



**24 May 2016**

**Agenda Item: X**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**BROXTOWE DISTRICT REF. NO.: 5/16/00179/CCR**

**PROPOSAL: ERECTION OF 2 NO FREE STANDING TWO CLASSROOM BUILDINGS WITH ENTRANCE CANOPIES AND ASSOCIATED EXTERNAL WORKS, AND USE OF EXISTING MAINTENANCE GATE AS A PEDESTRIAN ENTRANCE GATE.**

**LOCATION: HORSENDALE PRIMARY SCHOOL, ASSARTS ROAD, NUTHALL**

**APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES**

### **Purpose of Report**

1. To consider a planning application for the erection of two two-classroom free-standing buildings and use of an existing maintenance gate as a pedestrian entrance to Horsendale Primary School, Assarts Road, Nuthall. The key issues relate to school expansion and related traffic impacts. The recommendation is to grant planning permission subject to the conditions set out in Appendix 2.

### **The Site and Surroundings**

2. Horsendale Primary School is located 450m to the south of the A610/A6002 roundabout junction to the east of Junction 26 of the M1 (Plan 1). The school lies in a residential area and adjoins Broxtowe Country Park along its south-west boundary, which is also the administrative boundary with Nottingham City Council.
3. The 210 place Primary School, of CLASP single-storey construction, is contemporary with a residential estate dating from the 1950/60s. The layout of the area is such that traffic accessing the school can do so only from Nottingham Road (Plan 1).
4. The school fronts Assarts Road (Plan 2) and the pedestrian access to the school lies almost opposite Horsendale Avenue. Zig-zag markings are provided on the highway on the frontage to Assarts Road while additional parking restrictions apply at school drop-off and pick-up times along Assarts Road and Horsendale Avenue. Double yellow lines protect the junctions of Assarts Road with Drummond Drive, Horsendale Avenue and Vernon Drive (Plan 2). The vehicular access to the site is at the northern end of the frontage to Assarts Road. Three of the 23 parking spaces within the site are captive (one vehicle parked behind another) and one disability parking space is provided close to the school main entrance. The pedestrian access to the school is located centrally

on the road frontage, almost opposite the junction with Horsendale Avenue. There is a vehicular maintenance access to the site opposite 7 Assarts Road.

5. A multi-use games area and fenced all-weather pitch lies to the west of the school building. A larger sand-based surface approximately 67m x 45m, in substitution for a grass playing field, lies to the south-east of the school.
6. The frontage to Assarts Road is enclosed by secure fencing and a hedge. Pairs of mature ash trees stand within the site at either end of the Assarts Road frontage, and a pair of Norway Maple are positioned centrally on the road frontage. An ash tree stands within the site to the east of the school building adjacent to the sand-based area of outdoor play (Plan 3). Several of the trees have been netted to prevent bird nesting.
7. A summary of data related to the existing site and proposed development are included in the following table:

<b>Horsendale Primary School</b>	<b>Existing</b>	<b>Proposed</b>
<b>School Start/Finish Times</b>	8.55hrs-15.35hrs	8.55hrs-15.35hrs
<b>Pupil Numbers</b>	210	315
<b>Published Admission (PAN)</b>	30	45
<b>School Net Capacity</b>	210	315
<b>Staff Total (FTE)</b>	30.5	36.5
<b>Staff Full-Time</b>	29	33
<b>Staff Part-Time</b>	5	9
<b>Car Parking Spaces (Total)</b>	23	29
<b>Disability Parking</b>	1	1
<b>Cycle Parking</b>	20	20

Table 1

## **Proposed Development**

Background

8. There has been a sharp increase in the number of children at first admission throughout the County. In 2015 there were 9415 children requiring a school place compared with 8377 children in school Year 6. Although there may be capacity within existing schools the trend is for a greater number of children in younger age groups, which is putting pressure on school places in successive years.
9. Horsendale Primary School is situated in the Kimberley school place planning area. Projected demand for school places at Horsendale Primary School to 2019/20 exceeds the current school capacity and Published Admission Number (PAN). A more significant shortfall in school places has been identified at Larkfields Primary School and Mornington Primary School, which also lie within the Kimberley school place planning area. Pupil projections do not include demand for places linked to planned development.
10. Planning permission has been granted (April 2016) at Kimberley Primary School (application reference 5/16/00124/CCR) for a two classroom building that would allow the school PAN to increase from 20 to 30 places.
11. There is an approved development for 116 houses (outline permission granted on appeal - Broxtowe Borough Council application reference 12/00539/OUT for 116 houses) to the north-east of the A610/A6002 roundabout (Plans 1 and 4). That development has an associated S106 contribution for education, with provision to fund school places at Primary level allocated to Horsendale Primary School.

#### Proposal

12. Planning permission is sought for the erection of two free-standing two-classroom buildings (Plan 3) to meet demand for places at the school and the wider Kimberley place planning area.
13. Both buildings would have the same internal layout providing two classrooms, ancillary supporting facilities and a shared group room, each with a footprint measuring 14.8m x 11.0m. The buildings would be constructed with a shallow pitch grey single-ply membrane concealed behind a 3.6m high parapet. Mono-pitch canopies, a maximum height of 2.9m, would be provided outside each classroom and lobby/cloaks entrance door.
14. Building Module 1 would be sited to the south-east of the existing CLASP school, 32m from the frontage to Assarts Road (Plan 3). The siting would require the removal of one ash tree (Category B) and the building and surrounding footpath would encroach marginally onto the adjacent sand-based all-weather surface (Plan 5). The building would be finished in a white coloured render above a brick plinth, while doors and window frames would be coloured grey and of aluminium construction (Plan 6).
15. Building Module 2 would be erected to the east of the existing school approximately 3m from the boundary with Assarts Road (Plan 3). The building would be sited at closest 2.5m to the north-east and 1.9m to the south-east of wings of the existing CLASP building, requiring the removal of two Category B Norway Maple trees. The adjacent hedge on the road frontage would be retained. The building would be finished in a white coloured render above a brick plinth, with the elevation to Assarts Road partially faced in cedar. Doors

and window frames would be coloured grey and of aluminium construction (Plan 6).

16. The existing pedestrian access gate would be retained, with 20 covered cycle parking spaces retained to the north-west of Building Module 2. The access gate opposite 7 Assarts Road would be used as a pedestrian access to the site, whilst being retained as a vehicular maintenance access (Plan 5). Modifications to the gate would also allow a parent assembly area to be provided.
17. Two Category B ash trees in the north corner of the site adjacent to the vehicular entrance and the rear boundary of 15 Drummond Drive would be removed. Six additional car parking spaces would be provided in the northern corner of the site to the north-east of an electricity sub-station (Plan 5).
18. Internal refurbishment works (not requiring planning permission) would be undertaken, replacing two classrooms with a large Foundation 2 room.
19. It is proposed that replacement planting would take place close to each of the five trees that would be felled. No additional details of proposed planting have been submitted.

## Consultations

20. **Broxtowe Borough Council** - No objection. *The development is in compliance with the National Planning Policy Framework (NPPF) and policies in the Broxtowe Local Plan (2004), and Broxtowe Aligned Core Strategy (2014). The Council supports the objective of ensuring that schools are fit for purpose and that sufficient school places are available to meet the needs of new and existing communities and are mindful that the NPPF recommends that great weight should be given to supporting the expansion of schools.*
21. *The scale of the classrooms appears appropriate. Windows and the introduction of render on the elevation of Building Module 2 facing Assarts Road [in amended plans] achieves a more active frontage which will be beneficial to the overall streetscene. Four trees are to be removed and it is important that replacement trees are planted to maintain greenery evident along the frontage to the school.*
22. *On-going traffic and parking issues in the immediate area of the school are highlighted, with residents experiencing significant problems associated with school traffic. Careful consideration should be given to existing traffic and parking problems and that effective measures are put in place to ensure the extension does not exacerbate these issues.*
23. **Nottingham City Council** – No response received. Any response received will be orally reported.
24. **Nuthall Parish Council** – It should be a condition of permission that parking restrictions in the vicinity are extended to neighbouring streets (Vernon Drive, Horsendale Avenue, Drummond Drive, Assarts Road). *This would ensure safe access for children and stop dangerous parking, already a significant problem in the area, from worsening. The Parish are disappointed by the consultation process [a pre-submission consultation carried out by NCC Highways in respect of a Traffic Regulation Order].*

25. **NCC Highways Development Control** - No objection subject to conditions to require updating of the School Travel Plan with the issue of short term parent parking made an integral part of the plan; and parking spaces, turning and servicing areas to be provided and marked out and retained for their intended use throughout the life of the development.
26. *The school must proactively manage short term parent parking through the School Travel Plan by including measures and strategies to reduce the reliance of single occupancy vehicles and encourage visits by sustainable modes of travel. The travel plan must be kept up to date, independently monitored and acted upon. The successful implementation of a revised school travel plan should have a positive impact in reducing the use of cars by those going to and from the school. It is widely accepted that robust management of the travel plan initiatives by a school can significantly reduce the number of single car occupancy generated by the facility.*
27. *The provision of the additional classroom space would enable the school to increase its capacity from 210 pupils to 315 pupils. As the increase would be tied to the PAN, the increase to capacity would be gradual, with enrolment increasing incrementally over seven years, and commencing 2016. Staff numbers are proposed to be increased to accommodate the increased number of pupils.*
28. *The additional parking spaces are likely to accommodate the expected increases in staff numbers as a result of the extension which would help minimise the likelihood of staff/visitors having to park on-street.*
29. *A review of the road safety records (01/01/10–31/07/15) on the highway network in the vicinity of the school is contained in section 2.8 of the Transport Assessment. There are no recorded collisions in over a 5-year period. The Highway Authority concludes that pupil drop-offs and pick-ups by vehicles does not create a highway safety issue on the roads in the vicinity of the site.*
30. *With regards to on-street parking by parents dropping off and picking up their children, the Transport Statement determines that the surrounding roads have adequate capacity to accommodate the additional demand for short-stay parking. From visiting the site, and assessing the submitted data, the Highway Authority is satisfied with the assessment of the surrounding road network, and with the predicted impacts of the proposal on the roads in the vicinity of the site. Notwithstanding this, concerns have been raised regarding the potential impact that parked vehicles would have on the roads in the morning and afternoon periods when children are being dropped off and picked up. It is recommend that following the classrooms coming into use, monitoring of the roads in the vicinity is carried out, and if required consideration given to the use of parking restrictions.*
31. *The Highway Authority recognises that on-street parent parking at school opening and closing times is going to be a concern to the residents in the vicinity of the school. However the time period over which this occurs is very brief. Commonly, the afternoon peak is worse than the morning peak, with vehicles beginning to park 15-20 minutes before closing time. Generally the roads are back to normal by about 15 minutes after the school closes.*

32. *This is not a unique problem and is prevalent at most schools throughout the country in local neighbourhoods. However, this problem only occurs over a short duration and invariably results from indiscriminate parking by parents in positions that can cause irritation to nearby residents. Notwithstanding this, considerate on-street parking on the public highway is acceptable if carried out appropriately in accordance with any Traffic Regulation Orders that already exist. To assist with the issue of inconsiderate parking outside schools and parents ignoring traffic regulation orders, the County Council has recently activated a dedicated CCTV car to monitor and issue Penalty Charge Notices for motorist contraventions in restricted areas subject to Traffic Regulation Orders.*
33. *Current ministerial guidance and the National Planning Policy Framework (NPPF) highlights that to consider refusal of a development on highway grounds the impact of it must be 'severe' (paragraph 32). In light of the above, the Highway Authority considers that the measure of 'severe' cannot be made in relation to the impact of additional traffic associated with the school. Furthermore, the current Government attaches great importance to ensuring sufficient choice of school places is available to meet the needs of new and existing communities in the NPPF Promoting Healthy Communities (Paragraph 72). Great weight should be given to the need to create, expand or alter schools. Also, in a policy statement letter (2011) to Chief Planning Officers, the Secretary of State for Communities and Local Government has stated that there should be a presumption in favour of the development of state-funded schools and the delivery of development that has a positive impact on the community.*
34. *The proposal is unlikely to have a detrimental impact on the highway in the vicinity of the site, and internal parking arrangements for vehicles are being improved.*
35. *NCC Highways Development Control has subsequently advised that: Traffic Regulation Orders in the vicinity of the site are being reassessed. However this will no longer be done as part of the planning application. It is recommended that other matters such as the monitoring of parking in future years still forms part of a planning condition.*
36. **NCC Road Safety Team** – No response received but Road Safety comments are incorporated in the response from NCC Highways Development Control.
37. **Sport England** – No objection. *The proposal would result in a minor encroachment onto the playing field. Having considered the nature of the playing field (artificial surface) the sporting capability of the site would not be reduced. The proposal would comply with Sport England Playing Field Policy exception E3 which will allow development that does not result in an inability to make use of any playing pitch, a reduction of the size of the playing area, or the loss of any other sporting/ancillary facility on the site.*
38. **NCC Design Services** – No response received. Any response received will be orally reported.
39. **Police Force Architectural Liaison Officer** - No response received. Any response received will be orally reported.

40. **NCC Project Engineer (Noise)** - No objection subject to conditions to control hours of construction and associated construction noise; and an Environment Management Plan to include details of proposed noise mitigation to ensure compliance.
41. **NCC Nature Conservation Team** - No objection subject to conditions to control tree felling during the bird nesting season [three of the trees have been netted]; and a scheme of mitigation to safeguard risk to mammals during construction. *An Informative is recommended to advise that any amphibian encountered should be translocated to the Local Wildlife Site close to the southern boundary of the school.*
42. **NCC Landscape Team** – Support the application subject to a landscape condition to require the provision of five replacement trees (Extra Heavy Standard), details of staking/guying, tree pit detail, and a programme of maintenance. *The removal of trees would have a moderate adverse visual impact on properties on Assarts Road and should be replaced. Ash trees should not be replanted.*
43. **NCC Land Reclamation Team** – No objection subject to conditions to require a watching brief for contamination during site excavations; and a pre-demolition survey for asbestos for any service connections to existing buildings.
44. **Severn Trent Water Limited** – No objection subject to a condition to require the approval of a scheme of foul and surface water drainage.
45. **Western Power Distribution** - No objection. *Cables to a sub-station on the site will pass under the proposed car park extension. Work should be undertaken in consultation with Western Power Distribution.*
46. **National Grid (Gas)** - No response received. Any response received will be orally reported.

## **Publicity**

47. The application has been publicised by means of site notices and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement Review.
48. 10 representations have been received from nine local residents (Assarts Road (4); Drummond Drive (2); Horsendale Avenue; Vernon Drive; and Highfield Road).
49. The resident on Vernon Drive does not object to increased traffic and would object to extending parking restrictions that would impact on visitor parking on the highway.
50. The resident on Horsendale Avenue comments that the Traffic Regulation Order impacts on visitor parking throughout the year. A new/extended Traffic Regulation Order and School Travel Plan will have little effect. Extending the Traffic Regulation Order will push problems further afield and will not resolve traffic problems.

51. A resident of Assarts Road has commented that existing yellow line highway markings are currently adequate.
52. Residents have raised the following objections/concerns

#### Principle of Development

- a) School places will be for children outside the immediate residential area (2).
- b) It would be better to expand Larkfields Primary School.

#### Traffic

- c) Increased traffic (4). Existing traffic/parking problems (3). The school is already busy. Traffic problems will worsen (2).
- d) Children outside the immediate area will travel by car (2). The school has poor public transport links. The Transport Assessment acknowledges that reducing the percentage of children arriving by car will be challenging to achieve.
- e) Parking restrictions have not improved parent parking. Inconsiderate parking (3). Restriction of emergency access (3). Obstruction of drives (4). Abusive parent behaviour. Parking on pavements (3).
- f) Traffic restrictions are ignored (4). No police enforcement (2).
- g) Additional parking restrictions should be introduced. Suggested measures are:
- i) parking on one side of the road only
  - ii) 'H'-bars across drives
  - iii) parking restrictions should be introduced on Vernon Drive
  - iv) parking on Drummond Drive between Assarts Road and Highfield Road junction needs to be addressed, in addition to double yellow junction protection.
- h) Unsafe practices are a risk to children. Safe access for children and residents is needed.
- i) The School Travel Plan will not be effective. A 20% reduction in parking levels will not be achieved.
- j) A wider traffic problem getting on/off the estate needs investigation. *[Comment: This representation is not material to the determination of this application.]*

#### Amenity

- k) Loss of residential amenity (2) from parent congregation outside the school. The proposal does not comply with Broxtowe Local Plan Policy RC2 as residential amenity will be severely affected.
- l) Existing loss of privacy from the play area.



- m) Building Modular 2 will obstruct view.
- n) Loss of five mature trees.
- o) Loss of habitat through removal of trees.

#### Adequacy of application

- p) Traffic counts do not reflect school traffic and should have extended further. [*Comment: The Highways Development Control consultation response confirms that the assessment of the surrounding road network is considered to be adequate - Paragraph 30.*]
- q) There is no noise evidence base to support the view that there will be no noise impact. [*Comment: Refer to Paragraph 81-82.*]
- r) The adequacy of The Ecology and Arboricultural reports is questioned.
- s) Replacement tree planting will take place without consultation.
- t) The plans do not show the building in context of the existing building. The relationship of the building in terms of overbearing cannot be assessed. [*Comment: Additional information has been submitted (Plan 6).*]
- u) The school hall is currently not large enough.
- v) No covered walkways are provided.
- w) The new pedestrian entrance needs guardrail.

#### Other Matters

- x) The footway near the school is in poor condition. [*Comment: This representation is not material to the determination of this application.*]
53. Representation has been made by the Ward Councillor for Broxtowe Borough Council who is also a resident of Horsendale Avenue. No objection is raised to the school building works. Concern is raised about:
- a) Impact on free movement of traffic locally;
  - b) Inconsiderate parking/parents ignoring Traffic Regulation Order;
  - c) Restriction to emergency vehicle access;
  - d) The Traffic Regulation Order has solved current parking problems. It should be a condition that the Traffic Regulation Order is extended to Drummond Drive, Vernon Drive and the Traffic Regulation Order on Assarts Road and Horsendale Avenue should be extended;
  - e) Parking enforcement is required.

54. Councillor Philip Owen has been notified of the application. No objection is raised to the principle of the proposed school expansion. The expansion is to support a growing number of children across the Kimberley family of schools. The majority of new children will be from beyond the walking distance of the school, coupled with the need to cross some of the busiest roads in the Borough. In addition there is an extant planning permission for over 100 houses [Broxtowe application reference 12/00539/OUT for 116 houses north-east of the A610/A6002 roundabout] which is in the catchment of the school. However, concern is raised about the traffic impact that the development would have in the longer term.
55. *In order to support the application, traffic mitigation proposals would be required as part of a grant of planning permission. This is likely to involve an extension of the single and double yellow lines around the approach roads to the school. It is appreciated that there would be a separate consultation process for a Traffic Regulation Order, but the required consultation should take place in a limited timeframe, and that the outcome is implemented so that residents can have confidence that their issues are understood and are being addressed. This would not be possible before a planned opening of the school in September 2016 but should take place as soon as possible after the enlarged school is brought into use.*
56. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Strategic Education Provision

57. The proposal would expand the existing school, increasing the school Published Admission Number (PAN) by 15 to meet demand for identified school places in the Kimberley pupil place planning area. In addition, demand for school places has been identified within the Kimberley pupil place planning area at Larkfields Infant and Junior Schools and Mornington Primary School, but not all schools are suitable for expansion. A feasibility scheme for the expansion of Larkfields Infant and Junior School was explored by the applicant in 2015 but was not brought forward as elements of the project became financially unviable. The proposed alternative scheme for the Kimberley pupil place planning area at Horsendale Primary School in combination with the expansion of Kimberley Primary School would provide more places in total, and the school places would be accessible to more children since they would be provided either side of the M1 junction. The expansion at Horsendale Primary School would also allow for the additional places required to support the housing development at Hempshill Hall (12/00539/OUT for 116 houses), making good use of financial and building resources.
58. Great importance is attached to ensuring that sufficient choice of school places is available to meet the needs of new and existing communities in NPPF *Promoting Healthy Communities* (Paragraph 72). Great weight should be given to the need to create, expand or alter schools. In a letter to Chief Planning Officers, the Secretary of State for Communities and Local Government has stated that there should be a presumption in favour of the development of state-funded schools and the delivery of development that has a positive impact on the community (Appendix 1).

59. The applicant is mindful of planning permissions granted and although lying to the north of the A610, planning permission reference 12/00539/OUT for 116 houses is within the Horsendale Primary School catchment. In combination with a recently approved expansion at Kimberley Primary School, new place provision would be made either side of the M1 motorway, and the proposed expansion of Horsendale Primary School is considered to be justified. Although additional place provision would not be made for children living in the immediate vicinity of the school, the places provided would meet an identified need in the Kimberley pupil place planning area.
60. In determining this application, consideration needs to be given to whether the impact of the proposed development would give rise to significant harm that could not be addressed through modifications to the site layout, design, or otherwise mitigated through the imposition of conditions.

#### Highway Impact, Traffic and Movement

61. Broxtowe Local Plan 1998 (Saved Policy) (BLP) RC2 *Community and Education Facilities* will permit proposals for education facilities where the proposal would be well located in relation to the community it serves and to public transport services; the amenity of neighbouring properties would not be adversely affected; appropriate provision would be made for vehicle parking and highway safety; and the character of the area would not be adversely affected.
62. Paragraph 32 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Enforceable parking restrictions are already in place outside and close to the school which, it has been noted in some representations received, have been effective. The proposed development would increase the school roll by 15 children at first admission in each year, so the cumulative impact of the development may only become evident over time.
63. The school has limited accessibility by public transport, highlighted in the Transport Statement supporting the application. The closest bus stop is 520m from the school, in excess of the 400m threshold for considering a bus service to be accessible, but within the 650m distance applied in BREEAM (Building Research Establishment Environment Assessment Method) sustainability assessment, and is considered to be acceptable in compliance with BLP Policy RC2 *Community and Education Facilities*. It is observed that a greater distance to public transport facilities will be less likely to encourage travel by bus, and will have been taken into account by the Highways Authority in their consideration. The retention of 20 covered cycle spaces would offer a sustainable alternative to travel to school by car. The need to provide additional covered cycle spaces is proposed as an objective of the School Travel Plan (Condition 15i).
64. There has been consultation with local residents by the applicant related to the school expansion with the Highway Authority in attendance where traffic and parking issues have been identified. The Highway Authority is satisfied that the Transport Statement supporting the application is adequate and has been made aware of the highway issues received in representations. No concern has been raised by the Highways Authority over the capacity of the highway

network to accommodate additional traffic which may be attracted to the site, impact on emergency access, or the capacity of the highway to accept on-street parking associated with the proposed development. Whilst the majority of respondents have identified that there are existing parking issues, which it is claimed would be worsened by the proposed school expansion, it is not universally suggested by residents that the existing Traffic Regulation Order should be extended.

65. The need for an extension to the existing Traffic Regulation Order has been raised in representations by residents, and in the responses received from Nuthall Parish Council and Councillor Owen. However, NCC Highways Development Control has advised that Traffic Regulation Orders in the vicinity of the site are to be reassessed. The making of a Traffic Regulation Order would be the subject separate procedure including public consultation.
66. The Highways Authority has commented that the roads near the school have adequate capacity to accommodate additional demand for short stay parking, but recommend that following the proposed classrooms being brought in to use, monitoring of the parking should be carried out and if required consideration given to the use of parking restrictions. When the development first opens an additional 15 children at first admission would attend the school. Given the initial small increase in pupil numbers and the advised capacity of roads near the school to accommodate on-street car parking the making of a Traffic Regulation Order is not considered to be essential when the expanded school first opens.
67. However, pupil numbers will increase in successive years. School Travel Plans can be effective in reducing the impact of school traffic and encourage a modal shift in travel to and from school. It is recommended, in addition to the reassessment of the Traffic Regulation Order to be undertaken by NCC Highways, that annual traffic/parking monitoring is carried out, and that consideration is given to the need for additional enforceable traffic measures to be implemented, as a specific item in an annual report of a School Travel Plan (Condition 16).
68. Whilst on-street parking can be an inconvenience to residents, parking impacts at the beginning and the end of the school day are relatively short lived. However, inconsiderate parking by parents across driveways, parking on pavements, or in breach of a Traffic Regulation Order can be a source of irritation and is a matter that can be best addressed through parental education through the School Travel Plan. Visible presence of the County Council CCTV car which can monitor and issue Penalty Charge Notices may also be effective in influencing parent behaviour.
69. The Highways Authority has confirmed that the proposed additional car parking would be likely to accommodate the increase in staff numbers (Table 1) and it is considered that the development would be in compliance with highway related elements of BLP Policy RC2 *Community and Education Facilities*.
70. No change to disability parking is proposed with one space being provided in the car park closest to the main school entrance. Disability parking would be acceptable in compliance with BLP Policy T12 *Facilities for People with Limited Mobility*.

71. The siting of Building Module 2 close to the existing CLASP school would be likely to constrain use of the pedestrian access gate between the current pedestrian entrance and the sand-based all-weather surface. It is considered that the new pedestrian access gate would become used more frequently, and the proposed provision of a parent assembly area adjacent to the new pedestrian access gate is considered to be acceptable while vehicular access to the all-weather surface for the purpose of maintenance would be maintained. With reference to the representation reported at Paragraph 52w), the new pedestrian access gate would be formed with bi-fold gates, which can be locked in a variety of positions, to create a chicane to slow pedestrians as an alternative to the provision of guardrail, which Highways Development Control has confirmed to appear satisfactory.

#### Amenity Impact of Traffic

72. It is considered that an increase in on-street parking would not unacceptably alter the character of the area although may extend further afield than at present. On-street parking may become an inconvenience to residents but it is considered that the parking of cars on the public highway for relatively short periods on weekdays during school terms would not cause significant detriment to residential amenity.
73. Parent congregation is likely to take place either outside the school building or immediately outside the school gate, and is unlikely to occur on the highway outside residential properties opposite the school site such as to give rise to unacceptable loss of privacy to residents close to the school. It is considered that the changes that would arise from the expansion of an existing school and provision of an additional pedestrian entrance would be acceptable in compliance with amenity considerations of BLP Policy RC2 *Community and Education Facilities*. It is recommended that a review of the School Zone is carried out to ensure that any necessary guardrail, signage and highway markings are put in place as a consequence of the introduction of a new pedestrian access to the site (Condition 14).
74. The current School Travel Plan dating from 2007 identifying measures such as encouraging walking to school; travel awareness; health benefits; and road safety education has been submitted in support of the application. A review of the School Travel Plan Review should be submitted, to reflect the increased capacity of the school, promoting sustainable travel objectives and aims that include; environmental education; raising awareness of the problems car journeys can create, including short term parent parking; reducing travel by vehicle to and from school; promoting car sharing; raising awareness amongst parents of the issues of travel to school; and to reduce congestion around the school. Implementation of a robust School Travel Plan can deliver sustainable benefits and also reduce the impact of a school on the amenity of residents living close by, for example by encouraging parents to be considerate when parking.
75. Recommended Condition 15 and Condition 16 would require the submission of a School Travel Plan to address targeted issues and the submission of an annual report for a minimum period of five years and until Travel Plan targets have been met. The school would be required to appoint a Travel Plan Co-ordinator who should actively engage with local residents and civil enforcement officers in the annual review of the School Travel Plan.

## Built Development, Trees and Amenity Impact

76. The siting of the proposed buildings and provision of additional car parking would require five trees to be removed, four of them on the frontage to Assarts Road. Conflicting tree surveys have been submitted (Paragraph 52r)), categorising trees to be removed as both Category B and Category C. It has subsequently been confirmed that the later report (Category B classification) is correct. Whilst the loss of Category B trees is regrettable, the proposed siting of the buildings is the most appropriate to deliver educational needs. Siting the buildings elsewhere on areas of playing field would conflict with Sport England's Planning Policy Statement, *A Sporting Future for the Playing Fields of England*. The boundary hedge to Assarts Road would be retained and replacement tree planting on the frontage is proposed. It is noted that Broxtowe Borough Council have commented on the loss of frontage trees but do not object to their removal. Similarly, NCC Landscape Team does not object to the removal of trees subject to the planting of Extra Heavy Standard replacement specimens. There is a likelihood that the ash trees to be removed would have a limited life due to ash dieback and ash borer beetle and other suitable species should be planted. Specific details of proposed planting have not been submitted and are the subject of recommended Condition 12. The planting of trees in itself does not require planning permission and it would not be usual practice to undertake neighbour consultation on replacement proposed tree planting (Paragraph 52s)) unless adjoining occupiers would be directly affected. Replacement tree planting to be provided in compliance with Condition 12 would be approved in consultation with NCC Landscape Team.
77. The proposed Building Modules would be sited close to existing school buildings and their architectural style is reflective of the existing flat roof CLASP architecture. The north-east elevation of Building Module 2 would be partially faced with timber which with windows to a group room and cloakrooms would present an active frontage to the highway. Views of the building, 3.6m in height, would be filtered by the retained hedge. The proposed use of white render and grey doors, window frames and fittings is considered to be acceptable in compliance with ACS Policy 10 - *Design and Enhancing Local Identity* which sets out criteria for design of new development. No additional details of proposed facing materials are required by planning condition.
78. The whole of the school site is subject to BLP Policy RC5 *Protection of Open Spaces* which seeks to protect open spaces on a site from development unless, amongst other criteria, no local deficiency of open space would result, and the development would not detract from the open character, environmental and landscape value of the land. The siting of Building Module 1 would impact only on the margin of the sand-based all-weather surface and Sport England does not raise an objection.
79. Details of proposed lighting have not been submitted in support of the application. A lighting scheme designed to comply with Institute of Lighting Professionals *Guidance Notes for the Reduction of Obtrusive Light: 2011 – Table 2 Environmental Zone E2* would be acceptable in compliance with BLP Policy E33 – *Light Pollution* (which will not allow planning permission to be granted unless it is demonstrated that schemes will use the minimum lighting

necessary and measures are incorporated to minimise impact outside of the site) and is specified in recommended Condition 11.

## Sustainability

80. The proposed Building Modules would incorporate sustainable design features, including low maintenance materials, good levels of natural daylight and ventilation, high levels of insulation and air-tightness, high efficiency mechanical and electrical equipment, low flush toilets, and roof mounted photovoltaic panels, which satisfactorily demonstrates the sustainable character of the development.

## Noise

81. The proposal would increase the number of pupil places from 210 to 315 which is predicted to increase noise by less than 2dB when all children are outdoors playing. To put this into context NCC Project Engineer (Noise) has advised that a doubling of pupil numbers would give rise to a theoretical increase in the external activity noise level of approximately 3dB which is widely accepted as the minimum perceptible increase of an existing noise source by the human ear. A 2dB rise is considered to be negligible and is unlikely to be perceptible at neighbouring properties.
82. There may be potential for audible noise breakout in the front garden areas of neighbouring properties on Assarts Road on warmer days when school windows are open to provide natural ventilation. However, NCC Project Engineer (Noise) has advised that whilst audible, noise levels would not be expected to be at a level or duration that would give rise to justifiable noise complaints. Whilst no baseline noise measurements have been submitted, the noise associated with proposed external heat pumps at each building has been assessed as likely to be well below background noise level and are considered to be acceptable.

## Ecology

83. The site is not one of ecological significance. Conditions are recommended to control vegetation clearance during bird nesting season (Condition 4), and the submission of details to accord with best practice to safeguard risk to mammals during construction (Condition 6f)). An informative is recommended advising that any amphibians captured during construction are translocated to the Local Wildlife Site near the southern school boundary (Note 1).

## Contamination

84. No issues related to site contamination have been identified and a condition to require the submission of a watching brief for contamination which may be encountered during site excavations is recommended (Condition 9). If services are to be connected to the existing CLASP building asbestos may be encountered in which case a pre-demolition survey would be required (Condition 10).

## Construction

85. It is anticipated that works would be completed before the school opens in September 2016. Should there be delay in the delivery of the project, other

than ensuring that the operational school is suitably segregated from any construction activities, and hours of deliveries to site being controlled to avoid school start and finish times, the proposed construction should not give rise to significant impacts. The submission of an Environment Management Plan providing detail of construction management and impacts is recommended (Condition 6). Restrictions on the timing of deliveries to site, permissible hours of construction, and noise generated by construction activities are the subject of recommended Condition 5.

#### Other Matters

86. Representations at Paragraph 52u) and Paragraph 52v) question the adequacy of the school hall and a lack of covered walkways. The applicant department will need to be satisfied that the proposal is satisfactory for the delivery of education. Subsequent extensions or other development requiring planning permission would be considered on their individual planning merit, but are not for consideration in the application presented for determination.

#### Other Options Considered

87. 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

88. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

89. The development would benefit from existing perimeter security fencing.

#### Safeguarding of Children Implications

90. Security fencing within the wider secured school boundary would segregate operational school areas from areas accessible by the public.
91. Implications for Sustainability and the Environment are considered in the report.

#### Human Rights Implications

92. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to expansion of the school. The proposals have the potential to introduce impacts such as increased noise and disturbance and impact on amenity from comings and goings associated with a more intensive use of the site. However, these



potential impacts need to be balanced against the wider benefits the proposals would provide through the provision of additional school places in the Kimberley pupil place planning area. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

93. There are no Implications for Service Users, Financial Implications, Equalities Implications or Human Resources Implications arising from the development.

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

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

### **RECOMMENDATIONS**

95. 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 2. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**TIM GREGORY**

**Corporate Director – Place**

### **Constitutional Comments**

The subject of the attached report falls within the scope of Planning and Licensing Committee and this is the appropriate body to consider the report.

[RHC 13.05.16]

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

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

[SES 13.05.16]

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

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

**Electoral Division and Member Affected**

Nuthall      Councillor Philip Owen

Report Author/Case Officer

David Marsh

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