. A steeply sloping wooded area with informal footpaths through it to the west of the site is part of Ravensdale Local Nature Reserve and Valeclose Plantation Local Wildlife Site (Plan 3).
10. Levels are stepped across the application site. The grassed former playing field area is at the highest level with the site stepping down by approximately 1.2m to the site of the former school buildings. The former playing field area slopes from west to east with a fall of 3.3m over a distance of 65m (1:20 gradient – 0.5%). Levels on the boundary with properties on Chadburn Road fall correspondingly, although the bungalows themselves are at a level 0.5m below that of the garden and application site boundary. The area of former school hard play/tennis courts, excluded from the application site, is 1.2m below the level of the former grass playing field (Plan 4).
11. Other than for the recent self-set growth there are few trees and no retained hedgerows on the site. Trees of note (Category B) are a mature rowan and a sycamore located towards the east of the site approximately 20m from the rear boundaries of properties on Allwood Close (Plan 5).

## **Background**

12. Nottinghamshire County Council has identified a need for specialist school provision for children with named Special Educational Need or Disability (SEND) of either Social, Emotional and Mental Health, or Autistic Spectrum Disorder.
13. Many of these learners may have an over or under reaction to certain sensory stimuli and require learning spaces providing sufficient flexibility and control to meet a wide range of needs that could vary between cohorts. Over or under stimulation can, together with difficulties in communicating needs, lead some learners to become dysregulated, needing a period of time and space to return to a more emotionally regulated state. Nottinghamshire County Council is seeking to provide a purpose-built facility to meet these needs with good access to the outdoors and nature. A site in a central location within the county has been selected to ease access to the school for children from across Nottinghamshire.

## **Planning history**

14. The former Sherwood Hall Road School and Sixth-Form College on Sherwood Hall Road, of which the Sherwood Hall Annex site close by was a part, was redeveloped as Samworth Church Academy in 2008 in a proposal which rationalised the site.
15. 2/2012/0272/NT (August 2012) – Prior notification of the demolition of the former Sherwood Hall School Ravensdale Annex.

16. 2020/0170/FUL (September 2020) – Mansfield District Council granted full planning permission for the erection of seven dwellings on land adjacent to the Ravensdale Hotel taking access from the highway spur off Ravensdale Road leading to this school application site. The permission was not implemented and lapsed on 7 September 2023.
17. 2023/0663/FUL (current) – application to Mansfield District Council for the erection of seven dwellings with the same access as 2020/0170/FUL on land adjacent to the Ravensdale Hotel (Plan 2). When this housing application was first submitted the vehicular access was proposed towards the northern end of the highway frontage (in the location previously approved by planning permission 2020/0170/FUL). However, it has been amended in response to comments from the Highway Authority taking account of the application under consideration in this report. Access to the proposed housing development is currently proposed mid-way along the frontage to the existing Ravensdale Road highway spur. At the time of this report being published, the application remained undetermined.

### **Proposed Development**

18. This application is for the construction of a specialist SEND school for up to 160 pupils across the 7-19 age range (Key Stage 2 – Post-16) with specific design requirements having been identified that need to be incorporated. The design is to provide for pupils with Autistic Spectrum Disorder and pupils with Social Emotional Mental Health needs. Children will not typically have mobility issues beyond those that can be met within a mainstream school setting.

#### Layout, Levels and Design

19. Each Key-Stage is to be accommodated in groups of either four or six classrooms to promote a ‘small school’ feel along with satellite dining spaces to avoid children being overwhelmed by larger central facilities. Separate building entrances are required to address the sensory needs of pupils.
20. The applicant’s underlying assumption is that pupils will generally be driven to and from school, including from outside the immediate area, with a facility required for minibus drop-off and pick-up. A safe, secure and segregated area for drop-off/pick-up is provided (Paragraph 39).
21. Key dimensions and floor levels are shown on Plan 6. The proposed building would have a floor area of 4412m<sup>2</sup> provided on three levels, with one an intermediate mezzanine level. A two-storey building with a school hall, 9.1m in height and 57m in length, would be provided on an east-west axis. A single-storey main building entrance block (taking the overall length of the building to 84m) with a Key Stage 2 block to the north would be provided to the east of the two-storey element of the building. Break-out spaces each with a shelter would be provided to the east and west of classrooms with a larger outdoor space provided to the north, accessed via a door at the end of the Key Stage 2

corridor. Overall, the elevation at the eastern end of the building would be 47.6m in length, 5.5m in height and at a level 2.1m above the level at the property boundary with properties on Allwood Close 42m distant, and 51m from the nearest bungalow.

22. Key Stage 3 accommodation would be provided in a central single-storey northward projecting wing with a height of 5.5m, with a floor level 1.8m above the ground floor of the two-storey building. Break-out spaces each with a shelter would be provided to the east and west of classrooms with a larger outdoor space provided to the north, accessed via a door at the end of the Key Stage 3 corridor.
23. Key Stage 4 and Post-16 accommodation would be provided in single-storey wings 5.5m in height extending to the north and west of the two-storey building, but because of the change in level on the site accessed from the first floor 1.8m above the level of the Key Stage 3 mezzanine. Break-out spaces each with a shelter would be provided to the east and west of Key Stage 4 classrooms with a larger outdoor space provided to the north, accessed via a door at the end of the Key Stage 4 corridor and a break-out area to the north of classrooms of the Post-16.
24. Visually the Key Stage 2, 3 and 4 wings would be approximately 15m apart and stepped by 1.8m when viewed from the north. Bungalows on Chadburn Road to the north-east would be 75m from the three building wings. Steps connecting the levels externally and an alternative ramped route would be provided between the two-storey building, Key Stage 3 and Key Stage 4 wings. A path connecting the wings running between the break-out areas and proposed formal outdoor sports areas would be provided with level landing areas to meet disability access requirements.
25. A sprinkler tank, chiller plant, external air-source heat-pump compound enclosed by timber fencing, and an electricity sub-station area, would be provided at the west of the two-storey building (in proximity to the service area within the building) and south of the Post-16 wing. A timber enclosed bin store would be provided on the south side of an enclosed mini-bus drop off area.
26. The building would be of shallow pitch roof construction with roof parapet walls providing suitable edge restraint without the need for additional guardrail. A 100m<sup>2</sup> photovoltaic (PV) array is shown indicatively on the roof of the main building entrance area, but would not be visible above the roof parapet. PV is intended to meet 18.3% of the building's energy demand. The applicant points out that there is a significant portion of the roof which could accommodate further PVs through this development, as well as opportunity for additional PVs to be added in the future.
27. Indicative views of the approach to the school site, a bird's eye view, and the projecting Key Stage wings when viewed from the north-east are shown on Plans 7-9.

28. The building would be faced principally with buff brick, with elements of black brickwork visually breaking up elevations; and dark grey aluminium framed doors and windows with differently coloured accent panels above for the entrance and each Key Stage. Dark grey cladding board bearing the school name (which may require separate Advertisement Consent from Mansfield District Council) is proposed for the school hall towards the eastern end of the two-storey element of the building. Boxes integrated into the building structure for bat, sparrow, starling and swift are proposed.
29. Two all-weather pitches (playing surface with run off 38m x 28.5m) with sports equipment storage buildings and a tarmac multi-use games area (MUGA) (35m x 21m) would be provided to the north of the Key Stage 2, 3 and 4 wings. The finished surface/type of the all-weather pitches has not yet been decided but would be appropriate to the delivery of the school curriculum. Levels on each of the outdoor playing surfaces would fall from south-west to north-east. The level in the north-eastern corner of the central playing surface would be 0.8m above existing, with that on the eastern pitch being 1.5m above existing ground level. No lighting of the sports pitches is proposed.
30. The MUGA and both all-weather pitches would be enclosed by 3.0m high sports weldmesh fencing except at the northern end of the all-weather pitches where a 3.5m weldmesh fence with 3.5m high timber acoustic panels fixed to the outside facing properties on Chadburn Road would be erected. The acoustic fence would be 61m in length, sited 10.3m from the boundary with properties on Chadburn Road.
31. At its southern end the top of the 3.5m acoustic fence would be 4.8m above the level at the boundary with 33 Chadburn Road, and estimated to be 5.2m above the ground level at the rear of the bungalow at an overall distance from the acoustic fence of 19.8m. At 41-47 Chadburn Road the fence would be 17.2m from the rear of the properties. A landscaped buffer is proposed between the acoustic fence and property boundaries with tree planting indicated indicatively to infill spaces between the existing mature trees in the bungalow rear gardens, with details to be confirmed as part of a landscape strategy. (Plan 10 and Plan 11).

#### Access, Parking and Operational Movement

32. The current highway spur sweeping from Ravensdale Road towards the proposed school site would be modified to create a conventional highway junction with a wider footway formed on its eastern side. A footway crossing with blister paving would be provided either side of the redesigned junction, with a pedestrian refuge to west of the junction to allow safe pedestrian crossing with markings providing a ghost island for right turning vehicles. The 3.5m wide footway on the eastern side of the highway spur leading to the proposed school site would be retained, with a 3.0m wide footway provided on the western side.
33. An access to a 61-space staff car park and drop-off area for 12 mini-buses would be formed on the outside of a bend on the highway. An extended

highway would run eastwards with an access provided to a 30-space visitor car park (Plan 12). The footway on the southern side of the extended highway would be at a level approximately 1.0m above existing ground level, and the level on the northern boundary of the as yet undeveloped housing site subject to planning application 2023/0663/FUL. It is proposed, with regard to the proposed position of the vehicular access in that application, that a visibility splay for that junction would be surfaced with no obstruction to exceed 0.6m in height. The footway on the eastern side of the extended highway to the north of the proposed adjacent housing site access would rise at a gradient of 1:20 (5%).

34. Dropped-kerb pedestrian crossing points are proposed across the mini-bus/staff car park entrance and also across the extended highway in proximity to the school pedestrian entrance gate.
35. Mini-buses entering the site would park in front of the main school building within a fenced compound so that children arriving/departing and vehicle movement can be efficiently and securely managed.
36. Six spaces for electric vehicle (EV) charging would be provided in the staff car park. Four EV parking spaces, one for a disability parking space, would be provided in the visitor car park. Ducting would be provided to other parking spaces to facilitate the future provision of additional EV charging points. A total of three disability parking spaces would be provided, all within the visitor car park and close to the main building entrance.
37. Eight covered and secure staff cycle parking spaces would be provided within the perimeter fence adjacent to the main building entrance.
38. The Transport Statement supporting the application anticipates there being 60 members of staff, arriving at approximately 07:45 hours and departing after 16:30 hours. School lessons would be between 08:45-15:30 hours. Students are expected to arrive from across the county because of the specialised nature of the proposed school. How students would travel to school has been estimated by analysing data from the 14 SEN schools in Nottinghamshire. It is anticipated that 104 students (65%) would travel by mini-bus, 48 (30%) by car/taxi and 8 (5%) walking to school. For those arriving by mini-bus, 16-seater vehicles are to be used and assuming 75% capacity approximately nine mini-buses would be required. Including the expected journeys by car/taxi 57 student related two-way trips are expected each morning and afternoon.
39. The 30-space visitor car park would be used to accommodate the majority of cars/taxis dropping-off/picking-up students. As those vehicles would stop only for a short time, the applicant expects that all drop-off/pick-off activity would occur within the visitor car park, although it is noted that there are no on-street parking restrictions along Ravensdale Road and identifies that there is potential for some overspill parking to take place on the highway.
40. The way in which staff are expected to travel to school has been estimated by reference to a SEN school at Yeoman Park, Mansfield Woodhouse where 75% of travel by staff would be by car (either individually or car sharing). Applying it to

this application, 45 staff are expected to travel by car. The supporting Transport Statement sets out that the School Travel Plan will encourage staff to use more sustainable modes of transport as an alternative to the private car.

41. Minibuses would only utilise the enlarged bays at drop-off and pick-up times, and bays would be vacant during the day for use by delivery vehicles for loading/unloading between 09:00-15:00 hours.

#### Fencing

42. The school site perimeter would be enclosed by 2.4m high green-coloured (RAL 6005) Heras fencing. Fencing sub-dividing the mini-bus drop-off area and staff car park would be 2.0m in height. The sprinkler tank air-source heat pump and sub-station compound, and the bin store compound would be enclosed by 3.0m high hit-and-miss timber fencing. The all-weather pitches and MUGA area would be enclosed by 3.0m high weldmesh fencing.

#### Site Engineering and Landscape

43. The Geo-Environmental Assessment supporting the application states that some earthworks will be required as part of the proposed development but that a significant cut and fill operation is not anticipated. Imported materials (e.g., topsoil) are to be tested to confirm their suitability for use at the site.
44. The site is suitable for the disposal of surface water through soakaways.
45. The Category B rowan and a sycamore located approximately 20m from the rear boundaries of properties on Allwood Close would be removed to accommodate construction of the visitor car park. Other smaller and poorer quality trees to the east and south of the proposed building would be removed to accommodate parking and related access.
46. Tree planting is proposed generally on the perimeter of the school site with small trees proposed along the eastern edge of the visitor car park, and to the north of the acoustic fence, with larger trees to be planted to the north and west of the Key Stage 4 wing and to the south of the Post-16 block. Shrub and tree planting is proposed to the east, west and north of the MUGA and all-weather pitch areas.

#### Ecological Mitigation

47. The application is supported by a Preliminary Ecological Appraisal and Biodiversity Impact Assessment (updated February 2024) which includes a baseline assessment of the site carried out using the Defra Metric 4.0. The results of the assessment show that, even when the maximum amount of replacement provision is included within the development proposals, the scheme would deliver a net loss of -12.34 habitat units/-70.10% loss of biodiversity.



48. To mitigate this loss, in addition to the units being delivered on site through the development, the applicant has been liaising with habitat providers to deliver units off site and has identified a local facility in Bassetlaw where the required units are currently available for purchase. It is proposed that once purchased, the habitat provider will issue the applicant with the necessary documentation which will be provided to the County Planning Authority as evidence that the provision has been secured and will be delivered appropriately.

## Consultations

49. **Mansfield District Council** – No objection subject to details being provided to address the objection raised by Sport England; further survey work assessing the potential impact of the development on protected species (or Construction Environment Management Plan for site clearance works that takes into account the possibility of this reptiles being present); how the significant amount of offsite BNG units required to deliver a minimum of 10% net gain would be secured; ensure safe and suitable access is secured for both the proposed scheme and the adjacent residential development, and that the SEN school does not adversely impact on the living conditions of future occupiers of this site; inclusion of conditions to address potential contamination.
50. MDC Ecologist would prefer to have surveys submitted to support the conclusion that there would be no impacts on bats, although accept the rationale in the updated Preliminary Ecological Appraisal that the impacts should be low.
51. **NCC Highways Development Control** - No objection subject to conditions to require: traffic related elements in a construction management plan; notwithstanding submitted details, the submission of modifications to the proposed new highway and existing highway; safeguarding of a visibility splay for a new access that may serve the proposed development subject to application 2023/0663/FUL (with no obstruction over 0.6m in height); safeguarding of pedestrian visibility splays (with no obstruction over 0.6m in height); off-site traffic management works including Traffic Regulation Order, School Zone and provision of new pedestrian crossing facilities; a School Travel Plan; specification for car park driveways and inward opening gates set back from the carriageway; provision of parking/turning/servicing areas; parking bays at a minimum 2.5m x 5.0m; provision of cycle parking; and surface water not to be discharged on to the highway.
52. The applicant has amended the proposed road layout to safeguard visibility splays for vehicular traffic emerging from the adjacent proposed housing site being considered under application 2023/0663/FUL by Mansfield District Council. Highway proposals based on recommendations of a Road Safety Audit are acceptable. However, consideration should be given to implementing the prohibition of parking around the school access and at the Ravensdale Road junction as part of a School Safety Zone and Traffic Regulation Order.

53. Modifications to the highway (all within highway limits) may be required to comply with the current Highway Design Guide for Nottinghamshire and can be dealt with by planning condition, and will also be the subject of an agreement under s38/s278 of the Highways Act 1980. To deter pavement parking at the Ravensdale Road junction the highway could be stopped-up or made narrower by tree planting. As these works would be within the highway this does not need to be the subject of a planning condition. Similarly, it is recommended that the footway beyond the school visitor car park continues at 3.0m in width and can be dealt with through the highway agreement.
54. The proposed pedestrian crossings on Ravensdale Road are acceptable and will be subject to a detailed design check, together with any new road markings proposed on Ravensdale Road, to improve road safety for all highway users.
55. **Natural England** – No comments and defer to local ecological advice.
56. **NCC Nature Conservation** – No objection subject to conditions to require: off-site provision of biodiversity units; a site Biodiversity Enhancement Plan; control of vegetation clearance during the bird nesting season; protection of retained habitats during construction; control of lighting; and adoption of Reasonable Avoidance Measures for protected mammals, hedgehogs and reptiles, recommended in the Preliminary Ecological Assessment.
57. *The development will result in the loss of an area of neutral grassland and scrub deemed to be of moderate to high ecological value. The grassland appears to comprise common species and is not defined as being species-rich, having developed from the previously managed school fields. Similarly, the scrub habitat on the site is also largely recent in origin, having developed within the last 10 years or so. Other habitats, including broad-leaved woodland, are to be retained.*
58. *A Biodiversity Impact Assessment has been carried out using the Defra Metric v4.0, demonstrating a net loss of 12.34 biodiversity units (70.1% net loss), even accounting for some limited scope to retain and enhance habitat within the development. Given this application was submitted prior to Biodiversity Net Gain (BNG) being mandatory, the requirement in planning policy is to achieve a measurable net gain as per the NPPF. Recent planning appeal decisions from the Planning Inspectorate have determined that a 1% net gain would be policy compliant. It is understood that the applicant has explored providing their biodiversity unit requirements at an offsite location, which is welcomed, and that they consider this to be achievable (notwithstanding a significant extra financial impact). The off-site provision of biodiversity units (which must be sufficient to secure at least a 1% net gain) should be secured in a similar manner to that required for mandatory BNG.*
59. *The development is predicted to have negligible impact on roosting bats with no buildings or structures present on the site. Bat activity surveys have not been carried out. An updated Preliminary Ecological Appraisal and Biodiversity Impact Assessment confirms that none of the trees on site have features likely to support roosting bats and has given further consideration to the impact of the*

*proposals on foraging and commuting bats, providing extra justification for the conclusion that that the impacts to foraging bats from habitat loss arising from the development will be low. The site is considered to offer moderate suitability for foraging and commuting bats due to the habitats present and provides a valuable foraging area important to local populations of bat. The majority of existing vegetation will be lost although it is noted that boundary vegetation is to be retained.*

60. *There will be a reduction in mammal foraging habitat. This impact could be reduced through the provision of cut-outs within the site security fencing to allow continued access to/across the site. The Biodiversity Enhancement Plan should include (but not be limited to): provision of integrated bird boxes targeting Swift, House Sparrow and Starling and bat boxes, built into the fabric of the new building; the provision of holes in boundary fences to allow passage by Hedgehogs and larger mammals; and native species planting.*
61. *Reptiles are not likely to be present on the site, and the adoption of Reasonable Avoidance Measures outlined in the Preliminary Ecological Assessment, is appropriate.*
62. *The proposed development will not have any direct or indirect impact on the Sherwood 'prospective proposed Special Protection Area' (ppSPA), and specifically it will not detrimentally affect Woodlark or Nightjar or their habitats.*
63. **Via Countryside Access** – *There is visual evidence that there are routes on the ground that are very well used. No public rights of way are recorded over the proposed development site. This does not preclude unrecorded public rights of way being proven to exist at a later date. Advice is given on the potential risk of a claim for public rights to be acquired through usage, and procedure to divert or extinguish routes that are confirmed.*
64. **Sport England** – *Objection. The proposal would affect playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015. The proposal does not accord with any of the exception tests in Sport England Playing Fields Policy or NPPF Paragraph 103. Sport England dispute the applicant's view that as the former school buildings have been demolished and the pitches left redundant, their lawful use has ceased. As the playing field appears not to have been used for at least five years, the consultation with Sport England has been considered as non-statutory.*
65. *If a suitable package of mitigation could be agreed, Sport England would be willing to consider reviewing its position. Consideration should be given to the following:*
  - a) *Provision of playing pitches on the site which meet Sport England and National Governing Bodies' design requirements which would be made available for community use.*

- b) *The use of the land to the east of the site which has been excluded from the application boundary and whether this could be used to provide usable playing field which is made available for community use.*
- c) *Financial contributions towards sports provision within the local area. Sport England would welcome the opportunity to discuss with the Council and National Governing Bodies opportunities for suitable projects within the local area.*
66. A lack of use of a playing field, or part of, should not be taken as necessarily indicating an absence of need in an area. Such land can retain the potential to provide playing pitches to meet current or future needs. The Mansfield District Council Playing Pitch Strategy (PPS) was published in 2016 and requires updating. If no review has been carried out within three years, then a Playing Pitch Strategy is considered to be out of date. Demand and growth in participation are likely to have changed since the 2016 PPS was undertaken. Without an up-to-date assessment an informed judgement cannot be made on whether the requirements of Exception 1 would be met.
67. The area of playing field affected by the proposal is approximately 1.3 hectares. The proposal results in the southern part of the playing field being lost as the school building is located on this area. The remaining area of playing field would be 2 x artificial grass pitches measuring approximately 38m x 28m (markings shown 34m x 24m) and a tarmac sports area measuring approximately 35m x 21 m (markings shown 30m x 15m). Further information is required to enable an assessment to be undertaken of whether the proposed pitches comply with relevant Sport England and National Governing Bodies' design guidance or whether the proposal improves the delivery of sports and physical activity on the school site.
68. Sport England confirm through their consultation with Nottinghamshire FA the Football Foundation are unaware of any previous community usage at the site and there being a grass football pitch formally marked out.
69. While the proposals for the site include the provision of sports facilities, they do not provide an area of new playing field of equivalent or better quantity or quality (Exception 4).
70. Exception 5 relates to developments which are for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field. When assessing the benefit to sport, examples of the types of consideration which would be taken into account include whether the facility meets an identified local or strategic need, fully secures sport-related benefits for the local community, helps to meet identified sports development priorities, improves the delivery of sports and physical activity on school sites, complies with relevant Sport England and national governing bodies sports design guidance, and is accessible by alternative transport modes to the car.

71. The proposed playing pitches will not be open to the public due to safeguarding and operational issues. They will therefore not meet an identified local or strategic need or secure sport-related benefits for the local community. Sport England would expect, as part of the mitigation for the loss of playing field, that the school sport facilities are made available for community use.
72. **NCC Access Officer for SEND Policy & Provision** – No objection. *Commentary is provided on the proposal with key points below:*
- a) *Approach - The existing site has topographical challenges generally, and access from the existing adopted highway B6033 Ravensdale Road, would pose difficulties for wheelchair access and mobility impaired pupils and visitors due to the steep gradient. As part of the highways widening works it is recommended that tactile paving crossing points along with pedestrian guardrails and additional street lighting is considered.*
  - b) *Parking - There is adequate provision designated for disabled parking (3 for visitors) sized in accordance with statutory guidance documents BS8300:2001 and positioned as close as possible to the entrance. Pedestrian routes to and from the disabled parking are accessible via a compliant accessible ramp with handrails and refuge areas.*
  - c) *Circulation - Easily accessible, level, or ramped slip-resistant well-drained surfaces are proposed via a compliant 1:21 gently sloping gradient, without trip hazards and with an accessible stepped route nearby providing choice.*
73. **NCC Archaeology** - No comments or recommendations regarding archaeology.
74. **Via Geo-environmental** – No objection subject to conditions to require: submission of a detailed site remediation strategy and verification of remediation subsequently undertaken; a watching brief for contamination which may be expected or otherwise encountered; construction environment management plan for the management and mitigation of the impacts of construction works; and a drainage strategy that acceptably mitigates risk to the underlying principal aquifer.
75. The submitted Preliminary Geo-Environmental Assessment recommends a that an intrusive site investigation is undertaken to confirm the potential contaminant linkages. Highway works are proposed outside the area subject of the Preliminary Geo-Environmental Assessment.
76. **NCC Lead Local Flood Authority** - No objection subject to a condition to require submission of a detailed surface water drainage scheme based on the principles in the submitted Flood Risk Assessment.
77. **Via Noise Engineer** – No objection subject to conditions to require: a construction environmental management plan which addresses noise impacts from construction, including best practice techniques to minimise noise impacts and how communication and liaison with the public shall be undertaken and

complaints managed and dealt with; details of the design and acoustic qualities of the 3.5 m high acoustic fence prior to its installation; a design that reduces and mitigates the impact of ball strike; a maximum noise level of 55 dBA within garden areas at the nearest sensitive receptors; and installed mechanical plant achieving a maximum cumulative noise rating level (including penalties) when assessed in accordance with BS4142:2014 of 37dB LAeq,1hr at the nearest sensitive receptor during the night-time and 45dB LAeq,1hr during the daytime.

78. *A Noise Impact Assessment has been prepared to assess the acoustic conditions for the school using the requirements of 'BB93: Acoustic Design of Schools: Performance Standards 2015'. The assessment shows that with the provision of double glazing and mechanical ventilation systems, noise will be adequately attenuated to achieve the target internal noise criteria in accordance with BB93 requirements for the SEN and all other areas.*
79. *The proposed 3.5m high acoustic fence is demonstrated to provide adequate screening from noise to adjacent residents, provided that the fence is of suitable construction and specification. However, no product details have been provided.*
80. *There is potential for some noise disturbance from the construction of this proposed school. There are likely to be multiple occupied dwellings in proximity to the new school development and so the contractor should employ appropriate noise controls, following recommended guidance in BS5228-1:2009 (Code of practice for noise and vibration control on construction and open sites) to ensure that any noise impacts are kept to a minimum.*
81. *The precise location of any fixed plant, or the nature of its operation are not available. To avoid adverse impact from mechanical fixed plant, this will need to be designed to achieve a cumulative plant noise limit level of 37.0 dBA (when assessed in accordance with BS4142:2014) at the closest noise-sensitive receptors (NSRs) during the night-time period, and 45 dBA at the closest NSRs during the daytime period.*
82. **Police Force Architectural Liaison Officer, Nottinghamshire Wildlife Trust, Severn Trent Water Limited, Cadent Gas and National Grid** - No response received. Any response received shall be orally reported.

## **Publicity**

83. 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.
84. Objections to the proposal have been received from two properties on Allwood Close raising the following matters:
  - a) The large facility proposed would be out of keeping in a residential area;
  - b) Loss of privacy from overlooking of bungalows on Allwood Close;

- c) Loss of the area for wildlife now established on the site;
  - d) Another school in the area. Increased traffic, noise and pollution (2);
  - e) Loss of value to residential properties.
85. Councillor Andre Philip Camilleri and Councillor Stephen Garner have been notified of the application.
86. The issues raised are considered in the Observations Section of this report.

## **Observations**

87. The application seeks to provide a specialist school in a central location within the county to address particular identified educational requirements related to Autistic Spectrum Disorder and pupils with Social Emotional Mental Health needs, across the Junior to Post-16 age groups. Addressing those educational requirements and how they need to be managed has influenced the layout and design of the building and outdoor spaces.
88. The site has formerly been used as a school site, having been an annex to Sherwood Hall secondary school prior to the redevelopment and rationalisation of that campus, now Samworth Academy, with the annex site having become surplus to requirements. Since the former buildings were demolished to floor-slab the site has not been actively managed, and the site including the former playing field has naturally re-vegetated. Taking into consideration the historic use of the site, the principal of redeveloping the site for educational use is considered to be acceptable subject to the proposal being compliant with Development Plan policy and consideration of any details that could impact adjoining land.

### Policy – Strategic Green Infrastructure Site

89. Paragraph 9 of the report identifies that the site is within an area of strategic green infrastructure identified in Mansfield Local Plan (MLP) Policy IN2 where development will be supported where amongst other criteria:
- 1a. the functions and key assets of the green infrastructure network are protected and reasonable opportunities for enhancement of these are secured to deliver a diverse range of benefits for people and wildlife;*
  - 1b. good quality connections are maintained to, and within, the green infrastructure network for people and wildlife and, where practical, improve accessibility to ensure new links are created and / or gaps restored; and*
  - 2. On and off-site contributions for new, and where appropriate enhancements to existing, provision will be secured through developer contributions or conditions.*

90. Table 9.2 of the MLP defines the main Green Infrastructure key functions and their related assets. Among other criteria, one relevant to this application is *Landscape Character and Amenity* and provides examples of considerations for new development: the sensitivity and condition of the landscape; avoiding or minimising adverse visual effects on areas of public amenity; and whether the development is appropriate regarding its location, scale or type.
91. A school development is proposed on the site of a former school with the proposed building generally on the footprint of the former school buildings. When the former Ravensdale Annex was in operation there was no public access across the school site between 31-33 Chadburn Road and the woodland and more ecologically rich area to the west. Following demolition of the school, the public have gained access across the site due to the site security fencing having not been maintained, and while the former playing pitch area is currently open, it is not of landscape value.
92. The Preliminary Ecological Appraisal and Biodiversity Impact Assessment supporting the application recognises the value of scrub woodland, which occurs rarely in a conurbation, and the tree line should be retained where possible to provide foraging, commuting and breeding opportunities for species. Although current habitat would be lost it is important that it is recreated through landscaping of the proposed development. Landscaping proposals show indicatively the creation of habitat along the northern boundary connecting with retained woodland habitat outside of the red-line application site to the west and on the frontage to Ravensdale Road.
93. Closing off a pedestrian access to the site between 31-33 Chadburn Road would not preclude access to Valeclose plantation, with alternative access to the woodland available from Lansbury Gardens (off Chadburn Road). It is noted that the Via Countryside Access consultation response confirms that there are no public rights of way across the site, but draws attention to the potential risk of a claim for public rights to be acquired through usage. Although the area of the application site included in the MLP Policy IN2 designation is in continuity with more valuable green infrastructure, the value of the area of green infrastructure that would be lost by this development, including both on-site and off-site mitigation, needs to be balanced against the wider benefit of bringing a former school site back to its former use to meet the identified need for a specialist educational facility. Subject to appropriate ecological mitigation being secured through planning conditions it is considered on balance that the detriment arising from the public no longer being able to cross the designated green infrastructure area is outweighed by the provision of the specialist school.

#### Ecology and Off-Site Mitigation

94. MLP Policy NE2 *Biodiversity and Geodiversity* will support development that, amongst other criteria, seek to deliver net gains in biodiversity, and proposals which allow for the movement of wildlife. A Biodiversity Net Gain (BNG) Supplementary Planning Document has been adopted by Mansfield District Council in September 2023 that calls for 10% net biodiversity gain. The



provisions of the Environment Act to enforce a 10% BNG requirement came into force on 12 February 2024, after this application was submitted. The requirement for this application is to demonstrate a net gain in biodiversity, held through recent appeal decisions across the country to be a minimum increase of 1%.

95. The proposal would retain or provide habitat on the north, west and southern perimeters of the site, retaining and enhancing a tree-line suitable for bat foraging, while the provision of mammal gates in fencing would extend the range of mammal foraging onto the site (Condition 5).
96. The proposed development would result in the loss of an area of neutral grassland and scrub deemed to be of moderate to high ecological value. The ecological value of the site has only developed since the former school site ceased to be managed. Government advice on how BNG can be delivered follows a hierarchical approach giving priority to enhancing and restoring biodiversity on-site (within the red line boundary of the development site) and where that cannot be wholly achieved on site it can be delivered through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site, or buy off-site biodiversity units on the market. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This should be a last resort. The government will use the revenue to invest in habitat creation in England.
97. The applicant cannot deliver the required BNG on the site, or land adjacent within the applicant's ownership. The applicant's proposal to mitigate the loss of neutral grassland through the purchase of off-site credits would offer appropriate mitigation, but without detail of what or where that provision would be made it needs to be the subject of a pre-commencement planning condition (Condition 4). It is also recommended that a scheme of on-site ecological enhancement is submitted as a pre-commencement requirement in order to inform the amount of off-site mitigation needed (Condition 5).

#### Loss of Playing Field

98. The applicant contends that *'the playing fields were always ancillary to the use of the school building and wider school use. When the school was demolished, the authorised use of the site ceased, including any ancillary uses or functions. The fields then deteriorated and have never been used for playing field type activities since. The site has not therefore contained playing fields since 2012, over a decade prior to the submission of the application. The provisions of paragraph 103 of the NPPF or the Sport England Playing Fields Policy do not apply. Consequently, there is no need to fall into a cited exemption or to mitigate a loss through replacement provision (either on or off site).'*
99. The view held by the applicant is disputed by Sport England and in determining this application it is essential to take a view on the current use of the site. The site had a lawful use as a school site and the pitches were part and parcel of

that use. As such it is necessary to determine if that use has now been lost in order to inform the position on whether pitches are existing or not. The mere cessation of a use is not in itself development but if the use has ceased with no intention that it should be resumed, the inference may be drawn that the rights have been abandoned, perhaps leaving the site with a “nil” use. Permission would then be required for the resumption of the former use.

100. In this case the land is still held by NCC for education purposes and in the absence of a specific decision to hold the land for another purpose it is difficult to infer that there has ever been an intention that the school use is not to be recommenced at some stage (and all associated uses including the pitches). Whilst it is accepted that the site is overgrown and has been for some time it is officers’ view that the site, following demolition of the school building, does not have a nil use.
101. Taking that position, the proposal needs to be considered against NPPF Paragraph 103. Although the latest version of the NPPF was published in December 2023 it remains consistent with Sport England guidance (December 2021) which in its *Playing Fields Policy and Guidance* references the need to meet one of five Exceptions to the loss of playing field. As the playing field has not been used for at least five years, Sport England has confirmed that its response is in a non-statutory capacity, although their view informs decision making. While that does not reduce the value of the advice received, it does mean that the proposal is not subject to *The Town and Country Planning (Consultation) (England) Direction 2021* where a proposal to which Sport England object and is to be approved would first need to be referred to the Secretary of State.
102. NPPF Paragraph 103 states:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

  - (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
103. Sport England seeks to safeguard grass playing fields from development unless at least one of five criteria set out in Sport England’s *Playing Fields Policy and Guidance* are met. Exception 1 requires *A robust and up-to-date assessment [to have] demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.*

104. Mansfield District Council's latest Playing Pitch Strategy was published in 2016 and in the *Final Playing Pitch Strategy Assessment Report* Paragraph 1.3 explains that the document summarises the key issues arising from the assessment of facilities and informs the preparation of the strategy document and aims, amongst other matters, to outline current demand for facilities and evaluate projected demand up to 2025. In the assessment of supply (for football) Paragraph 10.2 identifies at the time that there were 67 individual formal grass football pitches available for community use across Mansfield District. The report also identified at Table 10.2 that the playing field at the former Ravensdale School site subject of this application remained derelict. In terms of adequacy of provision for football (page 210) the report concluded that:
- *There are pitch surpluses across the board and scope to increase capacity at all sites. Participation trends show a decline. Sites which are not currently used have potential to increase supply, but there is little evidence of demand for this currently.*
  - *A review demonstrates that existing lapsed or disused sites are therefore not required to meet current or future needs. The location (sites are not in areas where capacity pressures are currently or projected to be evident) and size of the sites (small single pitch sites, which are not sustainable and of insufficient size to be of benefit) contributes to this. Consultation with the FA on the sites has not revealed that any have any sporting significance or football value.*
105. Mansfield Local Plan Policy (2020) IN3: *Protection of community open space and outdoor sports provision* seeks to safeguard sites in all areas of community open space shown on the policies map and areas for outdoor sports provision identified for protection in Appendix 10 of the Local Plan. The former Sherwood Hall Annex site subject of this application is not included either in the list of sites at Appendix 10 nor identified on the plan, and it is concluded that this is a site that does not need to be protected and only allowed to be developed where open space or outdoor sports provision is surplus to requirements, or alternative provision of an equivalent or greater standard will be provided in an accessible location nearby in accordance with Policy IN3. Section 9.26 of the Mansfield Local Plan advises that *Applications involving the loss of a community open space and outdoor sport provision (Policy IN3) ...should refer to standards and actions set out in the following evidence documents and demonstrate that these have been appropriately considered: [and includes] Mansfield Playing Pitch Assessment and Strategy, 2016 (or equivalent updated version).*
106. Officers have been advised by Mansfield District Council that the 2016 Playing Pitch Strategy is the most recent document available. In that the expressly stated purpose of the *Final Playing Pitch Strategy Assessment Report* was to assess demand over the period 2015-2025 it is considered to remain relevant to the determination of this application, notwithstanding the view of Sport England that it may not remain robust once more than three years old as demand for facilities may have changed.

107. In conclusion on this section regarding loss of playing field, it is considered that the proposal would be compliant with advice in NPPF Paragraph 103a), insofar that an assessment has been undertaken which has clearly shown the playing field to be surplus to requirements by:
- the site having not been identified and made subject to Mansfield Local Plan Policy IN3: *Protection of community open space and outdoor sports provision*;
  - the Development Plan identifying the Mansfield Playing Pitch Assessment and Strategy 2016 as the most up to date document available and relevant to the consideration of applications that would lead to loss of outdoor sports provision; and
  - that document identifying the site to be unused as playing field and no longer needed.
108. Although Sport England has a policy to safeguard grass playing field and can put forward the view that the proposal does not meet any of their policy Exceptions, its non-statutory consultation response is one factor to be considered in the planning balance. Whilst the proposed school building would be partially sited on some of the former grass pitch area, resulting in the loss of a grass playing field, the application site is not currently used for sport. Furthermore, the application proposes a MUGA and two all-weather pitches which would make suitable provision for sport to meet the curriculum requirements of the proposed SEN school with smaller areas for activities provided as a response to the needs of autism. Although contrary to advice on loss of grass playing pitches, the proposal is considered on balance to be to the benefit of sport tailored to the needs of children to attend the school so as to outweigh detriment caused by the loss of the area of grass playing field.

#### Design and Amenity Impact

109. This is a challenging site on which to provide a single building to meet the identified specialist educational demands and the design responds well to the changing levels across the site. The two-storey element of the building will have a visually elevated presence when approached from Ravensdale Road, while the use of dark coloured cladding to the hall and lower (single-storey) main entrance block at the eastern end of the building would reduce the scale and massing of the frontage. The Post-16 and other Key Stage wings projecting to the north of the main block, stepping down in level from west to east, responds well to the site topography. The design incorporates external ramped access between building elements on different levels, with suitable resting places provided on the path connecting wings to the north of the building. The development would bring the site back into use as a school and notwithstanding the representation reported at Paragraph 84a) would be in keeping in the residential area.

110. The proposed stand-alone building would not be visually read in the context of adjacent development and the use of buff coloured brickwork is considered to be appropriate in this location. The proposal would deliver a development compliant with MLP Policy P1 – *Achieving high quality design - 1a*. (which supports development that is inclusive and accessible and has been developed following a robust site and contextual analysis, identifying and responding to constraints).
111. MLP Policy P7 *Amenity* requires that development should be designed and constructed to avoid and minimise impacts on the amenity of both existing and future users including development close to it. Development should not result in loss of privacy, excessive overshadowing or overbearing impact. Loss of privacy to bungalows on Allwood Close is raised in representations at Paragraph 84b). There would be no first-floor windows in the east elevation. The closest east-facing mid-floor windows to a stairway would be 88m from the closest bungalow, while ground floor windows on the east elevation of the main entrance block would be 51m from the closest property. The massing and proximity of the proposed building would not result in overshadowing. At that distance it is considered that there would not be unacceptable inter-visibility and consequentially loss of privacy from overlooking of the properties on Allwood Close. The impacts of construction are considered at Paragraph 121.
112. The application proposes the erection of an acoustic fence 3.5m in height in proximity to the rear of properties on Chadburn Road. While the noise impact of activity on the adjacent playing surfaces is considered later in this report, the visual impact of the fence and its impact on residential amenity also needs to be considered. The bungalows on Chadburn Road have relatively short gardens (Paragraph 7) and the outlook from those properties would be onto a continuous fence, stepped from west to east to take account of the fall in level across the all-weather surfaces, broken by existing trees within the rear gardens of the properties and proposed tree and additional planting between the fence and the garden boundaries. Although the fence would be sited in an elevated location relative to the adjacent bungalows, the proposed landscaping would visually break up the massing and height of the acoustic fence and is considered to be acceptable and in compliance with MLP Policy P7: *Amenity*.
113. Although not yet approved, the latest revision to the housing application being considered by Mansfield District Council (2023/0663/FUL) proposes dwellings with rear gardens that would back onto the northern boundary in proximity to the extension of the highway proposed in this application. The proposed highway construction would raise the footway on the southern side of the road by 1m above existing ground level, which gives rise to the likelihood of pedestrians on that footway overlooking the rear gardens of the new houses. The closest house would have a rear garden, measured at the shortest distance towards the proposed road, of 5.2m and windows in the rear elevation would be 9.2m from the footway. Privacy could be addressed through the erection of a fence/wall on the residential boundary, but at a height of 2.8m in order to safeguard privacy could be regarded as overbearing. A more practical solution would be to erect a 1.8m high fence at the back of the footway, although other ways to safeguard amenity can be explored through the flexibility of proposed Condition 35. As the

application to Mansfield District Council has not yet been determined there is the possibility that the layout on that site may change and allow a different approach to be taken to the safeguarding of amenity of future residents. The implementation of a satisfactory scheme to prevent overlooking and safeguard amenity would comply with MLP Policy P7 Amenity.

#### Traffic, Access and Parking

114. MLP Policy IN9 - *Impact of development on the transport network* will support development that does not endanger highway safety and allows for satisfactory access and egress from the highway and internal movements within the site. Although the proposed development would be over 4000m<sup>2</sup> in footprint the school has been designed to accommodate 160 children. The supporting Transport Statement bases the assessment of likely traffic generation from other SEN schools and is considered to be robust in its approach. Proposals for the number of mini-bus spaces, staff car parking and visitor car parking are considered to be appropriate. There may be some capacity issues around cars/taxis dropping-off/collecting students from the visitor car park should the anticipated number of vehicles all arrive at the same time, but this is a matter that can be managed through the School Travel Plan and Traffic Protocol. Activity at a SEN school needs to be controlled and particularly well managed. It should be highlighted that there are no residential properties fronting directly onto either side of Ravensdale Road for a distance of approximately 130m to the west of the highway spur which gives access to the application site. Even taking account of proposed highway markings related to the Ravensdale Road spur junction improvements, there would still be a significant length of highway (approximately 80m) on which vehicles would be able to park without affecting two-way traffic movement on Ravensdale Road (9.4m in width) or cause detriment to residential amenity from drop-off and pick-up.
115. With the proposed school being large there is the potential that additional student places could be needed. Whilst that may be acceptable, the traffic impact of an increased number of students and associated staff has not been considered in the Transport Statement. It is considered that a relatively small increase in the student roll could take place without the need for a further assessment of parking and potential highway impact, and a maximum permitted school roll of 175 students is recommended (Condition 6). To give some flexibility to respond to demand which may arise, it is recommended that the maximum number of students on the school roll should not exceed 175 unless the highway impacts are further assessed and found to be acceptable (Condition 7).
116. The application proposes alteration of the junction with Ravensdale Road, the highway spur, and its extension in order to provide satisfactory access to the proposed car park/mini-bus area and the visitor car park. MLP Policy P4: *Comprehensive Development* will support development proposals that would not prejudice the development of sites with existing planning permission or adjoining land with longer term potential. As the alterations on the eastern side of the highway would not prejudice access to the proposed housing site

(2023/0663/FUL), this proposed school development would be compliant with Policy P4. The provision of footways at a minimum width of 3m on either side of the carriageway leading to the school is considered to be appropriate. Works to modify and extend the highway will be the subject of detailed design and relevant highway agreement, and will need to have been completed by the time the school first opens (Condition 30). A School Zone will be required, details of which are the subject of recommended Condition 29. A Traffic Regulation Order would be the subject of separate procedure and public consultation.

117. A representation has been received (Paragraph 84d)) objecting to another school, and increased traffic. Residents on Allwood Close are unlikely to be directly impacted by traffic associated with the proposed school. Access to Allwood Close is taken from Sherwood Hall Road opposite Samworth Academy and traffic associated with that school may cause an inconvenience to residents. However, access to the Academy and the school proposed in this application would be from different roads and it is not anticipated that operation of the two sites would give rise to a cumulative traffic impact.

#### Noise

118. Paragraph 112 of the report considers the visual impact of the proposed acoustic fence on the occupiers of adjacent bungalows on Chadburn Road. The proposed acoustic fence has been assessed to provide suitable mitigation for noise generated by activities on the adjacent playing surfaces and would suitably safeguard the amenity of neighbouring residents in compliance with MLP Policy P7: *Amenity*. The likelihood of all outdoor surfaces being fully used for prolonged periods is considered to be low, with noise likely to be generated only during the school term. Planning Practice Guidance on *Use of Planning Conditions* (2019) advises that conditions should only be imposed that meet six tests including a test of need. Giving consideration to the proposed noise mitigation that would be provided by the acoustic fence, an absence of lighting, and any use of the pitches likely to be for organised activity, rather than more intensive noise generated at break-time for example, it is not considered necessary to restrict out of hours/non-school use of the formal outdoor playing areas.

#### Lighting and Extended Outdoor Use

119. The external lighting of outdoor playing pitches is expressly not proposed in this application. Lighting of the surfaces might not be unacceptable, but has not been assessed in this proposal. As well as considering the potential impact on residential amenity, impact on ecology would also need to be considered. For the avoidance of doubt recommended Condition 26 precludes the lighting of the playing surfaces without a prior express grant of planning permission. Although not proposed in the application it is considered that recommended conditions would provide effective control consistent with NPPF Paragraph 191 over the amenity impacts of extended hours of use of school outdoor facilities within

daylight hours. It is not considered necessary to time limit use of outdoor facilities at the site.

120. Details of proposed external lighting of the building have not been provided in the submitted application. A lighting scheme should be submitted taking account of the presence of bats (Condition 25). Having regard to the size of the site, it is in a relatively dark location within the urban area and it is considered appropriate that the target for the lighting design should be *Environmental Zone E2 – Rural* set out in *Institute of Lighting Professionals – Guidance Note for the Reduction of Obtrusive Light 2021*.

### Construction

121. Abnormal construction activity is not anticipated, and development should take place in compliance with a Construction Environment Management Plan controlling working hours, deliveries and construction methodology in order to safeguard residential amenity (Condition 15 and Condition 16). The siting, height and potential for overlooking of neighbouring properties from upper floor construction cabin windows can be considered and controlled as necessary.
122. Intrusive site investigation is recommended in the Preliminary Geo-Environmental Assessment supporting the application and is the subject of recommended Condition 17. Any material imported to site for ground works should be tested for contamination or otherwise certified to be suitable for the proposed school use (Condition 16e). While four rounds of gas monitoring have been carried out rather than a recommended six rounds, in this instance the applicant's report suggests that risk from ground gas generation is negligible. Should the applicant not carrying out further ground gas monitoring would be at developer risk.
123. The site is suitable for soakaways although a detailed scheme of surface water drainage based on the principles set out in the submitted Flood Risk Assessment is required (Condition 21). However, it will need to be ensured that surface water drainage does not adversely affect the underlying principal aquifer. A scheme of foul water drainage will also be required (Condition 20).

### Sustainability

124. The proposed development incorporates sustainable features in the design. The 100m<sup>2</sup> of PV to be installed on the roof of the main entrance block, concealed behind the building parapet, would contribute to the energy requirement of the building and reduce carbon footprint. There is a scope to add additional PV to the main roof and building wings. The building will need to meet the requirements of the Building Regulations and for the applicant to provide additional PV, subject to planning permission, is a matter of balancing benefit against capital cost.
125. The suitability of the site and proposed use of soakaways, in accordance with the sustainable drainage hierarchy, is welcomed.



126. Suitable provision for travel to school by means other than car is also appropriate. Whilst also meeting service demands, transporting students to school together by mini-bus transport reduces the need for individual journeys. The provision of EV charging in both the staff and visitor car parks, including at a disability parking space, is welcomed as is the provision of secure cycle parking for staff.

#### Other Issues

127. Loss of property value is not a material planning consideration.

#### **Other Options Considered**

128. 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**

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

#### Crime and Disorder Implications

130. The development would be enclosed by perimeter security fencing with additional fencing within the site creating enclosures to assist with the operational management of the site.

#### Data Protection and Information Governance

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

#### Financial Implications

132. As detailed in Paragraph 116 above, the applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of a required Traffic Regulation Order.

### Human Rights Implications

133. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered. The proposals have the potential to introduce higher levels of noise from activities on outdoor play spaces but are proposed to be mitigated through acoustic fencing which in turn could impact on amenity through the height an extent of fencing to be installed. However, these potential impacts need to be balanced against the wider benefits the proposals would provide in providing a SEN school on a former school site. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Public Sector Equality Duty Implications

134. The proposed development would be inclusive, making provision for disability access internally, externally through the provision of ramped access and opportunity for EV charging at dedicated disability parking spaces.

### Safeguarding of Children and Adults at Risk Implications

135. Appropriate safeguarding measures, through school risk assessments and practices, would be in place at the SEN school.

### Implications for Service Users

136. The proposed development would provide a purpose designed facility that can meet the special education needs of the target students.

### Implications for Sustainability and the Environment

137. These have been considered in the Observations section above.
138. There are no Human Resources implications arising.

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

139. 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 the potential impact of the proposal on residents of properties on Chadburn Road

and compatibility of the development with development proposed on an adjacent site, and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

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

**DEREK HIGTON**

**Interim Corporate Director - Place**

## **Constitutional Comments**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council

[JL 01.03.24]

## **Financial Comments**

The financial implications are set out in Paragraph 132 of the report. The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of a required Traffic Regulation Order.

[PAA 29 22.02.2024]

## **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: [www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4601](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4601)

**Electoral Division and Members Affected**

Mansfield South

Councillor Andre Philip Camilleri

Mansfield South

Councillor Stephen Garner

Report Author/Case Officer

David Marsh

0115 9932574

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

**RECOMMENDED PLANNING CONDITIONS**

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

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

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

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

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

- a) Location Plan (Drawing 30098-ARC-A01-XX-D-A-010001 Rev P03) received by the CPA on 22 November 2023;
- b) Proposed Block Plan (Drawing 30098-ARC-A01-XX-D-A-010003 Rev P10) received by the CPA on 28 February 2024;
- c) Existing and Proposed Level Comparison (Drawing 30098-ARC-A01-XX-D-A-010006 Rev P07) received by the CPA on 29 February 2024;
- d) Indicative Tree Plan (Drawing 30098-ARC-A14-EX-D-A-140002 Rev P05) received by the CPA on 29 February 2024;
- e) Building A Ground Floor Plan (Drawing 30098-ARC-A02-A00-D-A-020000 Rev P10) received by the CPA on 29 February 2024;
- f) Building Mezzanine Above Ground Floor Plan (Drawing 30098-ARC-A02-AM0-D-A-020010 Rev P09) received by the CPA on 29 February 2024;
- g) Building A First Floor Plan (Drawing 30098-ARC-A02-A01-D-A-020020 Rev P07) received by the CPA on 22 November 2023;
- h) Building A Roof Plan (Drawing 30098-ARC-A02-AR01-D-A-020050 Rev P05) received by the CPA on 29 February 2024;

- i) Building A Elevations Sheet 1 - N, S, E, W excl. Courtyards (Drawing 30098-ARC-A03-XX-D-A-031001 Rev P04) received by the CPA on 13 February 2024;
- j) Building A Elevations Sheet 2 (Drawing 30098-ARC-A03-XX-D-A-031002 Rev P04) received by the CPA on 29 February 2024;
- k) Ancillary Compounds Plan and Elevations (Drawing 30098-ARC-A14-XX-D-A-144001 Rev P01) received by the CPA on 29 February 2024;
- l) Building A Sections Sheet 1 (Drawing 30098-ARC-A04-XX-D-A-040001 Rev P04) received by the CPA on 29 February 2024;
- m) Building A Sections Sheet 2 (Drawing 30098-ARC-A04-XX-D-A-040002 Rev P04) received by the CPA on 29 February 2024;
- n) Proposed Fencing and Gates (Drawing 30098-ARC-A14-EX-D-A-145001 Rev P05) received by the CPA on 28 February 2024;
- o) Proposed Site Sections (Drawing 30098-ARC-A01-XX-D-A-010020 Rev P05) received by the CPA on 28 February 2024;
- p) Vehicle Tracking Sheet 1 (Drawing 30098-HSP-C05-XX-D-C-3010 Rev P03) received by the CPA on 12 January 2024;
- q) Vehicle Tracking Sheet 2 (Drawing 30098-HSP-C05-XX-D-C-3011 Rev P03) received by the CPA on 22 November 2023;

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

4. No development shall commence before a scheme to deliver a minimum of 1% biodiversity net gain compliant with government guidance [Make off-site biodiversity gains as a developer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/make-off-site-biodiversity-gains-as-a-developer) (other than the requirement for 10% biodiversity net gain), including the submission of a biodiversity gain plan and proposals for managing that habitat for 30 years has been submitted to and approved in writing by the CPA.

*Reason: The scheme for the delivery of biodiversity net gain needs to be in place prior to the commencement of development to ensure the timely provision of appropriate ecological enhancement in mitigation for ecology lost on the site.*

5. Prior to the commencement of development an ecological enhancement plan for the wider site, setting out the areas of habitat to be retained, enhanced and created, shall be submitted to and approved in writing by the CPA. For the avoidance of doubt and notwithstanding the details of fencing approved by Condition 3n), the enhancement plan shall include a plan showing the location of

openings in fencing (mammal gates) that will allow larger mammals access to and across the site. Development shall be carried out in accordance with the approved details.

*Reason: Details are required prior to the commencement of development for the avoidance of doubt as to the development permitted, to enhance the ecology of the site and to inform the provision for off-site biodiversity gain required by Condition 4.*

6. Other than in compliance with Condition 7, not more than 175 children shall be registered on the school roll at any time.

*Reason: In order that the CPA may control and assess the wider planning impacts of the future intensification of use of the site.*

7. Notwithstanding Condition 6, this permission shall allow a maximum of up to 185 children to be enrolled at the school for a temporary period during one academic year where the applicant has first notified the CPA and demonstrated to the written satisfaction of the CPA:

- a) an identified service need for more than the permitted 175 children, which cannot be reasonably accommodated elsewhere;
- b) parking and highway impacts of a temporary increase in the number of children through the submission of a traffic study tailored to the special educational needs of the children, to include:
  - i) a revised Traffic Protocol (Condition 34) for the accommodation of vehicles arriving at the site, including staff, parents, mini-buses, school transport, visitors, service deliveries and refuse collection; and
  - ii) the likelihood and impact of school transport vehicles waiting on the highway in the vicinity of the school before being admitted to the school site.

Any measures to mitigate the impact of a temporary increase in the school roll identified in the traffic study shall be implemented before the number of pupils on the school roll exceeds 175. Any temporary increase in the number of children on the school roll shall be exercised in accordance with specific conditions that may be imposed.

*Reason: In order that the CPA may assess the parking and traffic implications of a temporary intensification of the use of the site.*

8. Notwithstanding submitted details, prior to any works related to construction of the extended road and amendments to the existing highway approved by this permission being carried out, details of the proposed works including longitudinal and cross-sectional gradients, street lighting, drainage and outfall

proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works shall first be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: To ensure that proposed works to the existing and proposed extended highway are to adoptable highway standard. (Attention is also drawn to Note 2 at the end of this Decision Notice.)*

9. The area of land within the red line of the application site towards the highway forward of the 2.4m by 25m visibility splay marked 'Private land in front of 2.4m by 25m visibility splay to be kept free from obstructions/landscaping over 600mm in height' on Section 38/278 Works Housing Access Site plan (Drawing 30098-HSP-C05- XX-D-C-003001 REV. P02) shall be kept free of any obstruction over 0.6m above the adjacent footway level at all times.

*Reason: To ensure that the proposed highway works do not have a negative highway safety impact on vehicular egress from the adjacent residential development.*

10. Notwithstanding details shown on submitted drawings, the access to each car park shall be laid out with a minimum width of 6.0m within the highway and be surfaced in a hard bound material (not loose gravel) for at least 10 metres back from the nearside edge of carriageway, with any proposed gates at the access points to open inward only and set back minimum distance to allow the largest vehicle attending the site to park clear of the highway while the gates are opened, and shall be constructed in accordance with details that have been first submitted to and approved in writing by the CPA. The approved access, surface treatment, and gates shall be retained as approved for the life of the development.

*Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, to enable a vehicle to stand clear of the highway whilst the gates are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway, and to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).*

11. The car park access driveways shall be constructed to prevent the discharge of surface water from the driveway on to the public highway in accordance with details that shall first be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details and shall be so retained through the life of the development.

*Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.*



12. All car parking spaces shall be constructed with ducting to facilitate the future provision of additional electric vehicle charging points.

*Reason: The promotion of sustainable transport by facilitating the provision of electric vehicle charging in compliance with National Planning Policy Framework Paragraph 116e).*

13. Tree, shrub, scrub or other vegetation clearance works that are to be carried out between the months of March to August inclusive shall only be undertaken:

- a) in accordance with a methodology which shall first be submitted to and approved in writing by the CPA;
- b) following inspection by a suitably qualified ecologist; and
- c) written confirmation from the ecologist first being submitted to the CPA that breeding birds would not be adversely impacted by the proposed clearance works.

*Reason: To avoid disturbance to birds during the breeding season. (Attention is also drawn to Note 3 at the end of this Decision Notice.)*

14. Prior to the commencement of development:

- a) i) the means of protection of retained trees and vegetation during the period of construction: and
- a) ii) a plan showing the alignment of temporary fencing to protect retained trees and vegetation during the period of construction

shall be submitted to and approved by the CPA in writing. The approved scheme shall be completed as part of site enabling works and retained to the satisfaction of the CPA throughout the period of construction unless otherwise first agreed by the CPA in compliance with Condition 14b).

- b) Any fencing approved in compliance with Condition 14a) which needs to be relocated to facilitate approved works within the safeguarded areas shall only be carried out following the submission and written approval by the CPA of a method statement for works within those previously safeguarded areas.

*Reason: Measures are required to be implemented prior to the commencement of development as part of site enabling works to safeguard the health of retained trees and vegetation during the period of site works in the interest of the visual amenity and ecology of the site.*

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

- a) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;
- b) no construction deliveries to site shall take place on any day other than between 07:30–18:00 hours Mondays to Fridays and 07:30– 13:00 hours on Saturdays;
- c) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hours on Saturdays;

*Reason: To safeguard the amenity of nearby residents.*

16. Prior to the commencement of development, details of the method of working during the construction phase, in the form of an environmental management plan, to include:
- (a) measures to prevent the deposit of debris on the public highway;
  - (b) measures for the control of noise impacts from construction, including best practice techniques to minimise noise impacts and how communication and liaison with the public shall be undertaken and complaints managed and dealt with;
  - (c) a scheme, including plans, for:
    - i) the location of wheel washing facilities approved in compliance with Condition 16a) (e.g. jet-wash);
    - ii) the parking of vehicles of site operatives and visitors;
    - iii) storage of plant and materials used in constructing the development;
    - iv) siting and height of construction cabins and position of any upper floor windows;
    - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
    - vi) on-site temporary storage of soils;
    - vii) the segregation of waste materials into different streams for recycling or disposal;
  - d) measures to handle potentially contaminated arisings and groundwater;
  - e) testing and screening strategy for potential contaminants in any imported fill materials;

- f) measures to be employed during construction to safeguard against pollution of the underlying principal aquifer;
- g) Reasonable Avoidance Measures to be employed during construction for protected mammals, hedgehogs and reptiles (recommended in the Preliminary Ecological Assessment)

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

*Reason: Details are required of the method of working prior to the commencement of development in the interest of highway safety, in order to safeguard the amenities enjoyed by the occupiers of nearby properties, and in the interest of sustainable construction.*

17. Prior to the commencement of development a detailed Remediation Strategy shall be submitted to, and approved in writing by, the CPA to include:
- a) a review of site investigation results and a contamination risk assessment to identify areas requiring remediation;
  - b) an options appraisal and remediation strategy, giving full details of the remediation measures required and how they are to be undertaken;
  - c) a verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in Condition 17b) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Development shall be carried out in accordance with the approved details.

*Reason: An updated site investigation and remediation strategy is required prior to the commencement of development to ensure that the development does not contribute to, and is not put at unacceptable risk from, nor adversely affected by, unacceptable levels of soil and/or water pollution as advised Paragraph 189 of the National Planning Policy Framework.*

18. Prior to the permitted development first being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy (Condition 17), and the effectiveness of the remediation, shall be submitted to and approved in writing by the CPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

*Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in compliance with NPPF Paragraph 189.*

19. Prior to the commencement of main site works, a watching brief for contamination shall be submitted to and approved in writing by the CPA. In the event that during development contamination not previously identified is found to be present, no further development shall take place in the area of contamination, unless first agreed in writing by the CPA, until a remediation strategy to deal with the identified contamination has been submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: Details of a watching brief for contamination which may be encountered are required prior to the commencement of development to ensure that potential contamination risks are identified and the site is remediated to an appropriate standard in compliance with NPPF Paragraph 189.*

20. Unless first demonstrated to the satisfaction of the CPA that foul water drainage to be generated by the development will be accepted to the adopted sewerage network by Severn Trent Water Ltd., prior to the commencement of development, a scheme of foul drainage works shall be submitted to and approved in writing by the CPA. Foul drainage works shall be completed in accordance with the approved details prior to development first being brought in to use.

*Reason: Details of foul drainage are required prior to the commencement of development to prevent an increased risk of flooding and to minimise pollution by ensuring the timely provision of a satisfactory means of foul water disposal.*

21. Prior to the commencement of development, a scheme of surface water drainage incorporating the principles set out in the Flood Risk Assessment supporting the application and *Drainage Strategy 30098-HSP-C00-XX-T-C-000069-FRA-P03, November 2023, HSP Consulting*, and designed to safeguard against pollution of the underlying aquifer, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: Details of surface water drainage are required prior to the commencement of development to ensure the provision of satisfactory surface water drainage of the site to safeguard against flooding, increased flood risk on and off site, and pollution of the environment. (Attention is also drawn to Note 4 at the end of this Decision Notice.)*

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

*Reason: In the interest of visual amenity and to accord with Mansfield Local Plan Policy P1 - Achieving high quality design.*

23. Prior to being installed design details of the following shall be submitted to and approved in writing by the CPA:

- a) sports equipment storage sheds;
- b) outdoor play equipment in break-out areas; and
- c) covered cycle shelters;

Development shall be carried out in accordance with the approved details.

*Reason: For the avoidance of doubt as to the development permitted in the interest of visual amenity and to accord with Mansfield Local Plan Policy P1 - Achieving high quality design.*

24. Prior to being installed:

- a) the design and acoustic qualities of the 3.5m high acoustic fence to be erected along the northern edge of the all-weather pitches to achieve a maximum noise level of 55 dBA within garden areas at the nearest sensitive receptors resulting from school outdoor activities; and
- b) a layout/design to reduce and mitigate the impact of ball strike on the combined weldmesh and acoustic fence;

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. In the event of a complaint which the CPA considered to be justified, the applicant shall undertake a noise assessment in accordance with the procedure in BS4142:2014 to demonstrate compliance with Condition 24a). In the event that the specified noise limit is exceeded, a scheme of noise mitigation shall be submitted to and approved in writing by the CPA. The approved scheme of mitigation shall be implemented to the satisfaction of the CPA within one month of the date of approval.

*Reason: To consider the acoustic qualities of the proposed fence design and in the interest of visual amenity and to accord with Mansfield Local Plan Policy P7 - Amenity.*

25. Prior to external lighting being installed on the building and its immediate surrounding area, car parks and service areas, the location and design details of external light fittings, and a lighting scheme demonstrating compliance with Institute of Lighting Professionals Guidance for the Reduction of Obtrusive Light – Zone E2 designed to be sensitive to the presence of bats, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interests of visual amenity, and to control the potential impact of external lighting on bats in order to ensure the favourable conservation status of a protected species and to accord with Mansfield Local Plan Policy P7 - Amenity.*

26. No lighting shall be installed to illuminate and facilitate the use of outdoor pitches during hours of darkness other than with the prior written consent of the CPA.

*Reason: For the avoidance of doubt of the development permitted and in order that consideration can be given to the amenity and ecological impact of external lighting and to accord with Mansfield Local Plan Policy P7 - Amenity.*

27. Notwithstanding landscape details shown indicatively on plans approved by Condition 3 of this permission, which may need to be modified as a consequence of details to be approved in compliance with Condition 5, within 3 months of the commencement of development a scheme, including a programme for the provision of landscaping to include:

- a) species, locations, planting size and planting density;
- b) grass sowing;
- c) an area of wildflower grassland, trees and hedgerow to accord with the ecological enhancement plan required in compliance with Condition 5;
- d) establishment methods (including tree pit detail); and
- e) a schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats (including relaxed summer mowing regime of the wildflower grassland) and management of marginal areas

shall be submitted to and approved in writing by the CPA. Other than as may be agreed in the programme for the provision of landscaping and planting, the approved landscaping and planting scheme shall be completed not later than the first planting season following the development first being brought into use. Any tree, plant, shrub or grass seeding that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

*Reason: In the interest of visual amenity.*

28. Prior to being installed design details of the following shall be submitted to and approved in writing by the CPA:

- a) all-weather pitch construction make-up, drainage, falls and surface finish;
- b) multi-use games area construction make-up, drainage, falls and surface finish;

Development shall be carried out in accordance with the approved details.

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

29. Within 6 months of the commencement of development details of a School Zone incorporating off-site highway works (carriageway markings, associated signage, pedestrian guardrail and other measures as appropriate) shall be submitted to and approved in writing by the CPA. The School Zone shall be provided as approved prior to the school first being brought into use or such other timescale as may be agreed in writing by the CPA.

*Reason: In the interest of highway safety. (Attention is also drawn to Note 5 at the end of this Decision Notice.)*

30. Prior to the development first being brought into use:

- a) the Ravensdale Road junction modifications;
- b) the provision of footways to both sides of the highway;
- c) new pedestrian crossing facilities on the existing and extended Ravensdale Road highway spur;
- d) extension of the highway providing access to the staff and visitor car parks;

as approved by this development, shall have been constructed to an adoptable standard to the satisfaction of the CPA, and

- e) Traffic Regulation Order(s) for the prohibition of parking around the School Zone approved as a part of the School Zone (Condition 29)

shall have been provided to the satisfaction of the CPA, or such other timescale as may have been first agreed in writing by the CPA.

*Reason: To ensure the provision of satisfactory highway construction and access to the site in the interest of highway safety.*

31. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2.0 meters x 2.0 meters (measured from and along the highway boundary) have been provided on each side of vehicle accesses. Land within each splay shall be kept free of any obstruction over 0.6m above the carriageway level at all times.

*Reason: In the interest of pedestrian safety.*

32. The school shall not be first brought into use before the new pedestrian crossing points and new road lining on and near the Ravensdale Road junction with the access road, shown for indicative purposes only on Section 38/278 Works Road Markings and Signage (Drawing 30098-HSP-C05-XX-D-C-003050 REV P02) received by the CPA on 21 February 2024, have been provided to the written satisfaction of the CPA in consultation with NCC Highways Development Control.

*Reason: In the interest of highway safety.*

33. 8 covered cycle parking spaces, as proposed in the application, shall be provided before the development is first brought into use and shall be retained solely thereafter for the parking of cycles.

*Reason: To promote sustainable travel.*

34. Prior to the development first being brought into use a Traffic Protocol setting out how:

- a) i) vehicles arriving at the site, including staff, parent transport/taxis, mini-buses/school transport, visitors, service deliveries and refuse collections will be organised and managed; and
- ii) how any school transport vehicles waiting on the highway in the vicinity of the school before being admitted to the school site will be organised and managed

and;

- b) a School Travel Plan (reflecting the traffic protocol)

shall be submitted to and approved in writing by the CPA. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the CPA and shall include arrangements for monitoring of progress of the proposals. Unless otherwise first approved in writing by the CPA, the development shall operate in accordance with the approved School Travel Plan and Traffic Protocol.



*Reason: In the interest of the safety of users of the highway immediately adjacent to the school and the amenity of nearby residents, and promote sustainable travel to school. (Attention is also drawn to Note 6 at the end of this Decision Notice.)*

35. Prior to the development first being brought into use a scheme to safeguard privacy of properties that may be approved by planning application 2023/0663/FUL (or such other development on that site as may subsequently be approved) from overlooking by pedestrians using the footway to be provided on the southern side of the extended highway shall be submitted to and approved in writing by the CPA. Prior to the development first being brought into use the approved scheme shall be implemented and, unless otherwise first amended through the prior written agreement of the CPA, shall be retained throughout the life of the development.

*Reason: To safeguard against overlooking and a loss of privacy that occupiers of adjacent development could reasonably expect to enjoy.*

36. The development shall not be brought into use until all parking, turning and servicing areas have been constructed, drained through trapped gullies with an overall capacity compatible with the site being drained, surfaced and marked out, and cycle parking provided, in accordance with the approved plans to the satisfaction of the CPA. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

*Reason: To ensure the timely provision of car parking, service areas and facilities for cycling, and to minimise the need for on-street parking through the continuing availability of facilities to meet the operational requirements of the site.*

37. The combined fixed plant Rating Noise Level when calculated in accordance with BS4142:2014 and inclusive of any penalties, shall be designed to not exceed 37dB LAeq,1hr at the nearest sensitive receptor during the night-time and 45dB LAeq,1hr during the daytime, and shall be so operated throughout the life of the development.

*Reason: To safeguard the amenities enjoyed by the occupiers of nearby residential properties and to accord with Mansfield Local Plan Policy P7 - Amenity.*

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

1. Reference in any condition contained in this permission of permission to any Statute, Statutory Instrument, Order, Regulation, Design Guide or other

document shall be taken to include any amendment, replacement consolidation or variation that shall from time to time be in force and any reference to anybody or organisation (public or private) shall be taken to include any successor-body or organisation exercising relevant functions in place of or alongside the body named.

#### Section 38 Agreement (Highways Act 1980)

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads/footways and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Correspondence with the Highway Authority should be addressed to: [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk)

#### Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) for details.

Building Works shall not project over the highway.

No part of the proposed fence or its foundations, fixtures and fittings shall project forward of the highway boundary.

#### Prevention of Mud on the Highway

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

#### Signs

Non-statutory signs are not permitted within the limits of the public highway.

2. With reference to Condition 8, the applicant should be aware that the required highway design detail may be affected by a new access which may have been

constructed should permission have granted by Mansfield District Council (planning application reference 2023/0663/FUL) and the related highway access works implemented.

3. With reference to Condition 13, bird nesting can take place outside of the period March-August and the applicant must comply with their responsibilities under the Countryside and Wildlife Act 1981 as amended regarding the protection of wild birds, their nests and eggs.
4. With reference to Condition 21 the scheme of surface water drainage should:
  - demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 173.
  - limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
  - provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
    - No surcharge shown in a 1 in 1 year.
    - No flooding shown in a 1 in 30 year.
    - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
  - evidence to demonstrate the viability (e.g., condition, capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
  - if required, provide details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
  - if required, provide evidence of approval for drainage infrastructure crossing third party land where applicable.
  - provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

- evidence how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.
5. With reference to Conditions 29-30, the Highway Authority considers that as part of the proposed access and off-site highway works, a Traffic Regulation Order should be implemented to provide a safer highway environment. The Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the applicant should contact [businessdevelopment@viaem.co.uk](mailto:businessdevelopment@viaem.co.uk)
  6. With reference to Condition 34, advice regarding Travel Plans can be obtained from the Travel Plans Officer, please contact: [Transport.Planning@nottscc.gov.uk](mailto:Transport.Planning@nottscc.gov.uk)
  7. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at [www.stwater.co.uk](http://www.stwater.co.uk) or by contacting Severn Trent Water New Connections Team (01332 683369).